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Province of Ontario, Environmental Registry of Ontario (ERO)
Ministry of Municipal Affairs and Housing
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From: Nicholas Godfrey
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Subject: **Town of Fort Erie**
Instrument Type: Approval of A Municipality's Official Plan
Waterfront Area Policies

On September 5th, 2025, the Ministry of Municipal Affairs and Housing received for a decision the Town of Fort Erie's proposed new official plan (By-law 78-2025), which was adopted by the Town's municipal council on August 25th, 2025.

On October 24th, the Province posted the Official Plan from the Town of Fort Erie for a decision. The purpose of the proposed plan is to achieve consistency and conformity with provincial policies and plans, and to establish goals, objectives and direction guiding growth and development to the 2051 planning horizon.

The new Official Plan, once approved, will replace the existing plan, which came into effect in November 2011. The new plan is intended to guide growth and development across the Town of Fort Erie to the 2051 planning horizon.

The Ministry will review the submitted plan for consistency and conformity with applicable provincial land use policies and plans. The Ministry has stated that all feedback received will be considered before presenting any potential modifications to the Minister of Municipal Affairs and Housing for a decision in accordance with section 17 of the *Planning Act*.

Upper Canada Consultants have considered the Town's adopted Official Plan and make the following recommendations based upon our history and experience with urban planning and development within the Niagara area.



G.36 Fort Erie Waterfront Area Policies

The adopted Official Plan has Specific Policy Area that applies to the Fort Erie Waterfront Area. The lands subject to this policy are shown in **Figure 1**, and are within the Settlement Area Boundary. The policies under G.36 are designed to prohibit most forms of development. The argument provided in this policy subset is that the area has not been comprehensively studied, and until such time, development, redevelopment and intensification are not supported by the adopted plan.

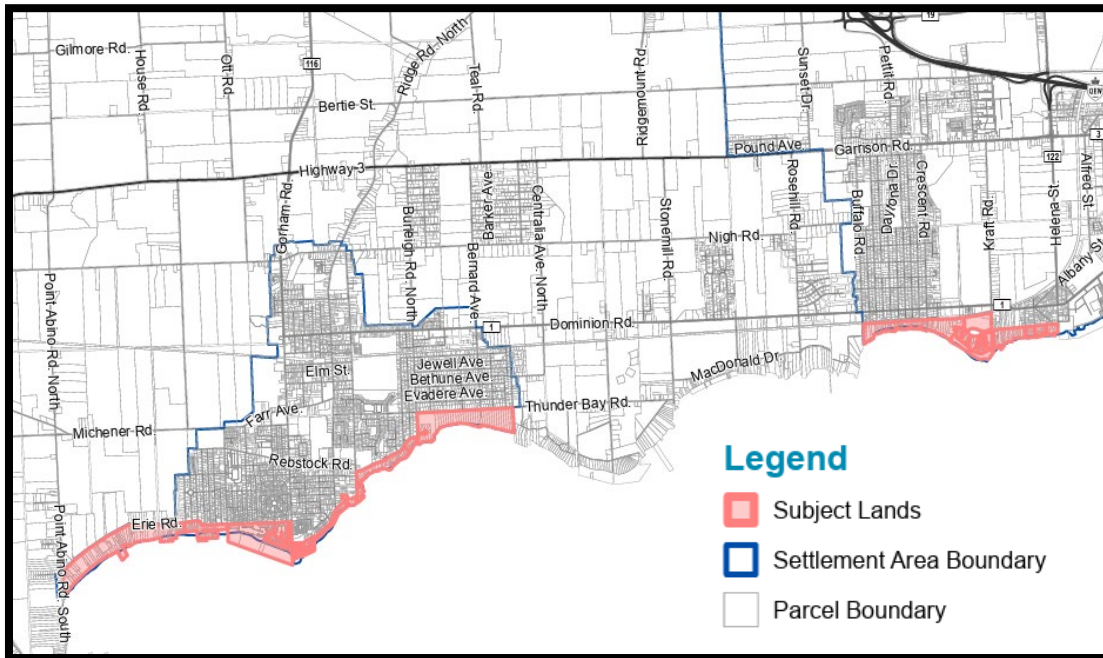


Figure 1: G.36 Fort Erie Waterfront Areas

Specifically, the policies that prohibit development are as follows:

