



TOWN OF FORT ERIE OFFICIAL PLAN

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Policies and designations under appeal are noted in this consolidation.

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Section 1
TITLE AND COMPONENTS
OF THE PLAN

1. TITLE AND COMPONENTS OF THE PLAN

1.1. TITLE

- I. This Plan shall be referred to as the Official Plan for the Town of Fort Erie. The Fort Erie Planning Area was established on January 1, 1970 in the Regional Municipality of Niagara under the authority of the Regional Municipality of Niagara Act 1968-69 as replaced by the Municipal Act S.O. 2001, Chapter 25.
- II. This Official Plan replaces the Official Plan approved March 9, 1989 for the Fort Erie Planning Area and Amendments thereto.

1.2. COMPONENTS

- I. Sections 1 to 14 inclusive and Section 15 consisting of Schedules “A”, “A1”, “B”, “C”, “C1”, “D”, “D1”, and “E” and Appendices ‘A’ constitute this Official Plan. Appendices ‘B’ and ‘D’ are for information purposes only and complement the policies of this Plan.
- II. Italicized words found in this document are defined in Appendix ‘A’.

Section 2

PURPOSE AND GOALS

2. PURPOSE AND GOALS

2.1. PURPOSE OF THE PLAN

- I. The general purpose of this Plan is to provide the Town of Fort Erie with a general policy designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The general purpose of this Plan is to provide the Town of Fort Erie with a general policy designed to support strong, livable, and healthy communities, protect the environment and public health safety, and facilitate economic growth. The policy goals and objectives and various sections of this Plan have been developed in consideration of the following planning principles being: providing for a mix of land uses; taking advantage of compact building design where appropriate; creating a range of housing opportunities and choices; creating walkable neighbourhoods; fostering distinctive, attractive communities with a strong sense of place; preserving open space, farmland, natural beauty, and critical environmental areas; strengthen and direct development towards existing communities; making development decisions predictable, fair and cost effective; and encouraging community and stakeholder collaboration in development decisions.
- II. This Plan is intended to provide basic policy, within the framework of the Planning Act, the Provincial Policy Statement, Provincial Growth Plan and the Regional Policy Plan, within which Council may carry out successive and more detailed steps in the planning process through the exercise of powers conferred on them by Provincial legislation. It is intended that this Plan will be a guide to all public and private agencies concerned with the development of the Town. Public authorities will be assisted in their planning and installation of necessary municipal facilities, such as roads and schools.
- III. This Plan is not to be considered as a means of restricting the use of land such as a zoning by-law, but it directs the Council in its use of the relevant provisions of Provincial legislation. Upon the Regional Municipality of Niagara's approval of this Plan, and notwithstanding any other general or special Act, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with the Plan, except as specifically provided for under the Planning Act, 1990.

2.2. PLAN PERIOD

- I. The Act establishing the Regional Municipality of Niagara requires that all Official Plans for subsidiary Planning Areas be brought into conformity with the Regional

Policy Plan. The Regional Policy Plan was approved by, in part, the Minister on June 16, 1978 and was later modified by decision of the Ontario Municipal Board on February 27, 1981. A number of amendments have been made to the Plan since that time. It is intended that the Plan period for this document shall be from 2006 to 2026. This Plan shall be reviewed every five years. Changes in the economic structure, the pattern of land use or development in the Town of Fort Erie or revisions to the Regional Policy Plan, Provincial Growth Plan, and Provincial Policy Statement, may necessitate a revision in the Plan.

2.3. GOALS AND OBJECTIVES

- I. Goals and Objectives establish the general direction of planning and development for the Town of Fort Erie. Goals are defined as the ideal conditions towards which policies are directed. Objectives are elaborations of the goals, and qualify and clarify their scope and intent.
- II. The Goals and Objectives that are established for this Plan are set out below. Reference should be made to the Policy Sections of this Plan, which are intended as more detailed statements guiding the Town of Fort Erie in the realization of the Goals and Objectives.

2.3.1. GENERAL

Goals:

- a. To maintain the unique character of the Town of Fort Erie as a municipality with many distinct communities and neighbourhoods;
- b. To encourage a reasonable balance within the Town of Fort Erie between housing and employment opportunities; and
- c. To accommodate population growth and future development in an orderly and efficient land use pattern.

Objectives:

- a. To establish an efficient, integrated land use pattern that will facilitate optimum growth for the Town of Fort Erie;
- b. To protect and enhance the irreplaceable scenic areas and physical resources (such as the Niagara River and Lake Erie shorelines, streams, agricultural lands and mineral aggregate and petroleum resources);

- c. To encourage a land use pattern which builds upon the historical *development* of the Town; and
- d. To minimize the degree of incompatibility between various land uses while encouraging a land use pattern that integrates employment, recreation, and housing in close proximity.

2.3.2. SOCIAL AND COMMUNITY NEEDS

Goals:

- a. To provide adequate community services to meet the needs of the existing and future residents of the Town;
- b. To foster and protect the community identity of the Town; and
- c. To ensure new *development* is accessible to people with disabilities.

Objectives:

- a. To cooperate with other levels of government in establishing recreation, open space and community centres where the need is demonstrated;
- b. To encourage the maintenance and enhancement of the quality of life in the Town; and
- c. To encourage the joint use of social, community and educational facilities.

2.3.3. COMMUNITIES AND NEIGHBOURHOODS

Community Goals

- a. To foster the *development* of strong, liveable and healthy communities incorporating protection of the environment, public health and safety, while facilitating economic growth and maintaining community identity.

Community Objectives

- a. To utilize Neighbourhood Plans in achieving strong, liveable and healthy communities comprising interconnected vibrant neighbourhoods;
- b. Incorporating urban design elements to achieve attractive and distinct communities and neighbourhoods; and
- c. To develop and implement Community Improvement Plans to

improve communities characterized by inadequate physical, social, community or recreational facilities, *infrastructure* or obsolete/dilapidated buildings.

Neighbourhood Goals

- a. Neighbourhoods will develop, in accordance with Neighbourhood Plans, with an attractive, compact orderly urban structure that links institutional, recreational, commercial, natural features and employment resources.

Neighbourhood Objectives

- a. Neighbourhood Plans will provide for a range of housing types, densities and lot sizes in neighbourhoods that can accommodate persons with diverse social and economic characteristics, needs, and desires;
- b. Neighbourhood Plans will enhance the quality of life through excellence in design of the built environment, and through the conservation and integration of natural areas and heritage resources; and
- c. Neighbourhood Plans will ensure that neighbourhood design provides for the needs of all users, develops safe neighbourhoods, and to use the elements of traditional neighbourhood design and other design techniques to foster and promote a sense of community identity and reduce car dependence.

2.3.4. AGRICULTURAL

Goals:

- a. To preserve agricultural land in Fort Erie.

Objectives:

- a. To protect and preserve the prime agricultural land for long term use by the agricultural industry;
- b. To protect agricultural land from activities and land uses which could limit productivity or efficiency; and
- c. To reduce the fragmentation of agricultural lands, especially by non-agricultural uses.

2.3.5. RESIDENTIAL

Goals:

- a. To accommodate population growth and future housing needs by providing for a full range of housing choices in terms of type, tenure and price available to accommodate persons with diverse social and economic characteristics, and needs;
- b. To facilitate the efficient use of community and engineering services and to ensure that development does not create an undue financial hardship on the municipality; and
- c. To foster and promote a sense of neighbourhood identity and to make neighbourhoods safe, energy efficient and well connected to everyday needs to reduce the need for the private automobile.

Objectives:

- a. To ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies;
- b. To encourage, support, assist in the distribution of information, and participate to the best of its financial ability in housing programs offered by senior levels of government that provide housing to moderate and low income families and to encourage non-profit housing organizations to also participate in such programs;
- c. To ensure that the existing housing stock is maintained both qualitatively and quantitatively while accommodating infill, redevelopment and reuse;
- d. To provide the policy to assist with the provision of affordable housing to low and moderate income groups and special needs housing; and
- e. To ensure that future residential land uses are appropriately separated from incompatible land uses.

2.3.6. BUSINESS AND EMPLOYMENT

Goals:

- a. To encourage a range of employment opportunities; and
- b. To develop the economic potential of the Town while enhancing the quality of life of its residents.

Objectives:

- a. To encourage the provision of appropriate services, facilities, housing accommodation, and transportation facilities that support the population living and working in Fort Erie;
- b. To recognize and encourage the Bridgeburg Central Business District as an area of community focus and as an area of civic and cultural identity for the Town of Fort Erie, and to encourage the *development* of commercial, institutional and residential uses;
- c. To recognize and encourage the Ridgeway, Crystal Beach, South End Core Area and Stevensville Business Districts as the primary commercial areas of the Ridgeway and Crystal Beach Neighbourhoods and surrounding rural and agricultural areas, and to encourage the *development* of commercial, institutional and residential uses;
- d. To establish adequate locations for commercial uses within the urban neighbourhoods;
- e. To identify and protect suitable areas for various types of industrial *development* and employment uses of sufficient size to provide for industrial growth and a diversification of industrial opportunities;
- f. To encourage the expansion of industrial and commercial *development* in order to expand the Town's economic base, improve the assessment ratio and increase employment opportunities;
- g. To encourage efficient use of services and facilities and to ensure that *development* of any nature does not create undue financial hardship for the municipality;
- h. To encourage and facilitate expansion of the tourist industry;
- i. To direct the location of non-agricultural *development* to urban and rural areas as a means of maintaining productive agricultural soils

for agricultural production and to protect farm operations from complaint and harassment from non-agricultural uses; and

- j. To encourage the economic revitalization of the main commercial areas by promoting new commercial *development* generally of a nature to serve the local residents.

2.3.7. MINERAL AGGREGATES AND PETROLEUM RESOURCES

Goal:

- a. To identify and protect mineral aggregate and *petroleum resources* from incompatible land uses within the Town for future utilization.

Objectives:

- a. To encourage the orderly extraction and utilization of *mineral aggregate resources* and petroleum uses; and
- b. To require the rehabilitation of pits and quarries when the *aggregate resources* have been depleted.

2.3.8. OPEN SPACE – RECREATION

Goal:

- a. To ensure that the citizens of Fort Erie have access to a diversity of active and passive open space recreation opportunities.

Objectives:

- a. To establish a hierarchy of open space uses for neighbourhoods, communities and the Town;
- b. To promote recreational opportunities and public access to Lake Erie and the Niagara River;
- c. To facilitate the *development* of an open space corridor, particularly through the use of the abandoned railways between Old Fort Erie, Douglastown and Ridgeway to facilitate active modes of transportation for recreation and everyday use; and
- d. To preserve scenic views, important natural heritage features and functions, scenic routes and unique historic features in the Town.

2.3.9. ENVIRONMENT

Goal:

- a. To provide present and future residents of the Town with a high quality living environment that protects and enhances natural heritage features, minimizes pollution of water, air and land resources and ensures good community planning and design;
- b. To protect and conserve significant natural heritage features and areas for the long term; and
- c. To maintain, and where possible restore or improve, diversity and connectivity of natural heritage features.

Objectives:

- a. To encourage the efficient use of land resources in the Town and to encourage the continuation of viable agricultural operations and conservation of the rural landscape;
- b. To identify Natural Hazard Areas for the protection of life and property;
- c. To ensure urban *development* is attractive and appropriately considers the protection of natural heritage features and functions from the site specific to *watershed* levels;
- d. To encourage early recognition and regulation of existing and potentially incompatible uses resulting from adverse environmental effects, including sound, vibration and gas odour;
- e. To ensure the preservation of Lake Erie, the Niagara River and their shorelines as major environmental resources, consistent with the recreational potential and the needs of the resident and tourist population; and
- f. To recognize the importance of the Niagara River as one of forty-three Areas of Concern in the Great Lakes Basin identified by the federal and provincial governments in cooperation with the International Joint Commission.

2.3.10. CULTURAL HERITAGE

Goal:

- a. To preserve and/or rehabilitate, research, interpret and promote, where feasible, those resources of built historic and architectural

merit, archaeological significance, and movable and intangible heritage importance for the enhancement of community life and contribution to economic health.

Objectives:

- a. To designate individual properties of heritage value or areas of similar value, and to identify sites of architectural, historical or archaeological potential;
- b. To encourage the owners of heritage properties to conserve those aspects of their property deemed to be of heritage value;
- c. To encourage new *development* to be sympathetic to existing heritage, particularly on lands adjacent to property of heritage value;
- d. To encourage the retention or inclusion of heritage property in new *development*;
- e. To support the collection, preservation, research and interpretation of cultural heritage through artifacts, archives, and intangible resources;
- f. To encourage the promotion and participation in cultural heritage activities as a means to enhancing the quality of life for Town residents; and
- g. To celebrate the diversity of our cultural heritage and recognize the contributions of First Nations people.

2.3.11. **ENERGY CONSERVATION**

Goal:

- a. To promote energy conservation in all areas of the Town.

Objectives:

- a. To encourage proponents of future *development* and/or *redevelopment* to incorporate energy-saving measures in their proposals through site planning and building design;
- b. To promote the reduction of energy consumption and dependency on non-renewable energy sources, particularly in all Town-owned, maintained and/or operated facilities; and
- c. To cooperate with the appropriate public and private agencies to inform the public of energy concerns and promote energy

conservation.

2.3.12. TRANSPORTATION

Goals:

- a. To ensure communities and neighbourhoods function, and are properly connected to each other and employment centres, commercial areas and community facilities, with a safe and efficient transportation network that considers minimizing commuting time, as well as providing opportunities for public transit, walking and cycling; and
- b. The Town considers bicycling and walking essential components of a balanced, multimodal transportation network and will incorporate considerations for cyclists and pedestrians within an integrated land use and transportation planning process.

Objectives:

- a. To ensure that the local street system design enhances the amenity and environmental value of the Urban Area while providing convenient access for people, goods and services;
- b. To define a hierarchy of roads that recognizes their functional differences;
- c. To minimize capital and operating costs both for the public agencies and for the user;
- d. To establish an Active Transportation Advisory Committee to advise council on active transportation matters for pedestrians and cyclists relative to location, and necessity;
- e. To promote the convenience and safety of all users of the transportation system, including vehicles, pedestrians and cyclists;
- f. To ensure transportation networks are as efficient as possible to lower commuting times;
- g. To acknowledge the importance of rail *infrastructure* and recognize its important role in long term economic growth and the efficient and effective movement of goods and people. Appropriate protection of rail facilities will be considered in the planning process and the Town shall support strategic *infrastructure* improvements such as targeted grade separations;
- h. To study the needs, improvements and opportunities to utilize the public transit system within the Town; and

- i. To examine the feasibility of providing for on and off road walking and cycling linkages in the transportation network.

2.3.13. **PUBLIC TRANSPORTATION**

Goal:

- a. To encourage public participation, involvement and cooperation in the municipal planning process and other governmental functions of the Town of Fort Erie.

Objectives:

- a. To establish two-way communication between the Town and the general public that increases the degree of communication, understanding and cooperation between residents and the Town;
- b. To ensure citizen involvement in the development of the Official Plan and of the steps which will be taken to formulate and adopt the Plan; and
- c. To provide for citizen involvement in the development of other land use and transportation plans.

Section 3

BASIS OF THE PLAN

3. BASIS OF THE PLAN

3.1. INTRODUCTION

- I. The Official Plan is based on the results of studies undertaken as an integral part of the preparation of this Plan, on the existing planning controls in the Town, on special studies and reports commissioned by the Town and on studies being carried out by the Regional Municipality of Niagara and other organizations.

3.2. GROWTH AND URBAN LAND NEEDS

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.
- II. The Town of Fort Erie has experienced considerable growth in population since 1986. Based on Census information, the population has increased from 23,253 in 1986 to 27,183 in 1996, and to an estimated 28,143 in 2001. This growth over the period represents a 21% increase for 1986-2001.
- III. The rate of growth for the Town has considerably outpaced the Region of Niagara's rate, representing only a 10.9% growth rate for 1986-2001. As well, Fort Erie's population growth rate was only slightly lower than Ontario's growth rate of 25.4% for 1986-2001 period.
- IV. The 2003 Municipal Housing Statement estimated the 2003 population in Fort Erie at 29,408. Over the 20 year life of the Official Plan, the Municipal Housing Statement estimates that the population of the municipality will grow to 36,243 by 2024. The Regional population forecast for up to 2026 is approximately 38,000 including an estimate in the undercounting in the census.
- V. From analyses undertaken as part of the Town's Revised Urban Land Needs Assessment, the Town has sufficient designated and developable urban residential land to accommodate short, medium and long term Provincial growth requirements.

3.3. DEMOGRAPHICS AND HOUSING MIX

- I. The Housing Statement also finds the Town's age distribution is marginally higher for seniors (55+) and youth than in the rest of Niagara and the seniors category is significantly higher in Fort Erie and Niagara when compared to the rest of Ontario.

- II. The areas with the largest percentage of seniors are the Rural Area (44.6%) followed by Ridgeway (31.5%) and Fort Erie (28.7%). Areas with the largest youth percentages included Crescent Park (27.2%) followed by Douglastown (25.7%) and Fort Erie (24.9%).

- III. The Town of Fort Erie median population is aging. This is primarily a result of the natural aging process of the existing population combined with a significant level of in-migration of 55+ population over the past 10 years. To encourage a positive net in-migration of young and middle- aged adults, it is important that Fort Erie provides a diverse mix of housing types that will attract both first time homebuyers and families to the area.

3.4. ECONOMY

I. PRIMARY SECTOR

The former Township of Bertie comprises most of the agricultural and rural area of the Town. Generally these areas have experienced decreases in the farm population and in both improved and unimproved farmland. The production of most field crops has also declined with the exception of barley, hay and grain corn. In 2003 the primary farm types in Fort Erie were poultry and egg; greenhouse; dairy; oilseed; and horse and pony.

Agriculture can be further threatened by the proliferation of non-farm development and land fragmentation. The Policies of this Plan provide a planning basis to facilitate agricultural activity.

II. SECONDARY SECTOR

Industry in the Town is concentrated in the Industrial-Business Parks located in Gilmore, Stevensville and Fort Erie Neighbourhoods. There is a wide variety of manufacturing industries, and a number of establishments producing food and pharmaceuticals. It is expected that the number of employment opportunities in the secondary sector will increase during the next twenty years, although at a lower rate than that of the total population of the Town. The Town's proximity to the international border is an advantage in attracting certain industries.

In order to provide a basis for growth in this area it is important to maintain a base of appropriately designated lands with the necessary infrastructure for development.

III. TERTIARY SECTOR

The tertiary sector of the Town's economy is represented in the several settlements of the Town, and along the tourist routes along the Lake Erie shoreline and the Niagara River. This sector of the economy is growing rapidly. The Town's retail and service establishments have increased in number and further expansion of the retail and service trades is expected, although the Town will continue to be affected by the strong influence of Regional shopping centres in Niagara Falls and St. Catharines.

It is important for commercial areas to remain vibrant and diverse. Urban design is an important element to ensure attractive development. Some Commercial Areas may be appropriate for mixed uses. Such areas will be defined through the neighbourhood planning process.

3.5. LAND USE

- I. The major concentration of urban land uses (residential, commercial, industrial) is within the former Town of Fort Erie, Ridgeway, Crystal Beach and to a lesser extent Stevensville and Douglastown represent designated Urban Areas. The Hamlet of Snyder is a small concentration of Rural Residential, Institutional and Commercial Uses on private services.
- II. The predominant land use north of Garrison Road and west of Pettit Road is agricultural. Permanent residences occupy large areas south of Garrison Road and dot the Town's rural roads. The Lake Erie shoreline is almost entirely occupied by seasonal residences. High quality residences are situated along the Niagara Parkway facing the Niagara River.
- III. It is expected that the existing land use patterns together with the increasing importance of recreational and resort uses will have a significant impact on future development trends. The Provincial and Regional growth management initiatives will continue to be promoted in the Town by encouraging the intensification and redevelopment of existing urban areas.
- IV. Urban boundary expansion shall only occur through co-ordinated local and Regional amendments initiated by the Town and/or Regional Municipality of Niagara as part of a comprehensive review that reflects growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan and where:

- a. Sufficient opportunities for growth are not available through intensification, redevelopment and designated urban lands to accommodate projected needs within the regional market area and within the Town of Fort;
 - b. The expansion makes available sufficient lands for a time horizon not exceeding 20 years based on the analysis outlined above;
 - c. The infrastructure and public service facilities that are planned or available are financially and environmentally sustainable for the development over the long term and protect public health and safety;
 - d. There are no reasonable alternatives that avoid prime agricultural areas;
 - e. There are no reasonable opportunities on lower priority agricultural lands in prime agricultural areas;
 - f. Impacts to agricultural operations are mitigated to the extent feasible;
 - g. The timing of the expansion and the phasing of development within the proposed expansion area would not adversely affect the achievement of any intensification or density targets; and
 - h. The municipality will plan to maintain or move significantly towards a minimum of one full time job per three residents within or in the immediate vicinity of the settlement area.
- V. In determining the most appropriate areas for expanding the urban boundaries, the Town shall consider all other relevant policies of this Plan.
- VI. The Town will conduct an Urban Land Needs Assessment every 5 years in support of the Town's Official Plan update process to ensure any necessary future urban boundary adjustments are made in a timely manner to address growth needs in accordance with Provincial Policy.

Section 4

LAND USE PLAN AND POLICIES

4. LAND USE PLAN AND POLICIES

4.1. INTRODUCTION

- I. The Land Use Plan, Schedule “A” forms part of this Plan and sets out the generalized distribution of the major land use categories. It is intended that lands in Fort Erie will be developed in accordance with the land use pattern shown on Schedule “A”.
- II. The land use pattern has been determined in accordance with the major objectives of this Plan and generally accepted principles of land use planning.
- III. Policies of this Plan are required to conform with the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement and the Regional Policy Plan. The Growth Plan requires that upper tier municipalities allocate intensification and density targets based on population and employment forecasts for its partner municipalities. The Niagara Region, through its Growth Management Strategy and associated updates to the Regional Policy Plan, has provided these allocations and targets for incorporation in local planning documents as well as dealing with broader growth issues. Sections of this Official Plan such as those identified below shall be amended by separate amendment(s) to address allocated targets and forecasts:

3.2	Growth and Urban Land Needs
4.7	Residential
4.8	Core Mixed Uses
4.9	Commercial
4.10	Industrial - Business Park
4.12	Institutional
4.14.1	Urban Entertainment Centre
5.5	Neighbourhood Planning

4.2. GENERAL POLICIES RELATING TO EXISTING USES

- I. Urban uses of land, which exist at the date of adoption of this Plan, may be deemed to conform with the extent of this Plan for the purposes of any Zoning By-law passed under Section 34 of the Planning Act R.S.O. 1990, as amended. Such uses may be zoned in accordance with their present use and performance standards, or a limited range of similar uses provided:

- a. The zoning will not permit any significant change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- b. They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- c. They do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property;
- d. There is no interference with the desirable development or enjoyment of the adjacent area;
- e. The regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act and requirements of the Niagara Parks Commission are complied with; and
- f. The use of land does not conflict with any provincial legislation, regulation or policies.

4.3. GENERAL POLICIES RELATING TO EXPANSION OR ENLARGEMENT OF NON-CONFORMING USES

- I. Subject to Section 4(1) it is Council's intent that any land use existing at the date of approval of this Plan which does not conform with the land use designation shown on Schedule "A", Land Use Plan, termed a 'non-conforming use', eventually should cease to exist so that the affected land may convert to a use in conformity with this Official Plan and the provisions of the implementing Zoning By-law. In certain instances, however, enlargement or redevelopment of a non-conforming use to avoid unnecessary hardship may be permitted. Such proposed extension or enlargement shall be dealt with pursuant to Section 34(10) or Section 44 of the Planning Act, 1990.
- II. Council shall determine the feasibility of acquiring the property concerned and of holding, selling, leasing or redeveloping it in accordance with the provisions of the Planning Act, 1990. Council will give special attention to the potential and merits for the relocation of such use to a different location where it would be in compliance with this Plan.

- III. If municipal acquisition is not feasible and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34 of the Planning Act, 1990.
- IV. Before passing such a by-law, Council shall be satisfied that the following requirements which are relevant to each application are, or will be, fulfilled to ensure the protection of the wider interests of the general public:
- a. That the proposed extension or enlargement of the established non-conforming use will not unduly aggravate the situation created by the existence of the use, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the specific area;
 - b. That the proposed extension or enlargement will be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the original implementing Zoning By-law;
 - c. That an application which would affect the boundary between areas of different land use designations in this Plan will only be processed under these policies if it can be considered as a 'minor adjustment' under this Plan. Major intrusions will, however, require an amendment to this Plan;
 - d. That the characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting and traffic generation. No amendment to the Zoning By-law shall be made if one or more of such nuisance factors will be created or increased so as to add substantially to the incompatibility of the use with the surrounding area;
 - e. That the neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for building and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused

by outside storage, lighting, advertising signs, etc. Such provisions and regulations will be applied to the proposed extension or enlargement and, wherever feasible, be extended to the established use in order to improve its compatibility with the surrounding area;

- f. That traffic and parking conditions in the vicinity will not be adversely affected by the approval of the application, and traffic hazards will be kept to a minimum by appropriate design of entrance and exit points to and from the site, and improvement of sight conditions especially near intersections;
 - g. That adequate provisions have been or will be made for off-street parking and loading facilities;
 - h. Those municipal services such as water supply, sanitary and storm sewers and roads are adequate or can be made adequate;
 - i. That the proposed expansion will not increase the burden on public agencies and public health and safety because of the non-conforming use's location in a Hazard Land area;
 - j. Compliance with the Natural Heritage, Agricultural, Rural and other polices of this plan; and
 - k. Compliance with any applicable regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act and requirements of the Niagara Parks Commission.
- V. It will be the policy of the Town to notify property owners in the vicinity of the lands included in each application for an extension or enlargement of a non-conforming use prior to a final decision on the matter in order to obtain their views and to satisfy the requirements of Section 34 of the Planning Act, 1990.

4.4. EXISTING UNDERSIZED LOTS

- I. The Town recognizes that there are many vacant lots in the Agricultural, Rural, and particularly the Rural Residential designation, which includes the Ridgewood,

Oakhill and Oakhill Forest, Edgewood Park, Buffalo Heights, Rosehill Estates, Rose Hill Centre, and Nye Woods, Maple Ridge and Ridgewood by the Lake Plans of Subdivision and Registered Plan No. 157 that have been deemed not to be Registered Plans of Subdivision under the Planning Act, 1990. Many of these parcels are under 0.4 hectare. in size and in areas where there is a concentration of lots, being 3 or more lots that could result in long term cumulative drainage and groundwater impacts. Furthermore, it is a policy objective of this plan to direct residential development into the urban area where it can be serviced in a more efficient manner in the long term and where natural features and resources in the rural area can be conserved. Therefore, the construction of a dwelling on a vacant lot will be permitted subject to the following:

- a. The zoning by-law shall require a minimum lot size of 1 hectare., unless the lot is created by consent or plan of subdivision in accordance with the Planning Act, in which case the lot shall comply with the applicable policies of this Plan and Zoning By-law requirements;
 - b. The lot is subject to site plan control;
 - c. The site plan identifies the building envelope, area for sewage disposal system and spare area, as well as lot grading and drainage plan and type and location of private water supply;
 - d. The lot fronts on an improved public road;
 - e. Should the lot be situated within an area regulated under the Conservation Authorities Act, all requirements of the Niagara Peninsula Conservation Authority shall be met prior to the issuance of a building permit; and
 - f. Any development shall comply with the Natural Heritage policies of this Plan.
- II. The construction of a dwelling may be permitted on an existing lot of record having an area less than 1 hectare, but greater than 0.4 hectare provided it can be demonstrated by a hydrogeological study that there will be no groundwater impacts and Policies 4.4 I (b) to (f) are complied with.

- III. The lot size requirements specified in this sub-section may be refined based on a comprehensive hydrogeological study should funding for such a study become available.

4.5. AGRICULTURAL

- I. Agricultural lands as indicated on Schedule “A” are those lands that include agricultural lands, being Class 1, 2, and 3 soils by the Canada Land Inventory, as well as Class 4 to 7 soils where the areas exhibit ongoing agricultural activity.

4.5.1. GENERAL POLICIES

- I. The policies of this section aim to prevent urban development in areas designated Agricultural and to preserve such areas for agricultural uses. The predominant use of land in this category shall be for agriculture, including: the growing of crops, nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro- forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labor when the size and nature of the operation requires additional employment.
- II. In addition to the above agriculture - related uses, secondary uses, value added uses and public utilities may be permitted subject to the more detailed policies of this Section.

Other uses permitted shall include:

- a. Facilities of various utility agencies, which are of a linear nature, such as hydro transmission and transportation facilities and pipelines provided that such uses cannot be located outside the Agricultural area. If this cannot be avoided, they shall be located so as to minimize any adverse effect on surrounding agricultural lands or farm operations and natural farm drainage. Uses such as municipal buildings, fire stations, radio towers works yards and office buildings of utilities shall be directed to the urban areas;
- b. Wayside pits, quarries and portable asphalt and concrete plants operated by an authority or under agreement by an agent of a public authority for public road purposes may be permitted in

accordance with the provisions of the applicable Industrial Policies contained in this Plan, and;

- c. Linear publicly-owned recreational uses which do not require buildings and structures and that will not interfere with the future use of the land for farming purposes.

