



The Corporation of the Town of Fort Erie By-law 21-2025

**Being a By-law to Enact an Amendment to the Official Plan Adopted by
By-law 150-06 for the Town of Fort Erie Planning Area**

Amendment 86

Spears Gardens Subdivision

Yiliming International Real Estate Limited (Matt Kernahan) – 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, as amended, hereby enacts as follows:

- 1. That** Amendment 86 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
- 2. That** this by-law shall come into force and take effect on the day of the final passing thereof.
- 3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 31st day of March 2025.

Mayor

Clerk

**AMENDMENT 86
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 86 to the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area.

Part “A”, the Preamble, does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text and map (designated Schedule “A”) constitutes Amendment 86 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area.

Also attached is Part “C”, the Appendices, which do not constitute part of this Amendment. These Appendices (1 through 3, inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to establish a Site Specific Policy Area that adds Street Townhouse Dwellings as a permitted use and supports a maximum residential density of 22 units per hectare in the existing Low Density Residential designation in the Spears-High Pointe Secondary Plan.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this Amendment, are known as the Spears Gardens Subdivision as shown on Schedule “A” attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this Amendment and the following factors have been reviewed in supporting this Amendment to the Official Plan:

A. The need for the proposed use;

The addition of Street Townhouse Dwellings as a permitted use will increase housing supply and facilitate a mix of built forms and densities that results in an efficient use of land and compact built form.

B. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The subject lands are in an established neighbourhood consisting primarily of low and medium density built forms on municipal services.

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 a large vacant lot within the built-up area and are not constrained by Natural Heritage features. Any proposed tree removal is subject to the requirements of the Town's (Tree) [By-law No. 33-2024](#).

D. The location of the area under consideration with respect to:

1. The adequacy of the existing and proposed streets in relation to the development of such proposed areas;

The subject lands front onto Pettit Road, a designated Arterial Road. The proposed public street network will be constructed to a municipal standard with an urban cross section (sidewalks on a minimum of one side of the public street). The subject lands are proposed to be serviced by two points of ingress and egress (John Bright Avenue and Terry Drive) with a minimum width of 20.0 metres, sufficient to accommodate two-way vehicular traffic.

2. The convenience, accessibility, and safety of the site for vehicular and pedestrian traffic; and

The subject lands are proposed to be serviced by two points of ingress and egress from a designated Arterial Road (Pettit Road). A public street network is proposed with a minimum width of 20.0 metres. The proposed 20.0-metre-wide road width is sufficient to accommodate the safe movement of two-way vehicular traffic. An urban cross section (sidewalks on a minimum of one side of the public street) will be implemented as it relates to the public street network.

3. The adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment, Conservation and Parks, and the Niagara Region Public Health Department and any other appropriate authority deemed advisable.

Municipal services are available to the subject lands. Any capacity constraints would need to be addressed by the Applicant through future upgrades.

Registered Plan 59M-469 created a stormwater management facility for stormwater retention that has been conveyed to the Town.

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

The applications propose development of single and street townhouse dwellings, a built form commonly found throughout the surrounding neighbourhood and Fort Erie.

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;

The proposed development is not anticipated to have depreciating or deteriorating effects on adjoining properties. The subject lands are surrounded by complementary residential and open space uses and an area proposed for a future stormwater management facility. The proposed public roadway will be constructed to municipal development standards.

G. The potential effect of the proposed use on the financial position of the Town; and

The proposed use is not anticipated to negatively impact the financial position of the Town. Residential taxes will be generated from the proposed development and development charges would be collected.

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

The subject lands are not constrained by Natural Heritage features. Any proposed tree removal is subject to the requirements of the Town's (Tree) [By-law No. 33-2024](#).

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

All of this part of the document entitled “Part B” – “The Amendment” consisting of the following policies and attached maps designated as Schedule “A” (Land Use Plan) constitute Amendment 86 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of the subject lands shown on Schedule “A” attached hereto shall change from “Low Density Residential” to “Low Density Residential - Site Specific Policy Area 54.”
2. The subject lands described as Low Density Residential - Site Specific Policy Area 54 on Schedule “A” attached hereto are hereby redesignated to:

SPEARS GARDENS SUBDIVISION (Site Specific Policy Area 54)

The lands designated on Schedule “A” as “Low Density Residential - Site Specific Policy Area 54” shall generally be governed by the Low Density Residential policies of Section 4.17.6 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan. However, notwithstanding the permitted uses stated in Section 4.17.6(a) and density stated in Section 4.17.6(d), the following shall apply:

1. In addition to the permitted uses in Section 4.17.6(a), street townhouse dwellings shall also be permitted.
2. The subject lands shall have a maximum gross density of 22 units per hectare.

PART "C" – THE APPENDICES

Appendix 1 – Notice of Public Meeting

Appendix 2 – Public Meeting Minutes

Appendix 3 – Circulation Comments