



# The Municipal Corporation of the Town of Fort Erie

By-law No. 125-2020

---

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. 47  
Mike and Mary Ellen Grummett - Owners  
Mike Grummett Jr.- Agent

2776 Stevensville Road

350309-0510

---

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. 47 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 14<sup>th</sup> day of December, 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.125-2020 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_ day of \_\_\_\_\_,20

**AMENDMENT NO. 47**

**TO THE**

**OFFICIAL PLAN**

**FOR THE**

**CORPORATION OF THE TOWN OF FORT ERIE**

## **CONTENTS**

### **PART "A" - THE PREAMBLE**

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

### **PART "B" - THE AMENDMENT**

Introductory Statement

Details of the Amendment

- Schedule "A"           -        Land Use Plan

### **PART "C" - THE APPENDICES**

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

## **PART "A" - THE PREAMBLE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 47 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. 47 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 a portion of the subject property from Gateway Highway Commercial to Industrial shown in Schedule A to facilitate the construction of an industrial building.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located at 2776 Stevensville 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 amendment will change the land use designation of the rear portion of the property from Gateway Highway Commercial to Industrial. The proposed amendment will facilitate the construction of an industrial building that will be used for the storing of tires and operation of industrial processes such as chemical vulcanizing. It is desirable to locate the proposed industrial uses on the subject lands in conjunction with the existing commercial use. The current Gateway Highway Commercial designation does not permit the proposed uses. The proposed amendment will also allow the expansion of the automotive business located on the front portion of the property and will not negatively impact the abutting properties.

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

The subject lands contain an automotive store (Bertie Tirecraft Auto Centre). The proposed industrial building will be located on the rear portion of the property, which currently contains shipping containers. The proposal to construct the industrial building will help to promote economic development and diversification of the economic base.

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

The subject lands are approximately 0.95 hectares in area which is adequate to accommodate the proposed development. There are no natural heritage features located on the subject lands. As there is a generous separation distance between the proposed development and the natural heritage features that are located to the east and northeast on the subject lands and there will have no adverse impact on the natural heritage features. No concerns in this regard have been expressed by commenting agencies.

**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 Stevensville Road, which is regional road. As Stevensville Road is an arterial road it can handle the additional traffic that will be generated by the proposed development. Lastly, there are no servicing concerns as the municipal services are located along Stevensville Road.

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

The proposal to construct an industrial building on the rear portion of the subject property will be compatible with the industrial uses (Zavcor Trucking) located on the abutting easterly property. Further, a generous separation between proposed development and the natural heritage features will ensure there is no adverse impact on the natural heritage features.

**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 also represents efficient use of urban lands. No depreciating or deteriorating impacts on adjoining properties are anticipated.

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

This proposal will improve the financial position of the Town through additional tax revenue.

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

The proposed development will have no adverse impact on the abutting natural heritage features.

## **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. 47 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 Part 1 shown on Schedule "A" attached hereto shall change from Gateway Highway Commercial to Industrial.



## **PART “C” - THE APPENDICES**

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

# SCHEDULE 'A'



**By-law No. 125-2020**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 14th DAY OF DECEMBER, 2020**



Subject Lands - 2776 Stevensville Road



Lands are Re-designated from Gateway Highway Commercial to Industrial