



The Municipal Corporation of the Town of Fort Erie

By-law No. 33-2020

**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. 45
Town of Fort Erie (Owner)
0 Royal York Road
Block A, Plan 447**

350302-0112

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.45 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 effect 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 23rd day of March, 2020.

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. 33-2020 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20

AMENDMENT NO. 45

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. 45 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. 45 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 effect a change to the land use designation of the subject property from Open Space to Rural Residential shown in Schedule A to enable potential disposal of surplus land owned by the Town of Fort Erie and to facilitate future development of the land for up to two residential dwellings.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 0 Royal York Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law 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 change from Open Space to Rural Residential will permit the Town to potentially dispose of surplus lands and may result in development of up to two single detached dwellings. This amendment will also reduce lot fragmentation in the rural residential area and increase the lot area of several undersized lots.

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

The subject property is located within a rural residential plan of subdivision known as Rosehill Estates. The subject property is fully surrounded by vacant rural residential land and existing single detached dwellings. The surrounding lands are all designated Rural Residential.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject property is identified as part of Woodlands over 2 Hectares and as a Locally Significant Natural Area (LSNA) in Schedule C of the Town's Official Plan and is also identified as part of Niagara Region's Core Natural Heritage System. Designation of the property to Rural Residential will not negatively impact natural heritage features or the physical suitability of the land as any future development will be required to demonstrate that there are no impacts on natural heritage systems through an Environmental Impact Study (EIS).

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;**

The subject property fronts onto Royal York Road, which is a paved rural road. Royal York Road is expected to be resurfaced when construction begins for the nearby Nigh Road subdivision to the north east. The subject property is located near Rosehill Road and Dominion Road, which provide sufficient connectivity to the overall community.

Any development resultant from this proposal is not anticipated to have negative impacts on traffic or accessibility in the area. The area is a rural residential subdivision with relatively low density and existing pedestrian and vehicle traffic is low. This proposal may result in two developable parcels on Royal York Road. The addition of two new dwellings will not negatively impact traffic or safety along Royal York Road.

Development of the land will require a septic system approval from Niagara Region. Public water service is available along the frontage of the subject lands via an existing watermain on Royal York Road. New development will be required to connect to this water supply.

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

The proposal to change the land use designation of the subject property to Rural Residential will increase the compatibility with adjacent lands. The adjacent lands are designated Rural Residential and the existing uses consist of vacant residential land and existing single detached dwellings. The proposed use of the subject property for future single detached dwellings is there compatible with adjoining areas.

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:

This proposal may result in generation of up to two parcels that may be suitable for residential development in a rural residential subdivision. No depreciating or deteriorating impacts on adjacent lands are anticipated as the proposed use of the land for residential development is fully compatible with the existing single detached dwellings in the area.

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

This proposal will enable the Town of Fort Erie to consider sale of the land to adjacent property owners. If this occurs, sale of the land will generate a small amount of income for the Town. Sale of the land will also improve the development potential of abutting properties. There will also be additional financial benefit to the Town if future single detached dwellings are constructed via development charges and property taxes.

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

Development on the subject property will require completion of an EIS to demonstrate that there are no significant impacts on the natural environment and that the regulations of the Environmental Protection Act are upheld.

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. 45 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 land use designation of Block A on Plan 447, known municipally as 0 Royal York Road, shown on Schedule "A" attached hereto shall change from Open Space to Rural Residential.

PART “C” - THE APPENDICES


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

SCHEDULE "A"



By-law No. 33-2020

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 23rd DAY OF MARCH, 2020**

 Subject Lands - 0 Royal York Road (Block A, Plan 447)

