



The Municipal Corporation of the Town of Fort Erie

By-law No. 1-2018

Being a By-law to Enact an Amendment to The Official Plan for The Town of Fort Erie

Amendment No. 37 Southend Secondary Plan

350313.005

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.37 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and maps designated as Schedules Southend-1, Southend-2, Southend-3, Southend-4, is adopted.
- 2. That** the Clerk of the Town is authorized to effect any minor modifications or corrections 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 22nd day of January, 2018.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 1-2018 of the said Town. Given under my hand and the seal of the said Corporation, this ___ day of _____, 20__.

AMENDMENT NO. 37
TO THE OFFICIAL PLAN
FOR THE TOWN OF FORT ERIE

Adopted by Town of Fort Erie Council
January 22, 2018

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PART "A"

THE PREAMBLE

PART "A" - THE PREAMBLE

SECTION 1 TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of *The Planning Act*, R.S.O. 1990, c. P.13, shall be known as Amendment No. 37 to the Official Plan of the Town of Fort Erie.

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

Part "B", the Amendment, consisting of the texts and policies of Part "B", together with the following mapping schedules, constitute Amendment No. 37 to the Official Plan of the Town of Fort Erie.:

Southend 1 – Provincial Compliance;

Southend 2 – Land Use Plan;

Southend 3 - Natural Features, Open Space, Natural Hazards and Fish Habitat;

Southend 4 – Transportation Systems

For the purposes of the Amendment, the schedule titles are displayed using abbreviated acronyms in the texts and on the schedules, to facilitate quick reference and will be identified as "S-1", "S-2", "S-3", and "S-4" respectively.

Also attached is **Part "C"**, the Appendices, which does not constitute part of this amendment. These Appendices contain background information, planning considerations and public involvement associated with this amendment.

SECTION 2 PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment is to refine and in some cases, change the land use designation of certain lands shown on Schedule S -2, attached hereto under Part "B".

The Town had initiated this Secondary Plan in response to the parent policies of its Official Plan, which direct the Town to undertake more detailed land use planning at a neighbourhood level. Section 5.5 of the Town's Official Plan provides such direction and also indicates Council shall identify the order of priority for Neighbourhood Planning exercises that will assist the Town in meeting with Provincial and Regional Growth Management requirements.

In this regard, the policies contained within this Secondary Plan reinforce provincial and regional policy directives of the Provincial Policy Statement, Places to Grow and the Region of

Niagara's Official Plan. While a "Complete Community" vision is often the goal and focus of a Secondary Plan, community demographic lifecycles and lifestyles can also influence decisions concerning land use, together with other more localized constraints.

The Southend Neighbourhood is a mature, mostly built-out environment that had seen considerable turn of the century to post-war growth that generally filled out the neighbourhood boundary. Key areas and influential destinations lay within and around the neighbourhood, such as the Peace Bridge Plaza, the Fort Erie Race Track and within, the waterfront commercial district, a once thriving downtown waterfront that has seen a period of long idle development growth and rejuvenation for several reasons.

Developing a Secondary Plan for this neighbourhood has required the Town to consider means at its disposal in providing enhanced opportunity to private property owners in the commercial area, while also considering the long established and otherwise stable residential community occupying the majority of its area. Intensification opportunities exist and this Plan sets out to direct such opportunity in a sensitive yet purposeful way, in effort to harmonize land use while maintaining compatibility. This Plan shall introduce appropriate policy allowing for levels of intensification in strategic areas within.

SECTION 3 LOCATION AND SETTING OF THE AMENDMENT

The lands subject of this amendment cover an approximate land area of *190.7 ha. (471 ac.)* and has a mostly defined boundary based on road/highway limits together with the Niagara River waterfront and shoreline. The neighbourhood area lies immediately north of the Peace Bridge Plaza, being the entry point from Buffalo, New York and is the busiest of several international crossings to the United States of America along the Niagara River. The neighbourhood is one of the first seen or surveyed by those crossing into Canada, as eyes are drawn to the river and waterfront development while waiting entry on the bridge descent.

With the River and Peace Bridge being clearly "hard" boundaries, both natural and man-made respectively, the remaining limits of the neighbourhood generally are defined by major roads. Gilmore Road represents the northerly limit of the Secondary Plan and neighbourhood boundary, which is shared as common with the previously completed and implemented Bridgeburg Secondary Plan (Official Plan Amendment 5) while the westerly limit of the Plan is almost exclusively that of Concession Road, save and accept a small portion at the extreme northerly limit, which continues west to a rail lands. All lands lying immediately west of this Secondary Plan are part of an existing Site Specific Policy Area 1 – Urban Entertainment Centre. These lands west of the Secondary Plan Area are also impacted by a Minister's Zoning Order. No effort to include these lands has been made as the current Official Plan directs a planning study is to be prepared by the ownership. Despite its exclusion, the awareness of the

potential impact is a consideration that is not being overlooked as the Southend Secondary Plan is undertaken.

Topographically, the neighbourhood has generally two distinct horizontal elevations of landform. A ridge is defined in a linear fashion generally parallel to the current Niagara River and is almost certainly the result of post glacial run-off erosion. The lands on top of the ridge are generally flat, however sloped from the southwest to northeast, falling approximately 11m over the entire distance. Most of that fall is in the southwest corner of the Plan area near the hospital and Peace Bridge Public School. The ridge itself is generally close to the east end of the Plan Area and has a topographic fall of approximately 10m, from which the remaining fall to the River is approximately 2m. Portions of the ridge are at an incline which is not conducive to development and for the most part remain intact in private ownership. Other portions of the ridge where the slope is less restrictive have seen development. Overall, there is a total geodetic vertical relief ranging from 195 to 173 amsl.

As indicated, the vast majority of the Secondary Plan has seen development at one point or another, most occurring around the turn of the century and in the post war era. The lands at the base of the ridge along the waterfront were effectively built-up. This was also a commercial downtown district of Fort Erie in the pre-amalgamation era and unlike today, it was far more accessible to Peace Bridge traffic with the existing Goderich Street and former Walnut Street intersection (now consumed by present Peace Bridge Plaza) lying immediately northwest of the landing point and customs facilities of the day. Progress and the significance of international trade led to expansions of the crossing, which consumed land and moved the first available exit from any crossing further west to Central Avenue.

While the local residents still used and relied on the commercial in close proximity, new choice in commercial offerings were being introduced in the growing greater Fort Erie community. Growth in a westerly direction, particularly in the mid to latter part of the 20th century, introduced corridor commercial uses lining a more established Garrison Road and served as an option or alternative to the reasonably close Southend residents. Additionally, bridge arrival and commuting traffic (including seasonal influx) heading west along Garrison Road (Hwy 3) were presented with commercial access in a direction they were travelling. They would no longer need to double back to the Southend waterfront commercial area to obtain commercial goods or provisions unless there was a preferred destination of choice. Collectively, much needed Peace Bridge Plaza expansion (shifting access), and economic growth along the Garrison corridor, including larger commercial retailers, were contributing factors to reduced destination and commercial traffic along the waterfront.

There were, however, new opportunities and a period of increased demand for businesses associated with the Peace Bridge and customs traffic. Numerous brokerage firms, generally still small in manpower, did thrive in the immediate area of the Bridge due to a practice

requiring in-person representation on goods flowing between borders. This, like many industries, was one that was compatible with, and could benefit from, efficiencies associated with technology. Technological change essentially removed the “need” to be in proximity of the Bridge/Customs offices in order to conduct administration and clearance. While there are still brokerage operations in the vicinity, there has also been a number of consolidations in the industry through attrition and acquisition, resulting in larger firms and a diminishing number of the smaller brokerages. Regardless, proximity is no longer or not necessarily an industry advantage, and as a result, many of the structures used previously to house brokerage firm operations have needed to find new tenancy and commercial uses.

With respect to employment lands, there are two areas within the Plan currently designated for industrial use with active operations ongoing. Rich Products of Canada located next to the QEW at the west end of the Plan Area and a second being the Abatement Technologies and Harber Manufacturing Ltd. operating out of approximate 60,000 sq.ft. in the vicinity of High Street and Idlewylde Street. Both of these industrial designations have longstanding presence and continuous use as industrial from 1962 or earlier and remain part of family corporate enterprises. The Secondary Planning exercise does not anticipate any modifications to these only two long established industrial designations.

The balance of the built-out Plan Area is comprised of mostly lower density residential uses (predominantly detached dwellings), together with schools sites, places of worship, local commercial, neighbourhood parks and major institutional (Douglas Memorial Hospital). The uses are serviced by a grid road pattern, making it an efficient and convenient network for vehicular and pedestrian modes of transportation.

SECTION 4 BASIS OF THE AMENDMENT

The basis for permitting this amendment is as follows:

- a) The Secondary Plan is consistent with the Official Plan for the Town of Fort Erie, the Regional Niagara Official Plan, Provincial Policy Statement and Growth Plan as it sets out to provide for growth management and development over the long term:
 - range of densities is maintained with intensification throughout the neighbourhood generally measured to its surroundings. Increased residential dwelling opportunities through mixed use, medium and higher density designation and zoning implementation will serve to assist in demographic diversity and range of affordability while also assisting in commercial viability and sustainability;
 - age in place opportunities and choices are being enhanced;
 - utilizes urban lands and infrastructure efficiently through targeted intensification;

- attempts to balance the residential and commercial land use with that of the riverfront amenity, as a desirable locale to intensify and reside, taking into account known cultural heritage significance. Civilizations and societies are drawn to waterfronts today, just as they have been doing for millennia.
- b) This Secondary Plan consolidates and addresses land use related issues at a neighbourhood scale, providing policy guidance for the neighbourhood through periods of short term and long range growth or future change.
- c) The Town of Fort Erie Official Plan, Section 4 is to be amended by adding a new subsection entitled “**4.21 – Southend Secondary Plan**” as outlined in Part “B” of this amendment document.
- d) Schedule ‘A’ of the Town of Fort Erie Official Plan is to be amended by designating lands shown on the attached Part “B” Schedules as the “Southend Secondary Plan”, with notation advising and directing readers to Subsection 4.21 and its accompanying Schedules.
- e) The Town of Fort Erie Official Plan is to be further amended by adding Schedule S-1 – Provincial Compliance, S-2 - Land Use Plan, Schedule S-3 – Natural Features, Open Space, Natural Hazards and Fish Habitat and S-4 - Transportation Systems.
- f) The Town of Fort Erie Official Plan shall be further amended by re-designating certain lands within the Southend Neighbourhood in accordance with Schedule S-2.
- g) The intent of this Amendment is to establish a detailed land use framework for the Southend Neighbourhood and to incorporate related land use policies into the Town of Fort Erie Official Plan.
- h) Subsections 5.5, 13.3 and 13.7 (III) of the Official Plan for the Town of Fort Erie provides that Neighbourhood Plans may be adopted with detailed land use planning for certain areas of the municipality, and amendments shall be made to the Official Plan to reflect the proposed land use changes. Policies in Subsection 5.5, 13.3 and 13.7 (III) have been considered in the preparation of the amendment and the following factors have been reviewed in support of this amendment to the Official Plan:

i. The need for the proposed Secondary Plan.

The Southend Secondary Plan (OPA 37) represents a positive contribution to the Town's Growth Plan conformity exercise by ensuring Growth Plan objectives are considered in a comprehensively planned manner at the local neighbourhood level.

As the available larger parcels of land for traditional subdivision development are essentially void throughout the Plan Area, it is important to establish opportunities for continued and renewed growth using a finer parcel fabric,

more compact designs and priority locations for intensification to compliment and sustain primary community components. More particularly:

- Less available development land will lead to more intensification within the neighbourhood;
- Identifying appropriate and key locations for residential intensification that may assist in commercial viability for the waterfront and brokerage commercial districts;
- Recognize Town objectives in providing intensification opportunities throughout its current designated urban area boundaries; and
- Ensuring efficient use of land and infrastructure is fundamental.

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

The Southend Secondary Plan is almost completely developed with respect to subdivision and vacant land. However, a few larger parcels of land do exist and remain undeveloped. In addition, select areas of the Plan exhibit large lot area where consolidations have occurred and increasing the feasibility for some infilling. These areas within the Plan are typically in areas where medium to higher density may be considered appropriate, as they are generally areas of transition between different land uses such as commercial or institutional to residential or adjacent to major road networks. Additionally, commercial areas close to the river will be given consideration towards providing opportunity for residential intensification; however, cultural heritage must be respected. This balance is important to all concerned.

According to the Provincial Growth Plan, the entire Secondary Plan Area is defined as being within the 'Built-up Area'. It should be anticipated the majority of lands within the Plan Area are not being considered for change, as the mature, mid-lifecycle characteristics of the building stock help to define the community as a generally stable neighbourhood. Policy may be considered for areas seeking transition in future to serve as a guide for additional infilling opportunities amongst the more established neighbourhood area.

iii. The physical suitability of the land, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of the Official Plan.

Natural Heritage features are essentially absent from the Plan Area, save and except for the Niagara River shoreline and a small "unclassified" drainage feature draining to the River. The Plan Area is also shown to have a small area of "Significant Natural Area" designation associated with the waterfront at the

transitional point between the Lake Erie shoreline and the Niagara River edge. Essentially being lands under the Peace Bridge and terminating at Queen Street. The Plan Area is also showing a “Natural Corridor” identification along the length of the River, which is shown for all Lake and River edge delineation and serves primarily as enhanced avian routing, but accommodates other wildlife movements.

Generally, the Southend neighbourhood, being almost completely built-up does not present natural heritage features aside from those spoken to above. The Natural Heritage Features, Open Space, Natural Hazards and Fish Habitat can be found on Schedule “S-3” of the proposed Secondary Plan.

Section 8 of the Town’s Official Plan provides comprehensive policy coverage for all relevant environmental and hazard features within the Plan Area and shall be relied upon for guidance when development is being considered in or within defined proximity to environmental features, sensitive areas or hazard land identification. Opportunities to re-evaluate definitions and jurisdictional role related specifically to the flood elevation constraint north of the Peace Bridge is of interest to the municipality (Special Policy Area 8 in the current Fort Erie Official Plan). The Town seeks to reduce or remove undue constraint where ever possible in the Southend waterfront commercial / residential areas, to lessen the burden on rejuvenation and redevelopment efforts. This Secondary Plan provides a vehicle to which clarification on definition and jurisdiction can be raised, redefined or confirmed, as the case may be. When the Official Plan was being prepared, the Niagara Peninsula Conservation Authority (NPCA) had raised this as a concern and requested a flood elevation be included in the Official Plan. These elevations are not regulated and further, despite recent flooding and storm activity, this area has not been prone to flooding. As it is desirable to remove constraints and encourage rejuvenation, the Plan has made no provision for the continued identification of a flood elevation

The Town is committed to working cooperatively and proactively with NPCA, NPC and the Region during the refinement of permitted land uses within the Plan Area, particularly those associated along the River.

The Section 8 policies of the Town’s Official Plan shall guide any such development activity contemplated and pre-consultation with relevant approval authorities and agencies shall determine the level of study requirements.

All land use schedules are required to be read together as one and not on an individual basis.

iv. 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 Climate Change and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The Secondary Plan is situated within the Town's largest serviced urban boundary and is characterized as being one of the earliest neighbourhoods within that urban area to develop fully in an urban context. The transportation network is considered optimal with a well-defined urban grid layout with minimal gaps. As a result, most, if not all potential redevelopment, re-development or opportunity sites would almost certainly have access to an existing, open public road allowance. Staff does not anticipate a need to expand or further refine the transportation network; however, opportunities to complete few truncated sections may be an option to consider, or private roads in some instances, where in-fill sites may be more suitable to maximize on compact density and/or form.

Otherwise, the full Secondary Plan Area is well connected to the perimeter networks, providing mostly curb and gutter urban cross section with at least one sidewalk on most streets to service pedestrian traffic. Not all travelled roads have sidewalk provision, but is still a well serviced network. Active transportation is addressed within the Plan.

The Secondary Plan Area is a fully serviced community. Local sanitary servicing within the Plan Area is treated at the Anger Avenue Wastewater Treatment Plant. The Regional facilities do not represent a constraint to future development activity. The Niagara Region's June 2017 Master Servicing Plan Update study ("Here We Flow") indicates that Anger Avenue facilities have adequate capacity for growth over the long term (2041).

Additionally, the Town's *current* Master Servicing Plan (*updated 2011 by XCG Consultants*) indicates available capacity in the short and mid-term. Long term impacts related to infiltration are going to be corrected to alleviate concerns over wet weather flows and this will be addressed in the Town 2017 update to their own wastewater master plan update being undertaken by GM Blueplan at

the time this is being authored. Extensive modeling is underway and local networks will be able to be isolated for analysis for all development, not just within the Secondary Plan.

The stormwater collection systems for approximately 90% of the Plan catchment area ultimately discharge directly into the Niagara River with the remainder (mostly southwest area of the Plan near Rich's and the Hospital) being conveyed south under the QEW and discharging close to Mather's Circle into Lake Erie.

Potable water supply is received from the Region's Rosehill Water Treatment facility, as is the case for the Town's entire municipal supply. Presently, there are no limitations on capacity and delivery of potable water to the Secondary Plan Area. Incremental growth over the long term is expected to be accommodated. As the Rosehill facility feeds all of Fort Erie, naturally, major development outside this Secondary Plan will be monitored by municipal and regional staff as needed. However, there are no perceived deficiencies at the time of this Plan's preparation related to supply and capital improvement is being undertaken to improve electrical systems, process piping and instrumentation.

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

For the most part, compatibility is a non-issue in terms of the interface of the Secondary Plan with the surrounding land uses. Integration of the Secondary Plan, in a macro sense, is generally seamless where natural or manmade barriers do not exist.

The Niagara River and QEW/Peace Bridge Plaza act as definitive termination of land use on the east and south limits of the Plan Area respectively, while the horse track lands define the interface boundary on the west. Future development of those lands will occur on a landowner driven timeline. The remaining northern limit is a major road with similar residential / open space and dotted commercial uses along its shared boundary.

In a micro context, existing land uses are laid out in a manner that is considered compatible. The mature nature of the neighbourhood and longstanding operations where land use compatibility may be of interest, have co-existed for decades. Introduction of new land use or development classified as a more sensitive use locating closer than existing, may require compatibility study, but staff does not anticipate land use changes that would compromise any of the existing industrial or commercial designations.

Compatibility is likely to be focused more on the transitional nature of built form between that of lower density ground-based residential such as detached or lower density with that of a medium or higher density.

vi. 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 Secondary Plan will be seeking primarily residential intensification. The majority of the Plan Area is characterized as being a mature residential neighbourhood and therefore, adding residential to these areas is not seen as presenting depreciating or deteriorating effects. To the contrary, intensification is expected to enhance land values and stimulate additional private investment into the existing building stock.

The land use amendments proposed through the Secondary Plan are intended to reinforce the community as largely residential in character but to also provide for growth in key areas where vacant, larger parcels can be comprehensively planned and remain sensitive to adjacent land use and existing character. This does not mean, nor should it be interpreted or represented, that compatible development is to be the “same as” adjacent, existing residential uses. However, consideration can and will be given to transitional matters such as change of height, amount of coverage or setback changes. These are most often the area of concern at the neighbourhood level and details such as these will be part of the implementing zoning by-law to follow shortly after this Plan is considered for approval.

Another area of focus will be commercial lands along the waterfront and the Queen Street area. Transitional use of the building stock in the area has appeared to be occurring from commercial on ground floor to some buildings displaying residential occupancy in these former commercial floor spaces.

The Town has proactively conducted multiple consultations in the development of the Secondary Plan including a Council endorsed community focus group, the public, partner agencies and Town advisory committees and departments.

The intent of the Secondary Plan is to provide sensibly located intensification opportunities, appropriately scaled in relation to adjacent form and use. The Plan may also start a process of redesignating select areas or properties of commercial lands in the Queen/Princess/Niagara Boulevard area to residential in effort to minimize or bring down the amount of vacant commercial floor space outside of a more concentrated core area. Opportunities to enhance the riverfront amenity reinforce the pedestrian environment and public realm along

the river and encourage those areas that are capable of developing or intensifying in a mixed use setting, to consider investing to advance site potential.

vii. The potential effect of the proposed Secondary Plan on the financial position of the Municipality:

The Secondary Plan comprises a predominantly built out area of the municipality and given the nature and potential for change over the long term, the incremental nature of the transition over such a large established neighbourhood is not expected to impact significantly on municipal resources in the short or long term.

