



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-35-2025

Meeting Date: May 12, 2025

1. Title

Proposed Zoning By-law Amendment
Information and Recommendation Report for 99 Joseph Street

2. Recommendations

That: Council approves the amendments to the Town's Zoning By-law 129-90 as detailed in Report PBBS-35-2025 for the lands known as 99 Joseph Street, and further

That: Council directs Staff to prepare the necessary by-law.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

Matthew Geerts – Owner

Michael Sullivan (LandPro Planning Solutions) – Agent

Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide information and a recommendation to Council on the proposed Zoning By-law Amendment for the subject lands municipally known as 99 Joseph Street. This application has been submitted by the Agent, Michael Sullivan of LandPro Planning Solutions, on behalf the owner, Matthew Geerts. A location map showing the subject lands is attached as **Appendix 1**.

The applicant is requesting to rezone the subject lands to facilitate the creation of one new lot for the construction of a new semi-detached dwelling. The creation of the new lot would be subject to a future consent application through the Committee of Adjustment.

The subject lands are currently zoned Residential 2 (R2) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1900, as amended.

The Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential 2 (R2) Zone to a site-specific Residential 3 (R3) Zone. A site-specific provision is

requested for the reduction in lot area. The retained and severed lots are shown on the Site Plan, attached as **Appendix 2**.

6. Analysis

6.1 Site Context

The subject lands are located inside the Urban Area Boundary on the west side of Joseph Street in the Lakeshore neighbourhood in the Town of Fort Erie. The subject lands have a lot area of approximately 666 square metres and a lot frontage of approximately 20 metres. The subject lands contain an existing single detached dwelling with existing municipal services. The predominate land use in surrounding area is residential comprised of mainly single detached dwellings.

The following summarizes the land uses surrounding the subject lands:

North: Residential (Single detached dwellings)
East: Residential (Single detached dwellings)
South: Residential (Single detached dwellings)
West: Residential (Single detached dwellings)

6.2 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests.

The *Planning Act* identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, such as, but not limited to, the efficient use of sewage and water services, orderly development of safe and healthy communities, adequate provision of a full range of housing, including affordable housing, and the appropriate location of growth and development. Decisions of Council must also be consistent with provincial policy statements and conform with provincial plans and municipal official plans that are in effect.

The application complies with the *Planning Act*, subject to the following analysis.

6.3 Provincial Planning Statement

On October 20, 2024, the Provincial Planning Statement, 2024 (PPS 2024) came into force and effect. The PPS 2024 replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020. Land use planning decisions are required to be consistent with the PPS 2024.

The subject lands are located within a Settlement Area under the PPS 2024. The PPS 2024 directs growth to settlement areas and requires municipalities to provide an appropriate range and mix of housing options and densities by permitting and facilitating all housing options required to meet the social, health, economic and well-being of current and future residents. Municipalities are also encouraged through the PPS 2024 to build complete communities, support intensification within built up areas, and efficient use of land, resources and

infrastructure.

The proposal is consistent with the PPS 2024 as the development is located within a settlement area and will add to the mix of housing types and efficient use of serviced urban land.

It is the opinion of Planning Staff that the proposed development is consistent with the PPS.

6.3 Niagara Official Plan, 2022

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Delineated Built-Up Area. The NOP states that within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas. Development in urban areas will promote the efficient use of infrastructure, compact built form, and provide a mix of housing types. Furthermore, the NOP establishes a minimum target in Fort Erie that requires 50% of all residential units occurring annually to be constructed within built-up areas.

The proposed development will contribute to the Town of Fort Erie's intensification target of 50% and encourages opportunities for the integration of gentle density. Semi-detached dwellings contribute to a mix of housing options that considers the character of established residential neighbourhoods and is an efficient use of urban and services lands.

The proposal complies with the policies of the NOP and is appropriate and represents an efficient use of urban, serviced lands, as well as introduces another compatible form of housing not currently found in the surrounding area.

6.4 Town of Fort Erie Official Plan, 2021 Consolidation, as amended

The subject lands are located within the Urban Boundary and are designated as Urban Residential according to Schedule A of the Official Plan. The Urban Residential designation supports a variety of housing forms, including single detached dwellings, duplexes, townhouses, multiple unit dwellings, apartments, and semi-detached dwellings.