4.5.2. POLICIES

- I. Separation distances between new or expanding livestock operations and non-farm uses in the Agricultural area shall be in accordance with the Minimum Distance Separation (MDS) Formula of the Town's Zoning By-law No. 129-90 (as amended by By-law No. 123-03). New dwellings shall be separated from livestock operations in accordance with the MDS Formula or a distance of 300 metres (1,000 feet) whichever is greater. Where urban areas have been established in close proximity to an existing livestock operation, new urban development must still comply with the separation distance as determined by the MDS Formula.
- II. Municipal piped services will not be provided in the Agricultural Area, except to resolve an existing health problem as defined by the Medical Officer of Health. Notwithstanding the foregoing, waterline extensions outside urban areas may be considered subject to Policies in the Regional Niagara Policy Plan. All new buildings for human use or habitation shall be located on lots suitable to support a private well and sewage disposal system according to the appropriate authority's requirements.
- III. Permitted agriculture related-uses shall comply with the following criteria, and appropriate controls will be implemented as required by means of an Amendment to the Zoning By-law and a site plan agreement:
 - a. Uses should be located so as to minimize the effect on surrounding good general agricultural lands and viable farm operations;
 - b. Lot size shall depend on local conditions, use, and special design proposals but the size of any new lot shall be a minimum of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to accommodate an unusual siting problem or

to support a well and private sewage disposal system according to the appropriate authority's requirements;

- c. The development shall be designed to retain the natural features and vegetation, including mature trees;
- d. Buildings shall not be located in a Natural Hazard area, as identified in Schedule "C1", that are subject to flooding or erosion, or have unstable slopes, swampy conditions, or organic or unstable soils;
- e. The development shall be at scale and density suitable to the physical characteristics of the site. Additional studies may be required to support the suitability of the site for development;
- f. The soil and drainage conditions shall be suitable for the proper sitting of buildings, the supply of potable water and the operation of a private long term waste disposal system;
- g. The natural drainage systems of the surrounding agricultural lands shall not be interfered with or detrimentally affected by the development;
- h. The development shall provide adequate on-site parking and suitable access to a maintained public road without interfering with the normal flow of traffic; and
- i. The development shall be a suitable distance from and protected from incompatible land uses.

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

- a. The use is small in scale and remains ancillary to the principle use of the property;

- b. Any value-added agricultural products are from the farm operation on the property;
 - c. All of the property remains designated and zoned agricultural;
 - d. New secondary uses are compatible with and do not hinder surrounding agricultural uses;
 - e. Home industries are permitted by zoning by-law amendment;
 - f. The use complies with other policies of this Plan; and
 - g. No future severance of the secondary use is permitted
- V. Additional permanent or portable farm-related dwellings may be permitted without severance for full-time farm help where the size and/or nature of the farm operation(s) makes the employment of such help necessary, and for retiring farmers where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability. Any farm help dwelling, whether permanent or temporary, shall be located, within close proximity to the existing dwelling and farm buildings, so as to minimize any negative impact on natural resources including prime agricultural land, on the management of natural resources and on any Natural Hazard areas. In addition, the location of said building shall comply with any applicable regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act.
- VI. It is the intent of this Plan to control the removal of topsoil from prime agricultural lands by a Site Alteration By-law passed under the Municipal Act.
- VII. The creation of an accessory apartment within an existing single detached dwelling shall be subject to the following requirements:
- a. The lot size and configuration are sufficient to accommodate adequate parking and open spaces;
 - b. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;

- c. Accessory apartments shall be permitted in compliance with all relevant Zoning By-law provisions;
- d. Accessory apartments, while permitted in basements, are not be permitted in the cellar area of a dwelling;
- e. The availability and adequacy of municipal services to accommodate the increased density;
- f. The accessory apartment shall be approximately 45 sq. m. (584 sq. ft.); and
- g. Regional approval for a sustainable private sewage disposal system.

(Amended by By-law 2013-017, OPA #11)

4.5.3. CONSENT TO SEVERE

- I. Given the intent of this Plan to preserve and to encourage the growth of a viable agricultural industry, particularly for farming, forestry and the conservation of plant and wildlife, the severance of land will be permitted subject to the policies of this Section.
- II. Severances that are required for reasons other than the creation of a separate lot may be permitted such as for minor boundary adjustments, easements or rights-of-way or any other purpose that does not create a new lot.
- III. Where two or more farms are consolidated under one ownership, the surplus habitable dwellings on the lots being amalgamated may be severed provided they comply with the following:
 - a. No residential development will be permitted on a vacant remnant parcel of farmland created by the consent. As a condition of any severance involving a vacant remnant, the remnant parcel shall be rezoned to exclude its use for residential purposes in perpetuity, and the Town shall effect such rezoning;

- b. The surplus dwelling, is of sufficient quality and value to warrant its retention as a non-farm residence and meets existing maintenance and occupancy by-law standards;
 - c. The dwelling is surplus to the owner's present and future needs for family residence and farm help purposes;
 - d. A surplus farm dwelling should only be severed if the dwelling can meet the Minimum Distance Separation Formula for livestock operations or buildings capable of housing livestock operations as set out in the Town's Zoning By-law;
 - e. The remnant parcel of farmland should be a substantial size to function as a significant part of the overall farm unit;
 - f. The new lot created with the surplus farm dwelling will not be further subdivided and not more than one dwelling may be located thereon; and
 - g. The size of the new lot should be a minimum of 0.4 hectares. in size, unless additional lands are required for the installation of a private sewage disposal system or for a private water supply.
- IV. Land severances may be granted for an existing agriculture related-use. Any lots approved should be located so the effect on surrounding agricultural lands as well as viable farm operations is minimized. The parcel size shall be limited to the minimum size needed to accommodate the use.
- V. Consents to convey may be permitted for a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels:
- a. Is appropriate for the farming activities proposed;
 - b. Is suited to the particular location and common in the area; and
 - c. Provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.

4.5.4. **HAMLET OF SNYDER**

The Hamlet of Snyder is a small settlement consisting of rural residential, commercial and institutional uses. There are no sanitary sewers servicing the community nor will such services be provided within the time period of this Plan. A Regional watermain services the area. Rural residential development and lot creation shall take place in accordance with Section 4.7.5 of this Plan. Commercial development shall take place in accordance with Policy 4.9.1.II. Institutional development shall take place in accordance with Section 4.12.

It is important that development be on sustainable private sanitary services. Expansions of the hamlet boundary will not be permitted.

4.6. **RURAL**

The lands in this category are identified on Schedule “A” of this Plan and are also identified as Rural in the Regional Niagara Policy Plan. Agriculture of all types, including livestock and poultry uses, secondary and value added uses are permitted land uses in this category. Other uses may be permitted according to the policies of this subsection.

4.6.1. **GENERAL POLICIES**

- I. Uses which are compatible with but not necessarily related to agriculture are permitted in Rural areas and include:
 - a. Agriculture related uses;
 - b. Linear facilities of public utility agencies, provided they are in keeping with the character of the surrounding uses and that they contain landscape features;
 - c. Parks, conservation clubs, etc.;

- d. Veterinary establishments and kennels;
 - e. Conservation of wildlife and forestry.
- II. Other uses, such as small-scale highway-related commercial uses that cater specifically to the travelling public and are located on or near a Provincial Highway or Regional Road, may be permitted subject to a Zoning By-law Amendment considering other policies of this Section.

4.6.2. **POLICIES**

- I. Municipal sewers or water supply will not be provided in the Rural area. All new buildings for human use or habitation shall be located on lots suitable to support a private well and sustainable private sewage disposal system according to the appropriate authority's requirements.
- II. Notwithstanding the foregoing, waterline extensions outside urban areas may be permitted subject to the policies of the Region of Niagara Policy Plan.
- III. The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance including paving, garbage and refuse pick-up and school buses, and possible impacts on natural resources located in this area, should be reviewed prior to approval being given to any new development in the Rural area.
- IV. In addition to other policies of this subsection, non-agricultural development in Rural Areas shall comply with the following criteria:
- a. A minimum lot size of 0.4 hectares is required. A smaller lot size may be considered when local conditions or special design features, or any additional area deemed necessary to accommodate an unusual siting problem or to support a sustainable well and sustainable private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Town. Residential development permitted under this Section shall comply with Policies 4.4 and 4.6.3, whichever is applicable;
 - b. Development shall be designed to be consistent with Section 8 of this Plan;

- c. Buildings and other structures subject to damage shall not be located in Natural Constraint areas that are subject to flooding or erosion, or have unstable slopes, swampy conditions, or organic or unstable soils;
 - d. Development shall be at a scale and density suitable to the physical characteristics of the site. Additional studies may be required to support the suitability of the site for development;
 - e. Soil and drainage conditions shall be suitable for the proper siting of buildings, the supply of sustainable private potable water and the long term operation of a sustainable private waste disposal system;
 - f. Natural drainage systems of the surrounding agricultural lands shall not be interfered with or detrimentally affected by the development;
 - g. Development shall provide adequate on-site parking and suitable access to a maintained public road without interfering with the normal flow of traffic;
 - h. Development shall be suitably distant from and protected from incompatible land uses such as intensive animal operations, industrial uses, solid waste disposal sites, and pits or quarries in accordance with the Minimum Distance Separation Formula and Section 10 of this Plan. No variance shall be granted that will jeopardize adjacent livestock operations; and
 - i. The Town may require the owner to enter into a Site Plan Agreement as a condition of development in accordance with the Town's Site Plan Control policies.
- V. Except for the limited rural residential development permitted by the severance policies of this Section, residential development is to be directed into the urban area where it can be serviced in an efficient manner for the long term and where

natural features and resources in the rural area can be conserved. Therefore, new estate residential development shall not be permitted.

VI. The creation of an accessory apartment within an existing single detached dwelling shall be subject to the following requirements:

- a. The lot size and configuration are sufficient to accommodate adequate parking and open spaces;
- b. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
- c. Accessory apartments shall be permitted in compliance with all relevant Zoning By-law provisions;
- d. Accessory apartments, while permitted in basements, are not be permitted in the cellar area of a dwelling;
- e. The availability and adequacy of municipal services to accommodate the increased density;
- f. The accessory apartment shall be approximately 45 sq. m. (584 sq. ft.); and
- g. Regional approval for a sustainable private sewage disposal system.

(Amended by By-law 2013-017, OPA #11)

4.6.3. CONSENT TO SEVERE

- I. In order to preserve the rural character of the area, the fragmentation of lands designated Rural is generally not permitted. Severances in accordance with the Consent policies of the Agricultural designation will be permitted, as well as the following:
- II. The new lot is to be located in an area where it may be considered as an infilling lot:

- a. Infilling lot shall mean the establishment of one new dwelling on a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;
- b. The minimum lot size should be 0.4 hectares with a minimum frontage of 46 metres;
- c. It does not adversely affect the integrity or efficient management of natural heritage resources; and
- d. Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply as determined by the Town or relevant approval agency.

4.7. RESIDENTIAL

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.
- II. The Town of Fort Erie consists of four urban areas, rural and agricultural areas. The largest urban area is the Old Town of Fort Erie located along the west shore of the Niagara River. The next largest urban area is the Crystal Beach, Ridgeway, and Thunder Bay area located along the north shore of Lake Erie. The remaining two urban areas are Stevensville and Douglastown. Within each of these urban areas are identified neighbourhoods. The rural area consists of general agricultural uses, rural residential homes and seasonal dwellings and limited commercial areas.

4.7.1. GENERAL POLICIES

- I. New residential development within the urban area should proceed in an orderly phased manner to allow land and infrastructure to be used in an efficient manner. Infrastructure should not be extended through unplanned areas and residential

development should be able to integrate with existing planned or developed areas.

- a. To minimize land consumption higher residential densities are encouraged. Neighbourhood Plans may contain an overall gross density and a minimum net residential density for development; and
 - b. In urban areas the overall neighbourhood housing mix in established residential areas shall contain at least: Low Density 80%, Medium Density 10%, and High Density 10%. Alternatively, within greenfield and significant redevelopment areas the housing mix shall contain at least Low Density 70%, Medium Density 15%, and High Density 15%.
- II. To meet the future needs for housing the Town will attempt to maintain a suitable supply of lands for new residential development and intensification. Future growth requirements will be determined through discussions and consultation with the Region and included by Amendment to the Official Plan.
 - III. Residential intensification, infill development and redevelopment shall be encouraged in urban areas that have sufficient existing or planned infrastructure.
 - IV. In urban areas, housing forms and densities that are designed to be affordable to moderate and lower income households shall be provided in accordance with the Urban Form and Housing Section of this Plan.
 - V. All new development shall be subject to the Servicing policies of this Plan. Where servicing capacity is limited Council shall give first consideration to affordable housing.
 - VI. Neighbourhood Commercial uses may be permitted in the Residential designations of this plan in accordance with the Commercial policies, specifically Policy 4.7.4.2, of this Plan.
 - VII. The down zoning of residential properties will only be permitted if it can be demonstrated that the rezoning will not significantly impact on the intensification

targets, supply and mix of residential land in the neighbourhood and broader area.

- VIII. The Town will consider the conversion of rental accommodation to condominium ownership only where the proposal will not adversely affect the supply of affordable rental housing. A vacancy rate of at least 3% is considered desirable.
- IX. Home occupations shall be permitted subject to the Home Occupations policies of this Plan in Subsection 4.7.2
- X. Group homes shall be permitted subject to the Group Homes policies of this Plan in Subsection 4.7.3
- XI. Where lands intended for housing are located adjacent to the Niagara River or Lake Erie development or site alteration shall be consistent with the Natural Hazard policies of this Plan.
- XII. The Town will review and update the housing policies in the Official Plan on a regular basis and prepare an annual monitoring report which will review the range of housing opportunities being provided through the planning approval process, the prices and rents of housing being produced, vacancy rates for rental accommodation and the rate of consumption of land for residential development in the Fort Erie housing market.
- XIII. The Town will liaise with governmental and private sector groups and agencies to facilitate the collection and exchange of information dealing with the housing market. Future growth requirements will be determined through discussions and consultation with the Region.
- XIV. The creation of an accessory apartment within an existing single detached dwelling, semi-detached duplex and townhouse dwelling units is permitted within the Urban Residential, and more detailed Residential Designations of Secondary Plan Amendments in Section 4 of this Plan.

The zoning by-law shall contain provisions to ensure adequate parking, open space, building condition and municipal services are available.

(Amended by By-law 2013-117, OPA #16)

4.7.2. HOME OCCUPATIONS

- I. A Home Occupation is a commercial enterprise permitted as an accessory use to a residential dwelling operated by a resident of the dwelling. Home Occupations encourage live/work relationships and walkable neighbourhoods. Home Occupations shall comply with the provisions set out in the Town's Comprehensive Zoning By-law.
- II. The Zoning By-law shall contain regulations to limit the kinds of activities to be allowed as home occupations and establish restrictive standards regarding matters such as scale of use, number of employees, parking facilities, exterior storage or display of goods, and other evidence of the use from outside the property. Home occupations may be prohibited by the Zoning By-law in any specific area or type of dwelling unit.
- III. In the agricultural and rural area, because of the increased distance from neighbours and the needs of the farming community, greater flexibility may be afforded to home occupations in terms of size and type. Such uses also provide additional sources of income for the farm.
- IV. No home occupation will be permitted that generates noise, odour, traffic or visual impacts that have an adverse effect on adjacent properties.

4.7.3. GROUP HOMES

- I. A Group Home is a housekeeping unit in a residential building in which not more than 8 residents (excluding staff and the receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The Group Home is licensed or administered under Provincial Statutes and in compliance with Municipal by-laws.
- II. The following types of Group Homes shall be permitted in any land use designation that permits residential uses including a farm residence in the Town of Fort Erie:
 - a. Homes for Special Care, and Supportive Housing Programs
 - b. Adult Community Mental Health Programs

- c. Children's Residences
- d. Accommodation Services for the Developmentally Handicapped
- e. Satellite Residences for Seniors
- f. Homes for Physically Disabled Adults
- g. Approved Homes

III. Types of Group Homes that may be permitted in a land use designation which permits a residential dwelling by zoning amendment:

- a. Halfway Houses for the Socially Disadvantaged
- b. Halfway Houses for Ex-Offenders

IV. In order to prevent a concentration of Group Homes in any one area, a minimum distance separation may be required in the implementing Zoning By-law. In the Urban Residential area the minimum distance shall be 450 metres and in the Agricultural & Rural Area it shall be 1,525 metres.

V. All Group Homes shall be registered with the Town of Fort Erie pursuant to the provisions of the Municipal Act R.S.O. 2001.

4.7.4. **URBAN RESIDENTIAL**

I. Lands designated as Urban Residential identified on Schedule "A" are intended for a variety of housing forms such as single detached dwellings, duplexes, semi-detached dwellings, townhouses, multiple unit dwellings, apartments, accessory apartments, rooming houses, boarding and lodging houses, group homes, housing for the elderly and similar forms of housing. Other uses that make up a neighbourhood including schools, churches, parks, day nurseries, public utilities, home occupations, accessory buildings, cemeteries and neighbourhood commercial uses are also permitted.

4.7.4.1. POLICIES

- I. The Town will develop a Neighbourhood Plan for each neighbourhood prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop.

- II. In considering medium density and high density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:
 - a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
 - b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;
 - c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;
 - d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;
 - e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;
 - f. Convenient access to a collector or arterial road;
 - g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;
 - h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and

- i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.
- III. Residential intensification, by the redevelopment of an existing building shall be subject to the following:
- a. The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas;
 - b. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
 - c. The development shall be compatible with its surroundings and buffering measures may be required. Building additions may be limited in terms of height, mass, orientation and setbacks to achieve compatibility;
 - d. The availability and adequacy of municipal services to accommodate the increased density; and
 - e. The development shall be subject to a site specific zoning by-law amendment unless identified by a Neighbourhood Plan.
- IV. Municipal non-profit housing project, units will be designed and made available for persons with disabilities on an as-required basis. Private non-profit, cooperative or private development organizations will be encouraged to design units to meet the needs of persons with disabilities on an as-required basis.
- V. Where the Urban Residential designation abuts the Agricultural and Rural designation the Minimum Separation Distance policies of this Plan shall apply.
- VI. Lands designated as Urban Residential adjacent to the Niagara River Parkway are dominated by single-detached dwellings on large lots that are currently serviced by private sanitary sewers. The lands shall be zoned in a manner that

reflects this existing character (minimum frontages of 60 metres) even if Municipal sanitary sewers become available.

4.7.4.2. NEIGHBOURHOOD COMMERCIAL

- I. Neighbourhood Commercial uses shall be limited to commercial uses of a convenience type only, and shall cater primarily to the residential neighbourhoods in which they are located and shall include retail stores, personal service shops such as convenience stores, barber and beauty shops, day nurseries and similar neighbourhood uses. Neighbourhood Commercial areas are not required to be designated on Schedule “A”, Land Use Plan.
- II. The floor area of any Neighbourhood Commercial use shall not exceed 186 square metres and shall be located preferably in groups of three or four such uses. Neighbourhood Commercial developments shall be orientated in a manner that provides an efficient and attractive street presence that incorporates an appropriate parking layout, vehicular and pedestrian access and landscaping.
- III. Such areas shall be conveniently located on a major street in order to provide easy access from all sections of the neighbourhood. The convenience and safety of pedestrian traffic from the neighbourhood served shall be considered in the location and design of such area.
- IV. Conversion of dwellings or the use of a vacant lot in existing neighbourhoods for Neighbourhood Commercial uses may be permitted by rezoning but only in accordance with this Section and in special cases where the use can be properly integrated into the neighbourhood and adequate facilities such as off-street parking can be provided.

4.7.5. RURAL RESIDENTIAL

- I. Lands designated as Rural Residential identified on Schedule “A” are located outside the Urban Area and represent areas where rural residential development has taken place or approval for development has been given. The permitted uses are single-detached dwellings, group homes, home occupations and accessory buildings primarily on larger lots with sustainable private services, although municipal water services may be available in some locations.

4.7.5.1. GENERAL POLICIES

- I. Development shall be designed to retain, as much as possible, the natural features and vegetation, including mature trees, stream valleys, natural or artificial bodies of water or special landforms.
- II. Development and site alteration shall be consistent with the Natural Heritage Section of this Plan.
- III. Adequate on-site parking and suitable access to an improved public road without interfering with the normal flow of traffic shall be required.
- IV. Development shall have due regard to the future development of adjacent lands and shall be suitably distant from and protected from incompatible land uses, such as quarrying, industrial uses, utility transmission lines and comply with the Minimum Distance Separation provisions of the Town's Zoning By-law 129-90.
- V. Full urban services, sanitary sewers and water, will not be provided except where required to correct an existing health problem as determined by the authority having jurisdiction. New development, other than infilling development, must be considered having regard to the impact on other services such as policing, fire protection, and garbage pickup
- VI. The natural drainage systems of the surrounding agricultural lands shall not be interfered with or detrimentally affected by the development.
- VII. Except for the limited rural residential development permitted by the severance policies of this Section, residential development is to be directed into the urban area where it can be serviced in an efficient manner for the long term and where natural features and resources in the rural area can be conserved. Therefore, the creation of new, or expansion of existing, Rural Residential designations for estate residential development is not permitted by this Plan.
- VIII. In Rural Residential Areas new lots created by severance shall have a minimum lot area of 0.4 hectares with a minimum lot frontage of 60 metres. Lesser frontages may be considered depending on unique site features and where the majority of frontages of properties in area are similar. Narrow lots with excessive depth shall be discouraged. The size of the lot may also be dependent

on private servicing constraints, local conditions or on special design proposals. The creation of new lots is also subject to the following:

- a. The new lot should preferably be located in an area where it may be considered as an infilling lot;
- b. Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private sewage disposal system as determined by the appropriate approval authority;
- c. Development and site alteration will be consistent with the Natural Heritage Section of this Plan; and
- d. Any regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act are complied with.

IX. Lands designated as Rural Residential and/or zoned Estate Residential as of June 16, 2006 can develop by Plan of Subdivision provided other policies of the Plan are met.

X. The creation of an accessory apartment within an existing single detached dwelling shall be subject to the following requirements:

- a. The lot size and configuration are sufficient to accommodate adequate parking and open spaces;
- b. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
- c. Accessory apartments shall be permitted in compliance with all relevant Zoning By-law provisions;
- d. Accessory apartments, while permitted in basements, are not be permitted in the cellar area of a dwelling;

- e. The availability and adequacy of municipal services to accommodate the increased density;
- f. The accessory apartment shall be approximately 45 sq. m. (584 sq. ft.); and
- g. Regional approval for a sustainable private sewage disposal system.

(Amended by By-law 2013-017, OPA #11)

4.7.5.2. RURAL RESIDENTIAL ALONG THE NIAGARA PARKWAY

- I. Rural Residential areas located along the Niagara River Parkway are subject to the following additional policies:
 - a. Parks and natural open space that enhances the amenity of the Niagara River Parkway are permitted; and
 - b. The standard of development shall be in accordance with the policies of the Niagara Parks Commission and the following criteria:
 - i. New residential development will be coordinated with the Niagara Parks Commission's service road construction policies;
 - ii. Individual site access shall be from service roads; and
 - iii. Where service roads are not available, mutual driveways or individual driveways with shared access to the Niagara Parkway may be permitted on a temporary basis subject to the discretion of the Niagara Parks Commission.

4.7.5.3. RURAL RESIDENTIAL ALONG THE LAKE ERIE SHORELINE

- I. Rural Residential areas located along the Lake Erie shoreline are subject to the following additional policies:
 - a. Development is to be along existing roads and a second tier of residential lots is not permitted;

- b. Any regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act are complied with; and
- c. The conversion of an existing seasonal dwelling to a permanent home is permitted subject to the following and a site specific amendment to the zoning by-law:
 - i. The existing dwelling is suitable for such conversion;
 - ii. The existing structure can be brought into conformity with the Ontario Building Code;
 - iii. If the existing development is located in an area served by individual wells producing potable water and septic tanks, a report from the appropriate approval authority shall be submitted where required in order to determine the ability of the existing systems to adequately serve the converted residences. Holding tanks shall not be permitted as a means of sewage disposal for seasonal dwellings that are proposed to be converted into permanent residences; and
 - iv. The lot size is sufficient to accommodate the dwelling with appropriate setbacks, parking and amenity space.

4.7.5.4. RURAL RESIDENTIAL IN THE POINT ABINO AREA

- I. Rural Residential areas located in the Point Abino area subject to the following additional policies:
 - a. Prior to the approval of new development or site alteration an Environmental Impact Study by a qualified environmental specialist shall be carried out (at the owner's expense) outlining in detail the impacts of the development to the satisfaction of the Town of Fort Erie, the Region of Niagara, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority;
 - b. Dwellings shall be setback sufficiently from the crest of any stream valley or sand dune embankment to ensure adequate structural stability, to protect the natural environment and existing views and vistas. A geotechnical or slope stability study could be required after consultation with the Niagara Peninsula Conservation Authority;

- c. Development and site alteration shall be consistent with the Natural Heritage section of this Plan, comply with the regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act, and provisions of the Town's Zoning By-law; and
 - d. The natural topography, surface drainage pattern and vegetative cover will be an important consideration in the design and layout of new development. Existing trees shall be preserved wherever possible and the planting of new native species will be encouraged. The Town may require an arborist's report in this regard. Tree cutting must be in compliance with the Town's Heritage Conservation By-law, as well as Regional Tree and Forest Conservation By-law.
- II. *Development* within the Abino Dunes Development shall be in accordance with the provisions of Zoning By-law 129-90, as well as subject to Site plan Control.

4.8. CORE MIXED USE

4.8.1. GENERAL POLICIES

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this section will be amended in accordance with Policy 4.1.III of this Plan.
- II. Core Mixed Use areas are delineated on Schedule "A" of this Plan. These areas consist of a mixture of residential, commercial and institutional uses. Providing a mixture of uses will increase the resident population supporting other permitted uses, strengthen the live/work relationship and promote a healthier living environment by reducing vehicular trips and increasing pedestrian and cycling activity for everyday trips. Core Mixed Use areas will be developed within or around downtown areas.
- III. Core Mixed Use areas will be identified through the Neighbourhood Plan process then reflected in the Official Plan. These areas will be developed in accordance with the Neighbourhood Plan policies, implementing Zoning By-law provisions.

- IV. The creation of an accessory apartment within an existing single detached dwelling, semi-detached, duplex and townhouse dwelling units shall be permitted within the Core Mixed Use Designation of this Section and the more detailed Core Mixed Use designations of Secondary plan Amendments included in Section 4 of this Plan.

The zoning by-law shall contain provisions to ensure adequate parking, open space, building condition and municipal services are available.

(Amended by By-law 2013-117, OPA #16)

4.8.2. POLICIES

- I. The Neighbourhood Plan exercise will identify the appropriateness of permitting stand-alone dwelling units, the appropriateness of bed and breakfast establishments, as well as small scale hotels. The Neighbourhood Plan exercise will also address the appropriate height of buildings.
- II. Development in the Core Mixed Use area shall be in accordance with approved urban design guidelines. Unless specified otherwise in the Neighbourhood Plan, buildings shall be orientated towards the street front and parking is to be provided to the rear of buildings and accessed from side streets where possible.
- III. Single-detached and semi-detached dwellings will be permitted on stand-alone properties subject to proper separation distances from selected commercial uses such as restaurants and taverns and if identified in the Neighbourhood Plan.
- IV. Apartment dwelling units (more than 2 units) will be permitted above a Commercial or Institutional use. The appropriateness of stand-alone multiple-attached dwelling units will be determined through the Neighbourhood Plan process.
- V. Residential development should be situated within an area with good pedestrian access and integration to other developments, as well as within an acceptable proximity to public transit if available.
- VI. The Town's Zoning By-law shall implement the more detailed policies of the relevant Neighbourhood Plan and key aspects of the urban design guidelines.

4.9. COMMERCIAL

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.
- II. Commercially designated lands as noted on Schedule “A” are those lands that have or are intended to be developed for commercial uses, and include all commercial classifications as set forth in this Section. It is the intent that the approved Neighbourhood Plan and implementing Zoning By-law will more precisely delineate the various Commercial classifications and development allowed in a specific area.

4.9.1. GENERAL POLICIES

- I. In addition to the General Policies of this Section set out below, development will be subject to either the General Commercial, Shopping Centre, Highway Commercial or Recreational Commercial Policies of this Section. The applicable policies will be based on the type of commercial use proposed and the existing Commercial zoning of the lands, if applicable. In encouraging development within commercial areas, and in considering a proposed amendment to this Plan to designate additional commercial areas, the Council where appropriate shall have due regard to the following:
 - a. The need for such additional areas, the extent to which existing commercial areas are developed, and the nature and adequacy of such existing development;
 - b. The physical suitability of the site for the proposed use;
 - c. The adequacy of the existing and proposed highway or street system serving the site;
 - d. The convenience, accessibility and safety of the site for vehicular pedestrian and bicycle traffic, especially in relation to nearby residential neighbourhoods;
 - e. The provision of adequate off-street parking facilities, and the limitation in the number and design of access points to such

- parking facilities so as to minimize the danger to vehicular, including bicycle, transit and pedestrian traffic;
- f. The adequacy of the potable water supply, sewage disposal facilities and other municipal services in accordance with technical reports or recommendations which the Council shall request from the appropriate approval authority;
 - g. The compatibility of a commercial use with uses in adjoining areas and the effect of such use on the surrounding area in order that such use will not have a depreciating or deteriorating effect upon adjoining properties whether designated commercial or another category in this Plan, and appropriate regulations in this regard shall be included in the Zoning By-law;
 - h. Demonstration that development or site alteration will be consistent with the Natural Heritage Section of this Plan and comply with any regulations of the Niagara Peninsula Conservation authority under the Conservation Authorities Act; and
 - i. All commercial development shall be adequately regulated by suitable provisions in the Zoning By-law including adequate setbacks from property lines, appropriate off-street parking requirements, including bicycles, landscaped area or buffering requirements to protect adjacent residential area, prohibition of nuisances, control over outside storage, and control of lighting for parking/walking areas in certain cases.
- II. There are site- specific Commercial designations in the Hamlet of Snyder, along the Niagara Parkway, and in the vicinity of Ridge Road, Stevensville Road and Garrison Road, outside the Urban Boundary. These Commercial designations reflect existing uses on lands which are serviced by private sanitary sewers. Use of these lands will be limited to existing uses and other commercial uses of a similar nature and intensity listed in the current Zoning By-law if it can be demonstrated that the new use can be accommodated on sustainable private services. Expansions to these designated areas will not be permitted.