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING


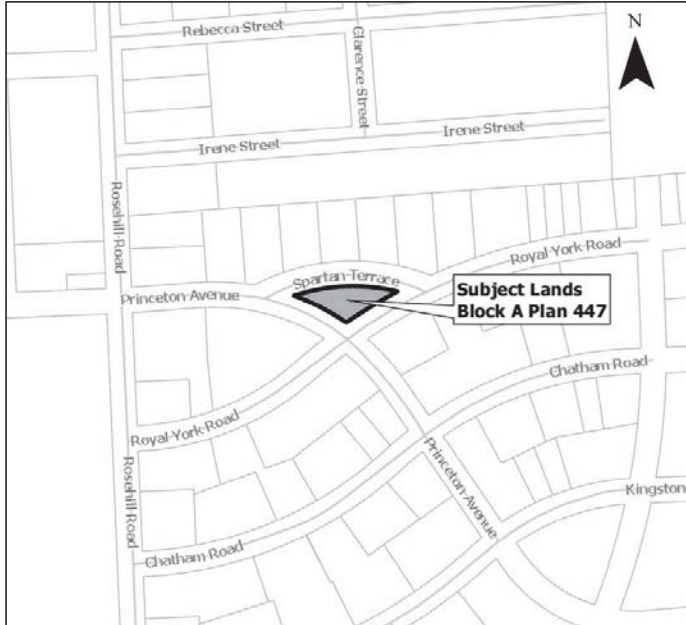


Owner/Applicant – Town of Fort Erie

0 Royal York Road, Block A, Plan 447


COMBINED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT

APPLICATION 350302-0112 & 350309-0502

DATE: JANUARY 13, 2020
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>WHAT WILL THIS AMENDMENT CHANGE:</p> <p>This proposal will change the land use designation and zoning of a block of surplus land (Block A, Plan 447) in the Rosehill Estates rural residential subdivision for future disposal of the land. An Official Plan Amendment is required to change the land use designation from Open Space to Rural Residential. The zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone. The Environmental Conservation land use designation and the Environmental Conservation EC Overlay Zone will remain on the subject lands.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on January 8, 2020. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or from the Planning and Development Services Department.</p> <p><u>CONTACT INFORMATION</u></p> <p>Daryl Vander Veen, Planning Technician 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</p>

APPENDIX "1"

	<p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the Combined Official Plan 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</p>
	<p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>

Council-in-Committee - 13 Jan 2020 Meeting Minutes

- He asked Council to move an amendment to the motion and go back to where we started instead of an 18 unit building;
- It's common sense that traffic will increase.

Mayor Redekop declared the public meeting closed, subject to any misprint of the Public Meeting advertisement in The Post.

(It was confirmed that Public Notice was given appropriately).

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

Re: Town of Fort Erie (Owner/Applicant) - Block A, Plan 446 (North of Royal York Road and South of Spartan Terrace) - The Town of Fort Erie is proposing to change the land use designation and zoning of a block of surplus land (Block A) in the Rosehill Estates Rural Residential Subdivision for future disposal of the land. An Official Plan Amendment is required to change the land use designation from Open Space to Rural Residential. The zoning is proposed to change from existing Open Space EOS Zone to Rural Residential RR Zone. The Environmental Conservation land use designation and the Environmental Conservation EC Overlay Zone will remain.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider a Town-Initiated Combined Official Plan Amendment and Zoning By-law Amendment with respect to the change in land use designations and zoning of a block of surplus land (Block A) in the Rosehill Estates Rural Residential Subdivision.

Mr. Vander Veen, Planning Technician, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting, and reviewed the related report.

Mayor Redekop enquired if anyone present wished to speak in favour of the proposed amendments.

No members of the public came forward.

Mayor Redekop enquired if anyone present wished to speak in opposition to the proposed amendments.

Council-in-Committee - 13 Jan 2020 Meeting Minutes

(a) Adam Tripp, 1645 Chatham Road

Mr. Tripp provided the following comments:

- He is speaking on behalf of his father who could not attend;
- His father is more opposed to the idea of Princeton running through all the side streets there, with Chatham being one of them, because it would be right next to their house and disturb the peace;
- He's opposed to the building of Princeton, not necessarily Spartan Terrace or anything connected to Royal York, it's just the road running through.

Mayor Redekop enquired if anyone else present wished to speak to the application.

(b) Brett Jaros, 5499 Stillwell Road, Hamburg, New York

Mr. Jaros provided the following comments:

- He is speaking on behalf of his mother, Gloria Jaros;
- He filed the application (*to purchase the lot*) on behalf of his mother and Mr. Steve Stenson, who currently resides in Guam;
- His grandfather acquired the 2 most eastern lots and the next to last to the west of that.
- When they bought the lots, they were told that Spartan Terrace would be developed. Unfortunately it never was, so the land has been passed down from person to person, and nobody's really sure what to do with it;
- They were hoping that with the purchase of the municipal land in front of it to the south and to gain some road frontage, the land could either be developed or sold off to a local resident, and generate some income for the municipality too in the process.

