



**The Municipal Corporation of the Town of Fort Erie
By-law No. XX-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. XX
Housekeeping Policy and Map Updates
Town of Fort Erie**

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.XX 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 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 XXth 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. XX-2020 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of __,20

**AMENDMENT NO. XX TO THE
OFFICIAL PLAN FOR
THE
CORPORATION OF THE TOWN OF FORT ERIE**

DRAFT

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

PART "C" - THE APPENDICES

- Appendix 1 - Individual Site Location, Map and Rationale
- Appendix 2 - Notice of Public Meeting
- Appendix 3 - Public Meeting Minutes
- Appendix 4 - 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. XX to the Official Plan adopted by By-law No. XX-20 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 schedules constitutes Amendment No. XX to the Official Plan adopted by By-law No. XX-20 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 include Value Added agricultural uses as part of the secondary agricultural uses section of the Official Plan and to update Appendix A: Glossary of Terms to include a definition of Value Added. This will improve and clarify existing policies around secondary agricultural uses. In addition to this policy change, the Amendment will align certain site specific environmental conservation and environmental protection designations with recently approved mapping done as part of the Town's Environmental Conservation Assessment Report, 2019. These proposed housekeeping amendments are referred to collectively as Official Plan Amendment No. XX.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of the policy change are lands designated as Agricultural or Rural in the Official Plan.

The lands, which are the subject of the mapping changes in this amendment, are located at:

0-13486 Bowen Road
2021 Pettit Road
1886 Pettit Road
3650 Eagle Street
967 Helena Street

1557 Bowen Road
0-13571 Bowen Road
1800 Thompson Road
0-14219 Winger Road
418 Gilmore Road

2005 Pettit Road
0-13570 Bowen Road
0-14219 Winger Road
893 Helena Street
440 Gilmore Road

444 Gilmore Road
0-2484 Dunlop Street
425 Phipps Street
1011 Gilmore Road
1979 Pettit Road

0-13123 Dunlop Street
1818 Thompson Road
1130 Bertie Street
0-13366 Pettit Road
1100 Gilmore Road

100 Dunlop Street
0-2394 Dunlop Street
0-13130 Thompson Road
0-13371 Pettit Road
0-13479 Sunset Drive

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 housekeeping amendment**

Official Plan Amendment XX (OPA XX) is a compilation of a policy change and site specific mapping changes. The policy change is proposed for lands designated as Agricultural and Rural. This proposed policy change relates specifically to the addition of Value Added Agricultural uses as a permitted use in the Agricultural designation. The policy change also includes a new definition of Value Added for clarification purposes. The amendment proposes allowing Value Added uses as secondary to agricultural uses and the definition details examples of these types of uses. This will help to improve and clarify the general types of secondary uses which are permitted in the agricultural designation.

The changes in mapping have been prepared to align certain site specific Official Plan designations with new mapping that has been approved through the preparation of the Environmental Conservation Assessment Report. These changes are being proposed based on extensive assessment and evaluation of lands within the Town's Industrial District between 2018 and 2019 and based on current hydrological and ecological conditions. The report was completed based on current field data and with regard to the current provincial, regional, and municipal natural heritage policies. The study and report recommended a number of mapping changes which are reflected in OPA XX. The location, depiction and rationale for each site specific mapping change is outlined in Appendix 1 to OPA XX and these proposed changes are captured in the amendment to Schedule A – Land Use Plan as described in Part "B".

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

The proposed policy amendment will apply to lands designated as Agricultural and Rural. Development in these designations is limited to low density development and agricultural based development and uses.

The proposed mapping amendment will apply to site specific lands that were identified in the Town of Fort Erie Environmental Conservation Area Assessment Report that was finalized in 2019. Many of these properties are currently developed for industrial purposes. The amendment will permit further development in some locations, where environmental protection and/or

environmental conservation layers are proposed to be removed and restrict future development in locations where an environmental protection layer has been added to address current conditions.

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 proposed policy amendment will apply to lands designated as Agricultural and Rural. While sites may have Natural Heritage or be abutting Natural Heritage features the proposed Value Added uses will need to be compatible with surrounding agricultural uses, and comply with all other applicable policies of the Official Plan and Comprehensive Zoning By-law including the Natural Heritage policies.