- III. Every application for the development of a Neighbourhood, General, Highway, Recreational Commercial or Shopping Centre area or project shall contain supporting information concerning the economic, physical and transportation impact of the proposed development. The economic impact study shall provide information regarding the market feasibility of the proposed centre and whether it will affect the viability of any nearby centres. Such studies shall be reviewed by the Council and used as a basis for approval or refusal of a particular application.
- IV. Large commercial developments may be subject to the Regional Municipality of Niagara Policy Plan Commercial Policies regarding over-subscription of projected floor areas for retail stores of food and Department Store Type Merchandise categories.
- V. The subject property known as part of Lot 1, Concession 3 (Lake Erie), Bertie Township in the Town of Fort Erie, Regional Municipality of Niagara, comprising 4.95 hectares and situated on the south side of Garrison Road, just west of Helena Street is strategically located within the Town's major corridor. A span bridge of the watercourse and associated Provincially Significant Wetland is supported by the Town to ensure the viable, efficient and cohesive development of this important commercial property. Any proposed development or site alteration will require the review and approval of the Town and Niagara Peninsula Conservation Authority based on an Environmental Impact Study demonstrating that there will be no negative impacts on the natural features or ecological functions in accordance with Section 8 of this Plan, including compliance with Niagara Peninsula Conservation Authority (NPCA) regulations. Nothing in this Policy shall be interpreted as a commitment of approval from the NPCA.

4.9.2. **GENERAL COMMERCIAL**

- I. The predominant use of land in this category shall be for commercial public and institutional uses, shopping centre complex, retail stores, service shops, automobile service stations, automobile sales, repair garages, parking lots, professional offices, restaurants, hotels, theatres, clubs or halls, places of amusement or recreation, churches, public houses, senior citizen retirement homes, funeral parlours, public utilities, civic or governmental uses. This category includes commercial facilities which cater to the needs of tourists including tourist accommodations.

- II. This category may include residential uses provided they are situated above the ground storey, except for a senior citizen retirement home.

Within Crystal Beach, Ridgeway, Bridgeburg, Stevensville and South end downtown commercial centres, a portion of the ground storey may contain residential dwelling units to be situated behind the commercial use of the main floor, provided the unit does not front onto the street and it does not detract from the primary at-grade commercial purpose.

(Amended by By-law 2015-059, OPA #26)

- III. The maintenance and development of modern business centres which will ensure profitable operation but with safety and convenience shall be encouraged and these areas should expand in an orderly manner.
- IV. It is recognized that the improvement of parking facilities is required in the commercial areas of Crystal Beach, Fort Erie, and Ridgeway. Accordingly, the Council shall encourage development of public and/or private parking lots in General Commercial areas.
- V. The six commercial centres in the Town are Jarvis Street (North End), Downtown Ridgeway, Stevensville, Niagara Boulevard (South End), Garrison Road, and Erie/Derby (Crystal Beach). These areas are recognized as the principal commercial centres which offer the widest range of goods and services. The policies of this Plan aim to provide for strong, diverse commercial cores that serve the long term needs of residents and visitors by:
 - a. The development of Neighbourhood Plans and Community Improvement Plans that provide focus and identity to commercial areas, provide for residential intensification around and within commercial areas where appropriate, and set out a strategy to facilitate development and redevelopment in the commercial core;
 - b. Implementation of the Community Improvement Policies in Section 6 of this Plan;
 - c. An off-street parking programme that will provide sufficient off-street parking facilities to serve the needs of these areas; and

- d. New commercial uses that abut areas designated for residential purposes to provide protective buffering (such as increased yards, landscaping, prohibition of parking and outside storage on adjacent lands, and deflection of lights), to avoid undesirable impacts on residential uses.

4.9.3. SHOPPING CENTRES

- I. New shopping centres will be permitted only by amendment to this Plan.
- II. It is the intent of Council that new, extended or enlarged shopping centres proposed on lands not designated Commercial in this or other plans of the Town will not jeopardize the viability of other existing or approved retail centres in the Town. Where a proposal would result in a shopping centre larger than 7,000 square metres of gross floor area, Council will require the submission of a market study by a proponent which indicates that the viability of other existing or approved retail centres in the Town is not endangered, prior to any approval. Such a market study will contain:
 - a. An assessment of present and future population to be served by the proposed shopping centre, including an explanation of the sources, techniques and assumptions used in arriving at any population forecast;
 - i. An analysis of the retail contributions of existing or potential commercial developments based on an analysis of commercial lands;
 - ii. An explanation of any other forecasts or assumptions used in determining retail commercial requirements within the Town;
 - iii. The amount, mix, location and phasing of proposed retail space;
 - iv. An evaluation of the primary and secondary trade areas of the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal; and

- v. An assessment of the potential impacts on the trade areas of other retail centres, including an explanation of any methodology used.

III. In addition to the foregoing study and prior to any consideration for approval, Council will be satisfied that the proponent has demonstrated that:

- a. The proposed development is situated adjacent to an arterial road or is part of an existing commercial node;
- b. Traffic volumes and movements can be safely handled and efficiently accommodated by the existing or proposed road system without any negative impacts;
- c. Provision can be made to accommodate access by public transit, walking and cycling;
- d. Existing or proposed services are adequate to serve the proposed development; and
- e. Any deficiencies in the above matters can be adequately resolved by the proponent.

IV. Shopping centres shall be orientated in a manner that provides an efficient and attractive street presence that incorporates an appropriate parking layout, vehicular and pedestrian access and landscaping.

V. All new shopping centre buildings shall be set back from adjacent streets a distance which will permit the parking of automobiles clear of any road allowance and permit adequate maneuvering of vehicles within such parking area.

VI. Adequate off-street parking facilities shall be provided for every shopping centre based on a parking study that considers the type, size, and inter-relationship of commercial uses, proximity of other land uses and pedestrian and public transit accessibility. A ratio of approximately 1 parking space per 20 square metres of gross floor area in the buildings exclusive of any theatre or auditorium is suggested as a requirement in the implementing Zoning By-law.

VII. Adequate buffering shall be provided between a shopping centre and any

adjacent Residential area. Such buffering may include the provision of trees, hedges, fences or other suitable screening material.

- VIII. In addition to the policies of this Section any proposed shopping centre will have regard to the Regional Policy Plan.

4.9.4. HIGHWAY COMMERCIAL

- I. The predominant use of land in this category shall be for those commercial uses which serve the travelling public and rely heavily upon vehicular traffic for their economic existence. This category may include hotels, motels, automobile service stations, public garages, car washes, automobile sales agencies, drive-in restaurants and other eating establishments, places of amusement or recreation, nursery or garden centres, farm or market gardens, retail stores, and accessory uses incidental to the above uses shall be permitted.
- II. Highway Commercial areas will generally be located along Provincial Highways and Major Roads with high vehicular traffic.
- III. It is intended that Highway Commercial areas will be zoned for the appropriate uses only after consideration has been given by the Town to applications where the subject uses are in keeping with the types of uses permitted by the Highway Commercial designation and demonstrate a necessity for exposure to a Provincial Highway or Major Road.
- IV. The Council shall encourage the grouping of Highway Commercial uses in a planned development rather than the establishment of continuous strip development that is inconvenient and hazardous to vehicular and pedestrian movement.
- V. This category may include a residential unit preferably located above the ground storey of a building and can be designed to incorporate the necessary amenities for the residential use, however, this shall not be integrated as permitting a one-family detached dwelling on the lot with the principal use.

4.9.5. RECREATIONAL COMMERCIAL

- I. The predominant use of land in this category shall be for recreational uses such as golf driving ranges, miniature golf courses, marinas, lodges, eating establishments, licensed premises, bowling alleys, curling clubs, hotels, motels,

recreational trailer parks, displays, exhibitions, arenas, and buildings and structures accessory thereto.

- II. This category may include residential uses only to the extent necessary for maintenance and security staff of any permitted Recreational Commercial use.

- III. Only recreational uses of an open space nature such as a golf driving range that can be adequately serviced by sustainable private sanitary sewage disposal and sustainable drinking water services will be permitted in Rural areas. Recreational uses occurring in buildings typically serviced by full urban services will be directed to urban areas. Recreational uses are subject to the following policies:
 - a. Adequate buffering shall be provided between a Recreational Commercial area and any adjacent Residential area;

 - b. Development and site alteration will be consistent with the Natural Heritage section of this Plan;

 - c. All new buildings shall be set back from adjacent streets a distance which will permit the parking of automobiles clear of any road allowance and permit adequate maneuvering of vehicles within such parking area;

 - d. Adequate off-street parking facilities shall be provided; and

 - e. New Recreational Commercial uses within Urban Area Boundaries or Rural areas will be permitted only by amendment to this Plan. In considering applications for amendments to designate additional Recreational Commercial areas, the following matters will be taken into account in addition to the requirements pertaining to amendments to this Plan:
 - i. The policies of the Regional Policy Plan and Provincial Policies and Plans; and
 - ii. The impact of the development on the existing recreational commercial facilities of the area.

IV. Notwithstanding any other provisions of this Plan, an amendment is required to permit new Recreational Trailer Parks in areas not designated for such uses. The following policies contained in this Plan will be among those matters considered by the Town before a decision is made to amend the Official Plan.

- a. Recreational Trailer Parks shall be used by recreational travel trailers or vehicles on a temporary basis only in accordance with the Tourism Act, or its amending legislation. In addition, Recreational Trailer Parks should be considered in relation to existing and proposed recreational facilities in the immediate vicinity;
- b. Recreational Trailer Parks shall be provided with water and sewer systems in accordance with the requirements of the Ministry of the Environment and the Ministry of Tourism and Culture; and
- c. The uses permitted in Recreational Trailer Parks and regulations for such uses shall be set forth in an appropriate amendment to and in by-laws passed pursuant to the Planning Act and/or the Municipal Act. Therefore, provision will be made for, among other things, adequate setbacks from property lines, lands to be set aside in certain cases for landscaping and buffering purposes, off-street parking facilities, prohibition of nuisances and control over outside storage.

V. In considering an application to amend this Plan to designate an area for a Recreational Trailer Park, the Council shall, in addition to the policies as set out in this Plan, give consideration to the following:

- a. The type of facility proposed including what uses or facilities in addition to trailers are proposed (i.e. camping, picnicking, swimming, etc.);
- b. The location of the proposed site relative to the land use and development policies stated in this Plan;
- c. The appropriateness of the topography, soils and vegetation cover of the site relative to the proposed uses; and

- d. That adequate opportunity has been provided to surrounding property owners to examine and make representation concerning the proposed development.

4.10. INDUSTRIAL-BUSINESS PARK

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe portions of this section will be amended in accordance with Policy 4.1.III of this Plan.
- II. The Industrial-Business Park designations on Schedule “A” of this Plan and the policies noted below are intended to promote development and redevelopment through the expansion of the existing employment base and the stimulation of new industrial growth within the Town.

Appropriate areas will be provided and maintained for this purpose in order to accommodate the needs of existing industries through expansion and relocation and the establishment of new industries. The Industrial-Business Park Areas consist of the Stevensville/Eagle Street Area, the Gilmore Road/QEW Area and the Fort Erie/ Bridgeburg/ Thompson Road area.

4.10.1. POLICIES

- I. Lands designated in this category permit an integrated mix of industrial/ manufacturing operations and business activities. Lands designated in this category shall be predominantly used for manufacturing, assembly, processing, fabrication, warehousing and storage of goods and materials. Also included in this category are building contractors’ yards, lumber yards, dairies, printing establishments, transport terminals, transportation facilities and automotive uses such as service stations and repair garages, research and development facilities, and repair and servicing operations.
- II. Uses which cater to the existing employment base or business operations of the industrial area such as hotels, motels, and conference centres and restaurants may be permitted by zoning by-law amendment provided they are subordinate to the overall light and general industrial development in the area and appropriately landscaped and buffered.

- III. The growing of marihuana plants will be permitted within buildings licensed and operated in accordance with the Marihuana for Medical Purposes Regulations and subject to other pertinent policies of this Plan and requirements of the Zoning By-law, as amended.
- IV. Other uses may include compatible public and institutional uses, commercial or other uses that are incidental to light and general industrial areas, such as offices and residences for caretakers or essential workmen required for an industrial use on the same site.
- V. Lands designated as Industrial on Schedule “A” of this Plan represent important employment areas for the Town. As such the re-designation of lands within the core of the Industrial designation to accommodate non-employment uses may only be permitted by comprehensive review where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion in accordance with the Niagara Region Growth Management Strategy and the Provincial Growth Plan.
- VI. A Master Servicing and Development Strategy shall be completed in conjunction with an Environmental Assessment for the efficient development of the Gilmore Road/QEW Industrial- Business Park area in terms of the layout and orientation of necessary infrastructure and lot fabric relative to the Industrial lands and natural heritage features that impact the development of the area.
- VII. The permitted uses in this category shall not be obnoxious by reason of the emission of odour, dust, smoke, gas, fumes, particulate matter, noise and/or vibration. Development within the industrial areas shall operate according to applicable standards of the Ministry of the Environment regarding noise and emissions.
- VIII. Industrial zones will ideally be arranged in a graduation with the lighter, more prestige type of industries and buildings in a business park setting being located contiguous to residential, institutional, agricultural, recreational or other similar uses and in areas exposed to the Q.E.W. and arterial roadways. The heavier types of industries shall be directed to the interior of the industrial areas where they least affect the amenity of the area.

- IX. All industrial development shall be adequately regulated by suitable provisions in the Zoning By-law, in order to provide for efficient, aesthetically pleasing development, including; setbacks from property lines and major transportation corridors, appropriate off-street parking and loading requirements, landscaped area, screening or buffering requirements in certain cases, prohibition of nuisances, and control over outside storage subject to appropriate screening.
- X. Industrial areas with exposure to the Q.E.W. and Regional roadways shall be developed with prestige buildings in an attractive campus-like setting to provide a positive appearance and statement of the Town. To achieve this, building and site design shall be of a high standard and shall utilize the following design standards:
- a. The integration of the building envelope, parking, landscaping and buffering and storage area shall be done in a manner that allows for the efficient use of lands;
 - b. Landscaping shall be concentrated adjacent to the QEW and/or Regional Road in order to provide an attractive appearance;
 - c. The Zoning By-law shall contain performance criteria embracing building material, surface treatment, landscaping and so on;
 - d. Outside storage and loading areas adjacent and directly visible to the QEW is prohibited;
 - e. Parking areas shall generally be discouraged in the yards abutting the QEW and if located in these yards will be appropriately screened with landscaping; and
 - f. All industrial activities other than storage shall be contained wholly within enclosed buildings.
- XI. Development in Industrial-Business Park areas will be subject to the following criteria:

- a. Site Plan Control shall be applied to all Industrial-Business Park developments in accordance with the Town's site plan control Guidelines;
- b. Industrial buildings should have a built form which maximizes the use of land and is in keeping with the character of the area in terms of massing and height;
- c. Hotels, motels, and conference centres shall be restricted to arterial roads and sited in such a way to not cause excess traffic or cause an industrial use to alter its operation;
- d. Free standing restaurants will be designed to locate buildings next to the street edge wherever possible;
- e. Outside storage and display will incorporate appropriate setbacks, screening, and buffering to lessen the visual impact of the facility. Display areas will be incorporated into the overall site design and evaluated based on their visual impact on the streetscape;
- f. Wherever industrial areas abut residential, institutional, recreational, or other similar uses adequate buffering will be required by measures such as landscaping, plantings, fencing and physical separations in order to minimize the effects of the industrial activity including its visual appearance; and
- g. Development and site alteration shall be consistent with the Natural Heritage section of this Plan.

4.11. EXTRACTIVE INDUSTRIAL

- I. Areas designated Extractive Industrial on Schedule "A" include extractive aggregate operations licensed under the Aggregate Resources Act, or successor legislation, as well as lands designated and zoned Extractive Industrial.

4.11.1. GENERAL POLICIES

- I. The predominant use of land in this category shall be for the extraction of mineral aggregates that are found in a natural state on the site. Extractive industries may

refine and further process the raw materials extracted from the site in order to produce semi-finished or finished goods provided that the majority of the raw material in the final product comes from such site. This category may also include agricultural uses excluding dwellings. Rehabilitation of abandoned extractive sites as required under the Aggregate Resources Act or successor thereto will be in accordance with the Agricultural designation of this Plan.

- II. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety, or environmental impact. Where Planning Act approvals are required to establish the new land use, studies or reports may be required to demonstrate compatibility, with appropriate setbacks and buffer distances identified.
- III. A Mineral Aggregate Resource Study shall demonstrate that the resource use will not be hindered in the future, that the resource use is not feasible, that the proposed development or use serves a greater long term public interest and that other impacts are evaluated.

4.11.2. **POLICIES**

- I. The expansion of existing mineral aggregate operations or the establishment of new operations on lands not designated Extractive Industrial shall require an amendment to this Plan and an amendment application shall include the following:
 - a. Submission of site development plans indicating such information as is required under the Aggregate Resources Act, or successor thereto;
 - b. The location, topography, contours, dimensions and acreage of the property proposed for an extractive industrial operation, as well as the extent of adjacent property which may be intended for future pit or quarry operations;
 - c. The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for extractive operation;

- d. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
 - e. The location, quality and estimated quantity of the mineral aggregate resources;
 - f. Existing and anticipated final grades of excavation and excavation setbacks within the site;
 - g. Surface water diversion, storage and drainage provisions;
 - h. All entrances, exits and proposed routes to be used by associated transport;
 - i. Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and where possible, intended use of the land after the extractive operations have ceased;
 - j. Hydrology, soil, wildlife or vegetation studies which may be required by Council because of specific concerns; and
 - k. Such other information as Council deems necessary.
- II. In considering an application for an amendment pursuant to the foregoing Policy 4.11.2.I, the Council shall evaluate the following based on submitted studies:
- a. Compatibility with adjacent existing and planned land uses with respect to noise, dust, blasting vibration and truck traffic;
 - b. Potential impacts on the natural environment, including measures required to minimize or avoid any adverse impacts;
 - c. Potential impacts on the quality and quantity of surface and groundwater systems;

- d. Potential impacts on the transportation system which will require truck routes and points of site access to be established;
 - e. The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
 - f. The capability of the land for agricultural uses;
 - g. Proposed progressive rehabilitation plan;
 - h. The degree to which the operation will be exposed to the public; and
 - i. Such other matters as Council deems necessary.
- III. For applications on Agricultural land, a demonstration that the site can be progressively rehabilitated to agriculture to substantially the same area and average soil capability is required. Such demonstration shall not be required if there is a substantial quantity of aggregate resource below the water table warranting extraction or the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible.
- IV. Council will have regard to Policies 4.11.2.I and 4.11.2.II when considering new License and/or Site Plan Applications under the Aggregate Resources Act or applications for major modifications to existing site plans or licenses. In order to encourage land use compatibility of extractive industrial operations, Council may request additional setbacks or separation distances be established by the Ministry of Natural Resources through the licensing process.

4.11.3. **WAYSIDE PITS AND QUARRIES AS WELL AS PORTABLE ASPHALT AND CONCRETE PLANTS**

- I. Wayside pits and quarries, as well as portable asphalt and concrete plants, are temporary operations that are established on short term notice to fulfil an immediate public road construction need. These operations are opened by or on behalf of the public road authority, such as the Ministry of Transportation, Region of Niagara or an area municipality. They are not to be located on the road right-of-way, in areas of existing development or in Natural Heritage areas.

- II. Wayside operations and portable asphalt and concrete plants are regulated and licensed by the Province. While it is recognized that wayside operations and portable asphalt and concrete plants used for public authority contracts shall be permitted in most land use designations without the need for Planning Act approvals, except in those areas of existing development or environmentally sensitive areas, Council shall seek the fullest possible involvement in the review of applications to ensure conformity with this Plan.

4.12. INSTITUTIONAL

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.
- II. On lands designated as “Institutional” on Schedule “A” of this Plan, the predominant use of land shall be for public uses and operations carried on by, or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or agency thereof, and specifically including the Peace Bridge Authority and The Niagara Parks Commission. Without limiting the generality of the foregoing, Institutional uses shall also include separately or in combination, schools, religious, social and cultural facilities, public hospitals, residential care and health care facilities, nursing and retirement homes.

4.12.1. GENERAL POLICIES

- I. Ancillary uses may be permitted, provided that they do not conflict with or interfere with the satisfactory operation and development of the lands for institutional purposes. Such complementary uses may include convenience and personal service uses, residences, day care facilities, parks, and recreation facilities uses.
- II. The use of institutional facilities for multiple complementary purposes is encouraged.
- III. For convenience and personal service uses, these facilities will be oriented and designed to primarily serve the needs of those persons directly associated with the Institutional use. These uses shall not be located in a manner that will attract or serve the general public.

- IV. For residential uses, these activities will be designed for, and used by those persons directly associated with the Institutional use.
- V. The establishment of new Institutional areas not designated on Schedule “A” shall require an amendment to this Plan. When considering such amendments, the following factors shall be taken into account, particularly for institutional uses that are major traffic generators such as schools:
- a. The site’s location relative to arterial or collector roads;
 - b. The compatibility of the proposed development with surrounding land uses;
 - c. The proximity of the site to existing or planned public transit routes;
 - d. The adequacy of municipal services to the proposed area;
 - e. New institutional uses or essential emergency uses are not permitted in hazardous lands or hazardous sites; and
 - f. The distance and ease of connectivity via walking or cycling from residential areas to be served.
- VI. In the preparation of the implementing Zoning By-law, consideration will be given to recognizing Institutional uses based on their size, character and nature.

4.13. OPEN SPACE

- I. Lands intended for Open Space use are identified on Schedule “A” of this Plan. The predominant use of land in this category shall be conservation, open space and recreation. Other secondary uses that may be permitted include golf courses, education buildings, docks, arenas, recreational buildings, overnight campgrounds, cemetery and agricultural purposes, excepting intensive animal operations and accessory dwellings.
- II. The permitted intensive secondary recreational uses, with the exception of linear recreational trails, will be located within the urban boundary.

- III. Any development of the lands east of the Niagara Parkway, other than passive recreational uses, shall only be permitted above the 1 in 100 year flood elevation pursuant to the approval of the Niagara Peninsula Conservation Authority.

4.13.1. **GENERAL POLICIES**

- I. Notwithstanding the policies of this Section, the Open Space designation for golf courses and other permitted public and private uses situated outside the urban area boundary reflects the long standing existing uses only. Any open space use other than a similar open space recreational or conservation type and intensity of use will require an amendment to this Plan. Should these uses cease operation the intent would be for the lands to revert back to agricultural or rural uses.
- II. Permitted secondary uses, unless existing, shall be permitted by zoning by-law amendment in the urban area.
- III. The primary role of the Town in the field of recreation and open space should be the development of policies and programs for the acquisition, use, development management and distribution of recreation and open areas which best serves the needs of the residents.
- IV. The Town's Parks and Open Space Master Plan assesses the community's open space resources, determines where improvements and service is required and creates a long term implementation plan to allow the Town to respond to community needs over the time horizon of this Official Plan. This Plan shall be updated to incorporate key policy objectives of the Parks and Open Space Master Plan as necessary.
- V. Significant treed areas and woodlands throughout the Town will, where possible, be incorporated into the Open Space network. Where appropriate, these areas will be maintained in their natural condition or allowed to regenerate into a natural condition. Public passive recreational use of such areas will be restricted to lands which have been specifically acquired or developed for such purposes. Such areas will continue to be designated as Environmental Conservation.
- VI. Where any lands designated for Open Space on Schedule "A", Land Use Plan, are under private ownership, it is not the intention of this Plan that such lands will necessarily remain as Open Space indefinitely, nor is it implied that Open Space

areas are free and open to the general public or that they will be purchased by the Municipality or the Niagara Peninsula Conservation Authority.

VII. The use of lands owned from time to time by the Niagara Parks Commission is governed by the provisions of the Niagara Parks Act, RSO 1990, c.N.3. The Niagara Parks Commission, in the use of its lands, shall be consistent with the provisions contained in the Provincial Policy Statements and shall conform with Provincial plans that are in effect or shall not conflict with them, as required from time to time under subsection 3(5) of the Planning Act, RSO, c.P.13. Before carrying out any undertaking that the Niagara Parks Commission considers will directly affect the Town of Fort Erie; the Niagara Parks Commission shall consult with and have regard for the established planning policies of the municipality as may be required from time to time under subsection 6(2) of the Planning Act, RSO, c.P.13.

4.13.2. **POLICIES**

- I. Recreation and conservation developments intended for the use of the general public shall be regulated by suitable provisions in the Zoning By-law including setbacks from property lines and appropriate off-street parking requirements.
- II. This category may include residences for caretakers or essential workmen required to operate the permitted facility.
- III. In the development of Open Space uses, the following matters shall be considered:
 - a. The improvement of public access and the usability of public parkland along the Lake Erie shoreline;
 - b. The joint planning of conservation lands to meet both the Region's and the Town's needs and objectives. Such planning shall, through consultation with the Niagara Peninsula Conservation Authority (NPCA), take into account the use of lands owned or operated by the NPCA under the Conservation Authorities Act;
 - c. Wherever desirable or feasible in the light of the Town's requirements, it will encourage public agencies in the acquisition of land as Open Space adjacent to the Lake Erie shoreline and

major water courses for the purpose of increasing public access to water;

- d. In the development of Open Space areas the Town will encourage the preservation of existing woodlands, unique natural areas, and areas of archaeological significance;
- e. The development of scenic drives, snowmobile, hiking, equestrian and recreational trails and bicycle paths, and in this regard the abandoned railway between Fort Erie and Niagara Falls and the abandoned CNR line in the vicinity of Dominion Road, should be preserved and developed for public use;
- f. The separation of vehicular and pedestrian/cycling traffic where appropriate and necessary;
- g. The Natural Heritage policies of Section 8, if applicable; and
- h. The integration of the Open Space system within an overall pedestrian and cycling network.

4.13.3. **PARKLAND DEVELOPMENT**

- I. Parklands will be developed in accordance with the Town's Parks and Open Space Master Plan and will include Neighbourhood Parks, Community Parks, and Town Parks, as well as other parks related to heritage and environmental conservation and public access.
- II. Town Parks will conform, if feasible, to the following criteria:
 - a. Serve the entire population of Fort Erie;
 - b. Be accessible from major roads and highways and by public transportation, walking and cycling; and
 - c. Be designed and developed in concert with identified Town-wide needs.

III. Community and Neighbourhood Parks will conform, if feasible, to the following criteria:

- a. Provide a range of recreational opportunities within walking distance of the surrounding neighbourhood that they are intended to serve;
- b. Provide opportunities for both passive and active recreational pursuits; and
- c. Provide, where feasible, multiple purpose, year-round activities.

IV. Parklands will be developed to provide a wide range of recreational opportunities, which could include social, cultural, educational, and athletic activities of interest to the community.

V. The Town will own, lease, operate, maintain, and administer public parkland to meet the recreational needs of its residents.

VI. The Town will acquire public parkland through the processing of development applications or by way of purchase.

VII. Parklands may incorporate both Open Space lands and lands designated as Environmental Conservation, which would primarily be left in a natural state, but not land designated as Environmental Protection.

4.13.4. **PUBLIC ACCESS TO THE LAKE ERIE SHORELINE**

- I. The Lake Erie shoreline offers natural heritage, aesthetic and recreational amenities to the residents of Fort Erie and visitors. The promotion of recreational opportunities and public access to Lake Erie to allow the utilization of these amenities is an objective of the Town. The Policies set out below are seen as important tools to implementing this objective.
- II. The Town may close, retain and designate as park any road allowances to provide access to the Lake Erie shore in compliance with an overall waterfront access strategy.

- III. As identified under Section 8.2.4 NATURAL HAZARDS, Lands identified as Natural Hazard area on Schedule “C1”, including any water lots, shall be dedicated to the Town as a condition of development related to Consent, Plan of Subdivision or Site Plan Control.
- IV. Wherever desirable or feasible in the light of the Town’s requirements, it will encourage public agencies in the acquisition of land as Open Space adjacent to the Lake Erie shoreline and major water courses for the purpose of increasing public access to water;
- V. The Town will consider the strategic acquisition of Lake Erie shoreline lands that complement lands owned by the Town and utilized for parks purposes or public access associated with the waterfront road allowance strategy. The Town will identify possible opportunities through the Neighbourhood Plans or other studies. Council shall consider any land acquisition priorities each year in its budget deliberations.