Costs associated with services such as snow ploughing and to some degree, capital replacement, would benefit from the increased assessment created from new or intensified development on existing infrastructure. Soft services such as waste management, fire, emergency and police services, may experience slight increase in demand, but remain covering the same geography.

This Plan does not contain large “Greenfield” areas where new roads and primary services will ultimately be built and turned over to the Town for maintenance and capital replacement. This Plan is highly cost effective in terms of financial implications or impacts as a result.

The benefits of intensification and our ability to service more with less will have an accumulative effect by limiting or reducing costly capital replacement burden on our future generations.

viii. The potential effect of the proposed Secondary Plan 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 this Secondary Plan in relation to the Environmental Protection Act. Requirements of development, re-development will be reviewed for compliance during the development application process, and where necessary, compliance will be required as a component of any approval.

SECTION 5 IMPLEMENTATION

Section 13.1 of the Town's Official Plan outlines the methods and tools that will be used in implementing goals and objectives of the Town overall. These same tools will be used in assessing development within the Southend Secondary Plan as the means to achieve the vision for the Neighbourhood and where identified, more detailed policy will be used in assessing proposed development.

As provided for in the parent document, the Secondary Plan process will extend the policy and vision to the Neighbourhood level by identifying unique characteristics and opportunities specific to its location. Generally, however, the policy of the parent document shall guide the higher level objectives of conformity and the Secondary Plan will supply the details for the Neighbourhood.

To ensure new development and re-development activity demonstrates consistency with the Town's goals and objectives:

- a) The Town will review applications for development, including new construction and renovations, to ensure their compliance with the policies outlined in the Town's Official Plan and this Secondary Plan.
- b) The Town will modify zoning within the Plan Area, where appropriate, to carry out the general intent and implementation of the Secondary Plan. This will ensure that zoning provisions facilitate the uses as intended. Site specific zoning may be used as needed, which may or may not include Holding (H) Zone provisions if deemed appropriate or presently in use with continued relevance.
- c) The Southend Secondary Plan consists of Sections 4.21.1 through 4.21.21, Schedules S-1, S-2, S-3, and S-4. Unless explicitly provided for under Section 4.21, or in the event of policy interpretation to the contrary, the text and Schedules of the Official Plan for the Town of Fort Erie continue to apply. Where there may be a determination of conflict, the text and maps of this Secondary Plan shall prevail.

PART "B"

THE AMENDMENT

PART "B" - THE AMENDMENT

Introductory Statement:

All of this part of the document entitled "Part "B" - "The Amendment" consisting of map and text changes constitute Amendment No. 37 to the Official Plan, adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area. The Official Plan for the Town of Fort Erie, as amended, is hereby further amended by adding the map and text changes, as follows:

Map Changes:

Schedule "A" to the Town's Official Plan is amended by identifying the Southend Secondary Plan limits and to provide reference to the following Schedules under Section 4.21 of the Official Plan:

1. Schedule "Southend-1" (S-1) – Provincial Compliance;
2. Schedule "Southend-2" (S-2) –Land Use Plan;
3. Schedule "Southend-3" (S-3) - Natural Features, Open Space, Natural Hazards and Fish Habitat;
4. Schedule "Southend-4" (S-4) - Transportation Systems.

Text Changes:

The following textual additions to the Official Plan are to be read in conjunction with the Southend Secondary Plan Schedules:

4.21 Southend Secondary Plan

4.21.1 Purpose

The purpose of the Southend Secondary Plan is to set in place a policy framework to provide opportunities for new or renewed development in the Plan Area while remaining conscious and sensitive to the established community as a whole. The framework is intended to provide forward direction in achieving subsequent goals and objectives.

The Secondary Plan consists of a land use plan and related policies that serve to guide growth and renewal with the intent to ensure the Town's vision for this neighbourhood can be met. The Planning period being considered extends to, at a minimum, 2041 and may be subject to amendments from time to time, as well as being included the Town's five (5) year review of its Official Plan. Full "build out" or development permitted by this Plan may exceed the 2041 planning horizon timeline associated with Growth Plan objectives and municipal growth management targets as they are continually monitored and reviewed by local and regional municipalities.

4.21.2 Vision

The Secondary Plan is the result of corporate strategic direction and comprehensive consultation. This strategic planning exercise utilized a neighbourhood planning approach including input from senior municipal staff and ward council, together with a Council endorsed Community Focus Group, who all participated in SWOC (Strengths, Weakness, Opportunities & Constraints) sessions. The sessions resulted in the following Community Focus Group **Secondary Plan Vision**:

"Southend Neighbourhood is a place where people want to live, work, play, shop, eat, visit and worship in a safe environment, with a people-friendly waterfront, a vibrant, mixed residential commercial environment on Niagara Boulevard and where sensitive, selective, residential intensification and infilling in the balance of the neighbourhood are accommodated, all of which are supported by professional services."

4.21.3 Goals

The goal of this Plan is to build off the “vision” established through the strategic planning exercises and information gathered through community consultation. Treating the vision statement as a benchmark has guided this Plan’s land use and policy development at the local level, while also respecting the provincial and regional policy directives. Community expressed goals such as a rejuvenated waterfront commercial district and sensible, selective infilling are primary in policy efforts to advance the neighbourhood aspirations. Increasing the overall population and residential density, even if modest in numbers, can only add to the viability of struggling commercial enterprise along the waterfront and in the transitional custom brokerage areas.

However, in doing so, a balance must be found that is sympathetic to the existing community character and cultural heritage assets that are present within the neighbourhood, particularly in the waterfront areas. Whenever feasible and practical, the Town should investigate funding partnership opportunities, together with the Niagara Parks Commission, for projects to enhance the public realm of Niagara Boulevard and its environs. Additionally, the Town may wish to seek unique status or consideration from the Ministry of Tourism, Culture and Sport (MTCS) with respect to regulation placed on an existing, built community and its ability to intensify. Through public consultation, there had been expressed desire from property owners to have the Province

provide relief or financial assistance where uncertainty has led to investment decline, stagnating economic growth or urban renewal within their community due in part to Part 6 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*.

The Plan supports and maintains residential prominence within the Southend Neighbourhood. An estimated additional 400 residential units is a realistic outlook for a Plan that focuses primarily on in-fill intensification in select areas within the Plan Area. Opportunities will also focus on ensuring infilling is occurring at appropriately higher density than surrounding lands. Other forms of intensification such as additional height along Niagara Boulevard for residential apartment or condominium and mixed use commercial/residential development is afforded, subject to conformity and compliance with regulation and approval by respective authority. In this respect, archaeological matters must be addressed in accordance with provincial policy.

It is a goal of this Secondary Plan to provide opportunities for enhanced residential development potential in proximity of the waterfront, whether through additional height or redesignation, in combination with infilling and vacant land development in other areas of the Plan suitable for growth. Furthermore, rejuvenation of the waterfront core area commercial is also a prime candidate for Community Improvement Plan incentive programs.

The Town may explore opportunities for additional CIP or Development Charge incentive program(s) relating to cultural heritage as a means of assisting in both discovery and also clearance of sites where deemed appropriate. The Peace Bridge Zone of Sensitivity can be a community asset worthy of preservation, just as much as it can be a burden to community growth in a highly desirable setting close to the River and international border. Property owners consistently seek answers and opportunities about development potential in and around the Peace Bridge Zone of Sensitivity. Constructive dialogue with partners as opposed to continued idle uncertainty is seen as a positive step to enabling growth in an area of the municipality that had long been repressed.

4.21.4 Objectives

The main objectives of the Southend Secondary Plan are to:

- a) Provide a variety of housing choice that supports “age-in-place” opportunities for all ages, not just senior residents, but rather housing and tenure that spans the full lifecycle and economic status;
- b) Encourage development forms which are more compact to utilize urban land and services more efficiently;

- c) Identify locations within the Plan Area which may best support intensifying residential form and reinforce support for these locations through zoning implementation;
- d) Increase population in a moderate manner through intensification efforts, recognizing the Southend neighbourhood is predominately built out. An increased population will better support existing community facilities and offer increased viability to commercial enterprise and transit feasibility;
- e) Reinforce vehicular access to the Southend waterfront and commercial district through wayfinding signage opportunities, particularly for the first/last exits off the QEW at Central Avenue.
- f) Provide supporting policy that recognizes active transportation with focus on connecting links to the Niagara River Recreational Trail, both existing and planned for construction. Promote tourism and cycle tourism in addition to making the waterfront a people focused destination;
- g) Clarify existing regulatory constraints in terms of flood elevation along the Niagara River and development impact resulting from any such regulation;
- h) Embrace and promote transit use and service to the community;
- i) Protect existing industrial designations for the long term, for their added diversity and employment opportunities within the existing neighbourhood.
- j) Leverage the existing “Riverwalk” amenity area and specialty parks along Niagara Boulevard, seeking new opportunities to add waterfront access and amenity to further enhance the River and commercial district as a destination for residents and visitors.

4.21.5 General Policies for all Designations

- a) The Southend Secondary Plan is largely characterized as being a “built-up” area with limited opportunity for infilling of vacant and/or underutilized lands. Those lands that are available for development or redevelopment will be the focus of growth and intensification and will assist the Town in meeting with its intensification target municipal-wide. However, areas of infilling and intensification are not to be viewed in isolation from the surrounding existing development and shall be sensitively planned, having considered such factors as setbacks, interface, height and access. In the interests of promoting new growth opportunity within the Secondary Plan Area, view shed protection and overlook concerns may be considered, but shall not be deterrents to intensification efforts.
- b) Sections of the Plan Area are identified as holding significant cultural heritage resource interest and potential. Regard for section 4.21.17 of this Plan and section 11.4 of the parent Official Plan must be addressed. The Town supports

continued dialogue with provincial ministries or their representatives that may lead to solutions concerning economic viability of redevelopment or mitigation on sites that are proven to hold resources. The Town supports opportunities for incentive programs that enable property owners to maximize available development potential while also respecting the cultural resource value that potential sites have or may provide,

- c) Site specific zoning that is in force and effect on select sites within the Plan Area, including any sites with existing holding provisions, shall continue to apply to those sites and will be recognized through zoning implementation of this Plan, unless otherwise identified or modified by this Plan.
- d) Transition to more sensitive use of the properties may require Provincial Ministry clearances such as, but not limited to, Certificates of Approval or Record of Site Condition to be determined on a site by site basis, through pre-consultation with the Town and relevant authorities.
- e) New development shall be subject to *Accessibility for Ontarians with Disabilities Act, 2005* and any relevant Regulations made thereunder concerning full accessibility and barrier free design where required.

4.21.6 Residential – General

- a) **Section 4.7 of the Town’s Official Plan contains policies for residential development within the Town and must be read in conjunction with the policies of this Secondary Plan and subsequent sections herein. More specifically, Section 4.7.4.1, sentence II & III provide the over-arching policy applicable to this Secondary Plan and its intensification efforts.**
- b) Schedule “S-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections herein shall apply accordingly.
- c) The Plan sets out to provide for initial areas of low, medium and higher density residential designation, as well as adjustment to commercial designation or re-designation to mixed use in support of residential uses, recognizing existing community structure and limiting changes in designation to those which are both practical and those which have displayed neglect or diminishing prevalence of past land use.
- d) The Secondary Plan provides an opportunity for **approximately 400 additional units**, primarily through select infilling and general intensification

of vacant or underutilized properties. While opportunity to intensify can be a consideration throughout the Plan Area on a site-by-site basis, the Plan focuses attention on providing the majority of the new residential units towards the westerly end of the Plan Area, where a number of larger, vacant parcels or assembled lands currently exist.

These larger parcels will be the primary focus for achieving higher density residential projects where access to collector / arterial road networks is often immediate or in close proximity and where adjacent land uses may represent suitable transitional use and form.

The Plan recognizes the anticipated increase of residential provision is not restricted to lands only designated for residential use, but can be expected in commercial and core mixed use designations, accounting for 50% or more of the total new unit targets

Infilling on smaller parcels and vacant lots will provide opportunities to augment or supplement unit creation within established neighbourhood areas. This does not preclude slight intensification.

Vacant or redeveloping lots in low density, detached neighbourhood areas may, through by-law amendment, be considered to intensify with semi or duplex dwellings. Site specific zoning may be applied to address any potential compatibility issues.

This lower impact, incremental form of intensification is of more interest on suitable lots east of Battery Street and Archange Street, down to the core mixed use and medium density designations associated with Niagara Boulevard, but is also suitable for lots found along transit routes, collector roads and arterial roads. As part of a required zoning by-law amendment seeking such “soft” intensification, these locations shall be considered and may be required to supply supporting information for use in assessing compatibility with existing buildings and surroundings.

Therefore, notwithstanding policy 13.4.II a) to the contrary, a change in zoning to permit a semi-detached or duplex dwelling on vacant lands, or lands previously zoned and/or occupied by a single detached dwelling in the areas outlined above, may be placed under Site Plan Control to ensure appropriate details are provided that can demonstrate compatibility is being achieved.

Other areas of focus include Niagara Boulevard and environs, where addition of residential dwellings to commercial / mixed use sites shall be encouraged. Redesignation of select peripheral commercial sites to provide for a range of residential density will also be accommodated in order to boost residential growth potential in the desirable waterfront district over the long term. Zoning implementation shall also be used in support of intensification and may detail regulations such as density and height, and may also recognize existing commercial uses being permitted in continuity, until such time as a transition to residential occurs.

- e) Collectively, with potential for intensification, small lot infilling and any potential consents for creation of new lots, **a population increase of approximately 1000 residents can be expected over the long term.** This combined with the estimated 3800 existing residents would bring the total population of the Southend Neighbourhood to approximately 4800 persons, representing just under a 25% increase in neighbourhood population.
- f) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications proposed within the Plan Area, in keeping with Provincial Policy. When considering seniors residences, location in proximity to community services such as transit, medical and commercial, will be a key factors in the effort to provide greater ease of access to such amenities.
- g) Residential that may be planned adjacent or in close proximity to the QEW Corridor and Central Avenue Interchange ramping shall comply with Ministry of Transportation (MTO) building setback and permit requirements, and may be required to demonstrate compliance with Ministry of Environment and Climate Change (MOECC) noise and vibration regulations in providing adequate mitigation to sensitive residential uses.
- h) Where the Niagara Parks Commission have jurisdiction over Niagara Boulevard, permit applications will be required.
- i) Storm water management shall be a function of engineering review for new or redeveloping sites within the Plan area. The community is predominantly built-out, which occurred prior to contemporary development and water quality standards and as a result, large open storm detention and sediment ponds are not generally feasible within this Plan context. Despite this being the situation, stormwater run-off and quality will be subject to review and approval of the pertinent authorities.

- j) All residential development shall be subject to the regulations and provisions of the Town Comprehensive Zoning By-law 129-90, as amended from time-to-time, or succession thereof. Site specific zoning may be used in certain situations or under special circumstance during implementation of this Plan.

4.21.7 Low Density Residential

- a) The lands designated on Schedule “S-2” as “Low Density Residential” shall be reserved for single detached, semi-detached and duplex dwellings and uses accessory thereto, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.
- b) Schedule “S-2” illustrates the Low Density designation, which is predominant throughout the Secondary Plan Area, accounting for approximately 1450 existing units (approximately 77%). As the low density area is almost entirely built-out, any addition of low density built form will likely come from consent or limited vacant parcel infill. A Low Density range of up to 16 units per hectare will assist in providing opportunities for additional Low Density building stock while also making efficient use of existing and proposed infrastructure. Low Density built form through infilling can be expected to represent a more compact design with a target of providing approximately 50 Low Density units over the long term, assisting in achieving a targeted mix of 70% Low and 30% Medium/High Density throughout the neighbourhood.
- c) Medium Density residential development on lands designated as Low Density Residential in this Plan shall only occur by zoning by-law amendment having considered matters such as size of the site and compatibility, proximity to arterial roads, parks or open space areas. In such cases, any additional units shall be considered a supplement and compliment to unit counts identified in Policy 4.21.6 d) and 4.21.8 c).

4.21.7.1 41 Bertie Street

- a) These lands display unique characteristics such as size of lot, topography, vegetation and through lot access. Despite underutilization, the site would not be conducive for intensification of residential without considerable site alteration likely compromising vegetation and slopes. These lands shall be designated low density, also permitting alternative land use in the form of small scale institutional use, such as a hospice or specialized elder care.

Any such use shall preserve the characteristics of the property. Proposed change to institutional use may occur without amendment to this Plan. Also,

any such proposed change shall need to demonstrate site compatibility with adjacent residential uses as part of the zoning amendment process. Site Plan Control will be a requirement.

4.21.8 Medium Density Residential

- a) The lands designated on the Schedule “S-2” as “Medium Density Residential” shall be reserved for multiple-unit structures (such as townhomes, triplex, quads and apartment dwellings), their accessory uses and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.
- b) Medium Density shall generally be developed between a range of 17 to 50 un/ha. Increased density may be considered for key sites along Niagara Boulevard and other key locations with site specific policy and zoning aimed at compatibility or capability under site plan control.
- c) A minimum target of 25% Medium Density residential unit yield shall be anticipated within the overall Neighbourhood. In effort to achieve or exceed this target, the medium density designation and dwellings should comprise approximately 40% (150 units) of all new residential units constructed within the Plan Area. A Medium Density range of 17 to 50 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure, and providing opportunities to diversify medium density housing stock and form.
- d) The majority of new medium density residential development is anticipated in the form of townhome and low-rise apartment dwellings. Height shall not exceed three (3) storeys unless otherwise identified in site specific policy and defined in zoning by-law.
- e) The Plan anticipates underutilized land be the focus for medium density infilling using built form described in policy 4.21.8 a), b) and c). Select sites may be subject to site specific policy and zoning to limit or mitigate potential for compatibility concerns in certain contextual settings.
- f) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.
- g) Additional studies (Section 13.15.IV) may be a requirement prior to development plans being processed or considered for approval. Pre-consultation with the municipality and partner agencies will result in a determination on any relevant study work being required to support

proposed development with approval authority resting with the relevant or requesting agency.

- h) An amendment to this Plan will be required to justify Low Density residential development on lands designated as Medium Density Residential in this Plan.
- i) Notwithstanding 4.21.8 a) to the contrary, a vacant lot of record may be used for a single detached residential dwelling if zoned for such use prior to approval of this Plan. Regulations for the single detached dwelling would need to meet with the minimum requirements of the previous zone.

4.21.8.1 Southwest Corner of Concession Road at Gilmore Road

- a) The lands identified as Medium Density on the southwest corner of Concession Road and Gilmore Road shall be used for multiple residential. Development should take the form of a low-rise three (3) storey apartment structure with a maximum site density of 34 un/ha (24 units). Alternative form such as townhomes may also be considered provided the site develops at a minimum of 17 un/ha.
- b) Efforts to retain existing vegetation along the southern limits to extent possible shall require a tree preservation plan be prepared as part of any site planning requirements.
- c) Site design must conform to the RAC-FCM Guidelines for new development in proximity to railway operations.
- d) Lands located on the northern side of Gilmore Road are designated industrial and residential development will need to consider MOECC D-6 Guidelines as part of any development proposal.

4.21.8.2 Underutilized lands east of Douglas Memorial/east end of Hagey Avenue

- a) Existing properties located at the eastern end of Hagey Avenue hold significant potential for development of complimentary residential to that of existing institutional residential accommodation offered by Crescent Park Lodge and Maple Park Lodge. Independent and assisted living in this proximity would contribute to a continuum of care residential hub for retirement and senior aged demographics that may assist in alleviating housing needs for seniors with partners requiring differing levels of assistance and/or accommodation.
- b) Additional land assembly for this location shall be encouraged in effort to provide comprehensive site designs that maximize efficiency, capability and secondary access.

- c) The Town supports extension of Hagey Street to a point capable of providing suitable public road frontage to the identified lands. Extension of the public road allowance will require private ownership (Niagara Health System) be engaged in discussions with benefiting landowner(s). Costs associated with a Hagey Street extension shall be the responsibility of the benefiting private property owners. An alternative to public road allowance extension (private road or driveway) will need to satisfy municipal authorities that access will be held in perpetuity to any subsequent development.
- d) Site density shall be within the density range provided for under 4.21.8 b)
- e) Site designs may consider varied residential form as part of comprehensive development plan on the available vacant lands. Multiple residential zoning may identify permissive residential form that can be used in combination and may include small detached bungalow or small bungalow town homes when part of a seniors living development proposal. Regardless, overall site density must meet with density requirements of 4.21.8 b). The municipality may request/require phasing of new development to include higher density form be constructed first, or together with other forms of residential dwellings.
- f) Residential development of these lands will need to consider MOECC D-6 Guidelines as part of any development proposal respecting the existing industrial use in the vicinity (Rich's).