Mayor Redekop closed the Public Meeting.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Councillor Noyes requested that Report No. IS-02-2020 be removed from the Consent Agenda to be dealt with separately.



**Town of
Fort Erie**

MINUTES

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting Date, Time, and Location

5:30 PM, August 20, 2019, Town Hall, Conference Room 3.

Attendance

Members present: Tim Seburn, Dr. Richard Stockton, Nadine Litwin, Kate Ashbridge, Frank Raso, Shannon Larocque, Chair, Brie Smalldon, Janie Wallace and Councillor Lubberts.

Others present: Matt Kernahan, Senior Development Planner

Regrets: None.

Call to Order

S. Larocque called the meeting to order at 5:57 PM.

Declaration of Pecuniary Interest and General Nature

N. Litwin declared a pecuniary interest in the 1724 Rebecca Street matter because she was retained by the property owner to undertake bird surveys as part of an Environmental Impact Study. N. Litwin abstained from discussing or voting on the matter.

Adoption of Minutes of July 10, 2019 Meeting

A motion was put forward by T. Seburn and seconded by R. Stockton to adopt the minutes. (CARRIED)

Bird Friendly Design Standards

EAC reviewed the revised Bird Friendly Design Standards. The document was modified in response to input received from EAC at the March 13, May 15 and June 12, 2019 meetings. One additional comment was provided by EAC: on the fourth page, under "Bird-Friendly Window Treatments," "or the height of the mature tree canopy" should be added after "18.0 m."

The following resolution was put forward by N. Litwin and seconded by T. Seburn:

APPENDIX "3"

THAT: *EAC thanks Planning Staff for their hard work and dedication on the development of the Bird Friendly Design Guidelines and information pamphlet. EAC is very pleased with the results and recommends that Council endorses the guidelines as proposed with the minor change mentioned in the minutes of the August 20, 2019 EAC meeting. (Carried)*

EC Overlay Removal Request – 2930 Cherry Avenue

The Committee agreed that they would undertake a site visit at the next meeting prior to making a determination on whether the EC Overlay should be removed in accordance with the request.

EC Overlay Removal Request – 576 Albany Street

The Committee agreed that they would undertake a site visit at the next meeting prior to making a determination on whether the EC Overlay should be removed in accordance with the request.

EIS Review – 1725 Rebecca Street

The Committee reviewed the EIS, EIS Addendum and comments from the Region of Niagara that were submitted as part of an application to create two new lots. The following motion was put forward by R. Stockton and seconded by F. Raso:

THAT: *EAC generally accepts the findings of the EIS and addendum and does not object to the proposed severances. EAC recommends that the EC Overlay remain on the property to protect the integrity of the natural corridor that extends from Rosehill Road, through the property and is maintained on the subdivision to the east. EAC would like to review the Tree Preservation Plan requested by the Region and recommends the inclusion of native grasses on the septic mantles and the planting of native species within the EC Overlay area. Minimal disturbance of vegetation within the EC Overlay areas is permissible to permit the septic system connections. (CARRIED)*

Sale of Town Land – NS Royal York Road

The Committee reviewed the proposal by the Planning Department to sell a portion of Spartan Terrace, Princeton Avenue and a small parkette north of Royal York Road to abutting property owners. The proposal would assist in the development of two lots for single detached dwellings and would add a small piece of property to 1664 Royal York Road. The following motion was put forward by K. Ashbridge and seconded by B. Smalldon:

THAT: *EAC has no objection to the sale of the land. EAC will require an EIS to be prepared at the time of building permit application (whether the Town land is sold or not) in order to assess the impact of the proposed development on wildlife corridors in the area. (CARRIED)*

Preconsultation Applications

The Committee reviewed a number of recently submitted preconsultation applications

APPENDIX "3"

to provide their input early in the process as a means to avoid unnecessary delays after applications are submitted. The following summarizes EAC's input on the applications:

- a) 4900 Juniper Lane (Site Plan for Accessory Building in Point Abino): measures should be taken to enhance any natural area on the property and the Bird Friendly Design Guidelines should be adhered to for any windows.
- b) 5109 Abino Hills (Construction of Accessory Structure in ANSI): EAC is not supportive of any development in the ANSI.
- c) 5045 Abino Dunes (Site Plan for house addition in Point Abino): EAC recommends that the site plan include the planting of dune grass on the beach and native species within the manicured area to renaturalize this area. The proposed addition should comply with the Bird Friendly Design Guidelines.
- d) 515 Garrison Road (condominium townhouse development): EAC has no issues with this development and an EIS is not required.