4.14. SITE SPECIFIC POLICY AREAS

4.14.1. URBAN ENTERTAINMENT CENTRE (Site Specific Policy Area 1)

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe portions of this section will be amended in accordance with Policy 4.1.III of this Plan.
- II. The Fort Erie Urban Entertainment Centre Site Specific Policy Area 1 as identified on Schedule “A” is intended to function as an urban entertainment centre serving tourists and the travelling public, as well as local, regional, and seasonal residents. In this regard, a wide range of uses are permitted including, but not limited to, a horse racetrack and equine centre, gaming activities as approved by the Province, commercial, hospitality, institutional industrial uses, and residential accommodation.
- III. The uses of land in this area shall include:
 - a. A racetrack for horse racing and non-motorized racing, equine centre, and approved gaming activities;

- b. Commercial uses including hotels, motels, lodges, restaurants, vehicle service stations, and amusement and recreation facilities;
- c. Tourist Information Centre, conference and banquet facilities, and accessory retail facilities;
- d. Veterinarian offices or clinics, animal hospitals;
- e. Institutional and recreational uses including education and training centres;
- f. Small scale prestige industrial manufacturing and food processing facilities Business and professional offices; and
- g. Residential accommodations accessory to any permitted use and freestanding forms of medium and high density housing, such as a condominium-suite apartment complex.

(Amended by By-law 2013-016, OPA #10)

- IV. This area is to be studied by the owner, or its successor, to determine the ultimate land uses and the arrangement of those uses, the built form and landscape character, and appropriate development standards. These matters shall be included in a Comprehensive Development Plan to be approved by Council.
- V. Until a Development Plan for this area is prepared and approved by Council and incorporated by amendment to the Official Plan, in whole or in part, the relevant policies of the Official Plan shall apply to this area.
- VI. Once a Comprehensive Development Plan is approved, all development and redevelopment shall be consistent with this Section and other relevant policies of this Official Plan
- VII. The Comprehensive Development Plan prepared for this area shall be based on the principles contained in the Urban Design section of this Plan.
- VIII. The Comprehensive Development Plan shall be developed in consultation with neighbourhood residents, property owners and stakeholders. Council shall

seek public and agency input prior to making any significant modifications to the Plan. The Comprehensive Plan will provide for review and comment of the Plan by relevant agencies to ensure it adequately addresses agency requirements and Provincial Policy objectives.

IX. Studies may be required prior to development approval to consider impacts on municipal services, roads and traffic, storm water management, environmental impacts, and archaeological resources. Study recommendations shall be implemented as part of any necessary subdivision agreement, site plan agreement, or development servicing agreements to be entered into with the Town of Fort Erie.

X. The Zoning By-law shall control the use of land or buildings in order to ensure that the area is developed for in a manner consistent with the approved Comprehensive Development Plan.

XI. Development shall comply with the Natural Heritage Section of this Plan.

4.14.2. **PEACE BRIDGE AREA (Site Specific Policy Area 2)**

I. The uses of the land in this category shall be those associated with the operation of the Peace Bridge and any appropriate accessory uses such as customs and inspections facilities and areas.

II. Lands within this category shall be owned or leased by the Peace Bridge Authority.

III. If the Peace Bridge Authority disposes of or conveys a portion of this area, an amendment to the Official Plan may be deemed necessary by the Town Council to redesignate the lands affected.

IV. It is the intent of this Plan that the traffic and transportation impact by the operation of the Peace Bridge shall be considered by those authorities, including the Ministry of Transportation, the Regional Municipality of Niagara, the Niagara Parks Commission and the Town of Fort Erie in order to facilitate the movement and control of traffic in the portions of the Town of Fort Erie leading to the Peace Bridge.

- V. Notwithstanding the policies of this plan, nothing shall prevent the Peace Bridge Authority from erecting buildings or structures or installing infrastructure related to uses associated with the operation of the Peace Bridge and any appropriate accessory uses such as custom/ inspection and Duty Free facilities and areas on lands owned by the Peace Bridge Authority. Development shall be subject to the submission of appropriate site plans and building permits in compliance with Ministry of Transportation approval.

4.14.3. **FORT ERIE INDUSTRIAL PARK (Site Specific Policy Area 3)**

- I. The Town recognizes that the "Fort Erie Industrial Park" as shown on Schedule "A" is susceptible to flooding in a Regional flood event. This Site Specific Policy Area is in accordance with the Natural Hazard Policies of the Provincial Policy Statement.
- II. Provincial floodplain policy normally does not permit development in the floodplain as determined by the Niagara Peninsula Conservation Authority. However, a "Special Policy Area" designation can be granted in areas where economic and social conditions warrant some new development or redevelopment. Special Policy Areas may be exempted by the Province from the minimum levels of protection specified in Provincial policy provided alternate floodplain management policies are included in the Official Plan in a manner acceptable to the Town, the Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority and the Province.
- III. The "Fort Erie Industrial Park" is identified as a "Special Policy Area" approved by the Province in recognition of:
- a. The integral role of this area in achieving the industrial development objectives of the Town;
 - b. Investments made by the Town to provide full municipal services to the site;
 - c. The long term commitments made to industrial development through both the Official Plan and Zoning By-law;

- d. The impracticality of flood proofing as determined by the Niagara Peninsula Conservation Authority for economic, technical and aesthetic reasons, and;
- e. The impracticality of providing alternate flood protection measures such as relocation, dyking or enlargement of the culverts under the railway line to the north of the site.

IV. Notwithstanding any other policies in this Plan, the Hazard area (1 in 100 year flood) is identified as the level of flood protection that will be applied to the "Fort Erie Industrial Park" shown on Schedule "C1". Accordingly, the following floodplain management provisions will apply to this area:

- a. No new buildings or structures other than those required for flood erosion control or flood management purposes shall be permitted in the Hazard area (1 in 100 year floodplain) as determined by the Niagara Peninsula Conservation Authority as generally shown on Schedule "C1";
- b. Extensions, enlargements or reconstructions of existing buildings and structures may be permitted within the 1 in 100 year floodplain provided they are protected up to the 1 in 100 year flood level;
- c. Prior to the issuance of any building permit within the 1 in 100 year floodplain, the Town shall consult with the Niagara Peninsula Conservation Authority regarding the administration of the Authority's fill and construction regulations to address any proposed flood damage reduction measures which may include such matters as building setbacks, basement elevations, the strength of foundation walls, the placement of fill and control of building opening elevations; and
- d. Any amendment to the Zoning By-law affecting the "Fort Erie Industrial Park" shall conform to the provisions of this subsection. In this regard the Town may, in consultation with the Niagara Peninsula Conservation Authority, incorporate flood reduction measures in the by-law relating to such matters as building

setbacks, minimum heights of openings to buildings and maximum lot coverage.

4.14.4. **BAY BEACH (Site Specific Policy Area 4)**

- I. The lands subject to Site Specific Policy Area 4 are identified on Schedule “A” of this Plan and more specifically on Appendix B of this Plan as Parts 1 to 7 and 8(a) and 8(b). Council has approved the following development strategy for the lands in consultation with the public and Community Focus Group after consideration of an Economic Impact Assessment and Crystal Beach Neighbourhood Plan:
 - a. Part 1, being the lands on the northwest corner of Erie Road and Eastwood Avenue be developed as a municipal parking lot;
 - b. Part 2, being Eastwood Avenue, remain “as is” at this time;
 - c. Part 3, being the northeast corner of Erie Road and Eastwood Avenue be sold for residential purposes subject to the development of a long term parking solution as approved by Council;
 - d. Part 4, being the existing public beach and water lot, remain in Town ownership for continued use as a municipal beach in conjunction with the adjacent Crystal Beach public lands;
 - e. Part 5, being the former dance hall/roller rink, wooden structure be demolished once Council has approved a plan to salvage the foundation;
 - f. Part 6, Staff be directed to invite proposals for the leasing of and improvement of the Lobster House building subject to a further staff report and approval by Council;
 - g. Part 7, being the existing concession building, be demolished immediately upon alternate facilities being provided elsewhere on-site for concessions and washrooms/change rooms as approved by Council;

- h. Part 8(a), being the eastern portion of the uplands, remain in Town ownership and developed for public open space uses;
 - i. Part 8(b), being the western portion of the uplands, remain in Town ownership as open space to be utilized for parking purposes until a long term parking solution has been determined and approved by Council and thereafter used as a park.
- II. The implementation of the above development strategy shall be in accordance with a Council approved Plan. Alterations to the above development strategy shall not require an amendment to this Plan, but will be done in consultation with the public and Community Focus Group.
- III. Any new construction or renovations, site grading or replacement or removal of any fill within the Regulated Area of the Niagara Peninsula Conservation Authority (NPCA) will require the approval of the NPCA, under the Conservation Authorities Act before any work is initiated.

4.14.5. **KRAFT DRAIN AREA (Site Specific Policy Area 5)**

The Kraft Drain Area Site Specific Policy Area 5 applies to those lands identified as such on Schedule “A”. These lands are designated in part as Urban Residential, Environmental Conservation overlay and Environmental Protection Area. Given the significant natural heritage features on site, an Environmental Planning Study (EPS), completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the Natural Heritage Section of this Plan. The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this Plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan. The Frenchman’s Creek Trunk Sanitary Sewer Project must be constructed prior to development proceeding.

4.14.6. **ZOOZ (Site Specific Policy Area 6)**

- I. The ZOOZ Site Specific Policy Area 6 applies to those lands identified as such on Schedule “A”. These lands are designated as Open Space and Environmental Protection Area.

- II. Notwithstanding the Open Space designation, these lands shall only be used for uses associated with the Zooz Theme Park, namely: conservation (including nature preserve and conservation area), open space (including bogs, wetlands and fishing lakes), recreation (including the sculpture park, water park, serpentarium, adventure rides, picnic areas, animal park, trailways, walkways, botanical gardens and recreation related buildings), mini putt golf, overnight tent campground, an existing triplex, a greenhouse and existing amphitheatre, as well as a veterinarian clinic, barns, stables and agricultural uses.

- III. The size, intensity, layout and orientation of permitted uses shall be identified in more detail in the implementing Zoning By-law and site plan agreement subject to the approval of, among other matters, studies or plans to consider traffic needs, environmental and noise impacts, storm water management, servicing and archaeological resources.

- IV. Development or site alteration adjacent to Environmental Protection Areas shall be in accordance with the policies of the Natural Heritage Section of this Plan.

4.14.7. **MOBILE HOME PARK (Site Specific Policy Area 7)**

Site Specific Policy Area 7 applies to the lands identified as such on Schedule “A” of this Plan to permit the continued use of a mobile home park despite the Urban Residential designation.

4.14.8. **LANDS BELOW THE NIAGARA RIVER FLOOD ELEVATION (Site Specific Policy Area 8) *NOTE: This Policy has been deleted and replaced by By-law 2018-001 OPA#37 Southend Secondary Plan***

- I. Site Specific Policy Area 8 applies to the lands identified as such on Schedule “A” of this Plan. Existing land uses in this area include both residential and commercial uses. Historically, this area has been subject to periodic flooding during major storm events. Although this area has not been identified as a growth area for the Town, policy is required to provide for the maintenance of the existing uses. The 1 in 100 year flood elevation at this location has been estimated at 175.88 metres GSC, or as may be revised from time to time through engineering studies completed to the satisfaction of the Niagara Peninsula Conservation Authority.

- II. Development for institutional uses including hospitals, schools, group homes, nurseries, nursing homes and day care facilities, essential emergency services and uses associated with the disposal, manufacture, treatment or storage of hazardous substances will not be permitted.
- III. Additions or renovations to existing buildings shall comply with the Conservation Authority Regulations.

4.14.9. **WASTE DISPOSAL SITES (Site Specific Policy Area 9)**

Site Specific Policy Area 9 refers to two landfill sites identified on Schedule “A” and owned and / or operated by the Regional Municipality of Niagara. The Bridge Street landfill is currently active whereas the Winger Road landfill site is closed. The designations identified on Schedule “A” within the Site Specific Policy Area, reflects the ultimate intended land use of the site after closure of the landfill operation.

Notwithstanding the policies of this Section, the existing Bridge Street landfill operation will be permitted to continue to operate in accordance with applicable Certificate of Approvals, regulations and/or guidelines of the Ministry of the Environment. Any development or redevelopment of a waste disposal site should also be in accordance with Section 10.2 of this Plan.

4.14.10. **FLINTLOCK: HAZARD POLICY EXCEPTION (Site Specific Policy Area 10)**

- I. The Flintlock: Hazard Policy Exception (Site Specific Policy Area 10) applies to those lands identified on Schedule “A”.
- II. Notwithstanding Section 8.2.4 of this Plan, the subject property identified may be used for boat docks or a marina, without buildings, provided applicable regulations of the Niagara Peninsula Conservation Authority and other policies of this Plan are complied with.

4.14.11. **FRENCHMAN’S CREEK (Site Specific Policy Area 11)**

(Note: Section 4.14.11 relates to lands subject to Regional Policy Plan Amendment #4-2006 and the Bridgeburg Secondary Plan Amendment, reflected as Section 4.15 of this Plan all of which are under appeal) Appealed under Section 17(36) of the Planning Act.

- I. The Frenchman’s Creek Site Specific Policy Area 11 applies to those lands identified as such on Schedule “A”. These lands north of Arcadia Street Road

Allowance are designated in part as Urban Residential, Open Space, Commercial, Institutional Environmental Conservation overlay and Environmental Protection. Development shall be in accordance with the policies associated with these designations. Development may proceed upon a future decision to include these lands in the Urban Area Boundary of the Regional Niagara Policy Plan.

- II. Given the significant natural heritage features on site, an Environmental Planning Study (EPS), completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the Natural Heritage Section of this Plan. The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this Plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan.

4.14.12. **CANADIAN MOTOR SPEEDWAY (Site Specific Policy Area 12)**

(Note: Under appeal in accordance with Section 17(36) of the Planning Act)

[Note: Fort Erie requested Modification October 5, 2009, Post-Adoption. Previously deferred on Schedule A]

Site Specific Policy Area 12 applies to lands delineated on Schedule "A". The lands shall be used in accordance with the land use designations on Schedule "A" and corresponding policies in this Plan, unless the Ontario Municipal Board (OMB) approves Regional Policy Plan Amendment # 3- 2009, and Official Plan Amendments # 4 and 63 to the Town of Fort Erie Official Plans. Should local Amendment #4 be approved by the OMB, the policies and designations in Amendment #4 which reflect Council's most recent policy intent, shall be included in the text and Schedules of this Plan for interpretation and implementation.

4.14.13. **209 JARVIS STREET (Site Specific Policy Area 13)**

Notwithstanding the Commercial designation, accessory apartment dwellings may be located on the ground storey of commercial buildings located on the property, provided they remain ancillary to the commercial uses on the property and do not occupy in excess of 50% of the ground floor area.

(Amended by By-law 2013-030, OPA #12)

4.14.14. 209-215 RIDGE ROAD NORTH (Site Specific Policy Area 14)

Notwithstanding the General Commercial designation, these lands may also be used for commercial brewing facility producing a maximum of 3,000 hectolitres per year and occupying a maximum floor area of 409 square metres. Notwithstanding the General Commercial designation, a maximum of one accessory apartment dwelling may be located on the ground storey of the commercial building.

(Amended by By-law 2013-032, OPA#14)

4.14.15. 3295 NIGH ROAD (Site Specific Policy Area 15)

Section 4.6.3 CONSENTS TO SEVER, subsection 11(a) (b) shall not apply to the lands designated Site Specific Policy Area 15, and development shall be limited to three dwelling units or lots having a minimum lot area of 1 hectare. No further development shall be permitted without an amendment to this Plan.

(Amended by By-law 2014-018, OPA #19)

4.14.16. 300 CENTRAL AVENUE (Site Specific Policy Area 16)

Notwithstanding the Urban Residential designation, these lands may also be used for Institutional purposes.

(Amended by By-law 2014-020, OPA #20)

4.14.17. 255 EMERICK AVENUE (Site Specific Policy Area 17)

Notwithstanding the Urban Residential designation, the existing building located on these lands and additions thereto may also be used for Institutional purposes.

(Amended by By-law 2014-027, OPA #21)

4.14.18. 5179 ABINO HILLS ROAD (Site Specific Policy Area 18)

Notwithstanding the Environmental designation, the development of an accessory structure with a 71.31square metre (768 +/- square foot) footprint and 33.63 (362 +/- square foot) square metres of living space on the second floor shall also be permitted.

(Amended by By-law 2015-050, OPA #25)

4.14.19. **1640 GARRISON ROAD (Site Specific Policy Area 19)**

Notwithstanding the “Open Space” designation, a public school use along with ancillary uses are permitted on existing municipal services outside the urban area boundary.

(Amended by By-law 2015-075, OPA #27)

4.14.20. **HELENA STREET INDUSTRIAL LANDS (Site Specific Policy Area 30)**

The lands designated Site Specific Policy Area 30 shall be used in accordance with the Industrial-Business Park designation on Schedule “A” and is intended to allow a low intensive industrial area on private sanitary services. The low intensive industrial uses are identified in the Zoning Bylaw, other uses may be permitted without an amendment to this plan provided they can adhere to the Ministry’s D6 separation distances.

(Amended by By-law 2016-020, OPA #30)

4.14.21. **ROYAL RIDGE SUBDIVISION (Site Specific Policy Area 20)**

These lands may only be used for townhouse or semi-detached dwellings at a minimum density of 16 units per net hectare and a stormwater management pond.

(Amended by By-law 2016-124, OPA #31)

4.14.22. **BOWEN ROAD INDUSTRIAL AREA (Site Specific Policy Area 31)**

The lands designated Site Specific Policy Area 31 shall be used in accordance with the Industrial-Business Park designation on Schedule “A” and is intended to allow a low intensive industrial area on private sanitary services. The low intensive industrial uses are identified in the Zoning Bylaw, other uses may be permitted without an amendment to this plan provided they can adhere to the Ministry’s D6 separation distances.

(Amended by By-law 2017-035, OPA #34)

4.14.23. **FORT ERIE HILLS (Policy Area 35)**

CORE MIXED –USE POLICIES

- a) The lands designated as “Core Mixed-Use” in Policy Area 35 shall be reserved for a variety of local neighbourhood commercial uses, as well as residential uses.

- b) Commercial uses shall be limited to 50% of the ground floor area.
- c) Residential uses will be permitted on the ground floor up to 50% and residential uses will only be permitted on all floors above the ground floor in order to provide additional housing opportunities in the Bridgeburg neighbourhood.
- d) Building height will be detailed in the Town's Zoning By-law 129-90.

ENVIRONMENTAL PROTECTION POLICIES

- a) All of the policies of Section 8 shall apply to natural heritage resources within the Policy Area Fort Erie Hills.
- b) Notwithstanding the policies in Section 8 these lands may also be used for pedestrian paths.

URBAN RESIDENTIAL POLICIES

- a) The lands designated in Policy Area 35 as "Urban Residential" shall be reserved for single-detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. 4.1.
- b) A minimum density of 50 units per hectare and a maximum density of 85 units per hectare shall be expected in Fort Erie Hills.
- c) This designation shall also permit stormwater management facilities and any necessary pumping stations.

OPEN SPACE POLICIES

- a) The lands designated as "Open Space" in Policy Area 35 shall be reserved for a variety of active and passive recreational and open space uses.

(Amended by By-law 2017-052, OPA #35)

4.14.24. MILLER LANDS (Policy Area 38)

URBAN RESIDENTIAL POLICIES

- a) The lands designated on Schedule “A” as “Urban Residential” shall be reserved for single detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. Notwithstanding the policies of Section 4.7 the site shall:
- a. Have a minimum density of 50 people and jobs per hectare, subject to any adjustments resulting from the Municipal Comprehensive Review being undertaken by the Niagara Region, and a maximum density of 85 people and jobs per hectare.
 - b. Permit required storm, sanitary, water and road infrastructure to allow for development once comprehensive servicing studies (including consideration of phasing) have been reviewed for the site and approved by all approval agencies.
 - c. Permit municipal parkland.
 - d. Include a Neighbourhood Plan concept to be approved by the Town of Fort Erie showing how the site will integrate with the entire Bridgeburg North Neighbourhood.
 - e. The full extent of the developable area will be determined following the approval of the final Environmental Impact Assessment (EIS).

ENVIRONMENTAL CONSERVATION POLICIES

- b) The lands designated on Schedule “A” as “Environmental Conservation” shall and shall generally be governed by the Environmental Conservation policies of Section 8.3. Notwithstanding Section 8.3 the site shall be subject to the approval of the final Environmental Impact Study (EIS), that will include the following:
- a. Terms of Reference to be developed in consultation with and approved by the Niagara Peninsula Conservation Authority (NPCA).
 - b. Environmental surveys to address the Endangered Species Act, including but not limited to Bat Habitat surveys, etc.

- c. Further refinement to the Environmental Conservation Areas to demonstrate “No negative impact”.
- d. Upon final approval of the EIS or alternatively approval of an Overall Benefit Permit by the required agencies, those areas identified for Protection will be appropriately zoned through a Zoning By-law Amendment to Environmental Protection and those areas for development will be appropriately zoned for Urban Residential use that demonstrates densities outlined in Section A.

ENVIRONMENTAL PROTECTION POLICIES

- c) The lands designated on Schedule “A” as “Environmental Protection” shall be governed by the Environmental Protection policies of Section 8.2. Notwithstanding Section 8.2 the site may also be used:
 - a. For pedestrian paths subject to the approved Environmental Impact Study (EIS).

(Amended by By-law 2017-123, OPA #38)

4.14.25. **CRYSTAL BEACH PUBLIC SCHOOL LANDS (Site Specific Policy Area 21)**

MEDIUM DENSITY RESIDENTIAL POLICIES

The lands designated in Site Specific Policy Area 21 as “Medium Density Residential” shall generally be governed by the following Medium Density Residential policies:

The lands designated in Site Specific Policy Area 21 as “Medium Density Residential” shall generally be governed by the Medium Density Residential policies of Section 4.18.7. Notwithstanding the policies of Section 4.18.7 the site shall:

- a) The lands designated in Site Specific Policy Area 21 as “Medium Density Residential” shall be reserved for single detached dwellings, semi-detached dwellings, multiple-unit structures (townhomes 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) A Medium Density range for the entire site of 25 to 75 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.
- c) Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, and demonstration of compatibility.
- d) Permit institutional uses subject to the policies contained in 4.12.1.
- e) Permit Storm water management (SWM) facilities subject to the policies in Section 12.5.
- f) Any removal of the existing building and the overall redevelopment of the site should contain at a minimum, an apartment/condominium block with a minimum of 32 units.

(Amended by By-law 2018-030, OPA #39)

4.14.26. BERTIE PUBLIC SCHOOL (Site Specific Policy Area 22)

MEDIUM DENSITY RESIDENTIAL POLICIES

The lands designated in Site Specific Policy Area 22 as “Medium Density Residential” shall generally be governed by the Medium Density Residential policies of Section 4.18.7. Notwithstanding the policies of Section 4.18.7 the site shall:

- a) Permit single detached dwellings and semi-detached dwellings in addition to the permitted uses identified in 4.18.7 (a).
- b) Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, and demonstration of compatibility.
- c) Permit institutional uses subject to the policies contained in 4.18.10.

- d) Permit a public park subject to the policies contained in 4.18.11.1.
- e) Permit Storm water management (SWM) facilities subject to the policies contained in 4.18.11.4.

Any removal of the existing building and the overall redevelopment of the site should contain at a minimum, an apartment/condominium block with a minimum of 45 units.

(Amended by By-law 2018-032, OPA #40)

4.14.27. 2651 NIGH ROAD

Section 4.6.3 CONSENTS TO SEVER, subsection II (a) (b) shall not apply to the lands on 2651 Nigh Road attached hereto and development shall be limited to three dwelling units or lots having a minimum lot area of 1 hectare. No further development shall be permitted without an amendment to this Plan

(Amended by By-law 2019-041, OPA #42)

4.14.28. 615 BURLEIGH ROAD NORTH

Section 4.6.3 CONSENTS TO SEVER, subsection II (a) (b) shall not apply to the lands on 615 Burleigh Road North attached hereto and development shall be limited to four dwelling units or lots having a minimum lot area of 1 hectare. No further development shall be permitted without an amendment to this Plan

(Amended by By-law 2019-043, OPA #43)

4.14.29. 0-6489 NIGH ROAD

Section 4.6.3 CONSENTS TO SEVER, subsection II (a) (b) shall not apply to the lands shown on 0-6489 Nigh Road attached hereto and development shall be limited to three building lots. One lot will have lot area 2.6 hectares and the remaining two will have a lot area 1.1 hectare and minimum lot frontage of 90 metres each. No further development shall be permitted without an amendment to this Plan

(Amended by By-law 2021-014, OPA #48)

4.14.30. ROYAL RIDGE PHASE 2 SUBDIVISION (Site Specific Policy Area 24)

The lands designated Special Policy Area 24 may only be used for an apartment building with a maximum density of 122 units per net hectare and semi-detached dwellings.

(Amended by By-law 2021-032, OPA #49)

4.14.31. COMPASS HEIGHTS DEVELOPMENT (Site Specific Policy Area 23)

Notwithstanding the Core-Mixed Use designation, the subject lands can be developed for a maximum residential density of 349 units per hectare.

(Amended by By-law 2021-034, OPA #50)

4.14.32. 0 PETIT ROAD, 1011 GILMORE ROAD AND 0-13130 THOMPSON ROAD (Site Specific Policy Area 39)

The lands designated Site Specific Policy Area 39 shall be required to undertake an Environmental Impact Assessment, Buffer and/or Edge Management plans, as necessary, prior to any development of the site.

(Amended by By-law 2021-042, OPA #51)

4.14.33. 80-84 and 94 JARVIS STREET (Site Specific Policy Area 25)

Notwithstanding the Commercial designation, the subject lands can be developed for a maximum building height of 5 storeys.

(Amended by By-law 2021-050, OPA #52)

4.14.34. LIONS DOUGLAS HEIGHTS SENIOR RESIDENCE (Site Specific Policy Area 26)

1. Notwithstanding the Medium Density Residential designation, the subject lands can be developed for a maximum residential density of 108 units per hectare.
2. Notwithstanding the Medium Density Residential designation, the subject lands can be developed for an 8-storey apartment building (10-storeys at the rear).

(Amended by By-law 2021-067, OPA #53)

4.15. BRIDGEBURG SECONDARY PLAN

Note: The Bridgeburg Secondary Plan was approved by Regional Council but is under appeal to the Ontario Municipal Board (OMB). The lands shall be used in accordance with the land use designations on Schedule A and corresponding policies in this Plan, unless the Ontario Municipal Board (OMB) approves Regional Council's decision to expand the urban area boundary in Bridgeburg north as reflected in Part 1 of Regional Policy Plan Amendment #4-2006, and Official Plan Amendments # 5 and 65 to the Town of Fort Erie Official Plan. Should local Official Plan Amendment (OPA) #5 be approved by the OMB, all of the policy text and Schedules associated with Section 4.15 of this Plan, which reflect OPA #5, shall be referred to for interpretation and implementation of this Plan.

4.15.1. PURPOSE OF THE BRIDGEBURG SECONDARY PLAN

The purpose of the Bridgeburg Secondary Plan is to provide a framework for renewal within this community. The Secondary Plan consists of a land use plan and related policies to guide development and redevelopment. The plan will provide a guide for planning this neighbourhood for the next approximately 20 years, and will be subject to amendments and review as may be required during this time frame. Other non-land matters are addressed in the Bridgeburg Neighbourhood Plan, which was approved by the Municipal Council on December 8, 2008 through Resolution No. 11. The Bridgeburg Neighbourhood Plan is a guideline for recommended actions by the Town and other stakeholders, on a wide range of matters including land use, housing, core area revitalization, adaptive reuse of historical structures, brownfield redevelopment, natural and cultural heritage, by-law enforcement, parking and social condition improvement. The Bridgeburg Neighbourhood Plan should be referred to for more detailed information on the goals, objectives and policies surrounding this Amendment.

4.15.2. VISION

The desired future state of the Bridgeburg Neighbourhood, within the approximate 20-year time frame of this Plan, is a balanced, stable community in which the diverse needs of all stakeholders are met. The Plan is guided by the following vision statement, which was produced by the Community Focus Group and formed part of the Neighbourhood Plan:

Bridgeburg is a vibrant neighbourhood with a strong sense of community and a rich history linked to the Canadian railroad industry. The most unique aspects of Bridgeburg include our beautiful riverfront location together with a defined, historic core area

encompassing a number of heritage buildings and places. We promote business and tourism related to our riverfront and our railway heritage, while we remain connected to and mindful of our neighbouring residential community.

Those elements that make Bridgeburg special for us and reflect our values and aspirations for the future are embodied in our commitments.

- a) Well thought-out neighbourhood planning that sustains the value of our community*
- b) Respectful use and care for the environment including our parks, trails and especially our riverfront lands*
- c) Communication and Involvement of Citizens*
- d) Vibrant business growth, consistent with a defined historical core*
- e) Safety and Education in our Community*

4.15.3. **GOALS**

The Bridgeburg Secondary Plan will provide for a variety of residential densities, commercial, mixed use, open space and other areas to meet the diverse needs of its many citizens that include homeowners, businesspersons, shoppers, visitors, and tourists. The area is intended to become the Town's primary location for intensification and infilling, with higher densities directed towards appropriate locations such as the Central Business District, the Niagara River Waterfront, Brownfield Areas, and along major transportation corridors.

4.15.4. **OBJECTIVES**

The main objectives of the Bridgeburg Secondary Plan are to:

- a) Provide a diversity of suitable housing choices.
- b) Ensure new infill housing and renovations are compatible with existing development.