4.21.8.3 Vacant lands south of Lavinia Street between Aberdeen Street and Douglas Street.

- a) Vacant lands are encouraged to consolidate for optimal development efficiency. Should any remaining lands with frontage on the un-improved portion of Lavinia Street be consolidated, the Town's Land Committee may be requested to consider the remaining un-improved road allowance surplus.
- b) Medium density development should be in the form of townhomes or low-rise apartment dwellings meeting with the density range identified under 4.21.8 b)
- c) Height of any development on these lands shall not exceed three (3) storeys.

4.21.8.4 Lands municipally known as 215-219, 221-229, 237, 253 and 263 Niagara Boulevard.

- a) The identified properties are designated as medium density residential to permit new construction and/or renovation of existing structures in support of residential intensification.

- b) It can be anticipated that new residential development shall take the form of residential apartments seeking to optimize views and amenity of the Niagara River. Site specific zoning provisions shall be applied to the lands subject of this policy.
- c) Building height shall be permitted up to 5 storeys with increased density, where it can be demonstrated through site plan control, that site design and zoning requirements are being achieved. The increase in height will have regard for building placement and orientation, so as to minimize impacts on any adjacent lower density residential.
- d) Vehicular access should be planned and provided from adjacent municipal roadways, keeping the frontage of Niagara Boulevard free of driveways where ever possible, in effort to create a pedestrian friendly streetscape
- e) Property consolidation and/or shared access between adjacent properties are encouraged.
- f) Off-site parking to meet minimum requirements may be permitted, subject to location being situated immediately adjacent to the subject lands or directly across the road allowance from the subject site. Agreements must be registered on title to provide the required parking in perpetuity. Zoning shall provide permissions and the Site Plan process shall be used to ensure enhanced landscape and aesthetic treatment to adjacent properties and roadways, particularly when exposed to Niagara Boulevard.

4.21.8.5 Lands municipally known as 22 Lavinia Street.

- a) Notwithstanding the policies of 4.21.8 a) to the contrary, should the non-conforming use of the site continue, shared access between adjacent properties shall be prohibited. The site shall otherwise be subject to policy 4.21.8.4.

4.21.8.6 Lands municipally known as 213 Niagara Boulevard.

- a) Notwithstanding policy 4.21.8 b), this site is permitted to have a maximum density of 75 un/ha., representing the existing site conditions. Site specific zoning shall be used to restricted and describe existing conditions.

4.21.8.7 Vacant lands on the northwest corner of Queen Street and Goderich Street (0 Queen Street)

- a) The identified property is designated Medium Density residential and shall be developed as a multi-unit apartment building with a maximum height of three (3) storeys.
- b) Notwithstanding policy 4.21.8 b), this site may be developed to a maximum of 70 un/ha without amendment to this plan, subject to the site plan demonstrating required parking can be accommodated on site. Site specific

zoning may also reduce front and exterior setbacks on this site to assist in achieving higher density at this location.

- c) Site design shall direct parking to the rear or side yards only.

4.21.8.8 Lands municipally known as 223 Stanton Street

- a) Maximum height for multi-unit residential shall be two (2) storeys. Site specific zoning may be used to define the range of permitted built form that may include ground-based multi unit dwellings to two (2) storey apartment buildings.

4.21.8.9 Lands on south side of Princess Street, between Waterloo and Archange Streets and 15 Queen Street.

- a) These lands are transitional from diminished commercial and are designated medium density residential.
- b) Property owners are encouraged to fully transition these lands to residential use over the short to mid-term of this Plan's 25 year planning horizon.

4.21.8.10 Lands municipally known as 70 Princess Street

- a) Notwithstanding the residential designation, office commercial use may be permitted to continue with up to 25% of the main floor area. Site specific zoning will be used to identify and recognize such permissions.
- b) Property owner is encouraged to fully transition these lands to residential use over the short to mid-term of this Plan's 25 year planning horizon.

4.21.8.11 Lands municipally known as 61 Queen Street

- a) Notwithstanding the residential designation, take-out restaurant use of the front portion of main building ground floor may be used for a take-out restaurant use to a maximum of 17% (300 sq.ft.) of the floor space. Use shall be limited to providing concession offerings such as coffee, ice cream and other small scale consumable products produced off-site such as muffins, cookies, sandwiches, or similar, for consumption off-site. Floorspace devoted to the permitted use shall meet with all code requirements (building, fire, health, etc;) and acquire / maintain appropriate business licensing.
- b) Property owner is encouraged to fully transition these lands to residential use over the short to mid-term of this Plan's 25 year planning horizon.

4.21.9 Core Mixed Use

The Core Mixed Use designation is intended to recognize and delineate properties that shall be the focus of combined commercial / residential buildings and uses with a purpose of generating an identifiable and intensified area of resident, pedestrian and commercial activity. The designation serves as a focal point or destination for visitors and residents in a highly unique and picturesque setting next to the Niagara River.

The Core Mixed Use designation represents the traditional commercial core area and its associated residential components. Buildings existing in the core area are generally characterized as having been one of two distinct built forms. Firstly, “purpose built” commercial or institutional uses in the core area’s early years of urbanization and secondly, residential buildings that have been modified / adapted for office or commercial use as the need for community commercial and a burgeoning customs brokerage industry grew, expanding into the residential areas.

As a result, there is an eclectic mix of remaining built-form being used residentially and commercially. The building stock ranges from turn of the century to post-war and post-modern eras with limited continuity of contemporary cultural significance.

The Town will consider developing Urban Design Guidelines in conjunction with the Niagara Parks Commission in the future. However, until such time, focus on development and redevelopment, particularly along the Niagara Boulevard, shall be encouraged to reinstate a consistent street wall through site design and building placement. Zoning for the core mixed use area shall provide flexibility through minimal setback requirements, recognizing site constraints may dictate building placement. Every feasible effort to reinstate the street wall shall be encouraged. Latitude on architectural designs shall be afforded, however architectural details and features should be employed, adding visual interest and identity to the vernacular of the streetscape.

Policies of this section promote intensification of the commercial activity in a concentrated area and seeks opportunities for additional residential through modest, increased height of the existing building stock and properties suitable for development or redevelopment as the case may be, having addressed known constraints to the satisfaction of the relevant approval authorities.

- a) The lands designated as “Core Mixed-Use” on Schedule “S-2” shall be reserved for a variety of retail, restaurant and office uses, as well as residential uses. The Core Mixed Use areas are shown on Schedule “S-2” and shall generally be governed by the policies of Section 4.8 unless otherwise defined under this section.

- b) Section 4.8.1.III provides that Core Mixed Use areas will be identified through the Secondary Planning Process.
- c) The Town recognizes the unique cultural and historical significance of Niagara Boulevard and its environs. The Southend commercial area is also recognized as being fundamentally and characteristically different than other commercial designations within the Plan Area. As a result, a Core Mixed Use designation better reflects the direction the Town seeks to establish over the long term with increased resident population, viable and more compact commercial enterprise in a favoured riverside destination for residents and visitors alike.
- d) Existing stand-alone dwellings shall be permitted to remain while new residential stand-alone dwellings will not be permitted, with limited exceptions, such as replacement due to fire.
- e) The maximum height for buildings within the Core Mixed Use designations shall be established in the implementing zoning by-law and may be varied depending on proximity to Niagara Boulevard, site area and frontage.
- f) The Town shall implement the appropriate zoning to reflect the Core Mixed Use designation, providing detail on permitted uses, regulation and applicable provisions. Site specific zoning may also be implemented where certain or existing circumstances dictate.
- g) New development in the Core Mixed Use designation shall provide at-grade commercial with a residential requirement typically on upper floors. The zoning may also provide for limited at-grade residential permissions through its regulations.
- h) Owners of existing buildings with suitable upper levels that can be converted for residential use shall be encouraged to do so, subject to applicable zoning provisions for such residential use (eg. – parking) and any other regulatory authority clearance requirements.
- i) Bed and Breakfast establishments, as a Home Occupation, shall be permitted in existing detached residential dwellings within the Core Mixed Use designation, provided applicable zoning provisions can be met, including provision of adequate on-site parking and licensing.
- j) The Town shall seek to implement and administer funding programs to assist eligible commercial properties within the Core Mixed Use designation.

Boundaries of a Community Improvement Project Area will be established under separate amendment and may or may not include all Core Mixed Use designations, with criteria defined at the time of the Project Area being established.

- k) Any existing buildings subject of conversion, expansion or addition for the purpose of mixed use shall require Site Plan Control. Details of which, shall provide clear indication on key site design requirements related to parking (on-site or off, where permitted), outdoor amenity space for residents and waste management solutions.
- l) Drive-thru facilities associated with restaurants, banks or any other type of commercial dispensary shall be prohibited within the Core Mixed Use designation.
- m) Residential associated with Core Mixed Use shall not be subject to minimum or maximum density range. Residential components will, however, be subject to minimum standards for dwelling unit sizes and any other applicable zoning regulations or requirements identified in the implementing zoning by-law, including being within a mixed use building that has a maximum height defined within said by-law.
- n) Commercial floor space within the Core Mixed Use designation shall be exempt from parking requirements; however residential components shall be subject to the general provisions of the Town's Comprehensive Zoning By-law as amended from time to time.
- o) Residential units will be subject to the regulations of the implementing by-law with limited exceptions such as retirement homes and existing stand-alone residential.
- p) The Town supports cultural festival activities within the Core Area as a means of stimulating commercial activity and community vitality of this picturesque riverside downtown environment. Artistic contributions may be suitable for consideration in the downtown area such as public art display or sculpture.
- q) New automotive related uses are not permitted in Core Mixed Use areas.
- r) New at-grade commercial shall provide for full accessibility and barrier free design.

4.21.10 Commercial

- a) The “Commercial” areas are shown on Schedule “S-2” and shall generally be governed by the policies of Section 4.9 unless otherwise defined under this section.
- b) Lands designated Commercial shall be zoned for their intended commercial uses and may include site specific zoning provisions and regulation to assist in implementation.

4.21.10.1 Lands municipally known as 256 Bertie Street

The property represents one of the neighbourhood’s highest potential residential yielding sites despite its commercial designation. Suitability for development at a higher residential mixed use density of these lands is of interest to the Town for the following reasons:

- i. The location at the intersection of major roads (Bertie Street and Concession Road) represents a transitional land use between the future uses permitted under the Urban Entertainment Centre designation and zoning to the west and those remaining medium density residential uses to the east with lower density situated north;
 - ii. Proximity and access to the QEW;
 - iii. Proximity to major commercial and institutional uses;
 - iv. Transit exposure;
 - v. Minimal impact to adjacent properties with respect to height and design flexibility;
 - vi. Pending Hagey Avenue access addition improves site access opportunity and options
 - vii. Potential for underground parking with available overburden depth.
 - viii. High neighbourhood and highway exposure for commercial uses.
-
- a) Nothing shall prevent these lands from developing commercially under the regulations and provisions as set out in the Town’s Comprehensive Zoning By-law.
 - b) Ownership are encouraged to include a residential component into site design and building mass with at-grade retail, restaurant and office commercial uses occupying the ground floor in its entirety. Residential dwellings above may develop with an additional 8 storeys to a maximum of 115 dwelling units.
 - c) If at the time of development, the commercial uses are not viable components of the overall site design, the site may develop in a fully residential capacity up to 125 dwelling units in total with a maximum of 10

storeys in height. Should the site develop wholly residential, a minimum of 50 un/ha shall be achieved.

- d) Permitted uses with mixed residential/commercial will be identified in the implementing zoning.
- e) Outdoor amenity area for residential shall be defined in the implementing zoning. A rooftop common amenity space and use is also permitted and encouraged.
- f) Smaller scale stand-alone corner commercial of not more than 25% of the site area may be permitted via the consent process; however this shall require a site specific zoning by-law amendment for remaining lands for medium density residential with a net minimum density of 50 un/ha.
- g) Supporting studies (Section 13.15.IV) for any development scenario shall be determined as part of the pre-consultation with approval authorities, including the Ministry of Transportation.
- h) Residential development of these lands will need to consider MOECC D-6 Guidelines as part of any development proposal respecting the existing industrial use in the vicinity (Rich's).

4.21.11 Employment Lands (Industrial)

The Secondary Plan has limited lands currently in use as industrial. This plan shall preserve the industrial designations for these lands and any adjacent lands presently designated, for the potential future expansion of their operations (Rich's).

- a) The Policies of Section 4.10 shall apply to all Industrial lands within the Southend Secondary Plan Area. Section 4.10 provides general comprehensive policy coverage for Industrial lands within the Plan Area and shall be relied upon for guidance when development is being considered.

4.21.12 Institutional

- a) The lands designated on Schedule "S-2" as "Institutional" recognize the existing institutional uses established within the Secondary Plan Area. The designation within the Plan Area shall be reserved for a variety of public and institutional uses and be generally governed by the parent Official Plan policies of Section 4.12.
- b) Should any Institutional lands be considered for sale or divestment, current ownership is encouraged to consult the Town on such plans to discuss alternate site uses when redesignation or rezoning is anticipated. The Town may also seek to pursue acquisition in select circumstances to either carry

on with institutional use, or rezone to meet with municipal needs including, but not limited to such uses as park space or municipal parking, depending on location and size.

- c) Transition from Institutional to residential may occur through a site specific zoning by-law amendment, subject to the residential policies of this plan and general provisions of the Town's Comprehensive Zoning By-law. Determination on residential density will be assessed at such time that any sites may transition, having considered such matters as neighbourhood character and the growth objectives of this Plan and the Town in general.

4.21.13 Peace Bridge

- a) The lands designated on Schedule "S-2" as "Peace Bridge" recognize the existing land holdings of the Peace Bridge Authority and the uses shall be generally governed by the parent Official Plan policies of Section 4.12 and more specifically, Section 4.14.2.

4.21.14 Open Space

- a) The lands designated as "Open Space" on Schedule "S-2" shall be reserved for a variety of active and passive recreational uses. The policies of Section 4.13 shall generally apply to lands designated as Open Space and may be amended from time to time, where new Parks and Open Space Master Planning has identified or modified objectives.
- b) The Plan contains both public and private Open Space. Lands shown as Open Space are intended for long term use as such, regardless of public or private ownership.
- c) The Plan Area contains several instances where Private Open Space is identified. Designation and zoning of these private lands does not imply municipal acquisition. The lands identified as Private Open Space are either currently designated as such, or have been designated to reflect constraints that would otherwise limit the use of the land for anything other than existing uses or passive, non-invasive, surface oriented activity.

The Town shall encourage ownership to seek out partnerships that may lead to beautification and landscaping efforts to enhance the aesthetic of the Private Open Space and by extension, the public realm in general. Any development on lands designated Private Open Space shall be required to undertake a site plan process prior to any work being undertaken. The use of holding provisions may be applied through zoning to ensure compliance.

Lands identified under an “Open Space” designation within the Southend Secondary Plan Area are further defined as provided for below.

4.21.14.1 Open Space – Parks (Neighbourhood and Specialized)

- a) Town owned parks fall within three classifications as currently stated in the 2006 Parks and Open Space Master Plan. These are known as Community Parks, Neighbourhood Parks and Specialized Parks. While a “Community Park” does not fall within the Secondary Plan Area, Sugarbowl and Oakes Parks are immediately adjacent on the northern boundary of this Plan. These are substantive parks and serve both as a Community and Neighbourhood Park spaces serving the northern portion of the Secondary Plan population. The remaining Neighbourhood Parks are that of Douglas Park in the southwest adjacent to Peace Bridge Public School and the Goderich Street Park along the west side of Goderich Street. Combined and geographically positioned, these parks service almost the entire Plan Area residents.

The following policies are intended to identify objectives of the Town as it relates to:

Neighbourhood Parks

- i. **Douglas Park** will be a focus for physical improvements and addition of park features and fixtures as a result of review and recommendation through the Parks and Open Space Master Plan (2017). The park is sizable enough and hosts team sports field activities and may also hold potential for additional uses such as a playground facility. The Town shall also explore opportunity for shared use with the District School Board for the Peace Bridge Public School to capitalize on the amenity potential that can be offered to students and residents.
- ii. **Goderich Street Park** is generally reserved for passive recreational pursuit and casual activities not requiring large open field areas. The location and topography are limiting factors to the long term development of the park space. Any additional park development will be as recommended in the Parks and Open Space Master Plan.

Specialized Parks

- i. Specialized parks in context of the secondary plan include such features as Riverwalk and Freedom Park. These park spaces are adjacent to the Niagara River and are owned by the Niagara Parks Commission (NPC) Agreements in place with the Town for their use as

specialized parks and offer unique passive and active recreational opportunity.

- ii. The Town's Waterfront Strategy shall assist in guiding the long term use and preservation of the waterfront park spaces and the Town shall work cooperatively with NPC in seeking opportunities to enhance the pedestrian and cycling activity with facilities that provide areas of respite and comfort for the prolonged enjoyment and use of the waterfront open spaces.

4.21.14.2 Open Space – Trail and Linkage

- a) The Town supports linkage opportunities that assist in providing improved pedestrian connection and access to points of interest such as Community and Neighbourhood parks, Trans-Canada Trail, Niagara Circle Route and the Niagara River Recreational Trail, including Riverwalk and the Core Mixed Use area of Niagara Boulevard.
- b) The Town shall make every effort to ensure publicly accessible linkage opportunities are identified, protected and accessible when new development or re-development is proposed within the Plan Area. This includes retention of an Open Space designation along the Niagara River regardless of ownership. Some linkage shall remain privately held and until such time that the lands may become available, access remains in private ownership control. Recommendations of the Town's Waterfront Strategy shall provide guidance on matters relating to waterfront within the Plan Area.
- c) Although not within, an abandon rail corridor truncates at the northwestern edge of the Plan Area that holds potential for a trail linkage reaching south, down to the Friendship Trail. The Town shall investigate future opportunity of this potential linkage as it currently provides available underpass access of the QEW, which is a rare occurrence. It is anticipated the Parks and Open Space Master Plan shall review potential for long term potential and development of this link.
- d) Linkage opportunities are represented on Schedules S-3 and S-4 of this Plan and illustrate existing, proposed and conceptual forms of pedestrian linkage intended to connect the community by way of walking or cycling. Pedestrian linkage for the purposes of this Secondary Plan can be comprised of sidewalks, multi-class paved and on-road cycling routes.

4.21.14.3 Open Space – Niagara Parks Commission

- a) The majority of lands along the Niagara River between Niagara Boulevard and the River are those within Niagara Parks Commission control and jurisdiction. Public amenity and use of these lands for passive recreational pursuit is encouraged and the Town will continue to work cooperatively with Niagara Parks Commission where improvements or provision of infrastructure will enhance the public experience and enjoyment of the waterfront. The Town encourages active dialogue and consultation between the Niagara Parks Commission, with the Town and public, on these matters.
- b) The Niagara Parks Commission, in consultation with the Town, is encouraged to identify important views and viewpoints along the Niagara River Parkway (Niagara Boulevard) and Niagara River shoreline and to implement environmentally sustainable land management best practices to ensure protection of natural heritage of the Niagara River shoreline and the identified important views and viewpoints.”

4.21.15 Natural Heritage

4.21.15.1 General

- a) Policies of Section 8 shall apply to all Natural Heritage resources within the Southend Secondary Plan Area. Section 8 provides comprehensive policy coverage for all relevant environmental features within the Plan Area and shall be relied upon for guidance when development is being considered in, or within defined proximity to the limited environmental features or sensitive areas.

Confirmation on the absence of any natural feature boundaries or requirements for environmental study will be identified/confirmed during mandatory pre-consultation for Planning Act applications, or on permit application review for site or building expansions.

- b) Determination of any potential EIS requirements shall be based on Regional EIS Guidelines with administration and approval authority having been set out as per the Memorandum of Understanding (MOU) between local and regional governments and the Niagara Peninsula Conservation Authority.
- c) The Southend Secondary Plan Area is essentially void of natural feature constraints with those represented relating to shoreline corridor potential and a small portion representative of a significant Natural Area, again

shoreline related. This is largely due to the Plan Area being almost completely built out.