The proposed mapping amendment is site-specific to several areas of Natural Heritage Features within the municipality. These changes are being proposed based on extensive assessment and evaluation of these lands between 2018 and 2019 and are the result of the approved Town of Fort Erie Environmental Conservation Area Assessment Report. This report was prepared in keeping with the Town's Natural Heritage Policy.

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 Public Health Department and any other appropriate authority deemed advisable.

The proposed policy amendment will apply to lands designated as Agricultural and Rural throughout the municipality. Access to individual properties is generally available as are linkages to the Town's existing road network. Servicing is generally provided privately and in accordance with the standards of the Ministry of the Environment, Region of Niagara Public Health Department and any other applicable agencies. Value Added uses are intended to be secondary to the main agricultural use and will be required to adhere to all other applicable policies of the Official Plan and Comprehensive Zoning By-law as well as Federal, Provincial and Regional policies where applicable.

The proposed mapping amendment is specific to several properties which are generally designated as industrial. All have adequate access to road and highway networks as well as full municipal servicing. The amendment will permit further development in some locations, where environmental protection and/or environmental conservation layers are proposed to be removed and restrict future development in locations where an environmental protection layer has been added to address current conditions. Any development on these sites would be subject to all other applicable policies of the Official Plan and Comprehensive Zoning By-law.

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

The proposed policy amendment applies to lands designated as Agricultural and Rural throughout the municipality. Value Added uses are intended to be secondary and complementary to the main agricultural use and will be required to adhere to all other applicable policies of the Official Plan and Comprehensive Zoning By-law.

The proposed mapping amendment is specific to several site-specific properties which are designated as industrial. Any development or re-development of these sites would be subject to all other applicable policies of the Official Plan and Comprehensive Zoning By-law.

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 policy amendment is being made to permit Value Added uses as secondary to agricultural uses and to define Value Added in the Glossary of Terms Section of the Official Plan. This is intended to allow a more diverse range of uses on agricultural and rural properties. Adding additional uses to these areas is not seen as having depreciating or deteriorating effects. To the contrary, permitted additional Value Added uses are expected to enhance land values and stimulate additional investment.

The proposed mapping amendment is being made to recognize the existing conditions on lands designated industrial within the Town. Removal of the Environmental Protection and/or Environmental Conservation layers where appropriate will increase the amount of developable industrial land available, which is expected to enhance land values and increase investment.

g. The potential effect of the proposed use on the financial position of the municipality

The proposed amendments are not expected to impact significantly on municipal resources in the short or long term.

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

There are no new perceived issues arising out of the proposed approval of OPA-XX in relation to the Environmental Protection Act. Requirements for development or redevelopment will be reviewed for compliance during the development application process. The mapping amendments proposed are a result of extensive study work done in 2018 and 2019 that followed all appropriate Ministry of the Environment, Region of Niagara and Niagara Peninsula Conservation Authority guidelines.

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 map designated as Schedule "A" (Land Use Plan) constitute Amendment No. XX to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

1. Section 4.5.2 Agriculture Policies, IV is hereby amended by adding "Value Added uses" after "Secondary Uses".

Based on the above change, Section 4.5.2 IV shall read as follows:

IV. Secondary uses and Value Added uses shall be permitted as accessory and subordinate uses to the principle use of the property in the agricultural designation provided that:

2. Appendix A: Glossary of Terms is hereby amended to include the following definition:

Value Added

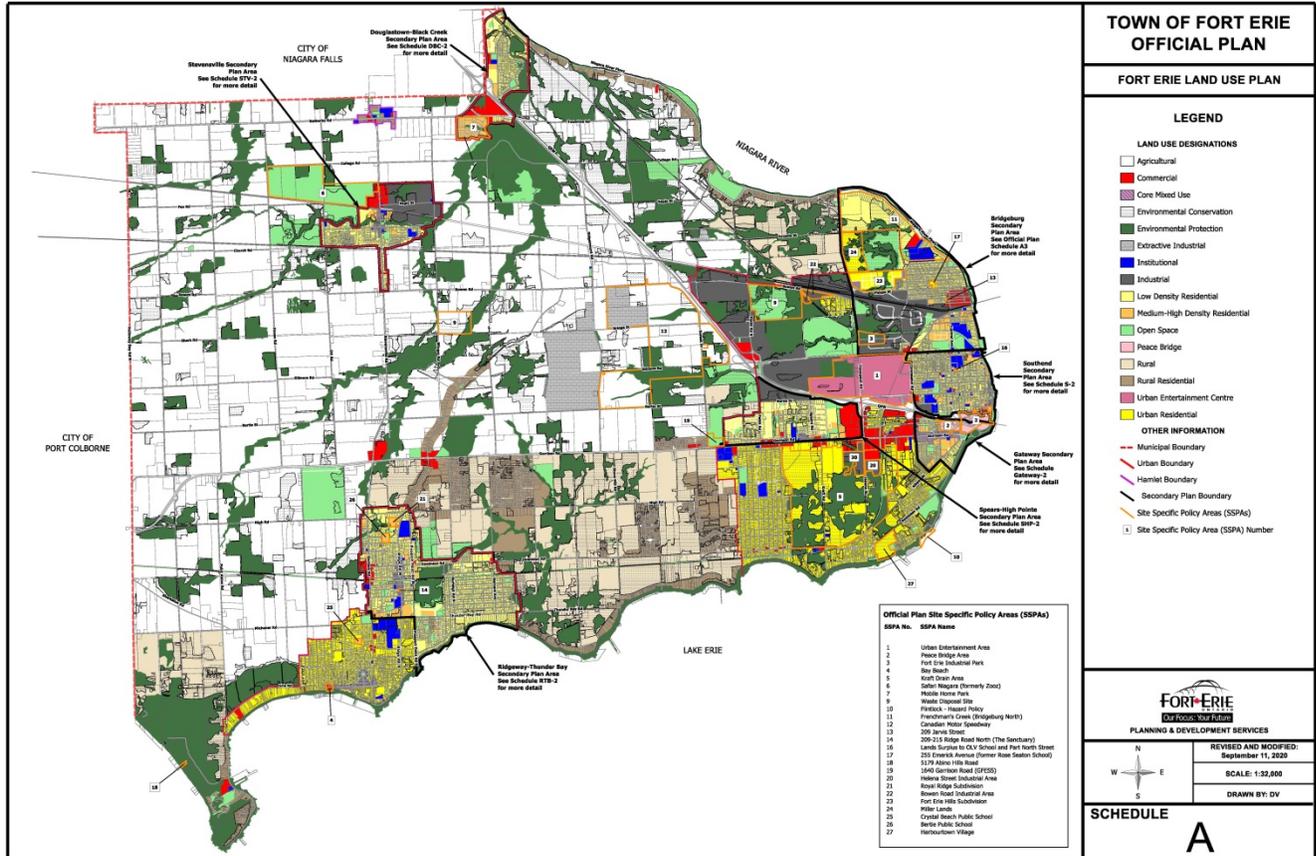
Uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered agriculture-related uses, and are required to be small scale and related to the farm activity. Value Added Uses may be grouped into three major components: Production Uses, Marketing Uses and Support Uses:

i. Production uses: mean Value Added farm related uses that include, but are not limited to: the processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.

ii. Marketing uses: mean Value Added farm related uses that include a variety of methods of increasing the sales of raw or finished farm products. Such uses may include, but are not limited to: road side produce stands and other retail facilities for the sale of products; pick your own facilities; agri-tourism uses (such as farm mazes, special events facilities, farm weddings and educational facilities) and "experiential uses" (such as "working farm vacations" or culinary schools).

iii. Support uses: means uses that support day to day farm operation and may include, but are not limited to: machinery repairs, seed suppliers, and other uses not more appropriately accommodated in settlement areas. Support uses are intended to primarily serve the farm operation and surrounding local farm operations and are intended to remain secondary to the principal farm operation.

3. Site specific lands identified in Appendix 1 to OPA-XX have been amended to include additional Environmental Protection layers, additional Environmental Conservation layers and the removal of some Environmental Conservation and Environmental Protection layers where appropriate, as described in Appendix 1. These changes result in an amendment to Schedule A, Fort Erie Land Use Plan, to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area, which is hereby replaced by the following:



PART "C" - THE APPENDICES

- Appendix 1 - Individual Site Location, Map and Rationale
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