Next Meeting

September 25, 2019.

Adjournment

A motion was put forward by Tim Seburn and seconded by Nadine Litwin to adjourn the meeting at 8:00 PM. (CARRIED)

Minutes prepared by:
Matt Kernahan
Senior Development Planner,
Planning and Development Services

Minutes approved by:
Shannon Larocque, Chair

APPENDIX "3"



Re: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Ed Melanson to: Daryl Vander Veen

2019-12-02 02:42 PM

From: Ed Melanson/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie

Good afternoon Daryl,

I have no questions or concerns at this time.

Ed Melanson
Fire Chief & CEMC
Fort Erie Fire Department

Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255



Daryl Vander Veen

Good afternoon, The Town is proposing to initiat...

11/29/2019 02:56:33 PM

From: Daryl Vander Veen/FortErie
To:
Date: 11/29/2019 02:56 PM
Subject: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Good afternoon,

The Town is proposing to initiate a combined Official Plan and Zoning By-law amendment for a small piece of Town-owned land in the Rosehill Estates neighbourhood (Block A on Plan 477) . The intent is to prepare the land for potential disposal to abutting property owners.

The Official Plan designation is proposed to change from Open Space to Rural Residential. Similarly, the zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone. Environmental Conservation designation and the associated Environmental Conservation EC Overlay zoning on the land will remain.

Please provide any comments you have on the proposal by **December 19, 2019**. A copy of the public notice and a location map are attached for reference. If you require any additional documentation or information please let me know.

Regards,

Daryl

Daryl Vander Veen, BES
Planning Technician

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive

APPENDIX "3"

Re: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Jeremy Korevaar to: Daryl Vander Veen

2019-12-17 11:28 AM

Cc: Tim Marotta, Kira Dolch

From: Jeremy Korevaar/FortErie

To: Daryl Vander Veen/FortErie@TownOfFortErie

Cc: Tim Marotta/FortErie@TownOfFortErie, Kira Dolch/FortErie@TownOfFortErie

Good Morning Daryl,

On behalf of the Infrastructure Services Department - Engineering Division I have reviewed the application and have no objections.

Prospective purchasers of the subject lands should be notified of the following:

- 1) The property fronts on a municipal watermain. Connection to the watermain may be obtained through an application for Service Connection Permit to the Infrastructure Services Department.
- 2) The Nigh Road Subdivision to the east of the subject lands is proposed for development in the next few years. As part of the development, the developer is required to reconstruct Royal York Road to a rural standard. Therefore the prospective purchasers should be aware that it is likely that there will some disturbance to the road within the next few years.

If you have any questions, please let me know.

Regards,

Jeremy Korevaar, C.E.T.

Coordinator, Development Approvals

Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario

Canada

L2A 2S6

TEL: 1-905-871-1600 ext.2505

FAX: 1-905-871-6411

Daryl Vander Veen [Good afternoon, The Town is proposing to initia...](#)

2019-11-29 02:56:33 PM

From: Daryl Vander Veen/FortErie

To:

Date: 2019-11-29 02:56 PM

Subject: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Good afternoon,

The Town is proposing to initiate a combined Official Plan and Zoning By-law amendment for a small piece of Town-owned land in the Rosehill Estates neighbourhood (Block A on Plan 477) . The intent is to prepare the land for potential disposal to abutting property owners.

The Official Plan designation is proposed to change from Open Space to Rural Residential. Similarly, the zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone. Environmental Conservation designation and the associated Environmental Conservation EC Overlay

APPENDIX "3"

Re: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Signe Hansen to: Daryl Vander Veen

2019-11-29 03:11 PM

From: Signe Hansen/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie

I have no comments.