Despite their absence the Town shall remain diligent in review of any potential development or re-development applications in promoting good stewardship and shall work cooperatively with NPC in seeking opportunities to enhance the environment along the Niagara River.

- d) The Plan Area does not contain any lands being designated as Environmental Protection and as a result, Schedule S-2 of the Secondary Plan is shown as being void of any such designation. Where previous Secondary Plans contain separate schedules for use in illustrating Natural Heritage Features, Natural Hazards, Open Space and Fish Habitat, a single schedule shall be used with this Secondary Plan. Schedule S-3 shall illustrate the limited Natural Heritage Features identified.

4.21.15.2 Environmental Corridors

- a) The policies of Section 8.3.4.IV of the Official Plan shall generally apply to Environmental Corridors shown on the Secondary Plan Schedule S-3.
- b) Schedule “C” of the Official Plan illustrates conceptual Corridors throughout the municipality. These corridors represent a higher level linkage or linkage potential and are intended to demonstrate where provision of wildlife and avian routes may be considered for enhancement. The feasibility of enhancement should be examined as part of a development application process. The Southend Secondary Plan Area contains one such corridor, which is directly associated with the shoreline of the Niagara River.

The Town shall work cooperatively with NPC when opportunities for enhancement are presented.

4.21.16 Transportation Systems *(Road Networks, Active Transportation and Public Transit potential)*

- a) “Transportation Systems” is in reference to the various modes of transportation infrastructure that exist, or may be planned to be made available to service the Southend Secondary Plan Area. These include, but are not limited to, existing and future road networks, active transportation infrastructure (either planned or existing sidewalks & trails) and local transit service. Transportation systems are shown on Schedule S-4 of this Plan.

- b) Council supports all modes of transportation and in order to address or provide for better means of implementing infrastructure requirements to support the Transportation System over the long term, review of current standards, or development of new standards may be required. Prioritizing maintenance, construction/improvements will be considered annually through capital budgeting and through development application activity.
- c) It is recognized that major infrastructure projects can take time to coordinate and finance. The Town will seek opportunities for funding program assistance from other levels of government when made available; to assist in expediting transportation related capital projects and work cooperatively when jurisdiction over transportation infrastructure is not solely with control of the Town.

4.21.16.1 Road Networks

- a) Any further development of the road network within the Southend Secondary Plan Area shall generally be in accordance with Section 12.7 of the Town Official Plan.
- b) Council will strongly consider the existing character and needs of the neighbourhood when making road improvement decisions.
- c) There is very limited opportunity for development of new roads with planned public right-of-way access. If in the event a public road is planned for construction, the road shall be constructed to full municipal standard using an urban cross section unless otherwise approved by the Town. Private development, including plans of condominium, may use alternate right-of-way designs for private roads internal to their site, however; such roads will still require approval from the municipality, typically as part of the condominium or site plan approval process.
- d) There are generally seven (7) categories of roadway hierarchy in, permitted or bounding the Plan Area. These would be defined as:
 - Queen Elizabeth Way (QEW) and by extension, the federal interests of the Peace Bridge Plaza
 - Regional Arterial Road (Central Avenue contained within and Gilmore Road as a northern Plan Area boundary road)
 - Niagara Boulevard – (NPC and/or public authority having jurisdiction)
 - Town Collector Roads (Bertie Street and Concession Road);
 - Local Roads (all remaining public roads);
 - Municipal Laneway (John Street); and
 - Private Roads (permitted)

- e) Schedule S-4 illustrates the road network within the Plan Area and any new development application shall have regard for ultimate road allowance widths (as identified in Section 12.7.4 of this Plan and any regional requirements as conveyed in the Region's Official Plan) in design and zoning setback regulation.
- f) The Region of Niagara determines ultimate road allowance width for roads under its jurisdiction. The Region will be circulated with respect to any Planning Act application adjacent to Central Avenue and Gilmore Road, at which time final determination on provision of any widening requirements will be identified.
- g) Town collector roads seek to establish an ultimate width of 23m and local roads are to seek a 20m road allowance. It is recognized these desired widths may not always be obtainable. Determination of municipal road widening will be reviewed by the Town at the time of application submission or during road reconstruction/improvement projects.
- h) The Town shall remain sensitive to increased interest and movement towards "complete streets" policies and support Active Transportation efforts where feasible. Amendments to this section may be required from time to time as a result of increased and ongoing provincial and regional policy implementation.
- i) Private roads or driveways from sizable development proposals should be aligned with opposing roads or major driveways whenever possible.
- j) Any newly planned private road or driveways connections to Central Avenue, Gilmore Road or Niagara Boulevard shall require approval of the respective authority.

4.21.16.2 Active Transportation

- a) Active Transportation shall be a consideration of Council as identified under Section 12.7.2 iv).
- b) Schedule "S-4" illustrates all components of the Active Transportation Network for the Southend Secondary Plan.
- c) Portions of the various networks under separate jurisdiction are collectively integrated and recognized as part of larger networks such as the Niagara Circle Route and Trans Canada Trail. Protection and enhancement of these

assets is of interest to Council to ensure promotion of inter-municipal, inter-regional and to the fullest extent, National and International connectivity of Active Transportation opportunities in reaching the neighbourhoods of Fort Erie, including the Southend Secondary Plan Area.

- d) Components of active transportation in the context of the Southend Secondary Plan Area serve both utilitarian and recreational need and purpose. There is limited southerly connection opportunity for active transportation use due to the Peace Bridge Plaza and the QEW. Active transportation access and crossings shall be protected and enhanced where feasible.
- e) The Town will take a leadership role in promotion of active transportation infrastructure when reviewing development applications and undertaking road improvements / reconstruction.

Where applicable, applications for development will be required to address and demonstrate how plans may integrate and provide for the necessary infrastructure to facilitate active transportation in relation to the overall network illustrated on Schedule “S-4”.

- f) Collector roads within the Plan Area shall be planned to provide for sidewalks on both sides, or in the case of Niagara Boulevard, a combination of sidewalk and trail, depending on location of available riverfront open space. Council may consider single side locations in part or in whole, following departmental review and recommendation having considered such matters as open ditches or other infrastructure constraints.
- g) Existing sidewalk locations shall remain and older sections will be subject to review and reconstruction to current standards, wherever feasible, and remain subject to annual repair and maintenance schedules in terms of priority and budget allocation municipal-wide.
- h) Regional Roads within the Plan Area have been identified as Regional Bikeways in the Niagara Region’s Transportation Master Plan (Here We Go). The roadways are identified for bike lanes and the Town supports their location and identification. Secondary bicycle routes are identified on Schedule S-4 and would be envisioned to have sharrow road markings in lieu of formal bike lanes.
- i) Wherever possible or practical, street lighting shall be provided on the same side of the roadway as the sidewalk and/or as described in the Town Street Lighting Policy.

- j) Wherever possible, the Town, Region and NPC, as the case may be, will work cooperatively in establishing linkage to broader regional active transportation infrastructure to further promote and extend the range and reach accessible by active transportation users.
- k) Active Transportation and Public Transit use are complimentary modes of transportation and can be co-dependent for some residents. Capital projects, planned developments should have due consideration for Active Transportation connection to established or planned transit stops.

4.21.16.3 Public Transit

Conventional and specialized transit service presently serves the Plan Area and may be subject to routing modifications from time to time. Transit service has recently been enhanced by way of established formal routing where bus-stop infrastructure is being planned, with incremental improvements contributing to a more formal and structured transit schedule. This serves as an indication that improved transit measures and service are being implemented as a specific goal of the Town's Strategic Plan, to be secured and promoted for the long term benefit of the resident, business and visiting populations.

- a) New development along transit routes shall have regard for access to transit and may be requested to demonstrate how their proposed development is transit supportive.
- b) The Southend Secondary Plan Area shall also remain fully serviced by Fort Erie Accessible Specialized Transit presently operating throughout the Town, or until such time that an alternate is established that meets our community's accessible needs.
- c) The Town supports Region of Niagara inter-municipal transit service and shall work cooperatively in review and support provision of regional connecting routes. The Town remains cooperative on any endeavour to establish a fully integrated, or full regionally operated transit system that maintains and enhances existing local municipal service.
- d) Approved transit routing and fixed stop locations are illustrated on Schedule "S-4". Routing and stop locations are subject to review over time and as data driven results on ridership inform transit planning for efficiency and effectiveness. Modifications to transit routing do not require amendment to this Plan.

- e) Long term local transit planning shall have regard for locating potential transit stops using a typical 400m radius (or better) service area catchment model. Distances may vary depending on location of populations throughout the local and rural areas, as well as the class roadway which is being used as part of the route.

4.21.16.4 Parking

- a) The majority of the Secondary Plan Area is largely established residential, low density in character with most residences providing adequate on-site parking. On street parking in the majority of the residential areas has not been considered problematic. The Town shall monitor on-street parking throughout the community and may recommend restrictions to alleviate any safety issues if deemed appropriate.
- b) Lighting of commercial area parking lots shall be of adequate levels to ensure pedestrian safety while having regard for any adjacent or upper level residential uses. Spillover lighting from parking lot lighting onto adjacent properties shall be avoided unless otherwise planned and approved to do so.
- c) When other jurisdictions have interest in parking provisions, the Town shall seek opportunities to work cooperatively with these jurisdictions when capital projects are being designed and undertaken within the Plan Area. With respect to Niagara Boulevard specifically, the Town seeks to create a pedestrian friendly environment that would include “on-street” parking within the core mixed use area and additional opportunities for parking associated with the Niagara River as an amenity area for residents and visitors, where feasible. The Town will work cooperatively with Niagara Parks Commission to establish appropriate locations for parking. The provision of parking, particularly on-street parking, will need to have consideration for active transportation linkage/connections to the waterfront area and the Niagara Parks Recreational Trail System.
- d) Any new municipal or private parking areas shall be designed and constructed in a way that provides adequate screening and landscape buffering where abutting residential zones.
- e) Parking in the Core Mixed Use designated lands are encouraged to provide on-site parking for commercial uses. Parking requirements for the residential components associated with the Core Mixed Use designation are preferred to be situated on-site, however the implementing by-law may provide for alternate solutions in meeting parking requirements.

- f) Landscaped areas may be requested for large parking lots. Landscaping requirements shall be focused along the road frontages and shall provide for appropriate landscaped buffering and planting strips between the roadway and parking areas, using high quality materials and plant stock.

4.21.17 Cultural Heritage

- a) All matters of Cultural Heritage shall be consistent with Section 11 of this Plan.
- b) The Town recognizes the setting and cultural heritage of the Southend as being that of archaeological interest associated with pre-contact native peoples occupation of the lands, but also that of early European settlement leading to today's urban form and occupation of the properties in the Plan Area, particularly those lands close to the waterfront.

The following policies are aimed at bringing awareness to municipal partners, general public and the regulatory agencies in effort to seek a balance for current and future ownership that may wish to develop or redevelop lands within the Plan Area.

Built Heritage

- i. The Fort Erie Museum and Cultural Heritage Committee shall continue to advise Council on matters of the Southend's built heritage and from time to time, may recommend for Council's consideration, properties for addition to the Municipal Registry following the Committee's more detailed review of community building stock. Schedule "S-2" identifies the location of properties that are either designated or listed on the Municipal Registry. New designated and listed properties in the Southend Secondary Plan Area may be referenced on Schedule S-2 without amendment to the this Plan.
- ii. The Town has relied on voluntary designation of heritage properties and shall continue to act in this manner. The Town encourages designation of such properties and will work cooperatively with ownership in effort to facilitate designation.

Archaeological

- iii. The Town's Archaeological Master Plan informed and formed the background on the policies contain in Section 11 in the Town's Official Plan. It also introduced identification of Archaeological Zones of Sensitivity, which are reflected on the mapping schedules of the Official

Plan. The Peace Bridge Zone of Sensitivity represents the single most challenging constraint to new or redevelopment efforts of the downtown waterfront area.

There are additional identified areas of archaeological interest within the Plan Area being lands in the vicinity of the Rich's facilities next to the QEW and also the lands identified as Douglas Park. Schedule 'D' of the Official Plan can be consulted for extents of these identified lands.

Applications for development or redevelopment shall first be screened through pre-consultation and then assessed by the appropriate review authority with respect to the nature of the proposal and whether the proposal will present new disturbance requiring Stage 1 and/or Stage 2 Archaeological Study work be undertaken. The results of which, shall determine if further study is required.

- iv. The Town encourages cooperation of the MTCS and its licensed archaeologists in seeking/providing flexibility and feasible solutions to proponents of development that may result in scoping of stage study work. There is a considerable amount of disturbed and vacant, previously developed lands within the Peace Bridge Zone of Sensitivity that can contribute to the intensification and rejuvenation efforts of this downtown environment and its desirable waterfront residential potential.

Conversely, should a property be found, or known to contain, immovable archaeological artifacts, property owners are encouraged to seek designation or place lands in an amenable land trust that may have the resources to improve and maintain the site(s) over the long term. The Town does not promote the development of lands containing immovable artifacts and shall maintain a preservation position under such circumstances.

- v. The Town shall explore any potential for incentive programs aimed at offsetting costs of archaeological study work and remediation, within the Peace Bridge Zone of Sensitivity.

4.21.18 Municipal Services

- a) Municipal servicing shall be consistent with the policies of Section 12 of this Plan.
- b) Municipal services such as sanitary and storm sewers, stormwater management and municipal drainage will be provided, where feasible, and

maintained/upgraded as necessary to accommodate the needs of existing and future development in the Southend Secondary Plan Area.

- c) Based on findings of the 2010 Waste Water / Stormwater Master Plan study (*XCG Consultants Ltd.*), no immediate servicing concerns respecting sanitary capacity of the Anger Avenue Waste Water Treatment Plant have been identified.

Regional capital upgrade to the Catherine Street Sanitary Pumping Station is identified under the Region's 2016 Master Servicing Update, with an anticipated implementation date at the outer reach of the 2041 planning horizon.

- d) New development may be requested to provide a servicing study that includes analysis of the downstream sanitary sizing and the network's capacity capabilities in relation to proposed development flows.
- e) The Town shall continue to make improvements to its storm, sanitary and water networks and any planned improvement projects shall be identified in the 10 year capital projects budget. Reduction in wet weather impacts on existing infrastructure shall remain a priority of the municipality.
- f) All new development shall require approval of storm water management plans and/or drainage plans from the relevant approval authority to ensure storm water is effectively and properly managed to mitigate or alleviate flooding of adjacent and downstream properties during storm events. Additionally, engineering solutions for storm water management that improve infiltration and assist in improving groundwater quality and recharge will be considered relative to the feasibility and practicality of their implementation.
- g) Existing municipal water supply is currently available to service the majority of the Plan Area. Sizeable infilling projects may be required to loop watermain lines wherever opportunity exists to do so.
- h) There are currently no identified restrictions to development within the Southend Secondary Plan Area under current water supply conditions, however functional servicing studies that may be requested for new or re-developing properties and sizable infill, shall address water supply demand on the existing network.

4.21.19 Utilities

- a) Utility providers are required to consult with the Town when new plant locations or infrastructure is required, or existing infrastructure is identified for upgrade. The Town will work cooperatively with utility providers in effort to facilitate their needs while balancing the interests of the area residents or businesses.
- b) Utility companies are encouraged to work cooperatively with the Town and regulatory authorities in determining suitable locations that are both compatible

with existing and planned development and technically feasible in an effort to reduce or eliminate potential conflicts.

- c) Utility providers shall ensure their respective utility has been planned and located in accordance with any relevant safety regulations, separation requirements and/or municipal standards, either through individual utility plant location or as part of a combined installation.

4.21.20 Neighbourhood Gateways & Landmarks

- a) Schedule S-4 illustrates a Gateway symbols at the primary entry points to the Neighbourhood. The Town shall seek voluntary participation and effort on the part of development interests at these locations to promote the sense of gateway when new or redevelopment is planned.
- b) Gateway features act to provide both physical and psychological cues on demarcation of community boundary. Features or landmarks act as visual benchmarks or visual points of reference to indicate location and reinforce arrival or departure.

Intensity of the gateway feature makes an intended statement and projects an image the community can become associated with. This can be done in many ways such as signature buildings or architectural features, or through landscaping treatment and lighting. Combining any or all of these types of treatments provides opportunities to make a very bold statement or a much more modest approach to signal a threshold or specific location.

- c) Any Gateway or Landmark Feature planned along a regional road or NPC roadway will require consultation with relevant authority and approval accordingly.
- d) The Southend Neighbourhood is unique in its geography within the Town wherein the downtown is located along the waterfront. While many local road connections are able to access the downtown area, there is an expressed desire by the community to promote international travellers to be alerted to the first available exit via a wayfinding initiative to help drive increased tourism to the Downtown and Riverwalk area. This is a challenging endeavour when considering the limitation on access from points beyond the Customs and toll booth operations. Lane selection ahead of the toll station is an important determining factor as to whether an exit can be made safely and conveniently at the Central Avenue ramp. Control over these factors are simply not within the Town authority to modify.

The Town shall work cooperatively with MTO and The Peace Bridge Authority in seeking opportunities to have advanced knowledge/awareness of the Central Avenue exit made available in advance of the toll booth station to assist potential destination traffic. Competition for signage is challenging under such

circumstances; however, important to assist in tourism efforts and commercial viability of the Downtown Core and Riverwalk area.

4.21.21 Interpretation of the Plan

The Southend Secondary Plan (Official Plan Amendment No.37) consists of Sections 4.21.1 through 4.21.21, and Schedules “S-1”, “S-2”, “S-3”, and “S-4”.