In line with Section 4.7 of the General Residential policies, the plan promotes residential intensification and infill development within urban areas to efficiently utilize lands that are already serviced by existing infrastructure. The proposed semi-detached dwellings represents a gentle form of intensification, provide for a mix of housing in the area, and will make use of existing municipal services available along Joseph Street. Furthermore, the Consent to Sever policies in Section 13.6 support consents in Urban Areas and encourage infill development that leverages existing infrastructure. The proposal will result in one retained lot and one new lot, each with a semi-detached dwelling, contributing to the housing supply within the Urban Area, and will maintain compatibility to the surrounding neighbourhood. Section 12.7.4 states that dedication of lands for road allowance widening purposes will be required within the designated future road allowance when lands are proposed to be redeveloped and or subdivided. A 2.9 metre road widening will be required as a condition at the future consent application stage.

Schedule B – Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. No petroleum wells are identified within 75 metres of the subject lands, as per the Provincial well records database.

Schedule C – Natural Heritage Features & Schedule C1- Natural Hazards & Fish Habitat

There are no natural heritage features located on the subject lands identified in schedules C and C1.

Schedule D – Cultural Heritage Archaeological Zones of Potential

According to Schedule D of the Official Plan, the subject lands are in an area of archaeological potential. A Stage 1 and 2 Archaeological Assessment was required by Town staff and the Niagara Region. The Archaeological Assessment was prepared by Archaeological Services Inc., dated April 1999, and concluded that there are no archaeologically significant resources on the subject lands and that no further assessment is required. The Archaeological Assessment was submitted to the Ministry of Citizenship and Multiculturalism (MCM) and a Letter of Acknowledgement from the MCM was received and clearance was provided.

It is the opinion of Planning Staff that the proposed development conforms with the Town's Official Plan.

6.5 Comprehensive Zoning By-law No. 129-1990, as amended

The subject lands are currently zoned Residential 2 (R2) Zone in the Town's Comprehensive Zoning By-law. The proposed Zoning By-law Amendment seeks to rezone the subject lands to a site-specific Residential 3 (R3) Zone. The proposed site-specific provisions pertain the minimum lot area.

Table 1: Provisions for the proposed Site Specific R3 Zone compared to the R2 Zone (Section 11.3) and the R3 Zone (Section 13.4)				
Regulation	R2 Zone	R3 Zone	Proposed Site-specific R3 Zone	Comments
Min. Lot Frontage	15 m 17 m for a corner lot	9.5 m 10.5 m for a corner lot	10.3 m (Part 1) 9.5 m (Part 2)	N/A
Min. Lot Area	510 sq m	305 sq m	302.8 sq m (Part 1) 305.3 sq m (Part 2)	The marginal reduction in the lot area for Part 1 will not negatively impact the functionality of the lot and will maintain parking,

				private amenity space, access, drainage patterns and servicing. Lot coverage, landscape open space, setbacks would be maintained.
Min. Front Yard	6 m	6 m to garage 3 metres to dwelling	6 m to garage 3 m to dwelling	N/A
Min. Side Yard	(i) 1.2 m for a one storey dwelling (ii) 1.5 m for two storeys (iii) On interior lot where no attached garage or carport which faces an exterior side lot line shall be located no closer than 6 m to the exterior side yard	1.2 m plus an additional 0.5 m for every storey or part thereof above the ground or carport is provided a side yard of not less than 3 m on one side of such semi-detached is required	>3 m	N/A
Max Lot Coverage	Lot size < 510 sq m – 30% Lot size = 510-700 sq m – 35% Lot size > 700 sq m – 40%	1 storey – 60 % 2 storey – 40%	31.6 %	N/A
Min. Rear Yard	8 m	6 m	> 6 m	N/A
Max. Height	9 m	9 m	TBD	Building plans were not provided to confirm the proposed building height. The building height would be confirmed before a building permit is issued and would need to comply with the

				zoning requirements.
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Planning Services staff are of the opinion that the proposed amendment to permit a semi-detached dwelling and a minor reduction in the lot area for the retained lot is appropriate. This amendment will facilitate the creation of one new lot and one retained lot for residential purposes conforms with the Town's Official Plan.

6.8 Studies

The following studies were submitted with the application:

- [Planning Justification Report](#)
- [Archaeological Assessment](#)

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the subject lands are to be borne by the Owner.

