



The Municipal Corporation of the Town of Fort Erie

By-law No. 94-2023

**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. 72
214 Courtwright Street
2550663 Ontario Inc. (Greg Walker) - Owner**

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. 72 to the Official Plan for the Town of Fort Erie attached to and forming part of this by-law as Schedule "A" is 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 29th day of May, 2023.

Mayor

Deputy Clerk

I, _____, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 94-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

Schedule "A" to By-law No. 94-2023

AMENDMENT NO. 72

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 No. 72 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. 72 to the Official Plan adopted by By-law No. 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 "Policy Area 4 - Bridgeburg Core Mixed Use Area" to "Site Specific Policy Area 47 - 214 Courtwright Street" to permit a stand-alone residential apartment building with five dwelling units, 100% residential use on the ground floor and a density of 78 units/ha.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 214 Courtwright 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 No. 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 will recognize the existing building at 214 Courtwright Street and permit the existing use of the building as a stand-alone residential apartment building. The proposed residential use fits well with the Official Plan objective of encouraging additional dwelling units in the Bridgeburg downtown area and provision of rental units.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The non-conforming building is an existing situation. Aside from some minor changes to the parking area the proposed Amendments will bring the existing use into conformity with the Official Plan and Zoning By-law.

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 building at 214 Courtwright Street is an existing situation and will not be altered as a result of the applications. Some relief from the Zoning By-law is required to recognize the existing building footprint and the deficient parking on site. Four on-site parking spaces may be accommodated provided an encroachment agreement with the Town is obtained to permit some limited extension of two of the parking spaces into the road allowance. There are no natural heritage features on or in the vicinity of the site.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

Schedule "A" to By-law No. 94-2023

Adequate municipal services are available to service the dwelling units and there is an abundance of commercial and public amenity areas within reasonable walking distance. Downtown Bridgeburg is located a distance of 150 m away to the northeast and public amenity area along Niagara Boulevard is located a distance of 500 m to the east. The subject parcels front onto a travelled road and have access to sidewalks and on-demand transit services from the municipality.

e) The compatibility of the proposed use with uses in adjoining areas:

Residential use of the property is compatible with the single detached dwellings to the north and west and the building itself is established having achieved a degree of compatibility with adjacent parcels. The building also serves as an adequate buffer between the single detached dwellings along the north side of Courtwright Street and the commercial operations located at 210 Courtwright Street and 541 Central Avenue to the east. In general, the proposed use is compatible with the area which has a wide range of residential, commercial and other land uses associated with the area in the vicinity of downtown Bridgeburg.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the existing building or proposed use as a residential apartment building will have significant depreciating or deteriorating effects upon adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

Continued use of the building for residential dwellings will have a positive effect on the financial position of the property via property taxes.

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

No adverse impacts on the intent or the implementation of the Environmental Protection Act are anticipated. The uses and buildings on the subject properties are existing and there are no natural heritage features on the parcel.

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. 72 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. The subject lands described as Site Specific Policy Area 47 on Schedule "A" attached hereto are hereby redesignated to:

Site Specific Policy Area 47 - 214 Courtwright Street

- a) The lands designated on Schedule "A" as "Site Specific Policy Area 47" shall generally be governed by the Core Mixed-Use policies of Section. 4.15.8 of the Bridgeburg Secondary Plan and Section 4.8 of the Official Plan.
- b) Notwithstanding the Core Mixed-Use policies of Section 4.15.8 of the Bridgeburg Secondary Plan Section 4.8 of the Official Plan, the following shall apply:
 - i. The subject lands may be used for a stand-alone residential apartment building with five dwelling units and a maximum density of 78 units per hectare.
 - ii. Residential uses are permitted to occupy up to 100% of the ground floor.



By-law No. 94-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 29th DAY OF MAY, 2023**

 Subject Lands - 214 Courtwright Street

 Change from Policy Area 4 - Bridgeburg Core Mixed Use Area to Site Specific Policy Area 47

PART "C" - THE APPENDICES

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



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: 2550663 Ontario Inc. (Greg Walker)
Agent: NPG Planning Solutions (Jeremy Tran)
214 Courtwright Street (Crescent Acres Subdivision)
Proposed Combined Official Plan and Zoning By-law Amendment
Application
APPLICATION NOS: 350302-0164 & 350309-0557

DATE: February 27, 2023
TIME: 6:00 PM
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR Virtually via Zoom.