6. *Based on the historical development patterns and evolution of the applicable land use planning framework, the Fort Erie Waterfront Areas has not been comprehensively planned for development, redevelopment, or intensification.*
7. *More specifically, development, redevelopment and intensification of the broader Fort Erie Waterfront Area is not planned for in the absence of comprehensive study that addresses matters related to land use, functional servicing, transportation, hydrologic function, archaeological potential, cultural heritage, as well as the natural environment system, including the water resource system.*
8. *It is further established that the redevelopment and/or intensification of lands within the Fort Erie Waterfront Areas is not required to accommodate the forecasted population or employment growth of this Plan, and that there are more strategic areas of the Town where growth may be accommodated, including strategic growth areas*
9. *The following uses are permitted within the Lake Erie Waterfront Area:*



- i. *Legally existing uses;*
 - ii. *Home occupation;*
 - iii. *Additional residential units, in accordance with policy E.2.4 of this Plan and the implementing zoning by-law; and*
 - iv. *Short-term rentals, in accordance with policy E.2.6 of this Plan and the implementing zoning by-law.*
10. *The following minimum development criteria apply to the Lake Erie Waterfront Area:*
- i. *The maximum building height, massing, orientation, and setbacks will be harmonious and complementary to adjacent and surrounding land uses;*
 - ii. *The minimum lot frontage is the existing lot frontage;*
 - iii. *The minimum lot depth is the existing lot depth;*
 - iv. *Landscaped open space contributes to and is harmonious with adjacent land uses to create a more visually consistent and complementary built form;*
 - v. *Notwithstanding that legally existing uses are permitted, a maximum 25-percent increase in the lot coverage of the principal dwelling is permitted to the total area of an existing development.*
11. *An amendment to this Plan will be required where there is an application made pursuant to the Planning Act for a proposed change to the existing lot frontage or lot depth.*

These policies are overly restrictive and constitute a blanket suppression of development, permitting only the rebuilding or expansion of existing dwellings by up to 25%. Of particular concern is that the policies make any deviation from existing performance standards, such as lot area and frontage, require an Official Plan Amendment, which are applications that can often be managed in many other instances through a Minor Variance, or Zoning By-law Amendment, depending on the nature and impact of the request. These also do not commit the municipality to a firm timeline for completing the necessary studies, leaving the development potential of these lands indefinitely uncertain. It is acknowledged that these areas are waterfront residential and particular care and attention must be made regarding development in this area that are addressed as part of a typical development application process, nevertheless, the lands are within an settlement area where growth and development are directed to occur. This policy ambiguity is not in conformity with the *Provincial Planning Statement (2024)*. In particular, these policies are not in conformity with **2.2 Housing** and **2.3.1 General Policies for Settlement Areas**.

These policies are as follows:

2.2 Housing

1. b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously*



developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

2.3.1 General Policies for Settlement Areas

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) optimize existing and planned infrastructure and public service facilities; c) support active transportation;

d) are transit-supportive, as appropriate; and

e) are freight-supportive.

3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Generally, the Provincial Planning Statement policies support all types of residential intensification, including development and redevelopment, within previously developed areas and existing settlement areas. Additionally, these policies direct development toward creating complete communities within existing settlement areas, ensuring a mix and range of housing options are provided.

The Town's Waterfront Policies under Section G.36 do not implement the Province's direction. They instead freeze these areas in time, and do not commit the municipality to a timeframe, or clarity, on when or if these lands could be pragmatically and sensibly developed or redeveloped in the present or near future. They also do not allow for these areas to develop as complete communities, with a range and mix of housing options. On this basis, it is recommended that these policies be amended to be in alignment with Provincial policy, which is supportive of general intensification and the creation of complete communities within settlement areas.

Prepared and recommended by:

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