Signe Hansen, OALA, CSLA, MBA
Manager, Community Planning

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2506 | F: 905-871-6411

Daryl Vander Veen [Good afternoon, The Town is proposing to initia...](#)

2019-11-29 02:56:33 PM

From: Daryl Vander Veen/FortErie
To:
Date: 2019-11-29 02:56 PM
Subject: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Good afternoon,

The Town is proposing to initiate a combined Official Plan and Zoning By-law amendment for a small piece of Town-owned land in the Rosehill Estates neighbourhood (Block A on Plan 477) . The intent is to prepare the land for potential disposal to abutting property owners.

The Official Plan designation is proposed to change from Open Space to Rural Residential. Similarly, the zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone. Environmental Conservation designation and the associated Environmental Conservation EC Overlay zoning on the land will remain.

Please provide any comments you have on the proposal by **December 19, 2019**. A copy of the public notice and a location map are attached for reference. If you require any additional documentation or information please let me know.

Regards,

Daryl

Daryl Vander Veen, BES
Planning Technician

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6
Phone: 905-871-1600 ext. 2509
Email: dvanderveen@forterie.ca

[attachment "Notice of Complete Ap and Public Mtg for Paper - Block A.pdf" deleted by Signe Hansen/FortErie] [attachment "Location Map - Block A.pdf" deleted by Signe Hansen/FortErie]



RE: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment
CARRIGAN, Andrew to: Daryl Vander Veen 2019-12-10 09:03 AM
From: "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>
To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

1 Attachment



No Comments Zoning Amendment.doc

Good Morning Daryl,

Comments attached.

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 [<mailto:DVanderVeen@forterie.ca>]

Sent: November-29-19 2:57 PM

Subject: Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Good afternoon,

The Town is proposing to initiate a combined Official Plan and Zoning By-law amendment for a small piece of Town-owned land in the Rosehill Estates neighbourhood (Block A on Plan 477) . The intent is to prepare the land for potential disposal to abutting property owners.

The Official Plan designation is proposed to change from Open Space to Rural Residential. Similarly, the zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone.

Environmental Conservation designation and the associated Environmental Conservation EC Overlay zoning on the land will remain.

Please provide any comments you have on the proposal by **December 19, 2019**. A copy of the public notice and a location map are attached for reference. If you require any additional documentation or information please let me know.

Regards,

Daryl

Daryl Vander Veen, BES
Planning Technician

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6
Phone: 905-871-1600 ext. 2509



December 10, 2019

DARYL VANDER VEEN
Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6

Re: Town-initiated Official Plan and Zoning By-law Amendment

Dear Daryl

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer



RE: [External] Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

Municipal Planning to: Daryl Vander Veen 2019-12-16 11:54 AM

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,

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS INC.

TEL: 416-495-5386

500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

Safety. Integrity. Respect.

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

Sent: Friday, November 29, 2019 2:57 PM

Subject: [External] Request for Comments - Town-initiated Official Plan and Zoning By-law Amendment

EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon,

The Town is proposing to initiate a combined Official Plan and Zoning By-law amendment for a small piece of Town-owned land in the Rosehill Estates neighbourhood (Block A on Plan 477) . The intent is to prepare the land for potential disposal to abutting property owners.

The Official Plan designation is proposed to change from Open Space to Rural Residential. Similarly, the zoning is proposed to change from Existing Open Space EOS Zone to Rural Residential RR Zone.

Environmental Conservation designation and the associated Environmental Conservation EC Overlay zoning on the land will remain.

Via Email Only

December 19, 2019

File No.: OPA-19-0036 & ZA-19-0134

Mr. Daryl Vander Veen, BES
Planning Technician
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Official Plan and Zoning By-law Amendments
Applicant: Town of Fort Erie
Plan 447, Block A, North of Royal York Road and South of Spartan Terrace
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the above noted applications submitted for Official Plan and Zoning By-law Amendments on lands owned by the Town municipally known as Plan 444, Block A in the Town of Fort Erie. The applications were received on December 3, 2019. The Town has reviewed a request from adjacent property owners to consider Block A (undeveloped parkette) along with the adjacent unopened road allowances as surplus to their needs. To assist in the review, the Town provided a proposed Disposal Plan for the subject parcel. The proposed disposal plan reconfigures and enlarges existing undersized residential lots and provides frontage on an open road allowance (Royal York Road) with access to municipal water. The subject land, Block A, is currently designated Open Space in the Town's Official Plan and zoned Existing Open Space (EOS) and Environmental Conservation (EC) Overlay in the Town's Zoning By-law. The proposed amendments propose to re-designate and rezone the land to permit Rural Residential uses. The Environmental Conservation land use designation and the Environmental Conservation EC Overlay Zone will remain on the subject lands.