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p><u>PROPOSAL</u></p> <p>A Combined Official Plan and Zoning By-law Amendment is requested to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (a barber shop). A site plan is attached as Schedule "1" to this notice.</p> <p>The land use designation of the subject property is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential use of 78 units per hectare on the subject lands and also does not permit residential dwellings to occupy 100% of the ground floor.</p> <p>The subject property is currently zoned General Commercial (C2-418) Zone. The zoning is proposed to change to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.</p>
	<p><u>HAVE YOUR SAY</u></p> <p>Input on the proposal 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 in person in Council Chambers, OR</p>

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "1"

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.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).

GETTING MORE INFORMATION

Input on the 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, you may not be able to appeal the decision later.

A copy of the Information Report will be available to the public by 5:00 PM on **Wednesday, February 23rd, 2023**. The Information Report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Daryl Vander Veen, Intermediate Development Planner.

CONTACT INFORMATION

Daryl Vander Veen, Intermediate Development Planner
Planning and Development Services Department
Town Hall, 1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
905-871-1600 ext. 2509

Or by e-mailing your comments to: dvanderveen@forterie.ca

PROVIDING YOUR COMMENTS OR REQUESTING A NOTICE OF DECISION

To provide input in writing, or to request written notice of the decision for the Draft Plan of Subdivision and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding the 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.

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.

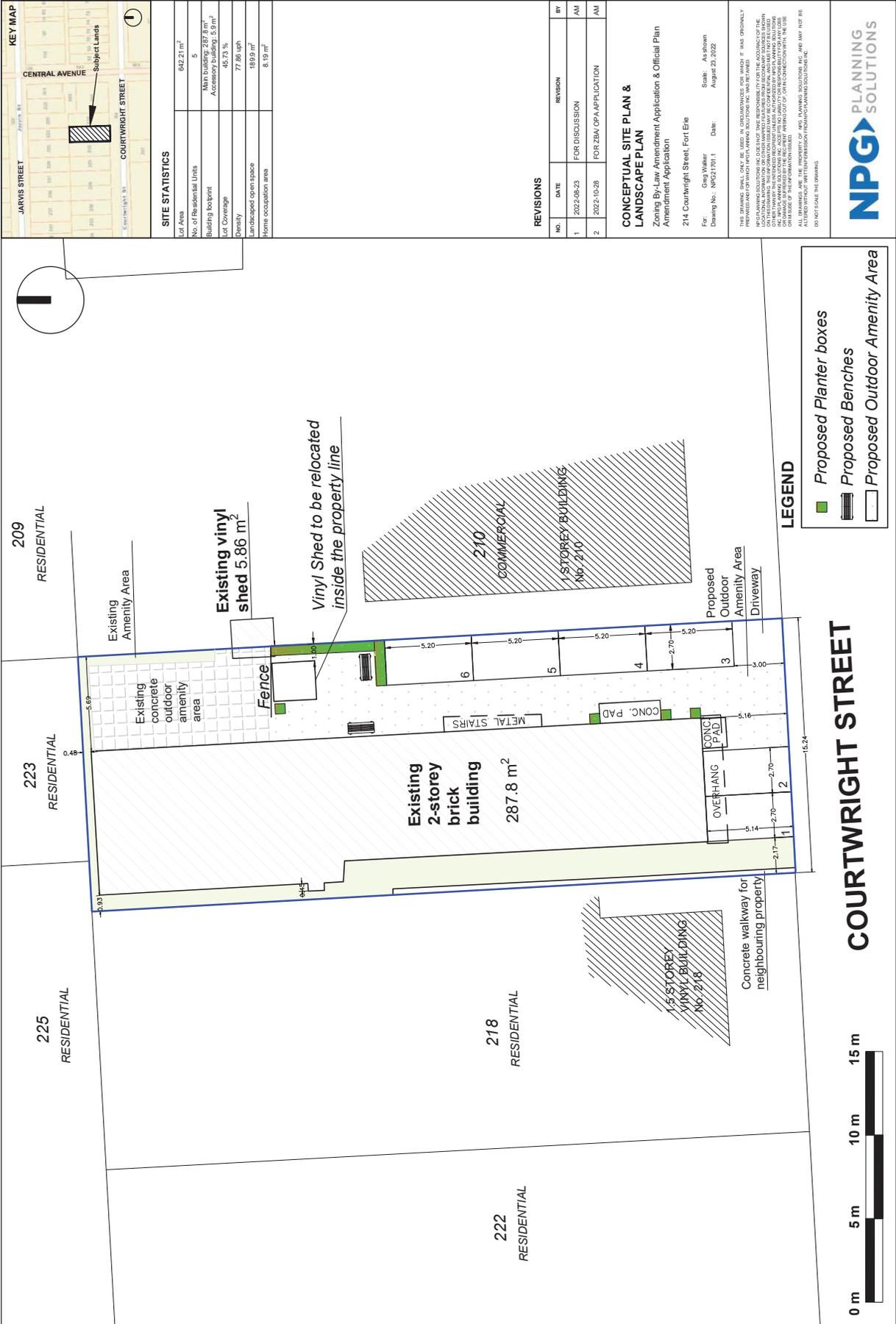
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

Notice dated at the Town of Fort Erie this 6th day of February, 2023.



SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "1"
SCHEDULE "1"





The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Minutes

Monday, February 27, 2023

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: www.youtube.com/townofforterie

or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

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

Regrets: Councillor Flagg; RC Insinna

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, C. Schofield, Daryl Vander Veen and K. Walsh

4. Announcements/Addenda

There were two Addenda as follows:

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "2"
Regular Council - 27 Feb 2023 Meeting Minutes

Resolution No. 1
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council receives for information purposes Report No. PDS-15-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Crescent Acres Subdivision (0-10747 Kraft Road).

(Carried)

- (b) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran). The Applicant is proposing to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (barber shop). The land use is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site-Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential uses and also does not permit residential dwellings on the ground floor. The zoning is proposed to change from General Commercial (C2-418) Zone to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "2"
Regular Council - 27 Feb 2023 Meeting Minutes

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Jeremy Tran, NPG Planning Solutions, Agent for the applicant was unable to attend; however, colleagues, Jesse Auspitz and Max Fedchyshak, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

No members of the public came forward.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-16-2023

Proposed Combined Official Plan and Zoning By-law Amendment - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc. - Greg Walker (Owner)

Resolution No. 2

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-16-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Courtwright Street. **(Carried)**

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

RE: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557) CARRIGAN, Andrew to Daryl Vander Veen 2023-01-26 01:13 PM
 From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>
 To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Good Afternoon,

CPC has no comments regarding this application.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: January-20-23 9:23 AM

Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:

0. Final Pre-consultation Agreement PA-2021-106 (214 Courtwright Street).pdf
1. Complete Application Letter.pdf
2. Application Form.pdf
3. Planning Justification Report.pdf
4. Site Plan.pdf
5. Survey.pdf
6. Location Map.pdf

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

RE: [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)Municipal Planning to 'Daryl Vander Veen' 2023-02-03 12:38 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Daryl Vander Veen" <DVanderVeen@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.

Regards,

Jasleen Kaur

Municipal Planning Coordinator
Engineering

ENBRIDGE

TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Friday, January 20, 2023 9:23 AM

Subject: [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?

DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

Re: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557) 

Keegan Gennings to Daryl Vander Veen

2023-01-29 09:12 PM

From Keegan Gennings/FortErie
To Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl,

I have reviewed the proposed official plan and zoning by-law amendment and I have no comments.

Regards,

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

Daryl Vander Veen Good morning, A complete application was rece... 01/20/2023 09:23:08 AM

From: DVanderVeen@forterie.ca
To:
Date: 01/20/2023 09:23 AM
Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:

Planning and Development Services

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

Via Email

February 2, 2023

Region Files: D.18.01.ZA-23-0012
D.10.01.OPA-23-0005

Daryl Vander Veen
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Local Official Plan & Zoning By-law Amendment Applications
Town Files: 350302-0164 & 350309-0557
Applicant / Owner: 2550663 Ontario Inc. (c/o Greg Walker)
Agent: NPG Planning Solutions Inc. (c/o Jeremy Tran)
214 Courtwright Street
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the materials that were circulated with the Local Official Plan and Zoning By-law Amendment Applications for 214 Courtwright Street. The Region received its circulation from the Town of Fort Erie on January 20, 2023.

The property is designated 'Special Policy Area 4 – Bridgeburg Core Mixed Use Area' under the Bridgeburg Secondary Plan within the Town's Official Plan, and is zoned 'General Commercial (C2-418) Zone' under the Town's Zoning By-law 129-1990.

The Applicant is proposing the Amendments to permit the existing standalone residential use of the property that consists of a non-conforming apartment building with no commercial use. The existing land use and zoning of the property does not allow for stand-alone residential uses, nor dwelling units on the ground floor. The subject Amendments propose a 'Site-Specific Policy Area' and a 'Site-Specific Residential Multiple 2 (RM2) Zone' to permit the existing residential uses and to address deficiencies associated to lot coverage, various setbacks, parking spaces, and to recognize the home occupation on site.

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

D.18.01.ZA-23-0012

D.10.01.OPA-23-0005

February 2, 2023

A virtual pre-consultation meeting for this proposal occurred on October 14, 2021. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of these Applications.