- c) Encourage development forms which are compact, to help provide opportunities to relieve pressures for urban expansion, such as higher densities and mixed use along major transportation corridors.
- d) Provide employment choices within the area that are compatible with residential uses, allowing residents the option to live and work in close proximity.
- e) Conserve all existing open space areas and natural areas, including significant features such as Frenchman's Creek and the Niagara River waterfront.
- f) Provide a strong single central business district in the Jarvis Street area.
- g) Eliminate industrial uses in the core area over the long term and redevelop these Brownfield sites for residential purposes to create urban renewal, make better use of existing infrastructure and create opportunities for compact walkable communities that are more compatible with the surrounding residential community. Industrial uses are better suited to areas with more direct access and/or visibility to major transportation corridors such as the Queen Elizabeth Highway.
- h) Conserve built heritage features, including buildings and areas of historical and architectural significance, especially features associated with the Neighbourhoods rich railway heritage.
- i) Enhance the design and identity of the Bridgeburg Neighbourhood by the addition of design features to accentuate streetscapes and gateways.
- j) Ensure that the transportation system provides for the needs of all citizens, encourages a compact urban form and enables the use of alternative travel modes.
- k) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses and institutions of this area.
- l) In order to provide a catalyst for urban renewal and downtown revitalization, revisions to existing residential approvals together with some limited

opportunities for new growth and development will be provided through a minor rounding out of the urban boundary in the North Bridgeburg area.

- m) The North Bridgeburg area shall be promoted for new housing development catering to the needs of empty nesters and retirees in an adult lifestyle community living environment and resource based recreation development owing to the proximity of these lands to the Niagara River Parkway and related amenities.
- n) New housing development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans featuring large one acre lots on municipal water and private services will be revised to reflect urban development requirements on full municipal services.

4.15.5. **RESIDENTIAL - GENERAL POLICIES**

- a) Schedule “Bridgeburg-2” designates areas for residential redevelopment, intensification and infilling in the Bridgeburg Neighbourhood, in an effort to promote a compact urban form, reduce urban sprawl and encourage population growth, which in turn can assist in revitalizing the Central Business District.
- b) The Bridgeburg Secondary Plan provides for an additional 1000 dwelling units and 2400 persons in the Bridgeburg Neighbourhood over the next approximately 20 years.
- c) An appropriate level of affordable housing and senior citizen’s housing shall be considered by the Town when reviewing development applications in the Bridgeburg Neighbourhood, in keeping with Provincial Policy. Such developments shall be integrated with other forms of housing rather than segregated and isolated, in order to provide a more cohesive and inclusive neighbourhood and environment.

4.15.6. **LOW DENSITY RESIDENTIAL POLICIES**

- a) The lands designated on Schedule “Bridgeburg-2” as “Low Density Residential” shall be reserved for single detached, semi-detached and duplex dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7.

- b) An overall target of 70% low density residential use shall be expected in the Neighbourhood.
- c) Schedule “Bridgeburg-2” provides for an additional approximately 560 low density units, bringing the total to 1750 units over the next approximately 20 years.
- d) The residential density associated with lands designated as Low density Residential shall be 10 to 25 units per gross hectare.

4.15.6.1. POLICY AREA 1 – CROOKS/BOWEN DEVELOPMENT SITE

Due to the unique natural constraints located upon and adjacent to lands shown as Policy Area 1, an Environmental Impact Study (EIS) shall be required prior to development of this site, as per the policies of Section 7.B.1.11 of the Regional Niagara Policy Plan as amended from time to time.

4.15.7. MEDIUM TO HIGH DENSITY RESIDENTIAL POLICIES

- a) The lands designated on the Schedule “Bridgeburg-2” as “Medium to High Density Residential” shall be reserved for multiple-unit structures (townhomes and apartment homes), and their accessory uses, and the Residential policies of Section 4.7 shall apply.
- b) An overall target of 30% Medium to High Density Residential use is expected in the Neighbourhood, due to the opportunities that exist for higher density residential development on brownfield sites and infill sites.
- c) Schedule “Bridgeburg-2” provides for an additional approximately 440 Medium to High Density units, bringing the total to 750 units over the next approximately 20 years.
- d) The residential density associated with lands designated as Medium to High Density Residential shall be 25 to 50 units per gross hectare.
- e) Lands designated Medium to High Density Residential, including site specific Policy Areas, shall not be downzoned for lesser density than permitted by the implementing zoning by-law.

- f) Building heights shall be no greater than five (5) stories, except as otherwise noted through Site-Specific Policy Areas in this Plan and in the implementing zoning by-law. Additional building height may be considered if it is demonstrated through the zoning approval process that additional height is compatible.

4.15.7.1. POLICY AREA 2 – WEST JARVIS BROWNFIELD SITE

- a) The land designated as Policy Area 2 on Schedule “Bridgeburg-2” shall be reserved for “Medium to High Density Residential” use in order to provide additional housing opportunities in the core area of Bridgeburg.
- b) The Town shall encourage rehabilitation and redevelopment of this site through policies contained in its Brownfields Community Improvement Plan, including possible financial assistance for an environmental assessment of the site and site clean-up prior to it being utilized for residential purposes.
- c) The maximum height of any building on this site shall be four (4) storeys.

4.15.7.2. POLICY AREA 3 – HORTON RESIDENTIAL REVITALIZATION AREA

- a) The Subject lands shall be redesignated from Industrial and Commercial to Residential, in accordance with the Bridgeburg Neighbourhood Plan and Council’s stated intention that the subject brownfield areas be redeveloped for a Residential use more compatible with the surrounding neighbourhood.
- b) Lands designated as Policy Area 3 are intended for a mix of low, medium and high density residential uses as well as ancillary uses required to serve the residential area. Commercial uses shall be limited in light of the site’s proximity to the Central Business District. With respect to built form, the subject area shall be developed for a mix of small-lot singles, townhomes and low-to-mid rise apartment houses. The maximum height of any building in this area shall be six (6) storeys.
- c) The Town may promote the subject area as the prime candidate for Brownfield Redevelopment, and shall liaise with other government agencies and the landowner to promote the site and obtain any financial assistance available for the remediation and redevelopment of the site for residential purposes.

- d) The Town and the Economic Development and Tourism Commission may encourage existing Industrial and Commercial uses within the area to relocate to more suitable areas elsewhere in the municipality, including the Fort Erie Business and Industrial Park located along the Queen Elizabeth Way.
- e) Any development plan for this area shall reserve the former Erie-Niagara Railway lands for linear open space/trail use in accordance with Schedules “Bridgeburg-2”, “Bridgeburg-3” and “Bridgeburg-4”.
- f) Notwithstanding the provisions of Section 4.15 d)7 of this Plan, the permitted use of lands located at 40 Jennet Street, being the former Horton CBI Steel property described as ARN 2703-010-047-02300-0000 shall also include storage, warehousing, offices, accessory indoor assembly operations, forging operations excluding drop forges, and expansions thereof within buildings existing on the site as of the date of approval of the Secondary Plan by Town Council. These uses may be more specifically recognized in a by-law passed under Section 34 of the Planning Act. In conjunction with the intensification and/or expansion of any existing industrial use, a Site Plan Agreement pursuant to Section 41 of the Planning Act shall be submitted and approved by Council within one year of adoption of the Secondary Plan by Town Council. In considering a Site Plan, Council shall be satisfied if matters pursuant to Section 4.2.A of the Official Plan relative to landscaping and stormwater management are addressed.
- g) Notwithstanding the provisions of Section 4.15.7 of this Plan, the permitted use of lands located at 465 Central Avenue, described as ARN 2703-010-047- 02805-0000 and 469 Central Avenue, described as ARN 2703-010-047- 02800-0000 shall also include limited commercial uses which may be more specifically recognized in a by-law passed under Section 34 of the Planning Act.

4.15.8. CORE MIXED-USE POLICIES

The lands designated as “Core Mixed-Use” on Schedule “Bridgeburg-2” shall be reserved for a variety of retail and office uses, as well as residential uses, and the policies of Section 4.8 and Section 4.15.15.1 shall apply.

4.15.8.1. POLICY AREA 4 – BRIDGEBURG CORE MIXED-USE AREA

- a) The lands designated as Policy Area 4 on Schedule “Bridgeburg-2” shall be reserved for “Core Mixed-Use” as per Section 4.8, including higher density

residential use and limited commercial use located on the ground floor only, in order to provide additional housing opportunities in the core area of Bridgeburg.

- b) The Town shall encourage rehabilitation and redevelopment of this area through policies contained in its Brownfields Community Improvement Plan, including possible financial assistance for an environmental assessment of specific sites within the area and site clean-up prior to use for residential purposes.
- c) The maximum height of any building in this area shall be five (5) storeys, and the residential density shall be 25 to 50 units per gross hectare.

4.15.9. **COMMERCIAL POLICIES**

The lands designated as “Commercial” on Schedule “Bridgeburg-2” shall be reserved for a variety of retail and office uses, and the policies of Section 4.9 shall apply.

4.15.9.1. POLICY AREA 5 – BRIDGEBURG CENTRAL BUSINESS DISTRICT

- a) The Town shall initiate an updated Community Improvement Plan and Streetscape Plan for Jarvis Street and those portions of Central Avenue and Niagara River Parkway lying between Jarvis Street and the CNR lands.
- b) The Community Improvement Plan and Streetscape Plan shall refine the key aesthetic and functional integration issues outlined in the Bridgeburg Neighbourhood Plan, in order to create a clean, healthy, livable environment that offers visual and cultural richness.
- c) The Town shall encourage rehabilitation and redevelopment of this area through policies contained in the updated Community Improvement Plan, including financial assistance/tax abatement programs for sites within the designated area.
- d) The Town shall encourage retention of the character of Jarvis Street by restricting the height of buildings to a maximum of three (3) storeys, except those lands east of Klauck Street and west of the Niagara River Parkway where the height of buildings shall be restricted to a maximum of ten (10) storeys.
- e) Financial incentive programs as approved under Section 28 of the Planning Act, as may be revised, will continue to be provided for the Central Business District,

within the Town's financial ability to do so. The addition of any new financial incentive programs will be undertaken only with the proper approval of such programs under the Planning Act or other applicable legislation. Funding programs will be investigated to enhance and upgrade the appearance of the commercial areas and also for residential intensification projects. These may include programs similar to the façade restoration program, or other programs, to encourage property owners to upgrade and / or restore storefronts.

- f) Municipal investment in the infrastructure of the Central Business District, such as improvements to lighting and other amenities, may be proposed through various studies. These will be used to help promote additional private investment and upkeep in these areas. Such improvements and associated costs will require approval by Council, through the budget processes, once specific studies are prepared.

4.15.10. **INSTITUTIONAL GOVERNMENT POLICIES**

The lands designated as “Institutional/Government” on Schedule “Bridgeburg-2” shall be reserved for a variety of public and institutional uses, and the policies of Section 4.12 shall apply.

4.15.10.1.POLICY AREA 6 – MENTHOLATUM ADAPTIVE REUSE SITE

- a) The Town shall encourage the acquisition of the subject site by a non-profit or governmental agency, and shall liaise with community partners in order to identify an appropriate purchaser and/or tenant for the building.
- b) The Museum and Cultural Heritage Committee shall investigate this site for possible designation as a Heritage Property, in recognition of its historic place in the early development of the Bridgeburg community.
- c) The main use of the building shall be for a variety of community purposes and events, as well as operations space for community organizations.
- d) The use of the site for youth services shall be strongly encouraged.

4.15.11. **INDUSTRIAL/BUSINESS EMPLOYMENT**

- a) Lands designated as “Industrial/Business Employment” on Schedule “Bridgeburg-2” shall be reserved for an integrated mix of industrial and

manufacturing operations as well as business activities, and the Industrial/Business Employment policies of Section 4.10 shall apply.

- b) All future industrial/manufacturing uses in the Bridgeburg Neighbourhood shall be located within the areas designated for such use on Schedule “Bridgeburg-2”. Other lands currently designated for Industrial use in the Town of Fort Erie Official Plan, particularly within close proximity to residential areas and the Central Business District, shall be redesignated to a more appropriate and compatible use as described on Schedule “Bridgeburg-2”.
- c) Prior to development of the Industrial/Business Employment Area, the Town shall initiate a Master Servicing and Development Study in accordance with Section 4.15.16 c).
- d) This Plan encourages the connectivity between the Industrial/Business Employment Area and the Residential Areas to the north and east through the proposed Transportation Network as shown on Schedule “Bridgeburg-4”, including pedestrian, bicycle, and transit linkages.

4.15.11.1.POLICY AREA 7 – SPECIAL POLICY AREA: INDUSTRIAL DRIVE FLOODPLAIN AREA

The lands designated as Policy Area 7 shall be governed by the policies contained in Section 4.14.3, in recognition of the unique character of the area and its location in proximity to the 1-in-100 year floodplain.

4.15.12. OPEN SPACE

- a) The lands designated as “Open Space” on Schedule “Bridgeburg-2” shall be reserved for a variety of active and passive recreational and open space uses, and the Open Space policies of Section 4.13 shall apply.
- b) A minimum additional 2.2 ha of land for Neighbourhood Parks shall be reserved in the Neighbourhood in a location as generally shown on Schedule “Bridgeburg-2”.
- c) Improvements to, and additional facilities for, parks within the Bridgeburg Neighbourhood shall generally be implemented as per the Parks and Open Space Master Plan, and any amendments thereto as approved by Council.

- d) An aquatic facility shall continue to be a feature of Sugarbowl Park, in recognition of the importance of such a facility to the revitalization of the Neighbourhood, and its importance to the Town as a whole. Staff shall investigate any outside funding sources for the implementation of this project.
- e) Any development of these lands shall only be permitted above the 1-in- 100-year flood elevation pursuant to the approval of the Niagara Peninsula Conservation Authority.

4.15.12.1.POLICY AREA 8 – RIVERFRONT PUBLIC PLAZA SITE

- a) The Town recognizes the subject site as a key public focal point in the neighbourhood, due to its prime waterfront location, with potential to act as a catalyst for future residential and commercial growth in the area.
- b) The Town shall investigate development of the subject site as a Riverfront Public Plaza, in cooperation with other public bodies and agencies.
- c) A feasibility study and refined concept plan shall be initiated for the subject property, in order to identify those uses that are best suited to the site and would provide positive economic benefits for the Central Business District, the Neighbourhood, and Fort Erie as a whole.
- d) The Town shall liaise with community partners in order to identify funding sources for the development of the Riverfront Public Plaza Site.
- e) Any development of this site shall incorporate the Trans-Canada Trail/Greater Niagara Circle Route into the development, and allow for its unimpeded continuation through the development site.
- f) Any development of these lands shall only be permitted above the 1-in-100-year flood elevation pursuant to the approval of the Niagara Peninsula Conservation Authority.

4.15.13. NATURAL HERITAGE POLICIES

All of the policies of Section 8 shall apply to natural heritage resources within the Bridgeburg Secondary Plan Area. The following additional policies also apply:

4.15.13.1.GENERAL

An Environmental Planning Study shall be undertaken in conjunction with the Master Servicing and Development Study described in Section 4.15.12c, for any development within and/or adjacent to Environmental Conservation Areas and Environmental Protection Areas. Such study shall also consider recommendations stemming from the Fort Erie Creeks Watershed Plan.

4.15.13.2.ENVIRONMENTAL PROTECTION AREA

- a) Lands designated as “Environmental Protection” on Schedule “Bridgeburg-2” and Schedule “Bridgeburg-3” shall be protected from incompatible development in accordance with the policies of Section 8. No development or site alteration shall occur within an Environmental Protection Area.
- b) The Town shall adopt a zoning by-law amendment to reflect the Environmental Protection Area.
- c) No development will be considered on lands adjacent to an Environmental Protection Area without benefit of an Environmental Impact Study (EIS) as may be required by the policies of Section 7.B.1.11 of the Regional Niagara Policy Plan, as amended from time to time.
- d) The Niagara Peninsula Conservation Authority and the Regional Municipality of Niagara shall be consulted with respect to any development proposals adjacent to or within 120m of an Environmental Protection Area.

4.15.13.3.ENVIRONMENTAL CONSERVATION AREA

- a) The policies of Section 8, and the regulations of the Niagara Peninsula Conservation Authority shall apply to lands identified on Schedule “Bridgeburg-2” and “Bridgeburg- 3” as “Environmental Conservation (Overlay)”.
- b) The Niagara Peninsula Conservation Authority shall be consulted with respect to any development proposals located within, adjacent to or within 50m of an Environmental Conservation Area.
- c) No development will be considered without benefit of an Environmental Impact Study (EIS) as per the policies of Section 7.B.1.11 of the Regional Niagara Policy Plan, as amended from time to time.

4.15.13.4. NATURAL HERITAGE CORRIDORS (REGIONAL)

The policies of Section 7B of the Regional Niagara Policy Plan (Core Natural Areas including Potential Natural Heritage Corridors) shall apply to those areas identified on Schedule “Bridgeburg-3” as “Natural Heritage Corridors (Regional)”.

4.15.14. SENSITIVE USES IN PROXIMITY TO RAILWAYS AND RAILYARDS POLICIES

Any proposed residential or other sensitive use development shall be in conformity with Section 10.6.

4.15.15. TRANSPORTATION POLICIES

- a) Improvements to the road system and road reconstruction shall be carried out in accordance with the standards adopted by Council pertaining to municipal roads, and Council will strongly consider the existing character of the neighbourhood when making road improvement decisions.
- b) It is not intended that all road improvement proposals will be undertaken in the immediate future, but the Town shall, in conjunction with the Region, prepare a detailed staging plan for road improvements and establish an order of priorities for such improvements.
- c) The Town shall initiate a Master Servicing and Development Study which includes an Environmental Planning Study for the Bridgeburg Neighbourhood, in order to determine the parameters, costs, impacts and alternatives associated with development of transportation improvements. New roads shown within or adjacent to Environmental Conservation areas are conceptual and their final location shall be determined through the above-noted studies.
- d) Niagara River Parkway - Residential development outside the Urban Area is generally not permitted direct access to the Niagara River Parkway, but rather obtains access through a service road system which is also controlled by the Niagara Parks Commission. Approval of the Niagara Parks Commission shall be required for any Commercial developments fronting along the Parkway. The comments of the Niagara Parks Commission relating to traffic concerns and/or requirements shall be obtained pertaining to large-scale development applications up to 800 metres from Niagara Parks Commission lands.

- e) The development of the road network in Bridgeburg shall be in accordance with Section 12.7 of the Town Official Plan.
- f) The Bridgeburg Neighbourhood Plan identifies several important transportation initiatives essential to the successful comprehensive redevelopment of the Neighbourhood. These initiatives are subject to financing and budgeting considerations of the Town and the Region and may require additional financial assistance from other levels of government and other agencies/partners. In certain cases, the private sector may be required to contribute towards transportation improvements in order to facilitate redevelopment.

4.15.16. **PUBLIC TRANSIT POLICIES**

- a) The Town shall continue to provide convenient, local transit service to the Bridgeburg Neighbourhood within its financial capability to do so.
- b) Any study undertaken by the Town respecting the provision of municipal transit services shall examine the Bridgeburg Neighbourhood, in order to determine possible system improvements to increase convenience to riders, increase access to key neighbourhood focal points, and to ensure that transit vehicles can accommodate the physically challenged.
- c) The Town shall explore the feasibility of establishing a multi-modal transit terminal, and shall consider Bridgeburg as a possible location for such a terminal in light of the opportunity for future passenger rail service being established along the CNR/CPR lines into Fort Erie and Buffalo.
- d) The Town shall encourage the provision of expanded Niagara Falls People Mover service to the Old Fort Erie Historic Site and the Central Business District, in order to provide opportunities for visitors to transfer to Regional and Inter-Regional transit systems, and to promote Jarvis Street as a shopping and dining area.

4.15.17. **BRIDGEBURG GREENWAYS – OPEN SPACE NETWORK POLICIES**

- a) The Town shall promote the Bridgeburg Greenways, a trailway system throughout the Bridgeburg Neighbourhood as shown on Schedule “Bridgeburg-3”, in order to link key focal points of the neighbourhood including the Central

Business District, Sugarbowl Park, Library, Rail Heritage Interpretive Area, Frenchman’s Creek Natural Area, and also to link the Neighbourhood with the Niagara River Recreational Trail and the Friendship Trail and thereby the Greater Niagara Circle Route and the Trans-Canada Trail System.

- b) Any future transportation and/or leisure studies and ensuing public works in Bridgeburg shall incorporate the Bridgeburg Greenways into its design where appropriate.
- c) The Bridgeburg Greenways shall generally follow the route outlined on Schedule “Bridgeburg-3”, including the routes previously identified by the Regional Niagara Bikeways Master Plan.
- d) The portion of the Bridgeburg Greenways abutting the former CN Rail Yard and remaining buildings, lying west of Lewis Street and north of Warren Street, shall be designated as a “Rail Heritage Interpretive Area”, incorporating historical items and themes showcasing the history of Bridgeburg and its historic importance as a major rail centre in Canada.
- e) The various components of the Greenways system will be prioritized and developed in phases, based on the financial ability of the Town to fund such development, and the involvement of funding partners such as the Region, the Province and the Niagara Parks Commission.
- f) The Town shall strongly encourage the Niagara Parks Commission to complete its Niagara River Recreational Trail through Bridgeburg, from its current terminus in North Bridgeburg southerly to Riverwalk, to provide a complete connection through the Town of Fort Erie and an offroad component of the Greater Niagara Circle Route.
- g) An Environmental Impact Study may be required to address the specific location of trails such that the natural environment is not negatively impacted.

4.15.18. **PARKING POLICIES**

- a) The Town shall undertake a parking study in order to arrive at long term solutions for the provision of municipal parking facilities in the Bridgeburg Neighbourhood, paying particular attention to the Central Business District.

- b) The existing municipal parking lots in the Central Business District shall be retained in the interim, and their ultimate disposition shall be determined based upon the results of the parking study referred to above.
- c) All new municipal or private parking areas shall be designed and constructed in a way that provides adequate screening and landscape buffering where abutting residential properties.
- d) When roads of sufficient allowance width are slated for reconstruction, consideration will be given to the provision of a parking lane on at least one side of the street.
- e) The existing “angle” parking on the north side of Jarvis Street may be reconfigured to “parallel” parking if required to accommodate a new streetscape plan developed for the Central Business District.
- f) The Bridgeburg Station Downtown Business Improvement Area shall be consulted regarding any changes to the provision of parking within the Central Business District.

4.15.19. **CULTURAL HERITAGE POLICIES**

- a) The Policies of Section 2.3.10 shall apply to Cultural Heritage matters within the Bridgeburg Secondary Plan Area.
- b) The Town will seek to protect and conserve the character of Bridgeburg, particularly with respect to those buildings and areas representative of formative settlement from the late-eighteenth, nineteenth and twentieth centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.

4.15.20. **MUNICIPAL SERVICE POLICIES**

- a) Municipal services such as sewers, water stormwater and public/private utilities will be provided, maintained and upgraded as necessary to accommodate the needs of existing and future development in the Bridgeburg Neighbourhood.

- b) Stormwater management approaches will be utilized in the Bridgeburg Neighbourhood to address existing problems, future land use changes and road reconstruction works and opportunities for major storm sewer / storm water management facility works. These will include a combination of methods suitable for each type of situation. Examples of such approaches may include new storm water management facilities and the diversion of existing flows to improve the system, on-site controls for new development, enhancement of storm sewer outfalls, review of current policies (e.g. roof-leader disconnection), and / or collection of cash-in-lieu funds.
- c) The Town shall initiate a Master Development and Servicing Study for the Bridgeburg Neighbourhood, in order to determine the parameters, costs, impacts and alternatives associated with development of servicing improvements. Such a strategy shall also include an Environmental Planning Study for any development within and/or adjacent to Environmental Conservation and Environmental Protection Areas. Such Strategy shall also consider recommendations stemming from the Fort Erie Creeks Watershed Plan.
- d) Lands abutting and in proximity to the Anger Avenue sewage treatment facility may only be developed in accordance with Policy 8.A.7 of the Regional Niagara Policy Plan, in order to minimize the impact of odour problems that may be generated at said facility.

4.15.21. **GATEWAY AREAS**

- a) Bridgeburg Neighbourhood takes its name from the historic settlement name for this area of Fort Erie, which was a separate, incorporated municipality until amalgamation with the Town of Fort Erie in 1931. The name of this neighbourhood reflects its location and importance as the international railway gateway to not only the Town but also the country. As well, travelers along the Niagara River Parkway tourist route from Niagara Falls encounter the Bridgeburg Neighbourhood as the first urban area of Fort Erie. It is therefore of utmost importance that travelers and visitors gain a positive “first impression” when entering the neighbourhood from the Parkway and from other parts of the municipality. In this regard, the Bridgeburg Secondary Plan identifies neighbourhood gateway feature areas, intended to enhance the visual quality of the neighbourhood at key entry points into the area.

- b) Lands designated on Schedule “Bridgeburg-2” as “Neighbourhood Gateway Feature” areas shall be developed for unique gateway features welcoming visitors to the neighbourhood. An opportunity exists to provide distinctive signage for these gateway areas. Landscaping would be enhanced providing hedges with year-round foliage and colour, strategically located to define edges and provide focus, as well as planting beds on the existing grade.
- c) The Town shall promote the development of gateway feature areas in conjunction with implementation of the Wayfinding Signage Program.

4.15.22. **POLICY AREA 9 – NORTH BRIDGEBURG/FRENCHMAN’S CREEK AREA**

- a) The North Bridgeburg/Frenchman’s Creek Site Specific Policy Area 9 applies to those lands identified as such on Schedule “Bridgeburg-2”. These lands north of Arcadia Street Road Allowance are designated in part as Urban Residential, Open Space, Commercial, Institutional, Environmental Conservation overlay and Environmental Protection. Development shall be in accordance with the policies associated with these designations. Development may proceed upon inclusion of these lands in the Urban Area Boundary of the Regional Niagara Policy Plan.
- b) Given the significant natural heritage features on site, an Environmental Planning Study (EPS), completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the Natural Heritage Section of the Official Plan. The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan.
- c) The North Bridgeburg area offers outstanding opportunities for recreation and green space activity, stunning views of the Niagara River, close proximity to downtown Fort Erie and access to amenities including the Niagara Parkway, Frenchman’s Creek, golf courses, parks and a host of other local and regional attractions. These features and locational attributes provide an ideal setting for the development of an active, adult lifestyle community, to attract new residents to the Bridgeburg area. The creation of an attractive, healthy, compact and environmentally progressive community, designed for active adults, will be guided by the following policies:

- i. All new development will be sensitive to surrounding land uses.
- ii. The design of new subdivisions will be integrated with existing built up areas with appropriate linkages to the Niagara River Parkway, natural heritage areas, golf courses, parks and other local amenities.
- iii. New subdivision development will provide a wide variety of housing choices for incoming residents. A mix of single detached, semi-detached, town homes and condominium apartments will be provided in a compact urban form.
- iv. New housing construction will cater to the needs of the 55 + age group. A variety of housing styles and designs will be provided which are energy efficient, easy to maintain, secure and grade level accessible.
- v. All development in the North Bridgeburg area will contribute to a healthy community living environment with compact and integrated built forms and access to public open spaces, recreation and outdoor activities to encourage walking and bicycling.
- vi. Existing servicing infrastructure including sewage treatment facilities at the Anger Avenue plant, storm water outlets and municipal water supply are readily available to accommodate development in the North Bridgeburg area and should be so utilized.
- vii. Land use intensification and increased densities will be promoted to maximize the use of existing infrastructure and provide cost efficient development.

4.15.23. **INTERPRETATION OF THE PLAN**

- a) The Bridgeburg Secondary Plan consists of Sections 4.15.1 through 4.15.23, and Schedules "Bridgeburg- 1", "Bridgeburg-2", "Bridgeburg-3" and "Bridgeburg- 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.

4.15.24. **FORT ERIE HILLS (Policy Area 35)**

CORE MIXED –USE POLICIES

- a) The lands designated as “Core Mixed-Use” on Schedule “A” shall be reserved for a variety of local neighbourhood commercial uses, as well as residential uses.
- b) Commercial uses shall be limited to 50% of the ground floor area.
- c) Residential uses will be permitted on the ground floor up to 50% and residential uses will only be permitted on all floors above the ground floor in order to provide additional housing opportunities in the Bridgeburg neighbourhood.
- d) Building height will be detailed in the Town’s Zoning By-law 129-90.

ENVIRONMENTAL PROTECTION POLICIES

- a) All of the policies of Section 8 shall apply to natural heritage resources within the Policy Area Fort Erie Hills.
- b) Notwithstanding the policies in Section 8 these lands may also be used for pedestrian paths.

URBAN RESIDENTIAL POLICIES

- a) The lands designated on Schedule “A” as “Urban Residential” shall be reserved for single-detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. 4.1.
- b) A minimum density of 50 units per hectare and a maximum density of 85 units per hectare shall be expected in Fort Erie Hills.
- c) This designation shall also permit stormwater management facilities and any necessary pumping stations.

OPEN SPACE POLICIES

- a) The lands designated as “Open Space” on Schedule “A shall be reserved for a variety of active and passive recreational and open space uses.

(Amended by By-law 2017-123, OPA #38)

4.15.25. **MILLER LANDS (Policy Area 38)**

URBAN RESIDENTIAL POLICIES

- a) The lands designated on Schedule “A” as “Urban Residential” shall be reserved for single detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. Notwithstanding the policies of Section 4.7 the site shall:
 - a. Have a minimum density of 50 people and jobs per hectare, subject to any adjustments resulting from the Municipal Comprehensive Review being undertaken by the Niagara Region, and a maximum density of 85 people and jobs per hectare.
 - b. Permit required storm, sanitary, water and road infrastructure to allow for development once comprehensive servicing studies (including consideration of phasing) have been reviewed for the site and approved by all approval agencies.
 - c. Permit municipal parkland.
 - d. Include a Neighbourhood Plan concept to be approved by the Town of Fort Erie showing how the site will integrate with the entire Bridgeburg North Neighbourhood.
 - e. The full extent of the developable area will be determined following the approval of the final Environmental Impact Assessment (EIS).