The following Provincial and Regional comments are provided to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located outside of the Urban Area Boundary for the Town of Fort Erie, and are within the Rural Area according to the Provincial Policy Statement (PPS) and Regional Official Plan (ROP). The predominant use in these areas shall be agricultural, however, Provincial and Regional policy allow some non-farm residential development in the Rural Area, including rural residential uses, provided such uses are compatible with the rural landscape. Further, the ROP states that municipal services will not be provided for development outside the urban areas boundaries and development will only be permitted when individual lots and soil conditions are suitable for the long-term operation of a private waste and water systems. It is noted, there is existing municipal water services located within the Royal York Road right-of-way that would service the reconfigured lots.

The proposed residential use generally meets the intent of Regional policy, as the proposed applications do not intend to sever agricultural lands within the rural area, and the subject lands are to be declared surplus and merged with existing rural residential lots that are located adjacent to existing residential uses. Therefore, the proposed rural residential use will be compatible with the surrounding rural residential uses.

In accordance with Regional policy for rural residential lot creation, rural residential development is limited to three lots or less and the minimum lot size is to be 1 hectare, unless it is determined through a Hydrogeological Study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for the long-term operation. It is acknowledged the subject lands are to be disposed of in accordance with the proposed Disposal Plan that results in a reconfiguration of four (4) undersized existing lots of record into 2 larger lots; however, the proposed reconfigured lot areas are still undersized being only 0.6 hectares (ha) and 0.4 ha in size. Regional mapping also identifies the subject land as being located within a Highly Vulnerable Aquifer (HVA) area with an overburden of less than 2 metres (m). Given the Disposal Plan results in lots under 1 hectare in size and that the subject lands are located within a HVA, a Hydrogeological Assessment is required to assess the soil and groundwater conditions and evaluate the ability of the proposed future lots to accommodate private sanitary sewage systems. Prior to the disposal of the subject land as surplus, the Town should be satisfied that the lot configuration proposed in the Disposal Plan is supported by a Hydrogeological Assessment and that each of the future lots can accommodate private sanitary sewage systems.

Alternatively, the Town may wish to work with the adjacent property owners to establish a holding zone on both the Town lands and the existing lots of record that require that the Hydrogeological Assessment be completed prior to the removal of the holding provision. It is noted that the conclusions of the Hydrogeological Assessment may require a different lot configuration than proposed in the Disposal Plan and/or consolidation of additional vacant lands in order to support private sanitary sewage systems.

Archaeology

Based on the Provincial Criteria for Assessing Archaeological Potential, the subject lands appear to exhibit a low potential for the discovery of archaeological resources. Additionally, the Town of Fort Erie has undertaken an Archaeological Master Plan and the subject lands are not identified as having potential for archaeological resources.

Core Natural Heritage System

Regional Core Natural Heritage System (NHS) mapping identifies an Environmental Conservation Area (ECA) associated with Significant Woodland on and adjacent to the subject lands. The area is also mapped as part of the Provincial NHS.

ROP policies require completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of Significant Woodland. The overarching purpose of the EIS is to demonstrate there will be no negative impact on the NHS components over the long term. Furthermore, Significant Woodlands located within the Provincial NHS are considered "key features" as per the Growth Plan (2019). Growth Plan policies similarly require the completion of a Natural Heritage Evaluation (NHE) or EIS for new development or site alteration proposed within 120 m of a key feature. The purpose of the NHE is to:

- Demonstrate there will be no negative impact on key features or their functions;
- Maintain and where possible, enhance the connectivity between key features located within 240 m of each other;
- Ensure that the disturbed area, including any buildings and structures, will not exceed 25% of the total developable area, and impervious surfaces will not exceed 10%; and
- Where possible, avoid the removal of other natural features not identified as a key feature.

Growth Plan policy 4.2.4.1 requires that the NHE/EIS identify a minimum 30 m Vegetation Protection Zone (VPZ), measured from the outside boundary of certain key features, including Significant Woodlands, to be maintained as natural, self-sustaining vegetation. Development or site alteration is generally not permitted within the feature or its VPZ.