The text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

TOWN OF FORT ERIE OFFICIAL PLAN

PROVINCIAL COMPLIANCE WITHIN THE URBAN AREA

LEGEND

- Secondary Plan Limit
(Urban Area Boundary)
- Built-Up Area (Growth Plan Designation)
- Under Utilized / Intilling
- Residential Intensification
- Core Mixed Use Intensification
- Retention of Industrial
- Niagara Parks Commission Lands

SOUTHEAST SECONDARY PLAN

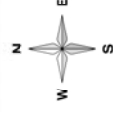


COMMUNITY & DEVELOPMENT SERVICES

DATE: As Adopted
JAN. 22, 2018

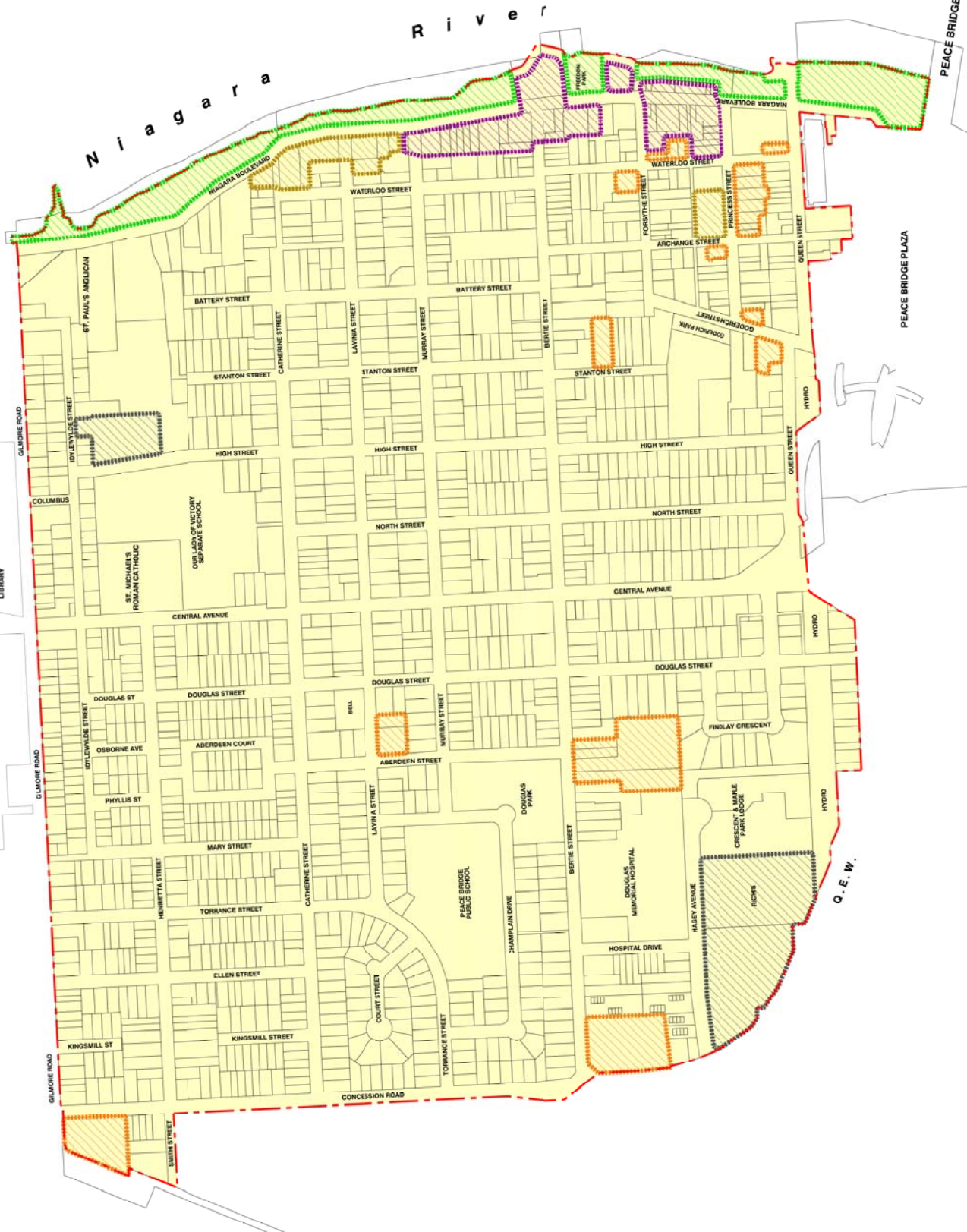
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SCHEDULE

S-1



TOWN OF FORT ERIE OFFICIAL PLAN

LAND USE PLAN

LEGEND

	Secondary Plan Limit (Urban Area Boundary)
	Low Density
	Medium Density
	Core Mixed Use
	Commercial
	Open Space (Public)
	Open Space (Private)
	Institutional
	Peace Bridge
	Industrial
	Heritage Designation
	Listed on Municipal Registry

SOUTHEAST SECONDARY PLAN

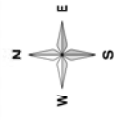


COMMUNITY & DEVELOPMENT SERVICES

DATE: As Adopted
JAN. 22, 2018

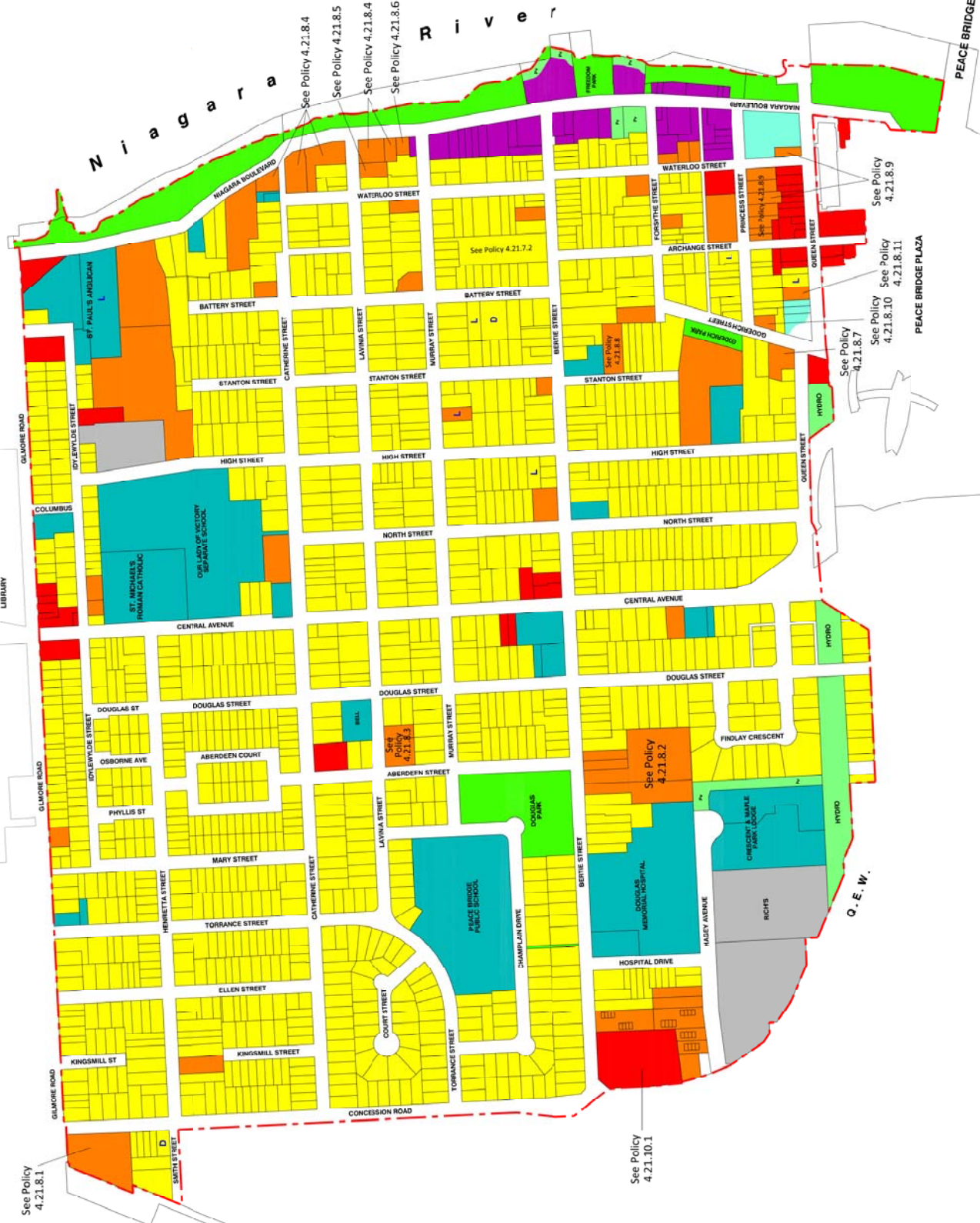
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SCHEDULE

S-2



TOWN OF FORT ERIE OFFICIAL PLAN

NATURAL FEATURES, NATURAL HAZARDS, FISH HABITAT & OPEN SPACE PLAN

LEGEND

- Secondary Plan Limit
(Urban Area Boundary)
- Natural Features, Natural Hazards & Fish Habitat
- Significant Natural Area
- Niagara River Fish Habitat
- Environmental Corridors
- Drainage Feature
- Open Space
- Public Open Space
- Private Open Space
- 600m Neighbourhood Park Service Radius

SOUTHEND SECONDARY PLAN



COMMUNITY & DEVELOPMENT SERVICES

DATE: As Adopted
JAN. 22, 2018

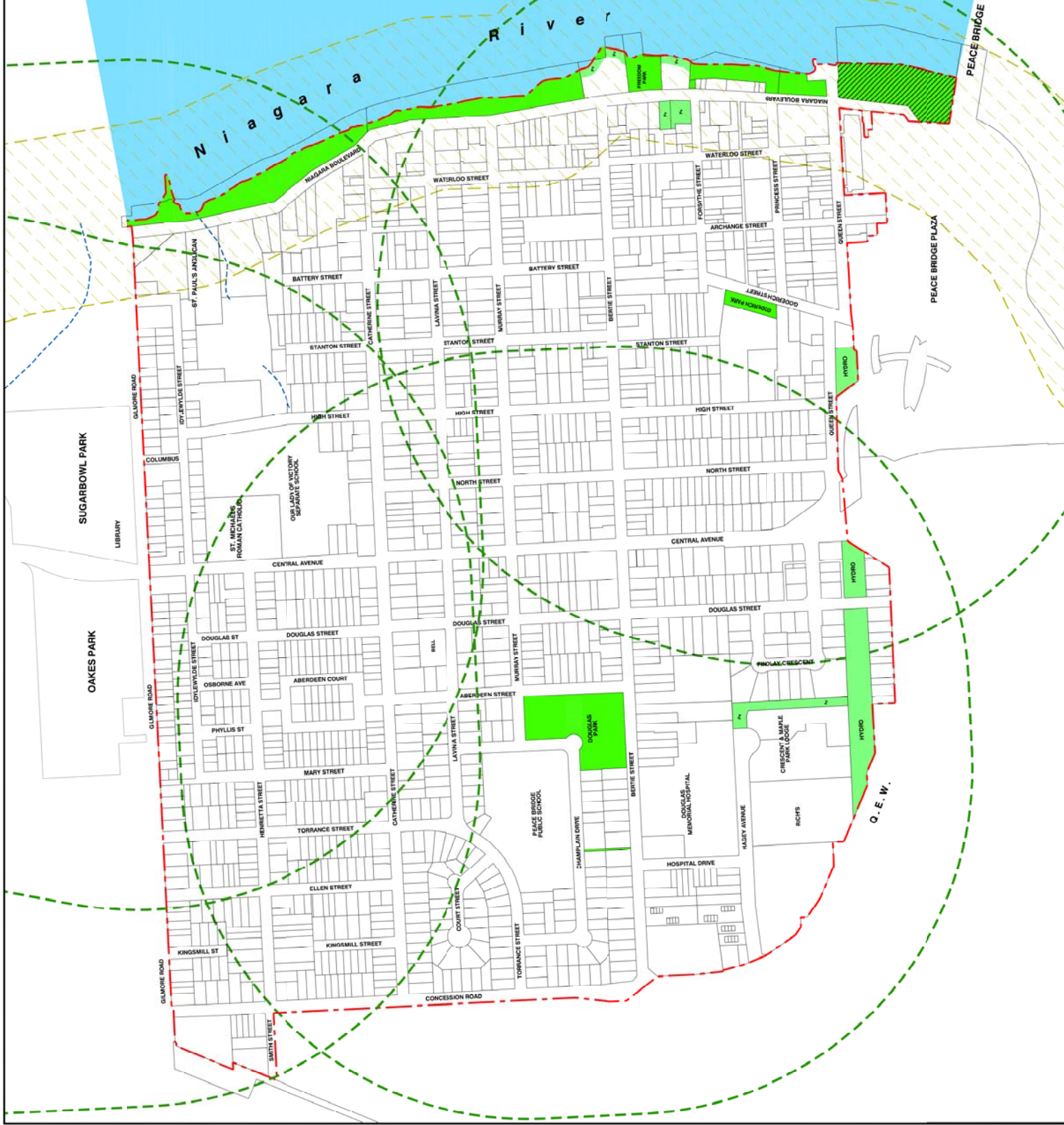
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SCHEDULE

S-3



TOWN OF FORT ERIE OFFICIAL PLAN

TRANSPORTATION SYSTEMS

LEGEND

Secondary Plan Limit
(Urban Area Boundary)

Roads

- Existing Regional Arterial Roads
- Existing Municipal Collector Roads
- Existing Municipal Local Roads
- Planned Municipal Roads
- Existing Public Laneway
- MTO (Ramping)

Transit Routes and Stops

- Approved Transit Route (schematic)
- Approved Transit Stop (approx.)

Active Transportation

- Proposed On-Road Bike Lane
(Regional Niagara Bicycling Network)
- Proposed On-Road Bike Route
(Local Network)
- Conceptual Off-Road Multi-Use Trail
- Existing Off-Road Multi-Use Trail
- Existing Sidewalk
- Desired Sidewalk Network Completion

Open Space

- Open Space
- Private Open Space
- Conceptual Gateway Feature
- Existing Gateway Feature

SOUTHEAST SECONDARY PLAN



COMMUNITY & DEVELOPMENT SERVICES

DATE: As Adopted
JAN. 22, 2018

SCALE: N.T.S.

DRAWN: CSM

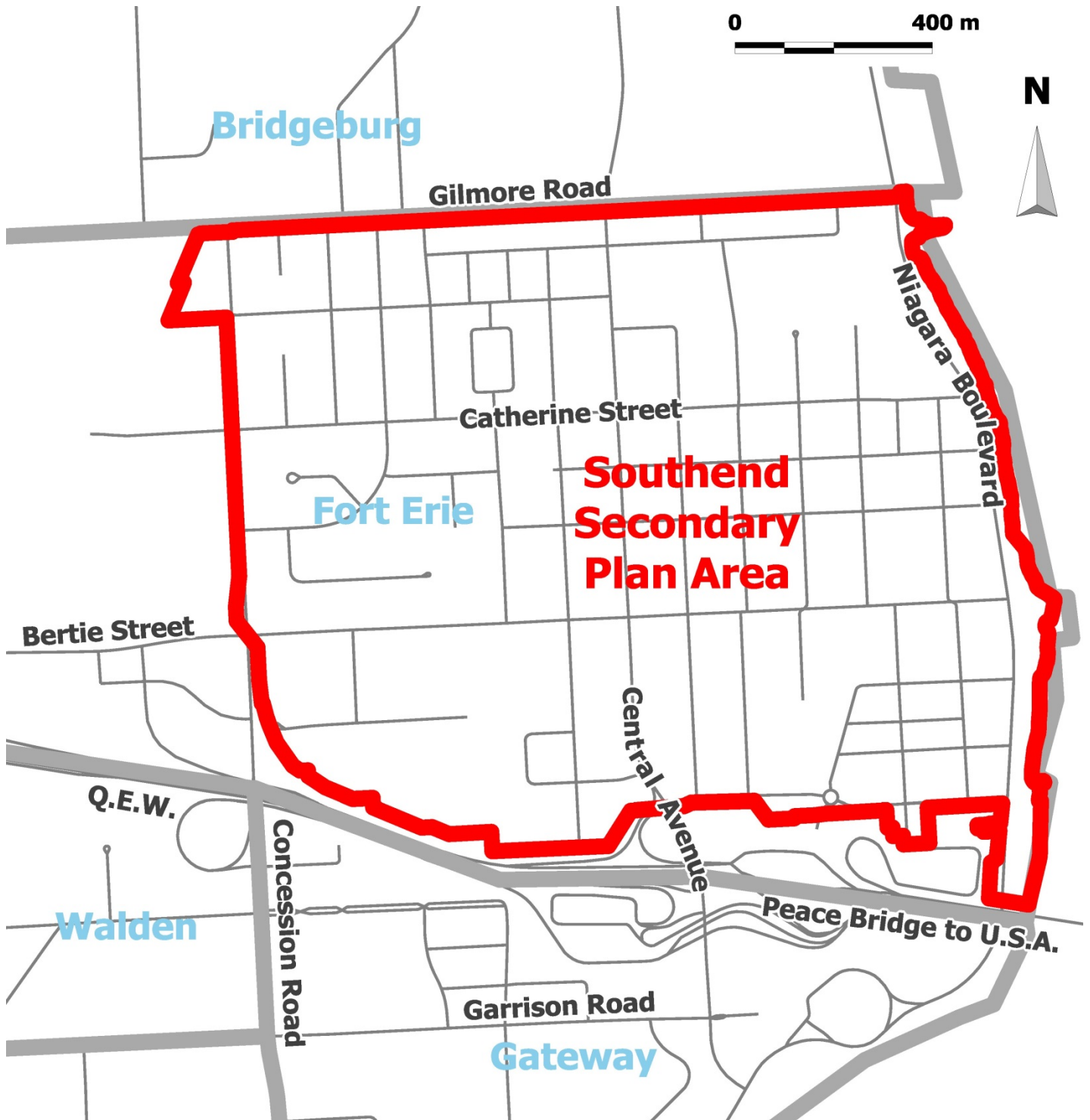
SCHEDULE

S-4



PART “C” THE APPENDICES

KEY MAP



PART C - APPENDIX "2" - TOWN OF FORT ERIE - OPA 37

Notification and Consultation Summary for the Southend Secondary Plan (Proposed OPA 37) - Town of Fort Erie	
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Date	Action
April 4, 2016	Report to Council - Plan Initiation
April 12, 2016	Notification of Plan Initiation and Report sent to Key Agencies including MTO, NPC, NPCA, Enbridge, Cogeco, PBA, Niagara Region, Hydro One, CNP and Bell
April 12, 2016	Notified FEAT of Plan Initiation
May 26, 2016	CFG Strategic Session - Staff
June 2, 2016	CFG Strategic Session - Community Focus Group (CFG)
July 11, 2016	Report to Council on Strategic Session Outcome
July 12, 2016	Report posted to Southend webpage for interested parties and public
July 26, 2016	Consultation with Region of Niagara, Peace Bridge Authority and Niagara Parks Commission
November 8, 2016	Delegate to MHSC on Southend Secondary Plan
November 15, 2016	Presention to FENFC Board of Directors
November 17, 2016	CFG Working Session for Plan mark-up
January 10, 2017	Notice mailed to all property owners that have been identified for potential changes
January 15, 2017	Notice of Public Information Open House issued to all Circulated Partners and Agencies including Committees and BIAs - invite to contact with questions
January 19, 2017	Public Notice - Public Information Open House No.1 published in Times and postings following Council's enhanced Notification Policies
February 2, 2017	Public Information Open House No.1 - Douglas Heights Seniors Centre
August 18, 2017	Consult with new Regional Secondary Plan personnel
September 11, 2017	TOFE Planning Team Draft Review
October 5, 2017	Public Notice - Information Open House No.2 and Statutory Public Meeting published in Times and all postings following Council's enhanced Notification Policies
October 5, 2017	Notice mailed to all property owners that have been identified for potential changes
October 5, 2017	Circulation for comments to all stakeholder/partner agencies
October 12, 2017	CFG Meeting to review Draft
October 16, 2017	Agenda and Delegation to MHSC on Draft Secondary Plan
October 17, 2017	Agenda and Delegation to FEAT on Draft Secondary Plan
October 18, 2017	Agenda on EAC (staff Rep to summarize) on Draft Secondary Plan
October 26, 2017	TOFE Infrastructure Services meeting to review
October 27, 2017	TOFE Fire Department meeting to review
November 6, 2017	Statutory Public Meeting
November 14, 2017	Meeting at NPCA to resolve commenting and Regulatory Authority
November 17, 2017	Consult with NPC regarding their comments and modifications
November 20, 2017	Consult with Region regarding their comments and modifications

Ongoing public consults via meetings, counter inquiries, e-mail inquiries and phone call inquiries conducted throughout same period



EXPRESSION OF INTEREST

PART C - APPENDIX "2" - TOWN OF FORT ERIE - OPA 37

RESIDENTS / BUSINESS OWNERS / PRIVATE SECTOR STAKEHOLDERS IN THE

SOUTHEND NEIGHBOURHOOD

Are you interested in sharing your opinion on how you would like to see the Southend Neighbourhood develop in the future?

STRATEGIC LAND USE PLANNING - VOLUNTARY COMMUNITY FOCUS GROUP PARTICIPATION

The Town of Fort Erie has initiated a Secondary Plan process for the “**Southend**” Neighbourhood. The Town's Official Plan directs that Secondary Plans be developed for the various neighbourhoods within Fort Erie's urban area boundaries, to provide a more detailed view on how and where our neighbourhoods should grow over the long term. Secondary Plans show things like:

- providing different forms of housing for different incomes, family needs and age-in-place options
- where singles, semis, townhomes or apartment buildings should go;
- where our recreational and park spaces are and we might improve connections to them;
- where our shopping districts and employment areas belong and can be supported;
- it reinforces appropriate protection of environmental or natural feature areas; and
- how all these things should fit together with roads, sidewalks and trails.