The subject lands are required to connect to existing municipal infrastructure (sanitary and water services) along the frontage of Joseph Street. There will not be an additional cost to the Town to service the proposed development.

Development charges will be collected at the time of a building permit application.

Cash-in-lieu of parkland dedication will be required as a condition of consent. Cash-in-lieu of sidewalks may be required as a condition of consent.

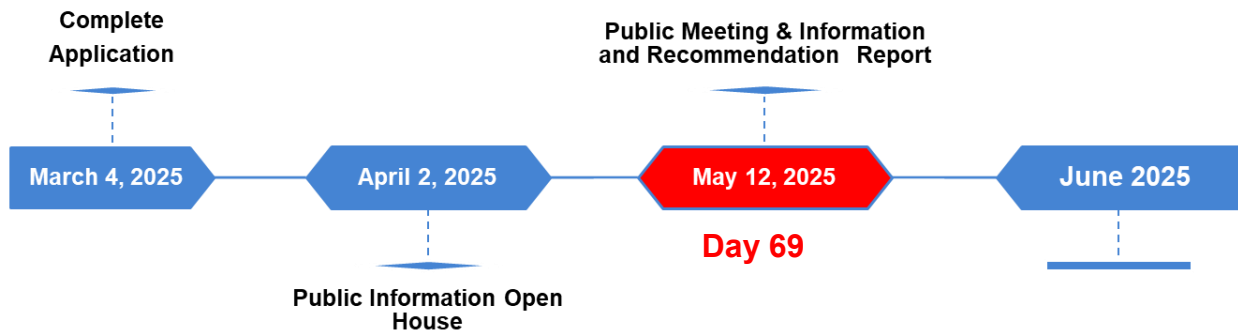
No staffing implications are expected. No impediments to the AODA legislation are expected to be developed through the proposed amendment.

8. Policies Affecting Proposal

The application was submitted on February 5, 2025, and deemed complete on March 4, 2025.

The proposed Zoning By-law Amendment application is subject to a 90-day processing and review timeline. A Council decision will be required for this application by June 2, 2025, to meet the 90-day timeline.

This application is currently on day 69 of the 90-day timeframe as illustrated below:



Land use policies affecting the subject lands are contained in the PPS 2024, the NOP and the Town of Fort Erie Official Plan.

9. Comments from Departments, Community and Corporate Partners

A request for comments regarding the applications was circulated to relevant Departments and Community and Corporate partners. Comments received are summarized below and are attached as **Appendix 3**.

9.1 Agency Comments

No agency comments were received

9.2 Town Staff Comments

Development Engineering

A lot grading and drainage plan will be required at the Consent application stage.

Environmental Planning

The proposal is exempt from the Town's Tree By-law as the pre-consultation was held prior to the passing of By-law 33-2024.

9.3 Public Comments

An Open House meeting for this application was held on April 2, 2025. Notice of Complete Application and Open House was mailed to all property owners within 120 metres of the subject lands. The meeting was attended by Town staff, the Agent, and the Owner. No members of the public were in attendance. Additionally, no written comments regarding the application have been received.

10. Alternatives

Council may decide to deny the Zoning By-law Amendment. Planning Staff do not recommend denial, as the proposal is consistent with Provincial, Regional, and Town planning policies.

11. Communicating Results

If approved, a by-law will be prepared and submitted to Council for passing. Following passing of the by-law, notice of Council's decision will be circulated as required by the *Planning Act*. The application is subject to a 20-day appeal period. If no appeals are received during the appeal period, Council's decision is final.

12. Conclusion

Based on the above analysis, Planning Staff support the proposal as it represents good land-use planning and meets the requirements of the *Planning Act*, is consistent with the PPS 2024, and conforms to the Niagara Official Plan, and the Town Official Plan. The proposal will efficiently use urban lands and existing municipal infrastructure. The proposal provides a mix of housing type and will contribute to the housing supply of the Town.

13. Report Approval

Prepared by:
Robin Shugan, CPT, ACST
Intermediate Development Planner

Reviewed by:
Mark Iamarino, MCIP, RPP
Manager of Development Approvals

Submitted by:
Anamika Dilwaria, MCIP, RPP
Director of Planning and Development Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 – Location Map
Appendix 2 – Site Plan
Appendix 3- Compiled Comments