Provincial and Regional Policies

The subject property is located within the Urban Area of the Town of Fort Erie and are designated 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and 'Delineated Built-Up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to Settlement Areas and the Delineated Built-Up Area in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development within the Delineated Built-Up Areas that respects the scale and transition to the surrounding urban fabric is encouraged. Regional staff acknowledge that the Amendment Applications seek to permit the existing non-conforming residential uses that exist on the property and that no new development is proposed at this time.

Regional staff has reviewed the "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions Inc. (dated November 24, 2022) and find its analysis to be sufficient. The PJR details that the existing development is a 2-storey rental apartment building that contains 5 residential dwelling units, with 3 units located on the main floor, and 2 units on the 2nd floor. The Report describes that the Municipal Property Assessment Corporation ("MPAC") recognizes the building as having 4 units, which suggests that the one of the ground floor residential units was converted from a previous commercial use to a residential use. Based on available information and imagery of the property, it is surmised that this conversion occurred around 2009.

Provincial and Regional policies promote development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The existing building on the subject property is a residential use that offers rental units of a marginal housing type (apartment units) in Niagara. As such, staff is supportive of the proposed Amendments, subject to the comments below.

Land Use Compatibility & Site Condition

The property is located in proximity to several nearby stationary (commercial) and transportation-related (rail corridor) noise sources. The PPS states that major facilities (transportation corridors and employment uses) and sensitive land uses (residential) should be appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety.

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

D.18.01.ZA-23-0012

D.10.01.OPA-23-0005

February 2, 2023

The proposed Applications seek to legalize the existing standalone residential use of the building into conformity with the Town's Official Plan and Zoning By-law. The proposal is technical in nature, as it does not propose any new development or modifications to the existing building footprint.

The PJR that accompanied these Applications states that the occupants of the building have not experienced any adverse impacts associated to surrounding land uses. The Report also confirms that a commercial unit had once existed on the ground floor of the building and was converted into a residential unit around 2009.

At the pre-consultation meeting, staff had identified that a Record of Site Condition ("RSC") may be needed for the site due to the former commercial use and its conversion to a more sensitive (residential) use. Regional staff defer to the Town's Chief Building Official with respect to whether a RSC is needed for the site.

As such, staff does not offer any requirements with respect to land use compatibility and site condition for the proposed Applications at this time, subject to any local requirements and provisions. Standard warning clauses with respect to potential adverse impacts from nearby land uses will be requested at the time of the future Site Plan Agreement.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded (property is within the BIA):

- Garbage bags or cans – 4 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Region. Notwithstanding the above comment, the site remains eligible for Regional curbside recycling and green bin collection.

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

D.18.01.ZA-23-0012

D.10.01.OPA-23-0005

February 2, 2023

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that all local requirements and provisions are met, including whether a RSC is necessary for the site.

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

Should you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca. Please send the Notice of Council's Decision on these Applications when available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region

SCHEDULE "A" TO BY-LAW NO. 94-2023 - APPENDIX "3"

Re: Question about encroachment agreement for 214 Courtwright Street, Bridgeburg, Fort Erie



Rosanna Firenze to Alex Herlovitch

2023-03-29 08:24 PM

C Daryl Vander Veen, Anamika Dilwaria
C

From: Rosanna Firenze/FortErie
To: Alex Herlovitch/FortErie@TownOfFortErie
Cc: Daryl Vander Veen/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie

Hi All,

Certainly an exception can be made and it is at Council's sole discretion to permit the continued use of an existing encroachment. I cannot confirm one way or another as to whether Council would permit this, but I can say that Council, for the most part, accepts the Land Committee's recommendations. I am not a voting member of the Committee, however, Alex, you are, and if you would be in support of such an encroachment, then that's one person out of six voting members.

The Encroachment Policy is intended to allow for the consideration of encroachments on a case by case basis. In this particular case, it appears that Planning Staff are in support of an encroachment agreement and that you may wish to make this a condition of ZBA approval. Under these circumstances, its possible that encroachment would be permitted to continue. Also, under these circumstances and in regards to the \$500 non-refundable application fee, you could also request Council to waive the fee (administration fee only, not the annual fee).

These are my thoughts, hope this helps.

Regards,

Rosanna Firenze
Law Clerk, Corporate Services
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2213

Alex Herlovitch Hi Rosanna Let me put it another way. While the... 03/29/2023 08:21:58 AM

From: Alex Herlovitch/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie
Cc: Anamika Dilwaria/FortErie@TownOfFortErie, Rosanna Firenze/FortErie@TownOfFortErie
Date: 03/29/2023 08:21 AM
Subject: Re: Question about encroachment agreement for 214 Courtwright Street, Bridgeburg, Fort Erie

Hi Rosanna

Let me put it another way. While the Town may not be generally in favour of