ENVIRONMENTAL CONSERVATION POLICIES

- b) The lands designated on Schedule “A” as “Environmental Conservation” shall and shall generally be governed by the Environmental Conservation policies of Section 8.3. Notwithstanding Section 8.3 the site shall be subject to the approval of the final Environmental Impact Study (EIS), that will include the following:
 - a. Terms of Reference to be developed in consultation with and approved by the Niagara Peninsula Conservation Authority (NPCA).

- b. Environmental surveys to address the Endangered Species Act, including but not limited to Bat Habitat surveys, etc.
- c. Further refinement to the Environmental Conservation Areas to demonstrate “No negative impact”.
- d. Upon final approval of the EIS or alternatively approval of an Overall Benefit Permit by the required agencies, those areas identified for Protection will be appropriately zoned through a Zoning By-law Amendment to Environmental Protection and those areas for development will be appropriately zoned for Urban Residential use that demonstrates densities outlined in Section A.

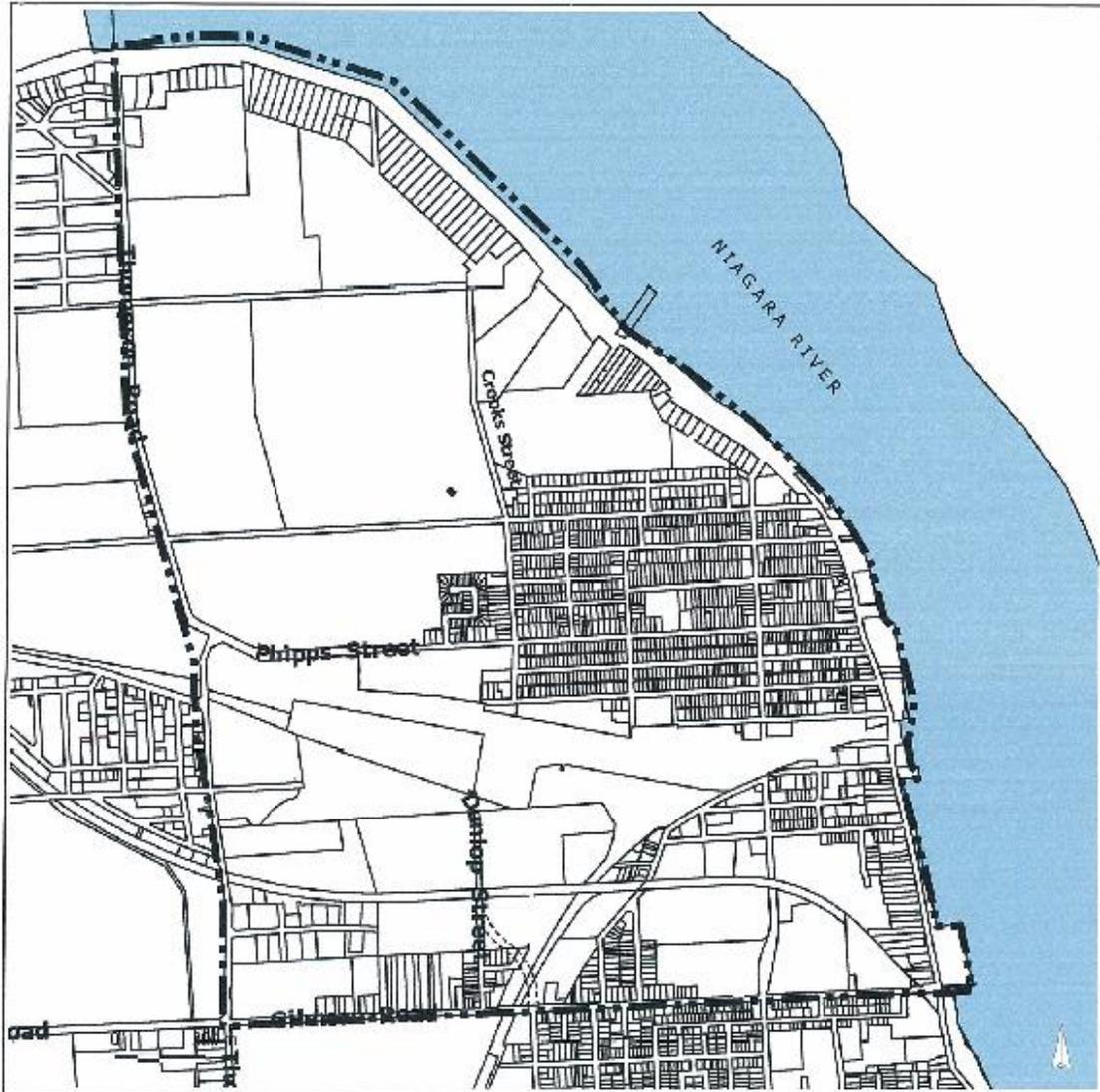
ENVIRONMENTAL PROTECTION POLICIES

- c) The lands designated on Schedule “A” as “Environmental Protection” shall be governed by the Environmental Protection policies of Section 8.2.
Notwithstanding Section 8.2 the site may also be used:
 - a. For pedestrian paths subject to the approved Environmental Impact Study (EIS).

(Amended by By-law 2017-123, OPA #38)

SCHEDULE "BRIDGEBURG-1"

SCHEDULE "BRIDGEBURG-1"



**BY-LAW 101-10
THIS SKETCH AMENDS SCHEDULE "A" TO THE OFFICIAL PLAN
BY DELINEATING THE BRIDGEBURG SECONDARY PLAN AREA
SUBJECT TO AMENDMENT NO. 65**

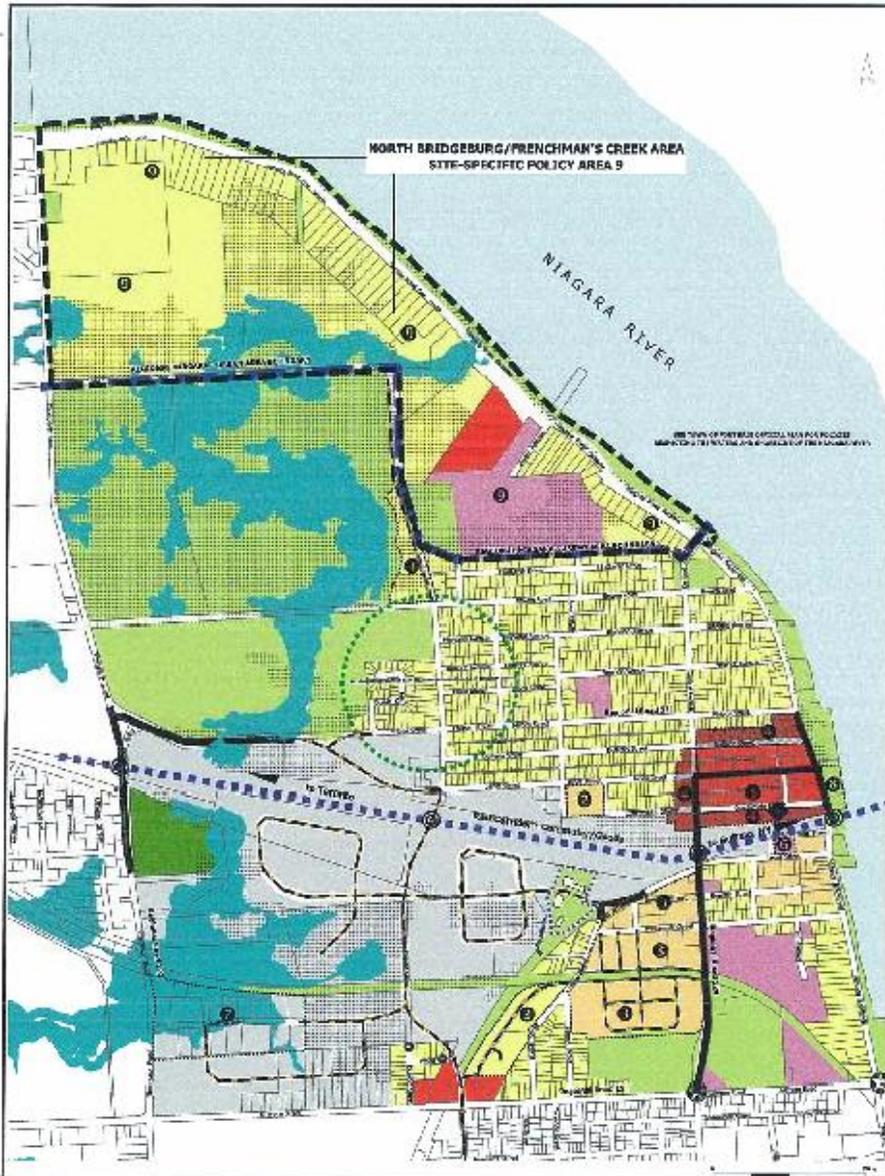
 BRIDGEBURG SECONDARY PLAN AREA

SKETCH OF LANDS IN THE FORMER TOWNSHIP OF BERTIE AND TOWN OF BRIDGEBURG
NOW IN THE TOWN OF FORT ERIE IN THE REGIONAL MUNICIPALITY OF NIAGARA



Community and Development Services
September 13, 2010

SCHEDULE "BRIDGEBURG-2"—LAND USE PLAN



BRIDGEBURG SECONDARY PLAN
Schedule "Bridgeburg-2" - Land Use Plan

<ul style="list-style-type: none"> 1 Policy Area 1 - Orchard/Green Potential - Development Site 2 Policy Area 2 - West Jay's Greenfield Site 3 Policy Area 3 - Home Residential Residential Area 4 Policy Area 4 - Bridgeburg Core Mixed Use Area 5 Policy Area 5 - Bridgeburg Central Business District 6 Policy Area 6 - MacDermid Athletic Centre Site 7 Policy Area 7 - Industrial Office Foodplate Area 8 Policy Area 8 - Potential Riverfront Public Plaza Site 9 Policy Area 9 - North Bridgeburg/Frenchman's Creek Area Secondary Plan Boundary 	<ul style="list-style-type: none"> Low Density Residential Medium to High Density Residential Local Retail Core Mixed Use Area Industrial/ Business/ Employment Area Institutional & Government Open Space - Public Parks Etc Comercial Environmental Conservation Areas Environmental Protection & Wetland Areas 	<ul style="list-style-type: none"> Niagara River Parade Walk Rail Corridor - Domestic/Canada Priority Road Upgrade Potential Future Road Network Potential Rail Crossing Improvements Neighborhood Greenways Unimproved Rail/Transit Station Potential Rail/Transit Park Regrowth Station - In-Stage Site Reg. Niagara Inland Area Boundary
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Date of this Schedule: 2014/04/23
 Date of this Schedule: 2014/04/23

SCHEDULE "BRIDGEBURG-3"—OPEN SPACE / NATURAL HERITAGE PLAN



BRIDGEBURG SECONDARY PLAN
Schedule "Bridgeburg-3" - Open Space/ Natural Heritage Plan

Open Space - Public Parks Etc.	Bridgeburg Greenways - Possible Off-Road Trails (NPGA Approval Required)
Environmental Conservation (Overlay)	Bridgeburg Greenways - Possible On-Road Trails
Environmental Protection	Parcel Fabric
Railway Heritage Site	Neighbourhood Gateways
Niagara River	Secondary Plan Boundary
Future Neighbourhood Park Required	Natural Heritage Corridors (Regional)
	Regional Niagara Urban Area Boundary

Community and Development Services
 September 21, 2012

SCHEDULE "BRIDGEBURG-4"—TRANSPORTATION PLAN



4.16. GATEWAY SECONDARY PLAN

4.16.1. PURPOSE

The purpose of the Gateway Secondary Plan is to provide a framework for revitalization and renewal within the community. The Secondary Plan consists of a land use plan and related policies to guide development and redevelopment. The plan will provide a guide for planning this neighbourhood for the next approximately 20 years, and will be subject to amendments and review as may be required during this time frame.

Other matters are addressed in the Fort Erie International Gateway Urban Design Strategy, which was approved by the Municipal Council in principle on June 14, 2004 through Recommendation No. 22. The Fort Erie International Gateway Urban Design Strategy is a guideline for recommended actions by the Town and other stakeholders, on a wide range of matters including land use, housing, Garrison Road corridor revitalization, natural and cultural heritage, by-law enforcement, parking and social condition improvement. The Fort Erie International Gateway Urban Design Strategy should be referenced for more detailed information on the goals, objectives and policies surrounding this Amendment.

- i. Land designated for Open Space on the property municipally known as 240 Garrison Road is under private ownership. It is not the intention of this Plan that this land will necessarily remain as Open Space indefinitely, nor is it the intention that this Open Space area is free and open to the general public or that it will be purchased by the Municipality. If a proposal is made to develop this land and the Municipality declines to purchase this land in order to maintain it as Open Space area, then an application for the redesignation of this land for other purposes will be given due consideration by the Council.

4.16.2. VISION

The desired future state of the Gateway Secondary Plan Area, within the approximate 20-year time frame of this Plan, is a balanced, stable community in which the diverse needs of all stakeholders are met. The Plan is guided by the following vision statement, which formed part of the Fort Erie International Gateway Urban Design Strategy:

The Vision for the International Gateway Area is primarily built upon the five key objectives outlined in the Community Improvement Plan, which are seen as fundamental components of the planning and design approach. Three of these objectives in particular provide a context from which to rationalize decisions relating to

an urban design strategy and policy framework for implementation of this Urban Design Strategy. The designs, guidelines and policies will support and reinforce these three fundamental objectives:

- *Creating a Destination Community*
- *Supporting a Strategy for Connectivity*
- *Creating A Spectacular International Gateway and World Heritage Site*

4.16.3. **GOALS**

The Gateway Secondary Plan will provide for a variety of residential densities, commercial, mixed use, open space and other areas to meet the diverse needs of its many citizens that include homeowners, businesspersons, shoppers, visitors, and tourists. The area is intended to become the Town's primary gateway from the USA, a prime location for intensification and infilling, with higher densities directed towards appropriate locations.

4.16.4. **OBJECTIVES**

The main objectives of the Gateway Secondary Plan are to:

- a) Provide a unique, spectacular gateway from the USA for the Town of Fort Erie, the Region of Niagara, the Province of Ontario and Canada.
- b) Diversity of suitable housing choices.
- c) Ensure new infill housing and renovations are compatible with existing development.
- d) Encourage development forms which are compact, to help provide opportunities to relieve pressures for urban expansion, such as higher densities and mixed use along major transportation corridors.
- e) Provide employment choices within the area that are compatible with residential uses, allowing residents the option to live and work in close proximity.
- f) Conserve existing open space areas and natural areas, including significant features such as Niagara River and Lake Erie waterfront.
- g) Provide a strong single mixed-use district in the Garrison Road Corridor.

- h) Eliminate larger scale commercial uses outside of the Core Mixed-Use Area over the long term and redevelop these lands for residential purposes to create urban renewal, make better use of existing infrastructure and create opportunities for compact walkable communities that are more compatible with the surrounding residential community.
- i) Conserve built heritage features, including buildings and areas of historical and architectural significance.
- j) Enhance the design and identity of the Gateway Neighbourhood by the addition of design features to accentuate streetscapes and gateways.
- k) Ensure that the transportation system provides for the needs of all citizens, encourages a compact urban form and enables the use of alternative travel modes.
- l) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses and institutions of this area.

4.16.5. **COMMUNITY IMPROVEMENT PLAN**

The Town shall initiate a Gateway Community Improvement Plan for the Gateway Secondary Plan Area or a portion thereof, which shall support the recommendations of the Urban Design Strategy. This support may include financial incentives and other redevelopment assistance tools. The objective is to create a clean, healthy, livable and sustainable environment that offers visual and cultural richness.

4.16.6. **RESIDENTIAL AREAS—GENERAL POLICIES**

- a) Schedule “Gateway-2” designates areas for residential redevelopment, intensification and infilling in the Gateway Secondary Plan Area, in an effort to promote a compact urban form, reduce urban sprawl and encourage population growth, which in turn can assist in revitalizing the Garrison Road Corridor.
- b) The Gateway Secondary Plan provide for an additional approximately 765 dwelling units and 1650 persons in the Gateway Neighbourhood over the next approximately 20 years.

- c) The ultimate approximate residential density mix provided by this Plan, expected to be achieved by 2031, is as follows:
- 26% Low Density (up to 25 units/gross hectare)
 - 48% Medium Density (25-50 units/gross hectare)
 - 26% High Density (over 50 units/gross hectare)
- d) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications in the Gateway Neighbourhood, in keeping with Provincial Policy. Such developments shall be integrated with other forms of housing rather than segregated and isolated, in order to provide a more cohesive and inclusive neighbourhood and environment.

4.16.7. **LOW DENSITY RESIDENTIAL AREA POLICIES**

- a) The lands designated on Schedule "Gateway-2" as "Low Density Residential" shall be reserved for single detached, semi-detached and duplex dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 of this Plan.
- b) Schedule "Gateway-2" provides for an additional approximately 50 Low Density units, provided mainly through infilling of existing low-density residential areas, bringing the total to 340 units by 2031.
- c) The residential density associated with lands designated as "Low Density Residential" shall be up to 25 units per gross hectare.

4.16.8. **MEDIUM DENSITY RESIDENTIAL AREA POLICIES**

- a) The lands designated on the Schedule "Gateway-2" as "Medium Density Residential" shall be reserved for multiple-unit structures (triplexes, fourplexes, townhomes and small apartment buildings), and their accessory uses, and the Residential policies of Section 4.7 of this Plan shall apply.
- b) Schedule "Gateway-2" provides for an additional approximately 620 Medium Density units by 2031.

- c) The residential density associated with lands designated as “Medium Density Residential” shall be 25 to 50 units per gross hectare.
- d) Lands designated “Medium Density Residential”, including specific Policy Areas, shall not be downzoned for lesser density than permitted by the applicable zoning by-law.
- e) Building heights shall be no greater than three (3) stories, except as otherwise noted in the applicable zoning by-law. Additional building height may be considered without an amendment to this Plan, if it is demonstrated through a Planning Act approval process that additional height is compatible with surrounding land uses. Approval for additional height above three (3) stories may be subject to an agreement pursuant to Section 37 of the Planning Act.

4.16.9. HIGH DENSITY RESIDENTIAL AREA POLICIES

- a) The lands designated on the Schedule “Gateway-2” as “High Density Residential” shall be reserved for apartment buildings and their accessory uses, and the Residential policies of Section 4.7 of this Plan shall apply.
- b) Schedule “Gateway-2” provides for an additional approximately 95 High Density units, bringing the total to 340 units by 2031.
- c) The residential density associated with lands designated as High Density Residential shall be over 50 units per gross hectare.
- d) Lands designated as “High Density Residential” shall not be downzoned for lesser density than permitted by the applicable zoning by-law.
- e) Building heights shall be no greater than nine (9) stories, except as otherwise noted in the applicable zoning by-law. Additional building height may be considered without an amendment to this Plan, if it is demonstrated through a Planning Act approval process that additional height is compatible with surrounding land uses. Approval for additional height above nine (9) stories may be subject to an agreement pursuant to Section 37 of the Planning Act.

4.16.10. CORE MIXED-USE AREA POLICIES

- a) The lands designated as “Core Mixed-Use” on Schedule “Gateway-2” shall be reserved for a mix of commercial uses and residential uses, and the policies of Section 4.8 of the Official Plan shall apply. The Garrison Road Corridor is designated as the Core Mixed-Use Area in this Plan.
- b) Development of the Core Mixed-Use Area shall occur comprehensively and should incorporate the consolidation of smaller properties where required to implement an integrated, holistic development plan. Internal and external linkages, both pedestrian and vehicular, shall be an important consideration in the development of this area.
- c) For buildings fronting upon Garrison Road, the use of the ground floor shall be restricted to commercial uses permitted in the applicable zoning by-law. Floors above the ground floor may be used for either commercial use or residential use as permitted in the applicable zoning by-law.
- d) Buildings shall be generally situated at or close to the front street line, but setbacks may undulate in order to provide interesting façade variations on a block-wide basis.
- e) Building heights shall be no greater than four (4) stories, except as otherwise permitted in the applicable zoning by-law. Additional building height may be considered without an amendment to this Plan, if it is demonstrated through a Planning Act approval process that additional height is compatible with surrounding land uses. Approval for additional height above four (4) stories may be subject to an agreement pursuant to Section 37 of the Planning Act.
- f) The residential density associated with lands designated as “Core Mixed-Use Area” shall be 25 to 75 residential units per gross hectare.
- g) The Town shall encourage rehabilitation and redevelopment of this area through policies contained in the Gateway Community Improvement Plan, including financial assistance/tax abatement programs for sites within the designated area.
- h) Additional investment in the public realm infrastructure in the Garrison Road Corridor, such as improvements to lighting and other amenities, are required.

Priority shall be given to the continued implementation of the Garrison Road Streetscape Plan, which was initiated in 2009. These streetscape improvements are useful in promoting additional private investment and upkeep in these areas. Council will require contributions from abutting property owners for the purpose of continued implementation of the public realm improvements including such items as road widening, sidewalks, planting beds, lighting and signage; as a condition of development and/or redevelopment including Site Plan Approval.

- i) It is recognized that some sites within this area may require environmental assessment prior to redevelopment for a more sensitive use. The Town shall encourage rehabilitation and redevelopment of this area through policies contained in its Brownfields Community Improvement Plan, including possible financial assistance for an environmental assessment of specific sites within the area and site clean-up prior to redevelopment for more sensitive uses.

- j) The implementing Zoning By-law shall permit lands at 240 Garrison Road to be developed for a gasoline bar and convenience store as an accessory use to the existing use on the property at the date of passing of this By-law, provided that the development is designed in accordance with the Town's vision for the Gateway Neighbourhood, as espoused in the Gateway Urban Design Strategy. In addition, any building or structure associated with the development of a gasoline bar/convenience store on this site shall incorporate architectural design elements and safety features reflective of and conducive to a pedestrian-friendly, urban environment.

4.16.11. **COMMERCIAL AREA POLICIES**

The lands designated as "Commercial" on Schedule "Gateway-2" shall be reserved for a variety of retail and office uses, and the policies of Section 4.9 of this Plan shall apply.

4.16.12. **INSTITUTIONAL/GOVERNMENT AREA POLICIES**

The lands designated as "Institutional/Government" on Schedule "Gateway-2" shall be reserved for a variety of public and institutional uses, and the policies of Section 4.12 of this Plan shall apply.

4.16.13. **OPEN SPACE AREA POLICIES**

- a) The lands designated as "Open Space" on Schedule "Gateway-2" shall be reserved for a variety of active and passive recreational, open space and natural

buffer area uses, and the Open Space policies of Section 4.13 of this Plan shall apply.

- b) Additional land for Neighbourhood Parks shall be reserved in the Gateway Secondary Plan Area in a location as generally shown on Schedule “Gateway-2”.
- c) The municipality’s Parkland Dedication By-law 69-08 as amended or superceded shall apply as a condition of development and/or redevelopment pursuant to Site Plan Approval.

4.16.14. NATURAL HERITAGE AREA POLICIES

All of the policies of Section 8 of this Plan shall apply to natural heritage resources within the Gateway Secondary Plan Area. The following additional policies also apply:

4.16.14.1. ENVIRONMENTAL PROTECTION AREAS

- a) Lands designated as “Environmental Protection” on Schedule “Gateway-2” shall be protected from incompatible development in accordance with the policies of Section 8 of this Plan.
- b) The Town shall adopt a zoning by-law amendment to reflect the Environmental Protection Areas.
- c) An Environmental Impact Study (EIS) may be required for lands adjacent to an Environmental Protection Area, pursuant to Section 7.B.1.11 of the Regional Niagara Policy Plan as amended from time to time, as part of the submission of an application for development approval.

4.16.14.2. ENVIRONMENTAL CONSERVATION AREAS (OVERLAY)

- a) The policies of Section 8 of the Official Plan, and the regulations of the Niagara Peninsula Conservation Authority and the Regional Municipality of Niagara shall apply to lands identified on Schedule “Gateway-2” as “Environmental Conservation (Overlay)”.
- b) An Environmental Impact Study (EIS) may be required for lands within, adjacent to, or within 50m of an Environmental Conservation Area, pursuant to Section 7.B.1.11 of the Regional Niagara Policy Plan as amended from time to time, as part of the submission of an application for development approval.

- c) The Niagara Peninsula Conservation Authority and the Regional Municipality of Niagara shall be consulted with respect to any development proposals adjacent to or within 50m of an Environmental Conservation Area.

4.16.15. **PEACE BRIDGE (BORDER SERVICES AREA) POLICIES**

Lands designated on Schedule “Gateway-2” as “Peace Bridge (Border Services Area)” shall be reserved for the operations of the Buffalo and Fort Erie Public Bridge Authority, and all of the policies of Section 4.14.2 of this Plan shall apply.

4.16.16. **TRANSPORTATION POLICIES**

- a) The Town and/or Region shall strongly consider the character of the neighbourhood and the objectives of the Gateway Urban Design Strategy when making road improvement decisions.
- b) The comments of the Niagara Parks Commission shall be considered pertaining to large- scale development applications up to 800 metres from Niagara Parks Commission lands, particularly relating to potential land-use planning and/or traffic impacts.
- c) The comments of the Buffalo and Fort Erie Public Bridge Authority (“The Peace Bridge”) shall be considered pertaining to large-scale development applications up to 800 metres from their lands, particularly relating to potential land-use planning and/or traffic impacts.
- d) The Gateway Secondary Plan depicts conceptual future vehicular and pedestrian linkages. The location of such linkages as shown on the Plan is not intended to be prescriptive. The exact location of any future linkages shall be determined through a Master Plan to be prepared in advance of any redevelopment proposal. The development of any new roads in the Gateway Secondary Plan Area shall be in accordance with Section 12.7 of this Plan.
- e) Lands identified by the Town and/or Region as being required for road widening purposes shall be transferred to the respective Municipality for nominal consideration, as a condition of any development or redevelopment requiring approvals under The Planning Act or the Building Code Act as amended from time to time.

4.16.17. PUBLIC TRANSIT POLICIES

- a) The Town shall continue to promote convenient local transit service to the Gateway Secondary Plan Area within its financial capability to do so.
- b) Any study undertaken by the Town or Region respecting the provision of municipal and inter/intra-municipal transit services shall examine the Gateway Secondary Plan Area, in order to determine possible system improvements to increase convenience to riders, increase access to key neighbourhood focal points and important points outside the Neighbourhood and Town, and to ensure that transit vehicles can accommodate the physically challenged.

4.16.18. GATEWAY TRAILS NETWORK POLICIES

- a) The Town shall promote an on-road and off-road trail system throughout the Gateway Secondary Plan Area as shown on Schedule “Gateway-2” in order to link key focal points of the neighbourhood including the Niagara River and Lake Erie waterfronts, the Garrison Road Mixed-Use Corridor, Energy Park and other new neighbourhood parks as they are developed, and also to link the neighbourhood with the Niagara River Recreational Trail and the Friendship Trail and thereby the Greater Niagara Circle Route and the Trans-Canada Trail System.
- b) Any future transportation and/or leisure studies and ensuing public works in the Gateway Secondary Plan Area shall incorporate the policies of this section into its design where appropriate.
- c) The Gateway Secondary Plan depicts conceptual future on-road and off-road trails. The location of such trails as shown on the Plan is not intended to be prescriptive. The exact location of any future on-road and off-road trails shall be determined through a Master Plan to be prepared in advance of any redevelopment proposal.
- d) An open space connection between Energy Field Neighbourhood Park and Garrison Road shall be considered as part of any redevelopment plan for the area, in order to allow ease of access from the Garrison Road Mixed-Use Corridor to the amenities and open space provided by the Neighbourhood Park.

- e) The various components of the Gateway Trails Network will be prioritized and developed in phases, based on the financial ability of the Town to fund such development, and the involvement of funding partners such as the Region, the Province and the Niagara Parks Commission.

4.16.19. **PARKING POLICIES**

- a) The Town shall undertake a parking study in order to arrive at long-term solutions for the provision of municipal parking facilities in the Gateway Secondary Plan Area, paying particular attention to the Garrison Road Mixed-Use Corridor.
- b) When roads of sufficient allowance width are planned for reconstruction, consideration will be given to the provision of a parking lane on at least one side of the street.
- c) The Town shall ensure, where feasible, that adjacent commercial parking areas are shared and inter-accessible, as a condition of site plan approval.
- d) Local businesses and residents shall be consulted regarding any changes to the provision of municipal parking within the Gateway Secondary Plan Area.

4.16.20. **CULTURAL HERITAGE POLICIES**

- a) The Policies of Section 2.3.10 and Section 11 of this Plan shall apply to Cultural Heritage matters within the Gateway Secondary Plan Area.
- b) The Town will seek to protect and conserve the character of the Gateway Secondary Plan Area, particularly with respect to those buildings and areas representative of formative settlement from the late-eighteenth, nineteenth and twentieth centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town, and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.

4.16.20.1. ARCHAEOLOGICALLY SENSITIVE AREAS

The Policies of Section 11.4 of this Plan shall apply to Archeologically Sensitive Areas within the Gateway Secondary Plan Area. These areas are depicted on Schedule “Gateway-2”.