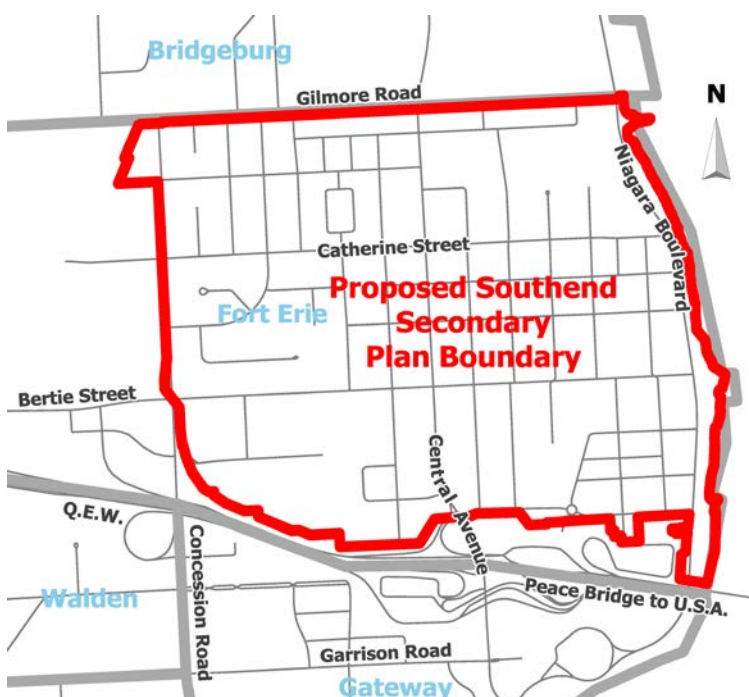
To help us start gathering early background information, the Town wishes to engage people who call the Southend Neighbourhood their home. **We are looking for members of this community to offer us opinion on issues that are important to them.**

At this time, the Town is inviting interested persons who wish to participate as a voluntary member of a Community Focus Group to submit an Expression of Interest. The Town wishes to assemble a representative cross-section of persons from within the Southend Neighbourhood including:

- long time residents
- new residents
- business owners
- association representatives
- landowner/developers

Interested persons are requested to submit their name, address, contact information and identify in which capacity they see themselves as representing (from the five categories listed above).

Interested persons are advised their participation should be open-minded, focusing on their community at large. All aspects of the community will be discussed as the Community Focus Group will participate in developing a vision statement, goals, objectives and priorities for the future development and redevelopment of this community.



The Focus Group will participate in a four hour strategic focus exercise and will be consulted on several occasions during the Secondary Plan's development for additional input. Details on meeting dates have yet to be determined. At this time, the Town is seeking to establish the Focus Group, which is expected to be between 10-12 persons maximum. Town staff, in consultation with the Ward Councillor, will provide a recommended list of names to Council for their consideration and endorsement.

If you are interested in contributing your thoughts and opinion towards creating a long term vision for your community and wish to be considered for participation, kindly submit a letter or an e-mail no later than Thursday, April 21, 2016 with the information requested above to the attention of:

Chris Millar, CPT, MCIP, RPP, Neighbourhood Planner
Planning and Development Services Department
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
(905) 871-1600 ext. 2503
cmillar@forterie.ca

Persons submitting their expression of interest and those selected to participate are advised their names will become part of public record and may be published in relation to this planning exercise.

Accessibility Accommodation

If you require any accommodations for a disability in order to participate or attend meetings, kindly advise in your response so we can make appropriate arrangements.

Note Regarding Open Public Participation

There will be additional Public Information Meetings, open to general public at various points throughout the Secondary Planning Process, inviting comments on Plan development. These Public Information Meetings will be advertised in the Fort Erie Times, on the Town's website and announced at Council Meetings.

DATE:

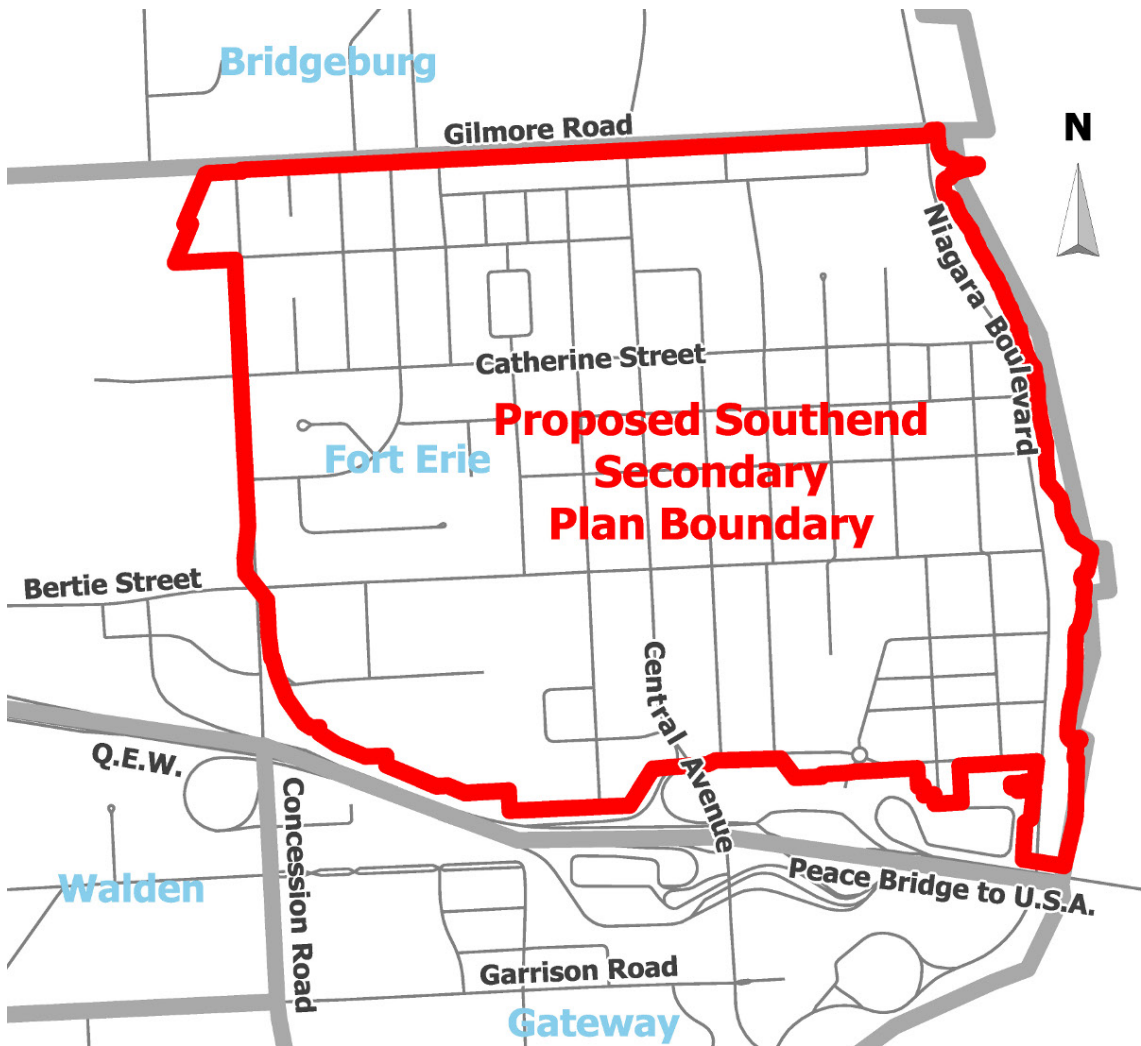
TIME:




LOCATION:






THURSDAY, FEBRUARY 2, 2017

5:00 PM TO 7:00 PM

DOUGLAS HEIGHTS SENIORS CENTRE
265 HIGH STREET, FORT ERIE, ON L2A 3R4



	<p><u>IMPORTANT</u></p> <p>If you live within the proposed Secondary Plan Area identified within the red boundary on the above map, it is important that you read this notice fully to decide if you wish to comment.</p> <p>Town Council has not made a decision on the proposed Secondary Plan.</p>
	<p><u>HOW WILL THIS AFFECT YOU ?</u></p> <p>As a property owner in the Plan Area you should consider the following:</p> <ul style="list-style-type: none"> Permitted land uses for certain properties are being considered for change. A land owner whose property is being considered for a change to permitted land uses will receive a letter with this notice directly stating this point. A proposed policy or zoning change could impact the manner in which your property or neighbouring properties can develop in the future.
	<p><u>PROVIDING YOUR COMMENTS OR GETTING MORE INFORMATION</u></p> <p>Commenting on the Draft Secondary Plan is encouraged. You can provide input by calling or writing the Town. You are also invited to attend the meeting to speak with staff on hand.</p> <p>If you wish further information please contact Chris Millar with the contact information below, or visit the Town’s website at www.forterie.ca Type “Southend Secondary Plan” in the search option at the top of the main page.</p>

  	<p>PART C - APPENDIX "2" - TOWN OF FORT ERIE - OPA 37 <u>CONTACT INFORMATION</u></p> <p>For comments to be considered before Planning staff prepares draft policies, draft land use and zoning plans, your written submission should be provided on or before Friday, February 17, 2017 to:</p> <p>Chris Millar, MCIP, RPP, Neighbourhood Planner, Planning and Development Services Department, Town Hall, 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 905-871-1600, ext. 2503</p> <p>Or by e-mailing your comments to: cmillar@forterie.ca</p> <p>There will be additional opportunity to comment during the formal stages of processing this amendment. However, we encourage early comment and inquiry that may help staff to continually assess the development of a Draft Secondary Plan.</p>
	<p><u>WHAT THIS SECONDARY PLAN ATTEMPTS TO DO</u></p> <p>A Secondary Plan forms part of the Official Plan and directs how a neighbourhood/ community will grow over the long term relative to the location and various forms of land use, such as future changes to residential, commercial, open space and environmental protection, and how these relate to the community's structure and existing or established developed area. The Plan must also take into account Provincial and Regional policy and any requirements relating to growth management that have resulted from newer policy directives.</p> <p>Changes to the designated land use on certain properties within the Plan area may also result in changes to the zoning for those respective properties. The Zoning By-law, which identifies what uses are permitted on a property and where on the property the use can be located, will also see some changes to assist in the Secondary Plan's implementation.</p> <p><u>WHO APPROVES THE PLAN?</u></p> <p>Town Council adopts the Secondary Plan and then forwards it to Niagara Region. Regional Council is the final approval authority for the Secondary Plan, unless the Region delegates final approval authority back to the Town prior to adoption.</p> <p>Town of Fort Erie Council is the final approval authority for any subsequent implementing zoning by-law amendments. The Zoning does not require Regional approval.</p>
	<p><u>FUTURE NOTICE REQUESTS</u></p> <p>This Public Information Open House is being conducted to allow public and stakeholders with an opportunity to meet with Planning staff prior to preparation of the draft Official Plan and draft Comprehensive Zoning By-law Amendments.</p> <p>The statutory Public Meeting required under the Planning Act <u>will be scheduled for a future date</u>, after a final draft of the Secondary Plan has been prepared for formal circulation. If you wish to receive notice of the Public Meeting, you are requested to provide your name and a current e-mail address or mailing address where the Notice is to be sent.</p> <p>If the Town is proposing changes to the designation or zoning of your lands, you will only receive the initial Notice advising you of the potential change. It is up to the property owner to advise the Town if they wish to continue to receive notification on future meetings.</p> <p>Please use the contact information above to notify Chris Millar of the preferred notice option. Staff would kindly request you consider e-mail delivery as preferred choice.</p>

A STATUTORY PUBLIC MEETING REQUIRED UNDER THE PLANNING ACT WILL BE SCHEDULED FOR A LATER DATE. THIS MEETING IS TO PROVIDE INFORMATION TO INTERESTED PERSONS AND SOLICIT FEEDBACK FOR CONSIDERATION BY STAFF PRIOR TO THE DRAFT BEING PREPARED.

Dated this 19th day of January, 2017

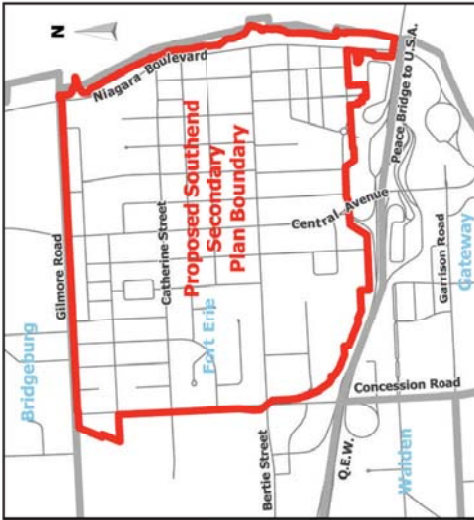



Laura Bubanko, CMO, Dipl.M.A.
Manager, Legislative Services/Clerk





Richard F. Brady, MA, RPP, MCIP
Director of Planning and Development
Services

PUBLIC NOTICE INFORMATION OPEN HOUSE

SOUTHEND SECONDARY PLAN (PROPOSED OFFICIAL PLAN AMENDMENT #32)

DATE: THURSDAY, FEBRUARY 2, 2017
TIME: 5:00 PM TO 7:00 PM
LOCATION: DOUGLAS HEIGHTS SENIORS CENTRE 265 HIGH STREET, FORT ERIE, ON L2A 3R4

	 <p>IMPORTANT If you live within the proposed Secondary Plan Area identified within the red boundary on the above map, it is important that you read this notice fully to decide if you wish to comment. Town Council has not made a decision on the proposed Secondary Plan.</p>
 <p>HOW WILL THIS AFFECT YOU? As a property owner in the Plan Area you should consider the following: • Permitted land uses for certain properties are being considered for change. A land owner whose property is being considered for a change to permitted land uses will receive a letter with this notice directly stating this point. • A proposed policy or zoning change could impact the manner in which your property or neighbouring properties can develop in the future.</p>	 <p>PROVIDING YOUR COMMENTS OR SETTING MORE INFORMATION Commenting on the Draft Secondary Plan is encouraged. You can provide input by calling or writing the Town. You are also invited to attend the meeting to speak with staff on hand. If you wish further information please contact Chris Millar with the contact information below, or visit the Town's website at www.forterie.ca Type "Southend Secondary Plan" in the search option at the top of the main page.</p>

 www.forterie.ca  cmillar@forterie.ca 	<p>CONTACT INFORMATION For comments to be considered before Planning Staff prepares draft policies, draft land use and zoning plans, your written submission should be provided on or before Friday, February 17, 2017 to: Chris Millar, MCIP, RPP, Neighbourhood Planner, Planning and Development Services Department, Town Hall, 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 905-871-1600, ext. 2503 Or by e-mailing your comments to: cmillar@forterie.ca There will be additional opportunity to comment during the formal stages of processing this amendment. However, we encourage early comment and inquiry that may help staff to continually assess the development of a Draft Secondary Plan.</p> <p>WHAT THIS SECONDARY PLAN ATTEMPTS TO DO A Secondary Plan forms part of the Official Plan and directs how a neighbourhood/ community will grow over the long term relative to the location and various forms of land use, such as future changes to residential, commercial, open space and environmental protection, and how these relate to the community's structure and existing or established developed area. The Plan must also take into account Provincial and Regional policy and any requirements relating to growth management that have resulted from newer policy directives. Changes to the designated land use on certain properties within the Plan area may also result in changes to the zoning for those respective properties. The Zoning By-law, which identifies what uses are permitted on a property and where on the property the use can be located, will also see some changes to assist in the Secondary Plan's implementation.</p> <p>WHO APPROVES THE PLAN? Town Council adopts the Secondary Plan and then forwards it to Niagara Region. Regional Council is the final approval authority for the Secondary Plan, unless the Region delegates final approval authority back to the Town prior to adoption. Town of Fort Erie Council is the final approval authority for any subsequent implementing zoning by-law amendments. The Zoning does not require Regional approval.</p>
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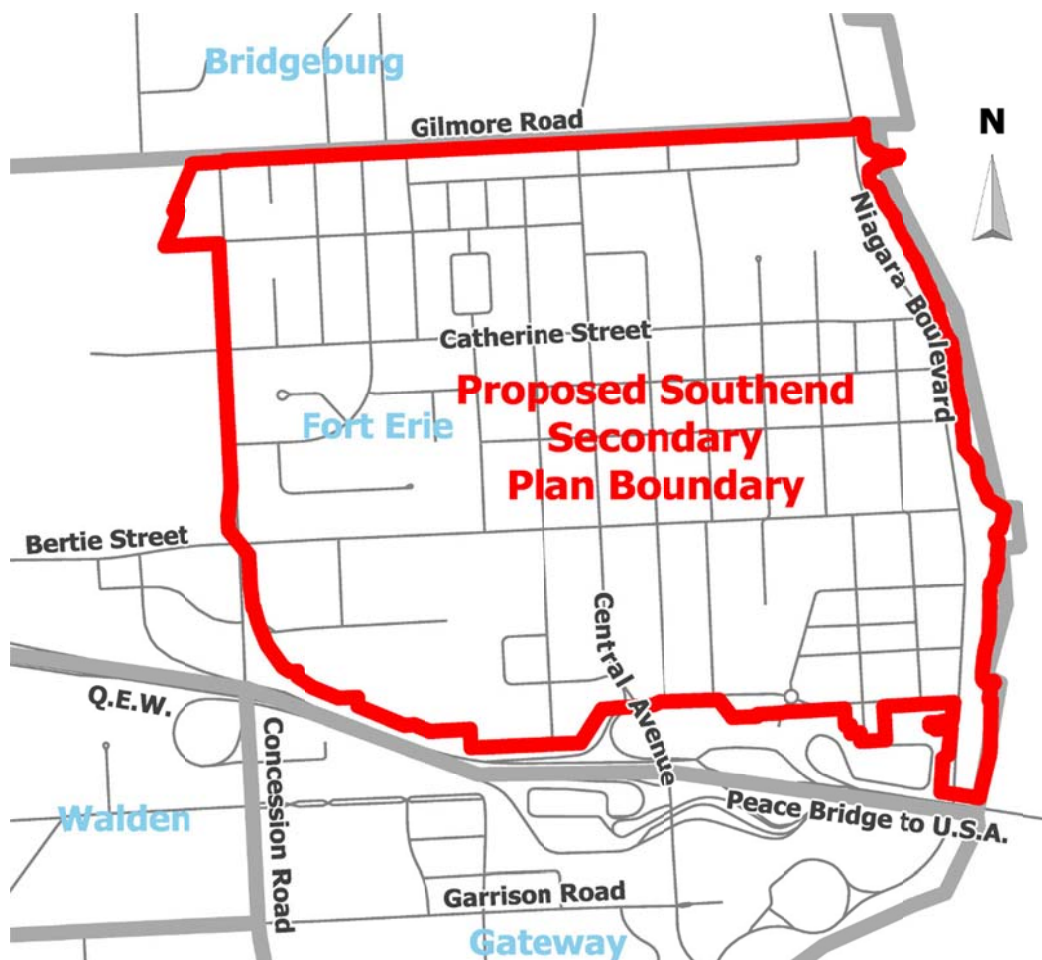
SOUTHEND SECONDARY PLAN
(PROPOSED OFFICIAL PLAN AMENDMENT #37
AND ZONING CHANGES TO IMPLEMENT PLAN)



PUBLIC INFORMATION OPEN HOUSE






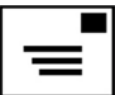
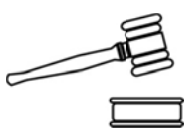
DATE: THURSDAY, OCTOBER 19, 2017
TIME: 6:00 – 8:00 PM
LOCATION: DOUGLAS HEIGHTS SENIORS CENTRE
265 HIGH STREET, FORT ERIE, ON L2A 3R4

PUBLIC MEETING

DATE: MONDAY, NOVEMBER 6, 2017
TIME: 6:00 PM
LOCATION: COUNCIL CHAMBERS AT TOWN HALL
1 MUNICIPAL CENTRE DRIVE, FORT ERIE



	<p><u>IMPORTANT</u></p> <p>If you live within the proposed Secondary Plan Area identified within the red boundary on the above map, it is important that you read this notice fully to decide if you wish to comment.</p> <p>Town Council has not made a decision on the proposed Secondary Plan.</p>
	<p><u>HOW WILL THIS AFFECT YOU ?</u></p> <p>As a property owner in the Plan Area you should consider the following:</p> <ul style="list-style-type: none">• Permitted land uses for certain properties are being considered for change. Property owners that may see changes to their lands will receive a letter advising of the proposed change.• A copy of this Notice is being sent via mail and/or e-mail to those persons who had previously been notified, or to those who have expressed interest in receiving further notice.• A proposed policy or zoning change could impact the manner in which your property or neighbouring properties can develop in the future.