The first step to determining if the natural heritage objectives of both the Growth Plan and ROP can be addressed is the completion of an NHE/EIS to determine whether the woodland still meets Regional significance criteria. The NHE/EIS would include delineation of the feature boundary and screening for Species At Risk (SAR) and Significant Wildlife Habitat (SWH). It is anticipated that both a breeding bird and spring botanical survey would be required to definitively conclude that the woodland does not contain "Special Concern and Rare Wildlife Species" as defined in the SWH Criteria

Schedules for Ecoregion 7E. A Terms of Reference for the NHE/EIS should be completed in conjunction with Regional staff to ensure the EIS meets Regional requirements. The NHE/EIS would be required for both the lands the Town will be disposing of as surplus and the existing lots of record. Regional staff would be happy to visit the site in order to confirm the scoping of the EIS provided permission to enter is granted by the Town and the adjacent property owners

The Town's Official Plan EC designation stipulates that development within or adjacent an ECA area requires the preparation of an EIS to the satisfaction of the Region in consultation with the Town and, if necessary, other agencies. Additionally, the Town's EC Overlay Zone permits uses that correspond to the underlying zone subject to an EIS and/or approval of the relevant approval authority. Given the proposed applications intend to maintain the EC designation and zone; Regional Environmental Planning staff are satisfied that an EIS will be completed prior to any development occurring on Town owned land and/or the existing lots of record. The EIS is to be submitted to the Region for review and approval.

Conclusion

In conclusion, the proposed Official Plan and Zoning By-law Amendment align with the intent and direction of Provincial and Regional policies, subject to the Town ensuring that a Hydrogeological Assessment and EIS will be completed to the satisfaction of the Region prior to future development.

The reviewed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding. The Region would appreciate the opportunity to review a copy of the final draft Official Plan and Zoning By-law amendments prior to Council decision.

Should you have any questions concerning the above noted comments, or if you would like a hard copy of the comments, please do not hesitate to contact me at 905-980-6000 extension 3518 or by email at lola.emberson@niagararegion.ca. Please send notice of Council's decision on these applications.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Development Planner

Cc: Mr. P. Busnello, Manager of Development Planning, Niagara Region
Mr. P. Lambert, AD Infrastructure Planning and Development Engineer, Niagara Region
Ms. J. Whittard, Manager of Environmental Planning, Niagara Region

APPENDIX "3"



zoning change proposal Block A, Plan 447, Town of Fort Erie
heather to: dvanderveen 2019-12-12 10:20 AM
From: <heather@birdiegolfcarts.com>
To: <dvanderveen@forterie.ca>

1 Attachment



Block A, plan 447 zoning proposal.jpg

Please find attached a letter of opinion for consideration at the meeting of proposal on Dec 17th/2019. Please acknowledge receipt of same. Thank you

Heather McGregor Maitland
1677 Royal York Rd,
Fort Erie, Ontario
905-991-4382

APPENDIX "3"

Carol Schofield,
Manager, Legislative Services/Clerk,
Town of Fort Erie,
1 Municipal Centre Drive
Fort Erie, Ontario.
L2A-2S6

Dec 11th/2019

Re: Public Notice, Proposed By-Law Amendment for Block A, Plan 447
(North of Royal York Road and south of Spartan Terrace).

Regarding the land use designation and zoning of the above "surplus" parcel of land from EOS Existing Open Space zoning to Rural Residential for future disposal.

I have reviewed the zoning map for the Rosehill Estates subdivision plan and find that there is little provision for any park area within the subdivision. The property is located in an awkward position, and central to the existing and proposed expansion of the subdivision. The shape of the lot is inconsistent with the surrounding properties. Squeezing a house into this oddly shaped lot located in the centre of things would not seem to be the best use of the property. Sewers are not currently available in this area and the property size does not appear that it would meet the required dimensions for a septic bed. Thus it is my opinion that this lot would be best suited due to its location and shape to remain a green area within the plan.

I would like to be advised if the proposed change is to be adopted.

Sincerely

Heather McGregor Maitland
1677 Royal York Rd
Fort Erie, Ontario
L2A-5M4