4.16.21. GATEWAY AREAS

4.16.21.1. GENERAL

The name of this neighbourhood reflects its location and importance as the gateway to not only the Town but the Region of Niagara, the Province of Ontario and Canada. It is of utmost importance that travelers and visitors gain a positive “first impression” when crossing into the country from the USA. In this regard, the Gateway Secondary Plan identifies both an international gateway feature area and additional neighbourhood gateway feature areas, intended to enhance the visual quality of the neighbourhood and entry point into Canada.

4.16.21.2. INTERNATIONAL GATEWAY FEATURE AREA

- a) Lands designated on Schedule “Gateway-2” as “International Gateway Feature” shall be considered for the development of a signature gateway feature welcoming visitors to Canada, the Province, The Region and the Town of Fort Erie.

The Peace Bridge offers a strong visual focal point for this area, providing a direct link between Fort Erie and Buffalo. From the bridge and adjacent to Central Avenue, this site offers an ideal view terminus and focal point. The key concepts for this area include:

- Providing a landmark tower and a look-out area with architectural elements and details;
- Providing a focal point for passing motorists; and
- An opportunity to provide excellent panoramic views of significant features within Fort Erie and across to Buffalo, USA.

An opportunity also exists to provide an identifiably distinctive “welcome” sign for Fort Erie. Landscaping may be enhanced with hedges with year-round foliage and colour, strategically located to define edges and provide focus, as well as terraced planting beds on the existing grade with attractive stone terrace walls.

- b) In recognition of its locational importance, the public realm along Central Avenue shall be strongly considered for improvement in the vicinity of the International Gateway Feature Area. An on-road trail and distinctive street lighting shall be considered as part of any public realm improvement in this area consistent with the streetscaping design for Garrison Road. Distinctive lighting and bollards will

ensure safety and security, while at the same time providing an important urbane elegance to this focus area.

4.16.21.3. NEIGHBOURHOOD GATEWAY FEATURE AREAS

- a) Lands designated on Schedule “Gateway-2” as “Neighbourhood Gateway Feature” areas shall be considered for the development of unique gateway features welcoming visitors to the Neighbourhood. An opportunity also exists to provide distinctive signage for the Gateway Area. Landscaping should be enhanced providing hedges with year-round foliage and colour, strategically located to define edges and provide focus, as well as planting beds on existing grade. Gateway enhancements described above may occur on public and/or private property abutting the Neighbourhood Gateway Feature Area.
- b) The eastern Gateway Feature Area in the vicinity of Central Avenue and Garrison Road, shall be augmented by the easterly extension of Veteran’s Way through to Mather Circle, in order to provide the restoration of the historical direct connection from Garrison Road to the Niagara Parkway.

4.16.22. MUNICIPAL SERVICES AND UTILITIES POLICIES

- a) Municipal services such as sewers, water stormwater and public/private utilities will be provided, maintained and upgraded as necessary to accommodate the needs of existing and future development in the Gateway Secondary Plan Area.
- b) Stormwater management approaches will be utilized in the Gateway Secondary Plan Area to address existing problems, future land use changes and road reconstruction works and opportunities for major storm sewer / storm water management facility works. These will include a combination of methods suitable for each type of situation. Examples of such approaches may include new storm water management facilities and the diversion of existing flows to improve the system, on-site controls for new development, enhancement of storm sewer outfalls, review of current policies (e.g. roof-leader disconnection), and / or collection of cash-in-lieu funds.
- c) The Town may initiate a Master Development and Servicing Study for the Gateway Secondary Plan Area, in order to determine the parameters, costs, impacts and alternatives associated with development of servicing improvements. Such a strategy shall also include an Environmental Planning

Study for any development within and/or adjacent to Environmental Conservation and Environmental Protection Areas. Such Strategy shall also consider recommendations stemming from the Fort Erie Creeks Watershed Plan.

- d) The burial of all non-primary utilities and the relocation of transformers by the respective utility shall be required as a condition of either public realm improvement or private development/redevelopment, where feasible. All service connections to individual buildings shall be made below-grade where feasible.

4.16.23. **INTERPRETATION OF THE PLAN**

The Gateway Secondary Plan consists of Sections 4.16.1 through 4.16.23, and Schedules “Gateway-1” and “Gateway-2”.

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.

SCHEDULE "GATEWAY-1"

SCHEDULE "GATEWAY-1" TO BY-LAW 57-11



BY-LAW NO. 57-11
THIS SKETCH FORMS PART OF SCHEDULE "GATEWAY-1" TO OFFICIAL PLAN
AMENDMENT NO. 6 PASSED THIS 9TH DAY OF MAY 2011

 Gateway Secondary Plan Area

NOT FOR SCALE OF MAP. 1:24 CONVERSION 1:24 AND FROM THE MILITARY RESERVE. ALL PROJECTS IN THE TOWNSHIP OF GERRIE AND THE TOWN OF FORT ERIE, MAY 2011. THE TOWN OF FORT ERIE IN THE REGIONAL MUNICIPALITY OF PARAGUAY.


Community and Development Services
May 9, 2011

4.17. SPEARS-HIGH POINTE SECONDARY PLAN

4.17.1. PURPOSE OF THE SPEARS-HIGH POINTE SECONDARY PLAN

The purpose of the Spears-High Pointe Secondary Plan is to provide a framework for a cohesive, complete community to develop. The framework is intended to provide clear direction to achieve subsequent goals and objectives. The Secondary Plan consists of a land use plan and related policies to guide development and redevelopment to ensure it is in keeping with the Town's vision for this neighbourhood. The Plan will provide and serve as the guide for planning activity for a period projected over the next 20 years and will be subject to amendments from time to time, as well as being included the Town's 5 year review of its Official Plan.

4.17.2. VISION

At the sunset of the 20 year planning period, the vision seeks to establish a complete community. The predominant land use will be residential with a balanced mix and form appealing to the full spectrum of demographics. Garrison Road will have intensified development consisting of mixed use, medium and high density residential and commercial uses along this primary transportation and transit corridor. Opportunities for 'age in place' have been encouraged and are well aligned with the complete community concept.

New commercial enterprise catering to the residential population needs have established and are sustained by the increased pedestrian, resident, and en route traffic increase.

The Garrison Road streetscapes has evolved into a more defining street edge perpetrated and predicated on urban design to bring buildings and structures closer to the frontage to create visual interest, at the same time making the corridor a more friendly, walkable environment for all stages of life and not just a place for the automobile.

The parks and open spaces are linked and provide for recreational destinations while the natural environment is afforded the protection it deserves and is woven in amongst the community fabric.

In 20 years, residents are enjoying the highest quality of life with the businesses and industry afforded prosperity through sustainable urban development practices.

The desired future state of the Spears-High Pointe Neighbourhood is a balanced, stable community in which the diverse needs of the Town's current and future populations can be met. The Plan is guided by the following vision statement, having taken into account the earlier 2002 Neighbourhood Plan working group contributions, the active development community and the public open house contributions garnered in 2012:

The Spears-High Pointe neighbourhood is rich in opportunity of supplying the Town of Fort Erie with a complete community. Its location provides for strong connection to the existing transportation and transit networks and will transition well with the focused intensification of Garrison Road. Its existing residents have acted as its caretakers and continue to hold vested interest in protecting what is important to their quality of life. Development can be promoted provided we remain responsive to the following core values:

- a) *provide practical, well thought-out planning that will integrate with the existing fabric of the neighbourhood so as to better connect with its boundaries and remain permeable from within;*
- b) *emphasize community safety for all ages by providing sidewalks, bike lanes, speed and stop control on our shared roadways;*
- c) *make the neighbourhood a place that is a friendly, walkable community that promotes pedestrian and active transportation; fear should never be a factor in a decision to walk or recreate;*
- d) *recognize and seek balance in land use decisions that interface with the neighbourhood's existing residents and businesses;*
- e) *respect the neighbourhood's natural features by providing opportunity for their continued contribution to the environment;*
- f) *recognize the neighbourhood's limited historical and cultural features by protecting and promoting their place within the community and to serve as a reminder by providing connection to the Town's significant national heritage standing;*
- g) *engage the residents and businesses throughout the development period to provide feedback and measure the success of the Plan in an ongoing manner.*

4.17.3. GOALS

The Spears-High Pointe Secondary Plan strives to achieve its goal of becoming an integral and integrated part of a complete community by providing for a variety of residential densities, commercial, mixed use, open space and other areas to meet the diverse needs of its many citizens and visitors including homeowners, businesspersons, shoppers, and tourists. The area is intended to focus intensification along Garrison Road, its major transportation and transit corridor, while still providing for areas of increased density and infilling, balanced to meet with provincial and regional strategic growth and policy objectives within the Plan Area boundary.

4.17.4. OBJECTIVES

The main objectives of the Spears-High Pointe Secondary Plan are to:

- a) Provide a diversity of suitable housing choices that are coordinated with land use designations and densities that provide for suitable transition and gradation;
- b) Ensure new in-fill housing units and renovations are compatible with existing development.
- c) Encourage land assembly that would result in more efficient and effective design;
- d) Encourage development forms which are compact, to utilize urban land and services efficiently;
- e) Provide employment choices within the area that are compatible with residential uses, providing residents the option or opportunity to live and work in close proximity;
- f) Conserve existing natural areas, including those which are identified as locally significant wetlands in effort to retain an environmental function within the Plan Area;
- g) Provide a strong focus of higher density and mixed use residential/commercial activity along Garrison Road in order to be transit supportive;
- h) Promote compatible prestige industrial uses in the Employment area adjacent to the Queen Elizabeth Way highway where visibility is high and access to and from the highway system does not interfere or introduce disruption to the residential neighbourhood;

- i) Conserve the limited built heritage features and areas of historical context, more particularly the early Plato Loyalist Cemetery on Bertie Street and Provincially-designated Brigadier General Cruickshank's residence;
- j) Enhance the Spears-High Pointe Neighbourhood by promoting gateway features at key locations that assist in distinguishing neighbourhood and community entry;
- k) Ensure that the transportation system provides for the needs of all citizens, encourages a compact urban form, transit ridership and promotes/enables active transportation within the neighbourhood;
- l) Seek opportunities for improved transportation connections to perimeter roads to assist in providing options and reduce delay and safety concerns;
- m) Make the neighbourhood a friendly, walkable community that promotes pedestrian and active transportation, and places emphasis on community safety for all ages by providing sidewalks, bike lanes, speed and stop control on our shared roadways;
- n) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses, industry and institutions of this area;
- o) The Spears-High Pointe Neighbourhood shall be promoted for predominantly new housing development that will provide choice in housing opportunities that meet with demographic and socio-economic needs of the Town. A full spectrum of built form and tenure must be provided if age-in-place practice is to be realized; and
- p) New housing development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans will be acknowledged within the neighbourhood planning context and developers of these plans shall be encouraged to work with the municipality in achieving the objectives stated herein.

4.17.5. **RESIDENTIAL – GENERAL POLICIES**

- 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;
- b) Schedule "SHP-2" designates the areas of residential land use within the Secondary Plan Area with accompanying policy provided herein. The Plan

provides for areas of varying residential density, which have been defined in keeping with stated Plan objectives;

- c) The Spears-High Pointe Secondary Plan provides for an estimated 1575 dwelling units and a projected residential population of 3983 persons in the neighbourhood over the long term;
- d) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications in the Spears-High Pointe Neighbourhood, in keeping with Provincial Policy. Such developments shall be integrated with other forms of housing rather than segregated and isolated in order to provide a more cohesive and inclusive neighbourhood. In doing so, the opportunities for age-in-place are also supported and extend to a broader socio-economic base; and
- e) The Town will consult developers regarding intensifying their existing draft approved plans of subdivision, provided the locations are suitable and consistent with siting criteria defined under section 4.17.7e) i. to v.

4.17.6. **LOW DENSITY RESIDENTIAL POLICIES**

- a) The lands designated on Schedule "SHP-2" as "Low Density Residential" shall be reserved for single detached, semi-detached and duplex dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section;
- b) An overall target of approximately 60% Low Density residential yield shall be anticipated within the Neighbourhood. Notwithstanding Section 4.7.1.1 (b), the targeted mix and minimum yields of Built-up and Greenfield areas have been blended within the Secondary Plan boundary to provide for flexibility in structuring a cohesive and logical distribution of uses in areas best suited for the range of appropriate densities. The approach maintains and surpasses expectations of the Growth Plan while offering optimal community structure;
- c) Schedule "SHP-2" provides for approximately 741 additional low density units, bringing the total for Low Density units to approximately 910 over the long term. The yield reflects the existing lot fabric and anticipates retention of some large existing lots over the course of the planning period. As a result, lower densities can be anticipated within some areas of the plan until such time that

redevelopment choices are made or the lifecycle of the existing home construction warrants replacement;

- d) The planned density range for the Low Density designation shall be up to 16 units per net hectare; and
- e) Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.17.14 of this Plan. Development, redevelopment or expansion to existing use may require further study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.

4.17.7. **MEDIUM DENSITY RESIDENTIAL POLICIES**

- a) The lands designated on the Schedule “SHP-2” as “Medium Density Residential” shall be reserved for multiple-unit structures (townhomes and apartment dwellings), and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section;
- b) An overall target of approximately 20% Medium Density residential yield shall be anticipated within the Neighbourhood;
- c) Schedule “SHP-2” provides for approximately 364 new Medium Density units. The Plan Area is currently void of existing multiple unit density so clear direction for higher densities is providing for such development for the first time within the Plan Area consistent with growth management strategies of the Town, Region and Province;
- d) The planned density for the Medium Density residential designation shall provide for a range between 16 to 50 units per net hectare;
- e) Medium Density development is identified on Schedule SHP-2 and can also be considered by amendment to this Plan in areas:
 - a. immediately adjacent to Garrison Road;
 - b. along collector roads within the Plan Area;
 - c. in close proximity to Parks, Open Space or Environmental Areas;
 - d. adjacent to High Density residential; or

- e. Adjacent to major commercial uses.
- f) Developers with existing draft approved plans of subdivision within the Plan Area will be encouraged to consider modifying their plans to incorporate multiple residential units that are in keeping with the locational criteria described in the preceding paragraph;
- g) It is anticipated that the majority of the Medium Density unit yield will be in the form of ground-based dwellings such as street or block townhouse development; however low-rise apartment dwellings with a maximum height of 3 storeys should also be considered in areas adjacent or in close proximity to Garrison Road. The Town may request such consideration in effort to meet with a diversified form and stock of housing choice;
- h) Areas of Medium Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.17.14 of this Plan. Development, redevelopment or expansion to existing use may require further study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan; and
- i) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.

4.17.8. **HIGH DENSITY RESIDENTIAL POLICIES**

- a) The lands designated on the Schedule “SHP-2” as “High Density Residential” shall be reserved for multiple-unit structures (apartment dwellings), and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section;
- b) An overall target of approximately 10% High Density residential yield shall be anticipated within the Secondary Plan Area;
- c) The planned density for the High Density residential designation shall provide for a range between 50 to 75 units per net hectare;
- d) High Density development shall be supplied in areas shown on Schedule SHP-2, which address the following criteria:
 - a. immediately adjacent to Garrison Road;
 - b. in close proximity to Parks, Open Space or Environmental Lands; and

- c. Adjacent to major commercial uses;
- e) High Density unit yield will be in the form of apartment dwellings. A building height of 6 storeys will be permitted within the designation with permissions to 10 storeys where it can be demonstrated that increased height does not negatively impact adjacent lower density uses or the transportation network. More specifically, shadow impacts on neighbouring properties are minimized and ingress and egress onto Garrison Road or an alternate point of access can adequately accommodate traffic generated by the development;
- f) For buildings greater than 6 storeys, placement of the building on the site, its orientation and massing composition, parking, landscape and the setback requirements will be regulated by a site specific by-law amendment;
- g) The Town may require a Heritage Assessment Study be prepared to address impacts of development on the adjacent Cruickshank Heritage Site in accordance with Section 11 of the Official Plan. The study would be prepared by a qualified heritage professional and required at the time of any Site Plan submission; and
- h) Portions of the High Density designation shown on Schedule “SHP-2” are impacted by the Environmental Conservation overlay defined and described under policy 4.17.14 of this Plan and development shall address the policies of said Section. In addition to Section 4.17.14 where development may be permissible within an Environmental Conservation Area, site development shall be required to retain vegetative buffering of no less than 10 metres in width, so as to assist in screening lower density, ground based residential uses located west of the High Density designation. A Tree Preservation Plan will be required to accompany any applications for development.

4.17.9. **CORE MIXED-USE POLICIES**

- a) The lands designated as “Core Mixed-Use” on Schedule “SHP-2” shall be reserved for a variety of retail and office uses, as well as residential uses. Notwithstanding Policy 4.8.1 II, wherein the location for Core Mixed Use is described as being suited to downtown or proximity areas, the location for Core Mixed Use may also be located in a limited capacity to major roads or corridors connecting nodal areas within urban areas. Subsequently the policies of Section 4.8 generally apply, recognizing the Garrison Road corridor is not considered a “downtown” area in its geography, its history or its character. Garrison Road will, however, serve to become the focus for commercial activity and intensified residential development, making it the destination for services to those within the Spears-High Pointe Neighbourhood;

- b) The Town shall encourage site improvement and redevelopment of properties designated Mixed Use along Garrison Road, so as to intensify site capability and assist in creating a defined street edge;
- c) New development and redevelopment shall be encouraged to maximize available coverage and floor space permissions in order to optimize available services and support increased residential along Garrison Road;
- d) New development and redevelopment proposed on lands designated Mixed Use will be encouraged to locate close to the street frontage and to provide more direct pedestrian connection to Garrison Road for convenient pedestrian movement and access to buildings and transit;
- e) Building setbacks will be subject of municipal review and may be require a site specific zoning by-law amendment to assist in integrating built street edge with that of more recently developed commercial uses;
- f) Mixed Use designation shall include a residential component equal or greater than the commercial floor space provided. Consideration shall be afforded to conversions, existing buildings and additions, provided any new ground floor space includes a matching second story residential component;
- g) Any existing buildings subject of conversion or addition for the purpose of mixed use shall require Site Plan Control and be subject to inspection to ensure Ontario Building Code standards have been met;
- h) Stand-alone residential use within the Mixed Use designation will be discouraged. Proposals for stand-alone residential shall clearly demonstrate inability to effectively achieve combined residential and commercial uses on the same site without extensive modifications to zoning regulation and provisions. Conversely, smaller properties are encouraged to consolidate with adjoined properties sharing designation to provide increased opportunity for comprehensive development;
- i) The maximum height of any building in this designation shall be three (3) storeys, and the residential density shall be 16 to 50 units per net hectare in addition to the commercial floor space provided on-site;
- j) Residential units will be located on upper floors, reserving at-grade floor space for commercial use with limited exceptions such as retirement homes, permitted stand-alone residential or existing buildings subject to conversion;

- k) Covered parking and detached private garages would be acceptable on site provided they are set well back from the street and do not interfere with commercial traffic;
- l) New automotive related uses are not permitted in Core Mixed Use areas;
- m) At-grade commercial shall be fully accessible and barrier free in design; and
- n) Private development is encouraged to provide fully accessible access to upper level residential.

4.17.10. **COMMERCIAL POLICIES**

- a) The lands designated as “Commercial” on Schedule “SHP-2” shall be reserved for a variety of “General Commercial” retail and office uses, and are subject to the policies of Section 4.9.2 of this Plan;
- b) Notwithstanding the uses identified in Section 4.9.2, new automobile sales and storage, repair garages, motor vehicle service stations and gas bars will not be permitted within the Plan Area, except for those commercial lands identified as being north of Garrison Road, immediately west of Thompson Road;
- c) All new or expanding automotive uses shall be required to demonstrate compatibility with adjacent uses. d) Intensification of Garrison Road commercial uses should be those which are compatible with and predominantly serving the neighbourhood’s residential population and corridor commuter personal service needs. Commercial uses considering drive-thru operations shall, in addition to being subject to Site Plan Control, be required to address such matters as visual and aesthetic impact on adjacent properties and public road allowances through submission of an urban design plan. A Traffic Impact Study will also be required and may be scoped depending on location. Details of study requirements would be conveyed at mandatory pre-consultation meetings with Town staff prior to application submission; and
- d) All commercial uses shall provide for full accessibility, barrier free access and appropriate parking stall locations.

4.17.11. **EMPLOYMENT POLICIES**

- a) Lands designated as “Employment” on Schedule “SHP-2” shall be reserved for an integrated mix of industrial and manufacturing operations as well as business activities, and the Industrial/Business Employment policies of Section 4.10 shall apply;

- b) The Employment designation within the Secondary Plan Area is generally limited in area and situated in such a manner that it provides prominent exposure to the QEW while also being in close proximity to existing and future residential uses and designations. Employment uses shall be those which are considered prestige type industrial uses that support the policies of Section 4.10 while offering decreased risk for nuisance to residential lands;
- c) Development occurring on lands designated “Employment” within the Spears-High Pointe Secondary Plan shall require study to determine applicable standards concerning noise and emissions. Ministry of Environment Standards shall apply in determining setbacks and mitigation measures that may need implementation with respect to sensitive receptors, both planned and existing in accordance with Section 10 of the Official Plan; and
- d) Portions of the “Employment” lands designated on Schedule “SHP-2” are subject to Environmental Conservation Overlay policies of Section 8.3 of the Official Plan. Prior to any applications for development within or adjacent to Environmental Conservation Areas, the requirement for studies will be determined through the mandatory pre-consultation process with the municipality and Niagara Peninsula Conservation Authority.

4.17.12. **INSTITUTIONAL**

- a) The lands designated on Schedule “SHP-2” as “Institutional” shall recognize the existing institutional uses within the Secondary Plan Area and shall generally be governed by the Institutional policies of Section 4.12;
- b) Sites identified and designated as Institutional are uses serving in an established institutional role. These currently include:
 - a. 1088 Garrison Road – (Niagara Chapter – Native Women Inc.) which has been serving the needs of our aboriginal community members and protecting cultural and aboriginal heritage;
 - b. 1110 Garrison Road – (Garrison Road Public School) This site has been in operation as a school since 1879. The site has a unique history and the original school house (S.S. No. 4) is still in an operating role and can be reviewed by the Town’s Municipal Heritage Standing Committee relative to its architectural and/or historical significance.

4.17.13. OPEN SPACE

The lands designated as “Open Space” on Schedule “SHP-2” shall be reserved for a variety of active and passive recreational uses and other open space uses including storm water management. The policies of Section 4.13 shall generally apply to lands designated as Open Space. Lands identified under an Open Space designation within the Spears High Pointe Secondary Plan Area are further defined as provided below.

4.17.13.1. OPEN SPACE – NEIGHBOURHOOD AND SPECIALIZED PARKS

- a) The Town of Fort Erie’s Parks and Open Space Master Plan shall serve to guide the appropriate location and effective service area distribution for Neighbourhood Parks within the Secondary Plan Area given lands previously identified for Neighbourhood Parks in the Master Plan and earlier Neighbourhood Plan are now subject to environmental constraints. The alternate locations for parks as identified on Schedules SHP-2 and SHP-3 afford the opportunity to maintain the integrity and intent of the Parks and Open Space Master Plan;
- b) Existing Draft Plans of Subdivision contain some blocks of Parkland suitable for dedication where others must be reconsidered for an alternate location within the Secondary Plan as a result of Natural Features identification. The Town shall work cooperatively with developers and property owners to obtain suitable sites for Parkland that best serve the Neighbourhood as a whole;
- c) Neighbourhood Parks are shown on Schedule “SHP-2” and “SHP-3” and it shall remain the intention of the Town to pursue acquisition of adequate Parkland through dedication or other means afforded the municipality through cash-in-lieu opportunities;
- d) The Secondary Plan contains portions of untraveled road allowance that may be used in conjunction with lands acquired to maximize parkland area. The Town may wish to close portions of road allowance associated with park block assembly;
- e) Neighbourhood Parks are a component of the overall Open Space network within the Secondary Plan. Neighbourhood Parks are considered points of interest or destinations within the Plan Area and therefore, will be given priority in connection to the overall network. Wherever possible, the provision of active transportation infrastructure to support pedestrian access to these locations will be required to be addressed through new development applications and capital replacement budgeting;

- f) The lands located immediately south and adjacent to the QEW, east of Alliston Avenue, were draft approved as parkland prior to natural heritage feature identification and overly designation being applied. These lands are shown on Schedule SHP-2 as Neighbourhood Park, as draft approved, and subsequently are not being shown with an Environmental Conservation overlay. Schedule SHP-3 illustrates the Environmental Conservation features identified on these lands (Locally Significant Wetlands), which shall remain regulated by the Niagara Peninsula Conservation Authority. The intent and future use of these lands will have them remain in their natural state with any potential passive recreational or trail use being considered by the Town, in consultation with the Niagara Peninsula Conservation Authority;
- g) The Plan identifies a small park block east of Garrison Road Public School and adjacent to the natural features area. This park shall be recognized as a “specialized park” designation under the Parks and Open Space Master Plan; and
- h) Efforts will be made to preserve vegetation through park site development following examination of service level criteria for each identified park space and those containing limited ECA overlay.

4.17.13.2.OPEN SPACE – GENERAL

- a) The Town supports linkage opportunities to assist in providing pedestrian access to points of interest such as Neighbourhood Parks, the Garrison Road Public School, commercial and services along Garrison Road and major retailers in the east end of the Plan Area. The linkage areas are critical to a cohesive Open Space network that supports active transportation as an alternate means of reaching destinations within the Plan;
- b) The Town shall make every effort to ensure linkage opportunities are protected when new development or re-development is proposed within the Plan Area. Linkage opportunities are represented on Schedules SHP-2 and SHP 3 of this Plan and illustrate a preferred series of linkage opportunities;
- c) The Town may consider alternate locations for linkage provided it can be demonstrated to achieve or improve on the level of direct connectivity desired, so as to promote its use through convenience and pedestrian safety;
- d) Road allowances not presently traveled within the Secondary Plan Area that may remain in such state shall be considered for open space linkage purposes;
- e) Trail development through select Environmental Conservation Area designations identified on Schedule SHP-3 shall be considered desirable and may be pursued

by the Town, in consultation with the Niagara Peninsula Conservation Authority, to provide for an enhanced open space network which supports active transportation objectives;

- f) The Town will seek appropriate opportunities to provide supporting infrastructure for active transportation needs; and
- g) Landscaping treatment for Linkage blocks will be dependent on size and location within the Open Space network. Some areas may be best suited in a naturalized state and others may be preferred in a maintained park like setting.

4.17.13.3.OPEN SPACE – NATURAL AREAS

Schedules SHP-2 and SHP-3 illustrate two areas that have been identified within the Secondary Plan Area and are subject to the following policies:

- a) The area identified on the south side of Bertie Road represents a man-made pond and retention in private ownership will continue to offer a scenic point of interest along the Bertie Road exposure; and
- b) The area located central to the Plan in a long linear arrangement is comprised of privately owned lands and Town owned road allowances (not travelled). The majority of these lands are subject to the Environmental Conservation Overlay designation. The Town desires to have these combined ownerships preserve the existing vegetation and to provide opportunity for an active transportation trail linking the Neighbourhood Park shown on Schedule SHP-2 and SHP-3.

4.17.13.4.OPEN SPACE – STORM WATER MANAGEMENT (SWM)

- a) Lands identified as “Open Space - Storm Water Management” within the Plan Area reflect locations identified in the Spears and High Pointe Master Servicing Plan prepared by EarthTech (2002) and shall be considered approximate until detailed engineering at the development stage can more precisely define limits and location of the designation.
- b) Following detailed engineering analysis, should storm water management facilities identified as “Open Space (SWM)” on the Schedules to this Plan be relocated, shift or have their area requirement diminish, the subsequent implementing designation shall be interpreted as follows:
 - a. the adjacent land use designation with the higher residential designation applying when more than one residential designation exists.

- b. Notwithstanding, for the SWM facility located on Garrison Road, east of the Garrison Road Public School, the defaulting land use shall be Medium Density Residential.
- c) An amendment will not be required provided the changes are not substantive and are the result of detailed refinement. If changes result in complete relocation, the impact on the new location will be assessed with respect to land use loss. The Town may seek opportunities to recover any lost density through further intensification of any subsequent applications. In either instance, consultation with Town staff shall be required.

4.17.14. NATURAL HERITAGE POLICIES

4.17.14.1. GENERAL

- a) Determination of any natural feature boundaries or environmental study requirements will be identified during mandatory pre-consultation for Planning Act applications, or on permit application review for site or building expansions in cases where the lands are regulated under the Conservation Authorities Act as administered by the Niagara Peninsula Conservation Authority in accordance with Section 8 of the Official Plan.
- b) Determination of EIS requirements shall be based on Regional EIS Guidelines, with administration and approval authority responsibility having been set out in the Memorandum of Understanding between local and regional governments and the Niagara Peninsula Conservation Authority.
- c) Policies of Section 8 shall apply to natural heritage resources within the Spears-High Pointe Secondary Plan Area. However, there are unique circumstances that need to be recognized as a result of existing conditions. There are a number of existing residential dwellings, an existing school (Garrison Road P.S.) and existing Draft Approved Plans of Subdivision, all of which pre-date locally significant wetland identification and implementation into the Town's Official Plan. In light of these existing conditions, exceptions will be afforded respecting continued or approved use of select areas of buffer shown on Schedule "SHP-3".
- d) The Spears-High Pointe Secondary Plan contains Environmental Conservation Areas, all of which are shown as an overlay designation on Schedule SHP-2 and further defined on Schedule SHP-3. The Environmental Conservation Areas may comprise any of the following components:
 - a. Locally Significant Wetlands (LSW);
 - b. Associated Buffer Area (typically 30m) adjacent to the LSW; and

c. Woodlands

- e) Policy 8.8.1.XXIV shall be referred to for direction regarding the relationship between existing draft approved plans of subdivision and natural heritage features.