	<p>PART C - APPENDIX "2" - TOWN OF FORT ERIE - OPA 37 <u>GETTING MORE INFORMATION OR PROVIDING YOUR COMMENTS</u></p> <p>Commenting on the Proposed Secondary Plan is encouraged. You can provide input by calling or writing the Town. If you wish further information please contact Chris Millar with the contact information below, or visit the Town's website at www.forterie.on.ca Type "Southend Secondary Plan" in the search option at the top of the main page.</p>
<p>www.forterie.ca</p>  	<p><u>CONTACT INFORMATION</u></p> <p>For comments to be considered before Council makes a decision, your written submission should be provided on or before Friday, October 26, 2017 to:</p> <p>Chris Millar, MCIP, RPP, Neighbourhood Planner, Planning and Development Services Department, Town Hall, 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 905-871-1600, ext. 2503</p> <p>Or by e-mailing your comments to: cmillar@forterie.ca</p>
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 	<p><u>STATUTORY PUBLIC MEETING AND INFORMATION REPORT</u></p> <p>An Information Report will be available at Town Hall or as part of the on-line meeting Agenda package on the Thursday prior to the scheduled Public Meeting date. Town Council has not made a decision on this proposed Amendment or zoning changes. A Recommendation Report will be prepared by Planning and Development Services staff for consideration by Council at a subsequent date, following public input at this meeting.</p> <p>Niagara Region is the approval authority for Secondary Plans. Should Town of Fort Erie Council adopt the Secondary Plan, it will be forwarded to Niagara Region for final approval. If you seek to appeal a Regional decision to approve the Plan to the Ontario Municipal Board, any such appeal is required to be filed with the Regional Clerk. Details on filing an appeal will be provided in the Town's Notice following a decision on Adoption.</p>
	<p><u>LEGAL NOTICE</u></p> <p>If a person, or public body, does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan amendment and zoning changes before the By-law is passed, the person or public body, is not entitled to appeal the decision of the approval authority to the Ontario Municipal Board.</p> <p>If a person, or public body, does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan amendment and zoning changes before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.</p> <p>If you wish to be notified of Town Council's decision regarding the adoption of Official Plan Amendment No. 37, or Approval of the proposed changes to The Town's Comprehensive Zoning By-law 129-90 as amended, to implement the proposed changes in zoning, you must make a written request to the Town Clerk.</p> <p>To request a written notice of adoption on the proposed Amendment, please send a request to Ms. Donna Delvecchio, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6. Any such request should include the name and address to which such notice should be sent.</p>

Dated this 5th day of October, 2017

Donna Delvecchio,
Manager, Legislative Services/Clerk

Richard F. Brady, MA, RPP, MCIP
Director, Planning and Development
Services

THE TOWN OF FORT ERIE

1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
(905) 871-1600 • Fax (905) 871-4022 • www.forterie.ca
EMERGENCY TELEPHONE INFORMATION 905-871-1600
RADIO EMERGENCY INFORMATION 91.7 FM - 105.7 FM - 610 AM



PUBLIC NOTICE SOUTHEND SECONDARY PLAN

(PROPOSED OFFICIAL PLAN AMENDMENT #37 AND ZONING
CHANGES TO IMPLEMENT PLAN)

PUBLIC INFORMATION OPEN HOUSE

DATE: THURSDAY, OCTOBER 19, 2017
TIME: 6:00 - 8:00 PM
LOCATION: DOUGLAS HEIGHTS SENIORS CENTRE 265
HIGH STREET, FORT ERIE, ON L2A 3R4

PUBLIC MEETING

DATE: MONDAY, NOVEMBER 6, 2017
TIME: 6:00 PM
LOCATION: COUNCIL CHAMBERS AT TOWN HALL
1 MUNICIPAL CENTRE DRIVE, FORT ERIE

LOCATION OF SUBJECT LANDS



IMPORTANT

If you live within the proposed Secondary Plan Area identified within the red boundary on the above map, it is important that you read this notice fully to decide if you wish to comment

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How Will This Affect you?

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HAVE
YOUR
SAY

www.forterie.ca



GETTING MORE INFORMATION

Commenting on the Proposed Secondary Plan is encouraged. You can provide input by calling or writing the Town.

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CONTACT INFORMATION

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Planning and Development Services Department,
Town Hall, 1 Municipal Centre Drive,
Fort Erie, Ontario L2A 2S6
905-871-1600, ext. 2503

Or by e-mailing your comments to: cmillar@forterie.ca



WHAT THIS SECONDARY PLAN ATTEMPTS TO DO

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WHO APPROVES THE PLAN?

Town council adopts the Secondary Plan and then forwards it to Niagara Region. Regional Council is the final approval authority for the Secondary Plan.

Town of Fort Erie Council is the final approval authority for any subsequent zoning by-law amendments.



STATUTORY PUBLIC MEETING AND INFORMATION REPORT

An **Information Report** will be available at Town Hall or as part of the on-line meeting Agenda package on the **Thursday prior to the scheduled Public Meeting date**. Town Council has not made a decision on this proposed Amendment or zoning changes. A Recommendation Report will be prepared by Planning & Development Services staff for consideration by Council at a subsequent date, following public input at this meeting.

Niagara Region is the approval authority for Secondary Plans. Should Town of Fort Erie Council adopt the Secondary Plan, it will be forwarded to Niagara Region for final approval. If you seek to appeal a Regional decision to approve the Plan to the Ontario Municipal Board, any such appeal is required to be filed with the Regional Clerk. **Detail on filing an appeal will be provided in the Town's Notice following a decision on Adoption.**

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If a person, or public body, does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan amendment and zoning changes before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of Town Council's decision regarding the adoption of Official Plan Amendment No. 37, or Approval of the proposed changes to the Town's Comprehensive Zoning By-law 129-90 as amended, to implement the proposed changes in zoning, you must make a written request to the Town Clerk.

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1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6. Any such request should include the name and address to which such notice should be sent.



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, November 6, 2017

1. Call to Order

The meeting was called to order by Mayor Redekop, Chair at 6:00 p.m.

2. Roll Call

Present: Mayor Redekop; Councillors Butler, Knutt, Lubberts, McDermott, Passero and Zanko

Staff: R. Brady, J. Davies, K. Dolch, S. Hansen, J. Janzen, M. Kernahan, T. Kuchyt, C. Millar, *E. Melanson, L. Richardson, C. Schofield, J. Tessmer, K. Walsh and C. Watson

*Arrived at 7:20 p.m.

3. Announcements/Addenda

Mayor Redekop announced that with the recent changes to the transit route in Fort Erie and the addition of a third bus, the Transit Advisory Committee (TAC) met with the service provider and staff to make the transition to the new service easier. They have done that by posting larger maps and schedules on the buses which also be available shortly at the bus shelters to make the schedules more user friendly. They will also be including the arrival time of the buses at each bus stop.

Public Open Houses will be held on:

- Saturday, November 18 from 10:00 a.m. to 1:00 p.m. at the Crystal Ridge Library – Bus Stop #220 on the West Routes;
- Saturday, November 25, 2017 from 1:30 to 4:30 p.m. at Stevensville Library – Bus Stop #406 on the North Route;
- Saturday, December 2, 2017 from 10:00 a.m. to 1:00 p.m. at Centennial Library – Bus Stop #18 on East Route #11 – Bus 1 and/or Bus Stop #132 on East Route #10 – Bus 2.

(b) Proposed Official Plan Amendment and Zoning Changes

Re: Southend Secondary Plan - Official Plan Amendment #37 and Zoning changes to implement plan. The proposed plan forms part of the Official Plan directing how the neighbourhood/community will grow, and may result in changes to zoning for certain properties.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Mr. Millar, Neighbourhood Planner delivered a power point presentation which is available for viewing on the Town's website.

Mr. Millar confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting and reviewed the related report.

The Mayor indicated the Committee would hear from those person(s) who wished to speak to the proposed amendments.

Tim Nicholls, Nicholls Marine, 162 Niagara Boulevard stated that everyone he has talked to likes the proposal and he thanked Chris Millar for his presentations and meetings. He stated he has been a victim in the past few years of degrading of lands through wetlands and a property they owned in Dunnville that was flood lands. It is nice to have a win and something that will appreciate the value of his property and help the Town at the same time. He sees this as something everyone can participate in and gain from. It can be developed over time instead of waiting for a big victory like the speedway or marina development which will hopefully happen. It is an excellent plan.

Alvin Chew, 98 Niagara Boulevard, Happy Jacks, thanked Council and Chris Millar for planning this and stated they need some life down there as the third generation will be coming soon. He is looking forward to the changes in the southend and hopes that Town Council will support it.

PART C - APPENDIX "3" - TOWN OF FORT ERIE - OPA 37

Mary Ann Wood, 61 Queen Street explained she owns a building on Queen Street that had a restaurant and a brokerage that are now closed. There are two apartments in the building and a small commercial front. She is proposing to open a coffee shop and in the spring an ice cream shop. It will be a walk-in with no seating and she has additional parking. She requested that the small commercial area be permitted.

Carmen Grisafi, 32 Douglas Street stated he is in favour of the proposed changes and that it will have a positive impact on the community. He owns a parcel of land on the corner of Gilmore Road and Concession Road and has had numerous discussions with Mr. Millar on some uses for it.

Councillor Passero advised that he received an email from Betty Talbot who owns 139 and 145 Waterloo Street advising she is supportive of the recommendations overall and specifically concerning her property.

Mayor Redekop closed the Public Meeting.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items for Discussion

Mayor Redekop requested that Report No. PDS-73-2017 be removed from the Consent Agenda in order to deal with it separately.

7.2 Consent Agenda Items for Approval

PDS-72-2017	Proposed Zoning By-law Amendment - 327 Windmill Point Road North and 0 Dominion Road
--------------------	--

That: Council receives for information purposes Report No. PDS-72-2017 regarding proposed amendment to the Town's Comprehensive Zoning By-law No. 129- 90 for 327 Windmill Point Road North and 0 Dominion Road. **(Carried)**

PDS-74-2017	Information Report - Downtown Core Area Community Improvement Plan (CIP) 2017 Program Monitoring
--------------------	--

That: Council receives Report No. PDS-74-2017 regarding Downtown Core Area CIP Program Monitoring for information

PART C - APPENDIX "3" - TOWN OF FORT ERIE - OPA 37

That: Council approves the recommended task as outlined in Appendix "2". **(Carried)**

Consent Agenda Recommendation

Recommendation No. 1
Moved by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended, save and except Report No. PDS-73-2017. **(Carried)**

7.3 Items Removed for Discussion

PDS-73-2017 Proposed Official Plan Amendment No. 37 (Southend Secondary Plan) and Proposed Zoning Implementation

Recommendation No. 2
Moved by: Councillor Passero

That: Council receives for information Report No. PDS-73-2017 regarding Proposed Official Plan Amendment (OPA) No. 37, being the Southend Secondary Plan, together with proposed amendments to Zoning By-law No.129-90 to implement OPA No. 37. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Passero.

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-77-2017 Proposed Zoning By-law Amendment - 168 High Street - Jennifer Vida, Upper Canada Consultants (Agent) - 800547 Ontario Ltd. (Ed Lenchyshyn) (Owner)

Recommendation No. 3
Moved by: Councillor Zanko

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Appendix "4" of Report No. PDS-77-2017 for the lands known as 168 High Street, and

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

FORMAL AGENCY COMMENTING COMMENTING RECEIVED PRIOR TO PUBLIC MEETING

Date Comments Received	Department of Agency	General Concerns	Response
October 18, 2017	MTO	Advising of their permit control and 14m setback requirements on sites adjacent to highway	Staff are aware of MTO requirements for both setback and circulation for permits. Staff may seek clarification on limit of jurisdiction, as the highway ends at Peace Bridge lands and therefore where does the requirement for permit technically end.
October 26, 2017	Region of Niagara	Cursory review of comments indicate support, but seek clarification on some of the policies. Suggestions for addition and grammatical revisions are also provided.	Staff will fully assess commenting. Changes will be made where deemed appropriate and areas of discussion may be required to further clarify comments. Planning staff would expect to have revisions completed and reviewed by Region again prior to Recommendation coming forward.
October 27, 2017	TOFE Fire Department	Does not anticipate issues with level of intensification projected. Will be more interested at site planning level to ensure adequate fire protection related needs.	No Response necessary. Staff are satisfied with TOFE Fire position.
October 27, 2017	NPCA	Comments received.	Time to assess and discuss internally has not yet been arranged. Staff would expect that any commenting that may need further clarification will be addressed prior, or at the time of recommendation being put forward.
October 30, 2017	Enbridge Gas	No concerns at this time.	No Response necessary.
October 30, 2017	TOFE Infrastructure Services	Have reviewed Secondary Plan and have no concerns at this time.	No Response necessary.

FORMAL AGENCY COMMENTING RECEIVED AFTER INFORMATION REPORT DEADLINE AND PUBLIC MEETING

Date Comments Received	Department of Agency	General Concerns	Response
November 6, 2017	NPCA	Original comment received October 27, 201 and a supplemental letter was provided Oct. 27, 2017 letter. NPCA had identified 3 items for comment including a watercourse identification, a wooded area of interest and the removal of Special Policy Area 8.	Town staff had concerns over the position being taken in the NPCA correspondence. Staff arranged and met with NPCA senior staff to discuss all three items raised in their commenting. The meeting occurred November 14, 2017 at NPCA offices. NPCA staff agreed the watercourse and woodlot comments were included, but recognized the actual site conditions did not warrant additional study such as an EIS. Of most significance was the confirmation that NPCA did not have authority to impose/request the inclusion of Special Policy Area 8 and that NPCA did not and does not have regulatory authority on the matter. NPCA indicated they would no longer be pursuing the topic and their comments could simply be considered advice.
October 26, 2017	Niagara Region	Correspondence received via Memorandum dated October 26, 2017. All concerns were consider minor in nature.	Town staff made a series of modifications and typographical / grammatical edits. Regional staff have reviewed and discussions conducted one-on-one to ensure changes/modifications were appropriately addressed. In all circumstances, modifications to policies maintain the intent of the Plan. Outstanding at the time of the Public Meeting was a final determination on who the approval authority would be. A decision is imminent
November 15, 2017	Niagara Parks Commission	Commenting from NPC was focused primarily on identifying its interests related to long term sustainability of their waterfront lands and to also work cooperatively with the Town of Fort Erie on such matters as view and vistas identification and preservation.	Town staff made a number of textual edits that were more clarifying in nature and to highlight or emphasize cooperation. Town staff made edits and spoke one-on-one with NPC staff to review modifications. NPC staff appear to have been satisfied with the modifications made.

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

RE: Final Drafts Ellen Savoia to: Chris Millar 21/11/2017 10:35 AM

From: Ellen Savoia <esavoia@niagaraparks.com>

To: Chris Millar <CMillar@forterie.ca>

Thanks Chris

From: Chris Millar [<mailto:CMillar@forterie.ca>]

Sent: November-21-17 9:21 AM

To: Ellen Savoia <esavoia@niagaraparks.com>

Subject: Final Drafts

Hi Ellen,

As discussed, I have made the final changes, which included those from my discussion yesterday with the Region.

None of the Region's comments impact NPC commenting or related policy.

Regardless, for your record and review (if you wish to) the final secondary plan with all tracked changes shown, along with the mapping schedules.

I have also provided the tracked change version of the proposed By-law. You will see your request had been added in that document regarding the 3m buffer as well.

Sincerely,

Chris Millar, CPT, MCIP, RPP

Neighbourhood Planner

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2503

FAX: 1-905-871-6411

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PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

SSP OPA37_Nov16-2017_FINAL DRAFT_Post-Release_Tracked
 ChangesNPCComments.pdf Ellen Savoia to: Chris Millar 17/11/2017 10:04 AM
 From: Ellen Savoia <esavoia@niagaraparks.com>
 To: Chris Millar <CMillar@forterie.ca>
 History: This message has been replied to.

1 Attachment



SSP OPA37_Nov16-2017_FINAL DRAFT_Post-Release_Tracked ChangesNPCComments.pdf

Hi Chris

For your files, please find attached NPC comments on the revised draft Southend Secondary Plan OPA as per our discussion this morning.

Thank you again for your consideration of our comments. Please keep NPC informed with regard to this process.

Ellen

Ellen Savoia
 Senior Planner

The Niagara Parks Commission
 P.O. Box 150, 7400 Portage Road
 Niagara Falls, Ontario, L2E 6T2, Canada
 Tel: 905.295-4396 ext. 3258 | Mobile: 289-241-8375
 Fax: 905.356-7262 | esavoia@niagaraparks.com
www.niagaraparks.com



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PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

November 15, 2017

Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
Planning and Development Services
1 Municipal Centre Drive
Fort Erie ON L2A 2S6

Dear Mr. Millar:

Re: Southend Secondary Plan and Zoning By-law Modifications
Your File No. 350313.005

The Niagara Parks Commission (NPC) has reviewed the draft Official Plan Amendment and Zoning By-law Amendment for the Southend Secondary Plan and would comment as follows:

The mandate of NPC is the preservation and conservation of the natural and cultural heritage of the Niagara River shoreline which is of environmental and cultural heritage importance. The proposed amendments have been evaluated for their potential impacts on the preservation and conservation of the natural and cultural heritage resources within NPC's jurisdiction including Niagara River Parkway (Niagara Boulevard). In this regard NPC is supportive of the overall goals and objectives of the Southend Secondary Plan which would permit modest intensification while respecting the cultural and natural heritage of the area.

Draft Southend Secondary Plan

The enhancement of the public realm of Niagara River Parkway (Niagara Boulevard) is an opportunity for NPC and the Town to work together. To this end wording the Secondary Plan should recognize that the Niagara River Parkway (Niagara Boulevard) is road primarily under the jurisdiction of NPC.

The Secondary Plan should include wording in 4.21.3, 2nd paragraph to recognize that most of the public realm on both sides of Niagara Boulevard under the jurisdiction of NPC and as such the Town and NPC should work together to investigate opportunities for projects to enhance the public realm.

The secondary plan is proposing to place lands zoned for duplex and/or semi-detached dwellings or land previously occupied by single detached dwellings under Site Plan Control. Urban design guidelines for developments adjacent to Niagara River Parkway (Niagara Boulevard) should be developed to ensure new development is compatible with the unique character of Niagara Boulevard and the Niagara River shoreline. These guidelines prepared in conjunction with NPC will provide the opportunity to establish greater visual and physical connectivity to the Niagara River and continuity with the existing Niagara Parkway system.

The section of Niagara River Parkway (Niagara Boulevard) under the jurisdiction of NPC, is a controlled access highway under the jurisdiction of NPC therefore 4.21.6 (g) should also noted that

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

residential planned adjacent to or within the jurisdiction of NPC shall comply with NPC permit requirements.

4.21.9 Core Mixed Use fourth paragraph should be revised to indicate that “The Town will develop Urban Design Guidelines in conjunction with the Niagara Parks Commission to ensure development and redevelopment continues to reinforce the unique character cultural and historical significance of the Niagara River Parkway (Niagara Boulevard)”.

4.21.14.1 a) indicates that there are three classifications of Town owned parks. Specialized Parks speaks to parks adjacent to the Niagara River which are owned or leased by NPC. The wording should be revised to more accurately reflect the status of the land ownership. It may be advisable to delete this section and add section 4.21.14.3 as proposed in your email dated November 15, 2017. In addition, s. 4.21.14.3 last sentence should be revised to “The Town encourages active dialogue and consultation between the Niagara Parks Commission, with the Town and public, on these matters”.

NPC requests that the following wording be added “The Niagara Parks Commission is encouraged to identify important views, and viewpoints along the Niagara River Parkway (Niagara Boulevard) and Niagara River shoreline and to implement environmentally sustainable land management best practices to ensure protection of natural heritage of the Niagara River shoreline and the identified important views and viewpoints.”

Section 4.21.15.1 c) should indicate more strongly that the rehabilitation of the shoreline corridor potential should be encouraged.

Section 4.21.16.1 d) indicates the Niagara Boulevard is under both NPC and Town jurisdiction. I note that a small section between Princess Street and Queen Street is under the ownership of the public authority having jurisdiction. The actual ownership/jurisdiction will have to be confirmed and cannot be resolved prior to finalizing this secondary plan. NPC recommends that the wording of the secondary plan indicate NPC jurisdiction and/or public authority having jurisdiction to reflect the wording on title.

Section 4.21.16 2 e) should identify the Niagara Parkway (Niagara Boulevard) is a processional roadway that provides a north-south linkage from Lake Ontario to Lake Erie for tourists and local residents and that it has a primarily a tourist function not a normal collector road function.

NPC has concerns with the proposed wording regarding on-street parking in Section 4.21.16.4 c) includes encouraging on street parking on Niagara River Parkway (Niagara Boulevard). The clause should be amended to include the following wording: “NPC and the Town will work cooperatively to establish appropriate locations for parking associated with the Niagara River as an amenity for active transportation linkages/connections”.

Section 4.21.20 c) should be revised to “Any Gateway or Landmark Feature planned along a regional road will require consultation with relevant authority and potentially an approval accordingly. Any

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

Gateway or Landmark Feature planned along the Niagara River Parkway (Niagara Boulevard) will require consultation with and approval from NPC.”

Draft Zoning By-law

RM2-XX7 221-219, 221, 237 253 and 263 Niagara Boulevard and 22 Lavinia would permit a private parking lot use. NPC requests that parking lot uses include a landscape buffer provision in the by-law as follows:

- b) minimum landscape buffer of 3 m across the Niagara Boulevard frontage

Thank you for the opportunity to review the draft secondary plan and zoning by-law. Please contact me if you wish to discuss the above.

Yours truly,

Ellen Savoia, MCIP, RPP
Senior Planner

Memorandum

Date: October 26, 2017

To: Chris Millar, Neighbourhood Planner
Town of Fort Erie

From: Kirsten McCauley (ext 3532)
Senior Planner, Secondary Plans

Subject: Southend Secondary Plan – draft dated September 29, 2017
Regional Planning Comments

Thank you for providing the opportunity to comment on Southend Secondary Plan policies and schedules dated September 29, 2017. To date Regional Planning staff has not provided any comments on draft policies.

Regional Policy:

The subject lands are located within the Urban Area of the Town of Fort Erie, as identified in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

The Region is committed to working collaboratively with the Town towards the creation of a Secondary Plan that will provide the foundation for a strong, healthy, balanced and prosperous community. The draft Secondary Plan contains policies that support and encourage redevelopment and infilling through a range and mix of land uses and built form types, the protection and integration natural and cultural heritage resources, and the promotion of opportunities for transit supportive development and active transportation.

Provincial Policy Statement:

The subject lands are located within a Settlement Area under the 2014 Provincial Policy Statement (PPS). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available.

Provincial Growth Plan:

The 2017 Places to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan) contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

densities, active transportation and viable integration of transit services. The majority of the lands within the Southend Secondary Plan are located within Fort Erie's Urban Area built boundary and would be considered to be located in the delineated Built-up Area in the 2017 Growth Plan and the Regional Official Plan. The Town of Fort Erie was assigned an intensification target of 15% per Niagara 2031. Accordingly, a minimum of 15% of all residential development occurring in the Town to 2031 shall be directed to the Town's Built-up Area. The Town will be required to maintain this intensification target until the Region has completed and approved the Municipal Comprehensive Review (MCR) through the Niagara 2041 process. Phase 3 of the MCR recommended an intensification target of 50% for the Town of Fort Erie; however, the MCR has not yet been approved. It is anticipated that the MCR will be completed once the Provincial Land Needs Assessment Methodology is made available.

Although the 2017 Provincial Growth Plan does not yet require the new higher intensification and density targets at this time, the Region, through its creation of the new Official Plan, will be ensuring that the Plan's growth management policies and targets are aligned with the 2017 Provincial Growth Plan.

Secondary Plan comments:

The following comments are for consideration and, in some cases, to request clarification regarding the intent of the policy. Regional Planning staff have identified the following items for consideration:

PART A –

Page 9 – ii. In the last paragraph it says that “Policy may be considered for areas seeking transition in future to serve as a guide for additional infilling opportunities amongst the more established neighbourhood area.” Is this referring to the special policy areas or is the intent to create additional policy in the future?

Page 10 – Schedule S-2 refers to an “Environmental Corridor/Linkage” not a “Natural Corridor”

Page 10 – While the Region is supportive, please advise how the NPCA intends to address the removal of the constraints and flood elevations.

Page 14 – vii. Second paragraph “would benefit from the increased”

PART B –

Page 20, Policy 4.21.5 a) you could add that infilling of vacant and/or underutilized lands will contribute to meeting the required intensification target for the Built Up Area.

Page 22 – are the arterial roads the Regional Roads as per S-4.

Page 22 – Is there a word missing “to supply supporting information for use in assessing...”

Page 25 – Policy 4.21.8 b) there appears to be a wording issue in the second sentence. Is there an upwards limit for increased density?

Page 25 – Policy 4.21.8 g) should this reference the table of studies that can be requested in the parent OP?

Page 26 – Policy 4.21.8.1 add a policy about residential development in proximity to industrial may be required to demonstrate compatibility and implement any required mitigation measures.

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

Page 27 – Policy 4.21.8.2 d) add “density” before range, e) repeats the previous policy about the density requirements.

Page 33 – Policy 4.21.10.1 – there are two f)’s – first f) however, this shall, second f) refer to the list of studies in the parent OP?

Page 34 – Policy 4.21.12 c) – should this refer to the residential policies of the SP or is it open to either low or medium density?

Page 34 – Policy 4.21.13 should this be a) – should a policy be included for transition similar to the institutional policy above

Page 35 – Policy 4.21.14 b) is this policy referring to private open space?

Page 35 – Policy 4.21.14.1 a) typo - Peace Bridge Public School

Page 37 – Policy 4.21.14.2 c) “that holds potential for a trail linkage” and “currently provide available underpass access for? the QEW”

Page 37 – Policy 4.21.15.1 c) “The Southend Secondary Plan Area”

Page 38 – Policy 4.21.16 a) and b) could be combined

Page 41 – Policy 4.21.16.2 e) which department? g) “have been identified as Regional Bikeways”

Page 41 – there is no reference to the Niagara Circle Route

Page 42 – Policy 4.21.16.3 a) “may be requested to demonstrate how their proposed development is transit supportive...”

Page 43 – Policy 4.21.17 b) add to i. “New designated and listed properties in the Southend Secondary Plan Area may be referenced on Schedule S-2 without amendment to the plan”

Page 44 last paragraph – Stage 1 and/or Stage 2 Archaeological Study work...

Page 45 – 4.21.17 b) check the lettering

Page 45 – i) refer to Peace Bridge Zone of Sensitivity?

Page 45 – 4.21.18 c) the 2041 planning horizon

Page 46 – Policy 4.21.18 h) Southend Secondary Plan Area

Page 47 - Policy 4.21.20 b) should be “cues” instead of “queues”

The Region recognizes the unique First Nations settlement history of the Southend neighbourhood. The Region encourages the Town to seek recognition of this area through Parks Canada and ultimately UNESCO for its important archaeological resources and strong Indigenous past dating back thousands of years.

Regional Engineering Comments:

Regional staff note the following:

- On page 21 - 4.21.6 (d) the plan would potentially add 400 units that totals approximately 1,000 people which is on page 23 (e)
- Page 45 – 4.21.18 (c) should be updated to reflect the following information

Based on this information we reviewed the recently completed Water and Wastewater Master servicing Plan which can be found at the following link:

<https://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Wastewater System:

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Part of the study area (east side) is within the sewer shed area for the Catherine Sewage Pumping Station (SPS) and the west side goes directly to the Anger Ave Wastewater Treatment Plant thru the Regional trunk gravity sewer.

The Region has reviewed the recently completed Master Servicing Plan (MSP) and provide the following comment:

- This study area as noted above falls partially within the Catherine Street SPS sewer shed and the Anger Ave WWTP sewer shed. Both sewer sheds have been allocated growth out to 2041 in consultation and collaboration with the Town of Fort Erie. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently the MSP has identified that the dry weather flows at the Catherine Street SPS will exceed the current pump and forcemain capacities by 2041 therefore a capital project was identified in the MSP to be completed in the last bracket of proposed projects which is between 2032-2041. The proposed MSP schedule has been moved up to align with existing maintenance project was scheduled, the design work for the maintain/upgrade will now include consideration for the project growth in the area.
- The MSP determined that the Anger Ave WWTP does have sufficient dry weather flow capacity to accommodate the growth allocated to it. However, a capital project was carried to implement a wet weather flow reduction program to remove wet weather flows from the system to provide additional capacity for growth in the Anger Ave WWTP sewer shed.

Water System:

- The water system in Fort Erie has sufficient capacity to accommodate growth but the components of the Fort Erie water strategy were focused on providing additional storage for the growth in the area which optimizing the storage/pumping relationships to reduce long term lifecycle costs therefore a new water tank will be provided in central Fort Erie to support the system growth and directly support the employment centre. This new tank will allow for decommissioning of the existing Stevensville reservoir and pumping station as well as the Central Avenue Elevated Tank.
- The new tank, new feeder main to Central Fort Erie and decommissioning of the Central Ave Elevated Tank have all been included as capital projects in the MSP in the following time frames respectively, 2017-2021, 2022-2031 and 2022-2031.

The last infrastructure in the study area that is owned by the Region is Gilmore Road (Regional Road 19) and Central Ave (Regional Road 124) the current Regional Capital Budget does not include any plans for these roads.

Conclusion:

Regional staff supports the approval of the Secondary Plan for the Southend neighbourhood in the Town of Fort Erie, subject to the above comments and the comments of the NPCA. The secondary plan represents an opportunity for the Town to encourage infilling of vacant and/or underutilized sites and contribute to the Town's intensification target.

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

In accordance with the Regional Official Plan and the Memorandum of Understanding, the proposed Southend Secondary Plan may be eligible for exemption from Regional Council approval. Regional staff requests that the Town recirculate a copy of the Secondary Plan following the incorporation of agency and public comments. Final determination of exemption will occur once Regional staff have an opportunity to review the revised Secondary Plan.

Please contact me at kirsten.mccauley@niagararegion.ca or 905-980-6000 ext 3532 if you have any questions or wish to discuss these comments further.

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

RE: Supplementary NPCA Comments - Southend Secondary Plan - Fort Erie David Deluce
 to: Chris Millar 08/11/2017 11:52 AM
 Cc: Rick Brady, Mark Brickell
 From: David Deluce <ddeluce@npca.ca>
 To: Chris Millar <CMillar@forterie.ca>
 Cc: Rick Brady <RBrady@forterie.ca>, Mark Brickell <mbrickell@npca.ca>

Hi Chris,

Mark and I are available Tuesday (Nov. 14) afternoon. How is 2:00 pm and are you able to come to our office?

Thanks.

David Deluce, MCIP, RPP
 Acting Manager, Plan Review & Regulations
 Niagara Peninsula Conservation Authority
 250 Thorold Road West, 3rd Floor
 Welland, Ontario, L3C 3W2
 905-788-3135 ext. 224
ddeluce@npca.ca

From: Chris Millar [<mailto:CMillar@forterie.ca>]
Sent: November 8, 2017 10:35 AM
To: David Deluce <ddeluce@npca.ca>
Cc: Rick Brady <RBrady@forterie.ca>; Mark Brickell <mbrickell@npca.ca>
Subject: Fw: Supplementary NPCA Comments - Southend Secondary Plan - Fort Erie

Hi Dave,
 Can you provide any indication on these proposed dates to meet?
 We would like to tie up an available time sooner rather than later, thanks.

Sincerely,
 Chris Millar, CPT, MCIP, RPP
 Neighbourhood Planner
 Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, Ontario
 Canada
 L2A 2S6

TEL: 1-905-871-1600 ext.2503

FAX: 1-905-871-6411

----- Forwarded by Chris Millar/FortErie on 08/11/2017 10:26 AM -----

From: Chris Millar/FortErie
 To: David Deluce <ddeluce@npca.ca>
 Date: 07/11/2017 01:46 PM
 Subject: Re: Supplementary NPCA Comments - Southend Secondary Plan - Fort Erie

Hi Dave,
 Further to my voicemail earlier, Rick and I are hoping a meeting can be scheduled this Thursday (November 9) in the afternoon (perhaps some time between 1 and 4) for about 30 minutes to 45 minutes with yourself and Mark

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

Brickell.

Alternatively, the afternoon of Tuesday, November 14 or morning of Wednesday November 15.

Please check Mr. Brickell's availability and advise if one of these dates can be confirmed.

Thanks, Dave.

Sincerely,
Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2503

FAX: 1-905-871-6411

From: David Deluce <ddeluce@npca.ca>
To: Chris Millar <CMillar@town.forterie.on.ca>
Cc: Mark Brickell <mbrickell@npca.ca>, Gregg Furtney <gfurtney@npca.ca>, "Steve Miller" <smiller@npca.ca>, Lee-Ann Hamilton <lhilton@npca.ca>, "McCauley, Kirsten" <Kirsten.Mccauley@niagararegion.ca>
Date: 06/11/2017 05:10 PM
Subject: Supplementary NPCA Comments - Southend Secondary Plan - Fort Erie

Hi Chris,

Further to our comments of October 27, 2017, attached are supplementary comments intended to clarify our position. If you have any questions, please let me know.

Regards,

David Deluce, MCIP, RPP
Acting Manager, Plan Review & Regulations
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario, L3C 3W2
905-788-3135 ext. 224
ddeluce@npca.ca

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PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37

and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority. [attachment "Southend SP - Supplementary NPCA Comments (Nov 6 2017).pdf" deleted by Chris Millar/FortErie]

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

November 6, 2017

Via Email Only

Mr. Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Our File: PLSEP201701316

Dear Mr. Millar

**Re: Niagara Peninsula Conservation Authority (NPCA) Supplementary Comments
Southend Secondary Plan
Lands South of Gilmore Road, North of QEW, East of Concession Road
Town of Fort Erie
File No.: OPA No. 37**

Further to our letter of October 27, 2017, it has come to our attention that the Town is concerned with the NPCA position regarding the flood hazard in the Southend Secondary Plan. To clarify, the NPCA does not regulate the Niagara River, north of the Peace Bridge.

Our comments regarding consistency with the Provincial Policy Statement (PPS) reflect our delegated responsibility from the Province to provide comment on Section 3.1. of the PPS. Given this, the NPCA's mapping indicates that there is a flood hazard in the Secondary Plan Area. The extent of this flood hazard was identified in 2007 through the professional opinion of Brian Bishop, P.Eng. with Phillips Engineering (now Amec Foster Wheeler). The NPCA has not received any technical information to dispute Mr. Bishop's professional opinion.

We hope this information helps clarify our position. If you have any questions, please contact the undersigned.

Regards,

A handwritten signature in black ink, appearing to read "David Deluce".

David Deluce, MCIP, RPP
Acting Manager, Plan Review and Regulations (ext. 224)

cc: Ms. Kirsten McCauley, MCIP, RPP, Region of Niagara (email only)
Mr. Mark Brickell, NPCA (email only)
Mr. Gregg Furtney, NPCA (email only)
Ms. Lee Ann Hamilton, NPCA (email only)
Mr. Steve Miller, P. Eng., NPCA (email only)

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

October 27, 2017

Via Email Only

Mr. Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Our File: PLSEP201701316

Dear Mr. Millar

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Southend Secondary Plan
Lands South of Gilmore Road, North of QEW, East of Concession Road
Town of Fort Erie
File No.: OPA No. 37**

The NPCA has received a draft Secondary Plan (SP) for the lands within the above defined area along with a Zoning By-law amendment (ZBA) to implement changes to the SP into the Zoning By-law. The SP seeks to review land use and plan for areas within to be slightly intensified through re-development of underutilized or vacant parcels of land. We have reviewed the proposed amendments and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The SP area contains one tributary to the Niagara River that is regulated by the NPCA. The SP and ZBA mapping do not illustrate this watercourse, however, NPCA staff have no objection to this given the scope and nature of the watercourse. Any future redevelopment in the screening area of the watercourse would be subject to NPCA review.

The NPCA is party to a Memorandum of Understanding (MOU) with the Ministry of Municipal Affairs and Housing (MMAH), the Ministry of Natural Resources and Forestry (MNRF) and Conservation Ontario. Under this MOU, the NPCA reviews *Planning Act* applications for consistency with the Provincial Policy Statement (PPS) as they relate to Section 3.1 (Natural Hazards). The SP area contains lands along the Niagara River that are identified as being in the 100 year flood plain.

The SP indicates that the Town desires to remove this hazard from the SP on the premise that the affected lands are not prone to flooding. As such, the flood plain has not been shown on the SP and ZBA mapping. To date, the NPCA has not received any information, e.g. hydraulic modelling and flood plain mapping, to refute the extent of the flood plain. In the absence of such information, NPCA staff are unable to support removal of the flood plain from the SP and consider the SP, in its current form, not to be consistent with Section 3.1 of the PPS.

Regional Official Plan – Chapter 7 (Natural Environment)

Under the terms of the MOU between Niagara Region, the local municipalities and the NPCA, the NPCA reviews all planning applications for conformity with Chapter 7 (Natural Environment) of the Regional Official Plan (ROP) as well as Sections 2.1 (Natural Heritage) and 2.2 (Water) of the PPS for consistency. The SP area contains Environmental Conservation Areas (ECA) due to the presence of significant woodland (northwest corner of SP area), public conservation lands (land under the jurisdiction of the Niagara Parks Commission) and, significant valleyland (Niagara River).

The SP mapping identifies the ECA along the Niagara River as Open Space to reflect the current state of these lands. Similarly, the ZBL mapping zones the lands along the Niagara River to reflect the current land uses in this area. NPCA staff have no objection to this. The small ECA in the northwest corner of the SP area is based on a woodland that is considered significant due to rare species. In the absence of any assessment of the woodland, NPCA staff recommend that an EC overlay be included in the ZBL mapping to allow for this feature to be assessed for significance prior to removal.

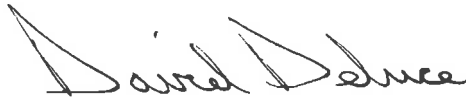
Policy 7.B.1.11 of the ROP allows development within an ECA where it has been demonstrated that there will be no negative impact to the natural feature. The text of the SP (Section 4.21.15.1) notes that the Natural Heritage policies (Section 8 of the Town's Official Plan) apply to the SP area. NPCA staff are satisfied with this method of addressing natural heritage.

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Conclusion

NPCA staff are unable to fully support the SP and ZBA as they are considered not to be consistent with Section 3.1 of the PPS. I trust this information is helpful. If you have any questions, please let me know.

Regards,

A handwritten signature in black ink, appearing to read "David Deluce". The signature is written in a cursive, flowing style.

David Deluce, MCIP, RPP
Supervisor, Development Reviews (ext. 224)

cc: Ms. Teresa Gray, MCIP, RPP, Region of Niagara (email only)
Mr. Gregg Furtney, NPCA (email only)
Ms. Lee Ann Hamilton, NPCA (email only)
Mr. Steve Miller, P. Eng., NPCA (email only)

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



South End Secondary Plan
Kelly Walsh to: Chris Millar

30/10/2017 02:26 PM

Chris:

We've reviewed the draft secondary plan and have no further comments at this time.

Regards,

Kelly M. Walsh, P. Eng.

Director, Infrastructure Services

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive | Fort Erie, ON | L2A 2S6

W: 905-871-1600 ext. 2400

Please consider the environment before printing this email

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



South End Secondary Plan
Ed Melanson to: Chris Millar

27/10/2017 02:21 PM

Good afternoon Chris,

Thank-you for for sharing the Secondary Plan with me today for the South End District of Fort Erie. This modest growth plan will pose few problems for the fire department based on present staffing, response apparatus and funding models. I will monitor the process closely at the site plan level.

Thanks again.

Ed Melanson CMM II
Fire Chief / CEMC
Fort Erie Fire Department
Office: (905) 871-1600 ext. 2600
Cell: (905) 993-0748

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



Enbridge Gas Distribution
500 Consumers Road
North York, Ontario M2J 1P8
Canada

October 30, 2017

Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
Planning & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Chris Millar,

Re: Southend Secondary Plan and Zoning By-Law Modifications
The Town of Fort Erie
Town of Fort Erie
File No.: 350313-005

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

AC/jh

PART C - APPENDIX "4" - TOWN OF FORT ERIE - OPA 37



Circulation for Comments - Southend Secondary Plan

Fyffe, Hugh (MTO) to: Chris Millar

Cc: "Polus, Asia (MTO)"

18/10/2017 08:31 AM

From: "Fyffe, Hugh (MTO)" <Hugh.Fyffe@ontario.ca>

To: Chris Millar <CMillar@forterie.ca>

Cc: "Polus, Asia (MTO)" <Asia.Polus@ontario.ca>

History: This message has been replied to.

Good morning Mr. Millar:

Thanks for the subject Circulation.

We note that sections of the south boundary of the Southend Secondary Plan is adjacent to the QEW. Please note that the MTO exercises permit control under the Public Transportation and Highway Improvement Act (PTHIA) over developments adjacent to the QEW right-of-way and which includes among other things a 14m setback and the approval of technical reports for the issuance of MTO permits.

Respectfully

Hugh Fyffe
Project Manager
Highway Corridor Management
416 235-4572