4.17.14.2.LOCALLY SIGNIFICANT WETLANDS

- a) Locally Significant Wetlands (LSW's) are identified as an Environmental Conservation Overlay on Schedules SHP-2 and SHP-3, and are subject to the policies of Section 8 of this Plan and policies of this Section;
- b) Locally Significant Wetlands (LSW's) are regulated under the Conservation Authorities Act as administered by the Niagara Peninsula Conservation Authority (NPCA). Applications for development within these features shall be highly discouraged and subject to Section 8 of this Plan;
- c) Any application received for development within an LSW shall require an Environmental Impact Study and Planning Justification demonstrating conformity with the Provincial Policy Statement, Niagara Peninsula Conservation Authority (NPCA) Land Use Planning Policy Document, Regional and Fort Erie Official Plans. The NPCA is the regulatory authority for LSW's under the Conservation Authorities Act.

4.17.14.3.ASSOCIATED BUFFER AREA

- a) Schedules SHP-2 and SHP-3 illustrate the LSW feature with two separate identities provided for the Associated Buffer as defined below:
 - a. "30m LSW Buffer Overlay" is illustrating a complete 30m buffer around the perimeter of the LSW feature as identified by the Ministry of Natural Resources. This designation is provided for demonstration and shall serve as an overlay for reference when applications are received for any development activity on affected lands. The overlay reveals areas of underlying designation that represent, and are designated for, their existing / approved and accepted use. Non-environmental land uses identified under the overlay designation shall continue to be permitted and recognized through this plan and shall be zoned accordingly. Any new development on underlying lands such as building additions, accessory structures or minor grading works, may require permits from the NPCA. The Town in consultation with the Region and NPCA will pursue the establishment of waiving and scoping requirements and procedures for an

EIS to simplify the approval process while allowing development that safeguards the natural environment.

- b. “Remnant Buffer” is a land use designation within the context of this plan and represents remaining “intact” Buffer Area of the 30m required Buffer Area directly associated with the LSW feature. The Remnant Buffer is shown on Schedule SHP-3 and is an Environmental Conservation Area designation and subject to full regulation by the NPCA. Development within this designation shall be highly discouraged and may only be considered in accordance with Section 8 of this Plan and regulatory requirements of the NPCA.

4.17.14.4. WOODLANDS

- a) Woodland features are found scattered throughout the Plan Area with some being associated with the LSW’s and others not. The woodlands are identified as part of the Environmental Conservation Overlay designation with an underlying primary land use identified therein;
- b) Development within the Woodlands, outside of LSW’s and associated Buffers, may require an EIS be prepared to the satisfaction of the Town, in accordance with Section 8 of this Plan and in consultation with the NPCA;
- c) The Town in consultation with the Region and NPCA will pursue the establishment of waiving and scoping requirements and procedures for an EIS to simplify the approval process while allowing development that safeguards the natural environment; and
- d) A Tree Preservation plan may be required to implement the recommendations of an EIS, or to protect trees identified as worthy for protection.

4.17.14.5. ENVIRONMENTAL CORRIDOR, LINKAGE

- a) Schedule “C” of the Official Plan illustrates conceptual Corridors throughout the municipality. The Spears High Pointe Neighbourhood Area contains the outer reach of one such corridor. The location is shown on Schedule “SHP-3” of this Plan and is illustrated towards the eastern end of the Plan Area between the major commercial area and residential interface.
- b) There is considerable existing development, including Garrison Road, where the corridor is illustrated. The appropriateness of a corridor in this area will be examined as part of an EIS for adjacent lands designated for development, as set out in Section 8.3.4 IV of the Official Plan.

4.17.15. SENSITIVE USES IN PROXIMITY TO QEW AND EMPLOYMENT LANDS

- a) The potential for elevated noise exists for some areas of residential within the Plan Area due to proximity of the Q.E.W. and proposed Employment lands. Appropriate measures may be required to mitigate excess noise to within acceptable MOE Guideline levels.
- b) Residential development bordering employment lands shall be designed in a manner so as to mitigate, or to assist in mitigating, any potential noise impact from employment uses. This interface area is generally along Bertie Street within the Plan Area and future residential use may be required to front Bertie Street with increased setbacks. Outdoor living areas should be situated to the rear of units along the south side of Bertie Street.

4.17.16. TRANSPORTATION SYSTEMS (ROAD NETWORKS, ACTIVE TRANSPORTATION AND PUBLIC TRANSIT)

- a) The Transportation System is in reference to the various modes of transportation that can be made available to service the Spears High-Pointe Secondary Plan Area. The three components envisioned to service the Plan Area include the road network, the pedestrian/active transportation network and public transit routing.
- 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 Systems over the long term, review of current standards, or development of new standards may be required.

4.17.16.1. ROAD NETWORKS

- a) The development of the road network in the Spears-High Pointe Secondary Plan shall generally be in accordance with Section 12.7 of the Town Official Plan.
- b) Improvements to the road system and road reconstruction shall be carried out in accordance with the standards adopted by Council pertaining to municipal roads, and Council will strongly consider the existing character of the neighbourhood when making road improvement decisions.
- c) It is not intended that all road improvement proposals will be undertaken in the immediate future, but the Town shall, in conjunction with the Region where required, prepare a detailed staging plan for road improvements and establish an order of priorities for such improvements.

- d) New roads shown on Schedule “SHP-4” are “conceptual” and their introduction or final location shall be determined through subsequent development applications.
- e) In addition to the existing collector roads within the Plan Area (Bertie Street, Pettit Road and Spears Avenue) and the arterial regional road (Garrison Road) along the Plan’s southern boundary, the Town desires to establish a mid-block east-west neighbourhood collector road capable of providing a continuous internal traffic route through to either end of the Plan Area, without the need to access Garrison Road. Seymour Avenue represents the only possibility to achieve this goal and as such, the Town shall seek to provide for its extension in this role.
- f) A small portion of Alliston Avenue between Acton Avenue and Bertie Street is shown as a conceptual road. Conditions of an existing and related draft approval require a Transportation Impact Study be completed. Scoping of the study parameters should include a functional analysis on whether construction of this short connecting road provides any significant benefit, or relief on Spears Road traffic volumes. Should the analysis demonstrate negligible or marginal improvement to the overall impact on Spears Road, the Town may choose to have the use remain Open Space, as shown being the underlying designation on the Schedules to this Plan.
- g) The Town shall seek to provide cross connection to existing roads on the south side of Garrison Road wherever feasible and to reduce the instances of offset or misaligned intersections.
- h) Garrison Road is under the jurisdiction of the Region of Niagara. New road intersections and driveways access and egress require Regional approval.
 - a. The Region of Niagara has indicated that Kraft Road to the south of the Plan Area will be the preferred location for any future traffic signalization. Traffic signals will require a warrant prior to commitment for their installation.
- i) Development occurring in the vicinity of the Kraft Road intersection shall have regard for design geometry to accommodate through traffic entering and exiting the Plan Area.
- j) The Town, in consultation with the Region, shall make final determination on whether truncating access of Spears Road to Garrison Road would occur following any successful alternate alignment with Kraft Road being implemented. When requesting Traffic Impact Studies resulting from development applications, modeling will be requested that demonstrates impacts of closing Spears Road, to

assist in determining an ultimate preferred intersection arrangement in this vicinity of Garrison Road.

4.17.16.2.ACTIVE TRANSPORTATION

- a) Active Transportation shall be a consideration of Council as identified under Section 12.7.2 iv).
- b) Components of active transportation include on-road cycling lanes, off-road paths/trails and a comprehensive sidewalk network within the Plan Area, access to all common and frequent destinations or points of interest, such as parks, schools, commercial, YMCA, Town Hall skate park, arena's and transit stops.
- c) Schedule "SHP-4" illustrates components of the Active Transportation Network for the Spears-High Pointe Secondary Plan.
- d) The Town will take a leadership role in promotion of active transportation infrastructure when reviewing development applications and undertaking road improvements / reconstruction.
- e) Applications for development will be required to demonstrate how plans integrate and provide for the necessary infrastructure to facilitate active transportation in relation to adjoining uses, and how it contributes to the overall network for active pedestrian movement illustrated on Schedule "SHP-4".
- f) At a minimum, all new or reconstructed roads within the Plan Area shall provide for a sidewalk on at least one side of the roadway where financially feasible.
- g) Any planning for public sidewalk construction will be subject of departmental review and confirmation.
- h) Collector roads within the Plan Area shall be planned to provide for sidewalks on both sides. Council may consider single side locations in part or in whole following departmental review and recommendation.
- i) Efforts to provide a primary and secondary network of sidewalks will be considered where increased frequency and use can be expected. This may include sidewalks in the vicinity of Garrison Road Public School, along collector roads, or linking to transit stops. Treatment to distinguish sidewalk hierarchy may be established to include increased surface width or promotion of increased or double row planting.

- j) 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.
- k) On-road bicycle lanes should be provided on collector roads within the Plan Area. Standard asphalt platform and lane widths may require review in conjunction with on-street parking restriction to facilitate a safe and functional on-road cycling network.
- l) The Spears-High Pointe Secondary Plan contains natural environment features that may be suitable for accommodating pedestrian trail linkage. Opportunities to enhance the overall network through visual variety in a diversity of settings shall be encouraged. NPCA will be consulted when trails are proposed in regulated areas.
- m) Any trails associated with or located in Open Space or Natural Features Areas shall not be lit, thereby assisting in nocturnal wildlife corridor function.
- n) Determination of surface materials used on trail linkages will be determined on a site by site basis and in consultation with NPCA where applicable.
- o) Wherever possible, the Town and Region will work cooperatively in establishing linkages to broader regional active transportation infrastructure to further promote and extend the range and reach accessible by active transportation modes.
- p) Active Transportation and Public Transit use are complimentary modes of transportation. Provision of adequate pedestrian linkage should be available to and on transit routes.

4.17.16.3.PUBLIC TRANSIT

- a) The Spears High-Pointe Secondary Plan shall be considered for regular service scheduling. As the community development progresses, the transit routing shall be regularly reviewed and updated to accommodate and promote public transit ridership from within the neighbourhood.
- b) The existing inter-regional transit hub situated at the northwest corner of Thompson and Garrison Roads (Walmart) shall continue to be promoted in conjunction with local transit initiatives in providing access to major urban centres within Niagara.
- c) A transit route schematic is illustrated on Schedule “SHP-4”, along with potential transit stops. Applications for development shall have regard for long term transit service needs, which may include consideration of driveway locations in

proximity to potential stop locations. Actual location and infrastructure requirements for transit stops will be reviewed on an application by application basis. Developers may be required to provide or assist in providing infrastructure requirements to accommodate transit or future transit.

- d) Long term transit planning shall have regard for locating potential transit stops using a typical 400m service area catchment model.

4.17.17. **PARKING POLICIES**

- a) The hierarchy of roadways through their classification of either Arterial, collector or local, shall dictate whether on-street parking will be permitted.
- b) When roads of are slated for reconstruction, consideration will be given to their intended classification within the Plan Area with respect parking provision.
- c) All local roads should be providing allowance for parking on at least one side of the road. Consideration shall be given with respect to sightlines and other safety related matters and where appropriate on-street parking may be restricted.
- d) Collector Roads will consider the provision of on-street cycling lanes as the primary use of curbside asphalt space, thereby restricting or prohibiting onstreet parking. In the event that a collector road is not identified for on-street cycling lanes, consideration may be given to provision of on-street parking on at least one side and subject to available platform width, both sides. Restrictions may be imposed given the higher volumes of traffic anticipated for a collector road and through the presence of transit service and transit stops, if applicable.
- e) Provision of on-site parking for intensified residential, commercial and mixed use along Garrison Road will be required.
- f) The Town may consider reduced parking requirements for mixed use development through site specific By-law Amendment when a parking study can demonstrate offsetting need for spaces during periods of use.

4.17.18. **CULTURAL HERITAGE POLICIES**

- a) The Spears-High Pointe Secondary Plan Area contains two identifiable potential cultural heritage sites for consideration by the Municipal Heritage Standing Committee. The location of the sites are identified on Schedule “SHP-2” and are referred to as:
 - a. Garrison Road Public School

b. Plato Loyalist Cemetery

- b) The Brigadier General Cruickshank residence is designated under Part 5 of the Ontario Heritage Act. Given the heritage designation of this site, no additional residential development is envisioned for this property.

4.17.19. **MUNICIPAL SERVICES POLICIES**

- a) Municipal servicing shall be consistent with the policies of Section 12 of the Town's Official Plan.
- b) Municipal services such as sewers, water, stormwater and public/private utilities will be provided, maintained and upgraded as necessary to accommodate the needs of existing and future development in the Spears-High Pointe Neighbourhood.
- c) Major sanitary works have recently been completed along Garrison Road that will facilitate sanitary servicing of the entire Spears-High Pointe Secondary Plan Area. All of the currently approved and future developments will be required to provide servicing plans that are consistent with the 2002 Town of Fort Erie Master Servicing Study and its April 2009 compendium Technical Memorandum Update prepared by Phillips Engineering Ltd.
- d) All new development shall require approval of a 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.
- e) Locations for stormwater management facilities are illustrated on Schedules SHP-2 and SHP-3 and are considered approximate until such time that detailed engineering has confirmed location and size required for benefitting catchment areas within the Secondary Plan Area.
- f) Existing municipal water supply is available to service the Plan Area. All phasing or staging of development shall be encouraged to loop watermains wherever opportunity exists to do so
- g) Spears-High Pointe contains many smaller properties that could be considered for in-filling, consents or consolidations. Property owners and developers are encouraged to work cooperatively in establishing servicing plans that optimize potential for additional development through such means.

- h) The Town may consider front-ending agreements when all other financing means have been demonstrated and exhausted.
- i) All new development within the Secondary Plan Area shall be developed with full municipal services.
- j) The Town shall expect up gradient property ownership to make financial contributions to the persons or entities having made the initial investment in infrastructure for proportionate SWM Pond volume and any incremental oversizing requirements with respect to sanitary and storm sewers. Such contributions may require execution of a separate agreement at an appropriate time following any successful applications for new development and prior to execution of required agreements with the Town of Fort Erie.

4.17.20. UTILITIES

- a) Canadian Niagara Power has identified a possible need for a future distribution sub-station in proximity to, or within the Plan Area. Service area and network planning is largely dependent on demand. An optimal location for the substation will be determined at the earliest possible time to support the growth in the larger vicinity.
- b) Canadian Niagara Power shall work cooperatively with the Town and regulatory authorities in determining suitable locations that are compatible with existing and planned development, in effort to reduce or eliminate potential conflicts,
- c) Use of appropriate aesthetic treatments by all public and private utilities will be examined relative to site location and adjacent area land use. Efforts to minimize visual impacts on sensitive adjacent land uses will be required and may include landscape planting/screening, architectural treatments or combination thereof. Aesthetic mitigation requirements will be determined in consultation with the Town and on a site specific basis.
- d) Safety standards and separation requirements shall be strictly enforced when located close to residential development.

4.17.21. NEIGHBOURHOOD GATEWAYS

- a) The Spears-High Pointe neighbourhood represents (in Part) the western gateway into Fort Erie's Main Urban Area. The municipal offices and existing sign act as an effective major gateway feature into this urban area. Consideration on establishing minor gateway features at the various neighbourhood entry points

may be given in effort to identify and distinguish the neighbourhood from its southern neighbours (Crescent Park and Kraft neighbourhoods).

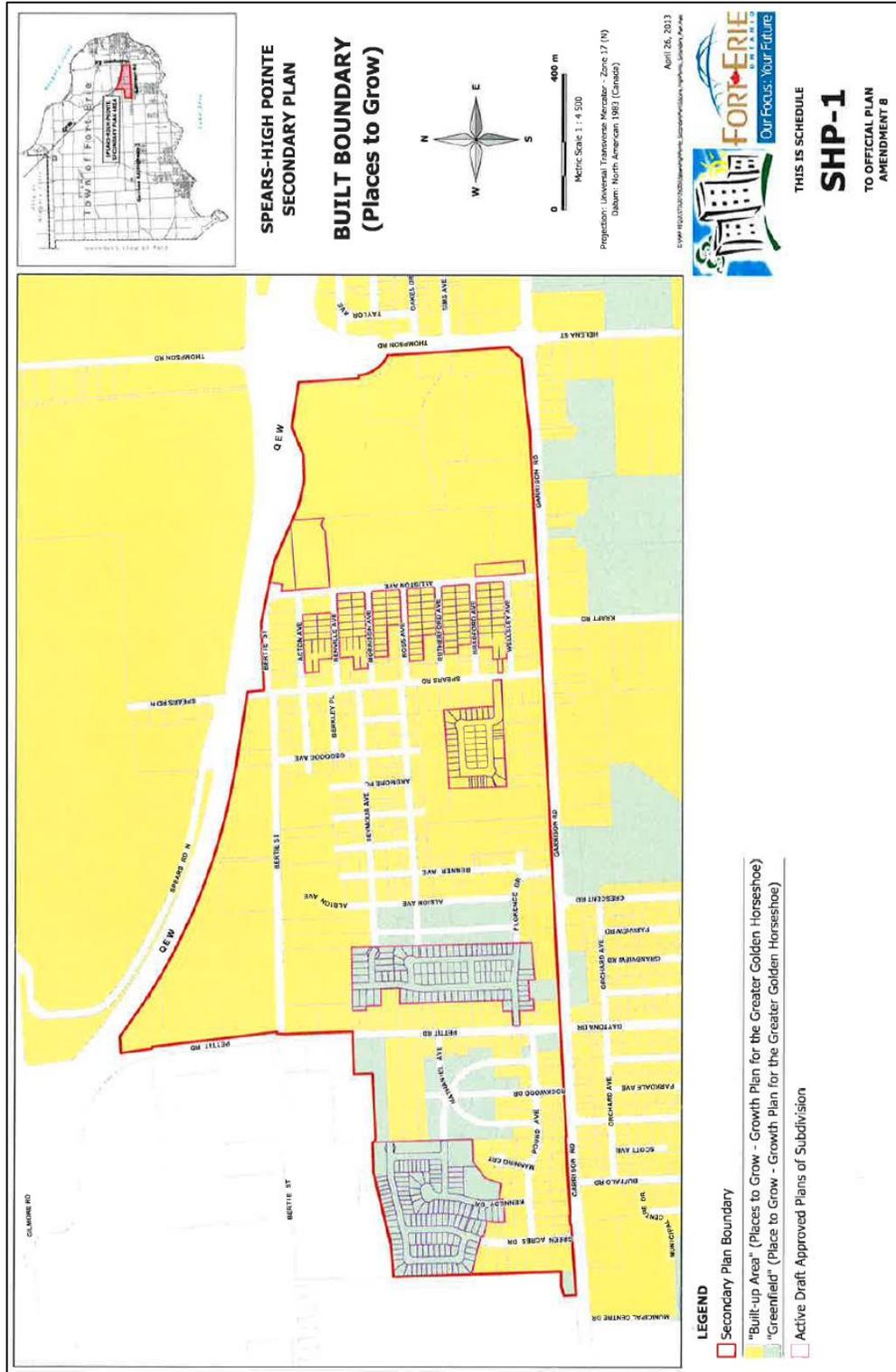
- b) Efforts to achieve minor gateways can be accomplished through such measures as minor architectural features at road intersections, landscaped treatments, decorative fencing, alone or in combination with one another.
- c) Identifiable minor gateway locations the Town has given consideration to are identified on Schedule SHP-4 and are described as being located at:
 - a. Garrison Road bordering the major commercial development and the high density designation;
 - b. Pettit Road at the northern most point of the Plan Area.
- d) Development occurring at these identified locations shall be encouraged to incorporate minor gateway features, in consultation with the Town, as part of the development proposals. Other areas may be considered during the development consultation and application stages.
- e) Should minor gateway features be considered for locations on or immediately adjacent to Garrison Road, the Town and/or developer shall consult with the Region in determining interest or requirements.

4.17.22. **INTERPETATION OF THE PLAN**

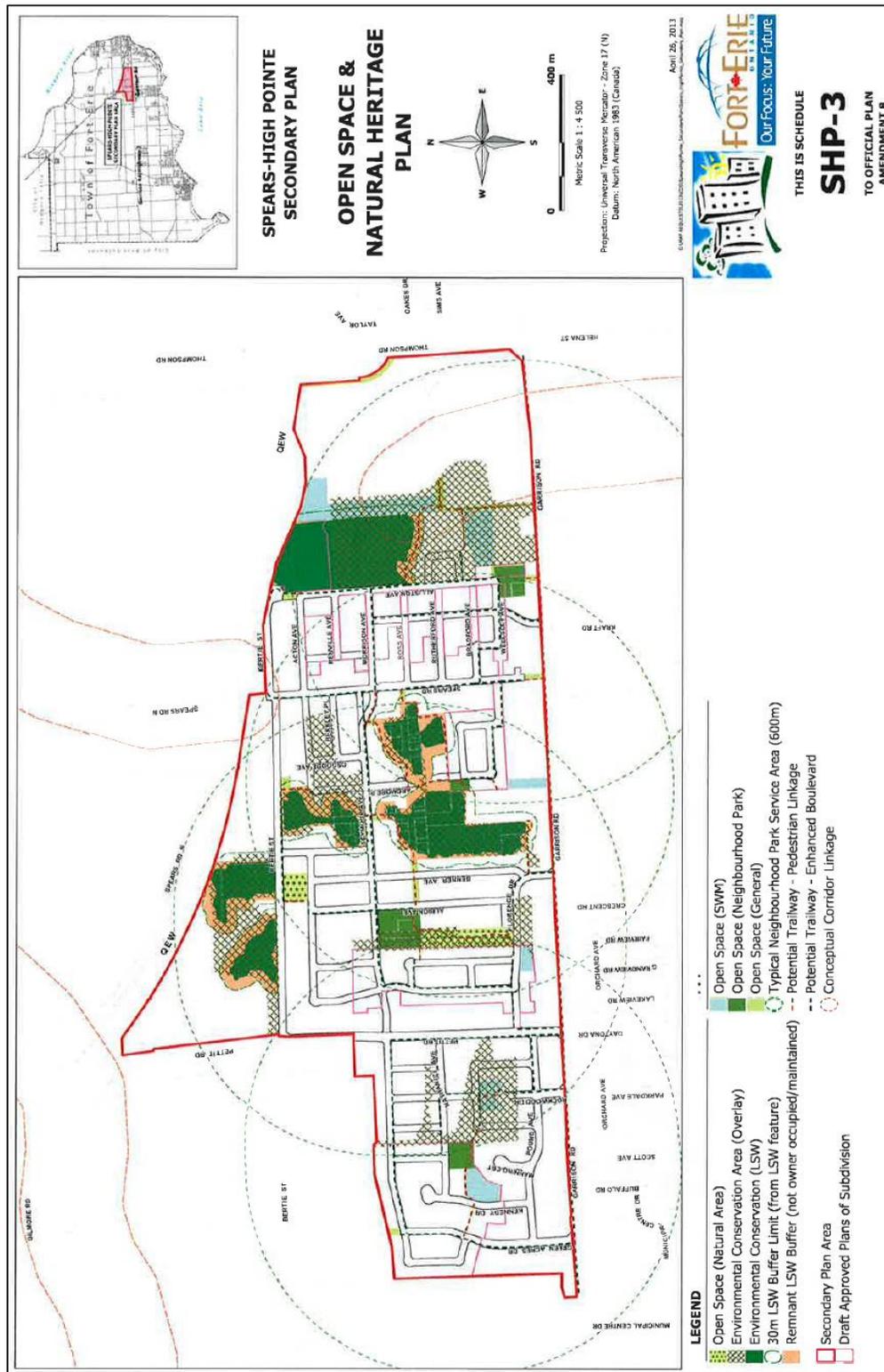
The Spears-High Pointe Secondary Plan (Official Plan Amendment No.8) consists of Sections 4.17.1 through 4.17.21, and Schedules “SHP-1”, “SHP-2”, “SHP-3” and “SHP-4”. The text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

(Section 4.17 was introduced by By-law 2012-131, OPA #8)

SCHEDULE "SHP-1"—BUILT BOUNDARY



SCHEDULE "SHP-3"—OPEN SPACE & NATURAL HERITAGE PLAN



**SPEARS-HIGH POINTE
SECONDARY PLAN**

**OPEN SPACE &
NATURAL HERITAGE
PLAN**



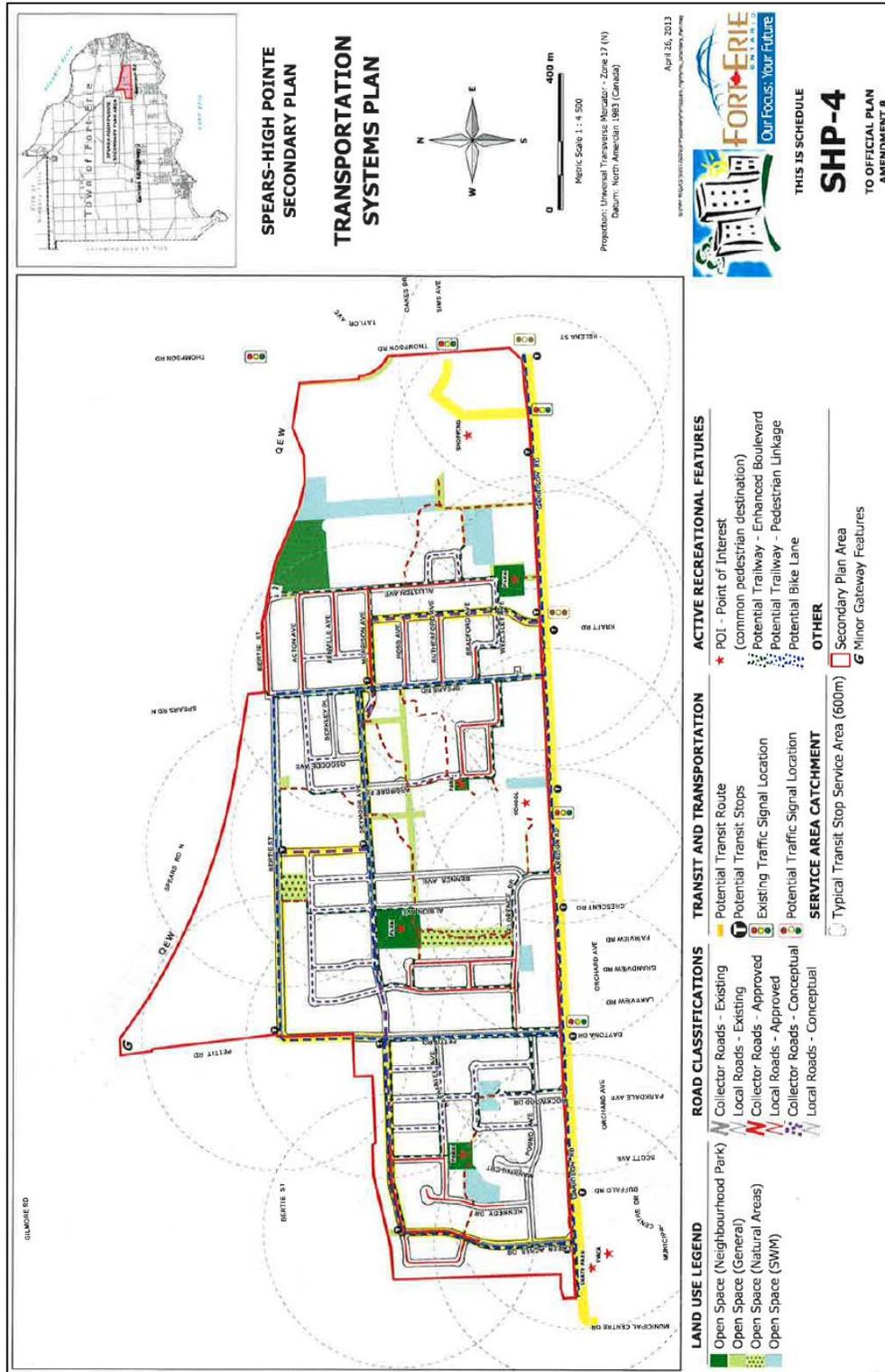
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April 26, 2013
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**THIS IS SCHEDULE
SHP-3
TO OFFICIAL PLAN
AMENDMENT 8**

- LEGEND**
- Open Space (Natural Area)
 - Environmental Conservation Area (Overlay)
 - Environmental Conservation (LSW)
 - 30m LSW Buffer Limit (from LSW feature)
 - Remnant LSW Buffer (not owner occupied/maintained)
 - Secondary Plan Area
 - Draft Approved Plans of Subdivision
 - Open Space (SWM)
 - Open Space (Neighbourhood Park)
 - Open Space (General)
 - Typical Neighbourhood Park Service Area (600m)
 - Potential Trailway - Pedestrian Linkage
 - Potential Trailway - Enhanced Boulevard
 - Conceptual Corridor Linkage

SCHEDULE "SHP-4"—TRANSPORTATION SYSTEMS PLAN



4.18. RIDGEWAY-THUNDER BAY SECONDARY PLAN

4.18.1. PURPOSE

The purpose of the Ridgeway Thunder Bay Secondary Plan is to provide a framework for a cohesive, complete community, providing opportunities for new development in and around the existing neighbourhoods while remaining conscious and sensitive to the established community as a whole. The framework is intended to provide clear direction in achieving subsequent goals and objectives.

The Secondary Plan consists of a land use plan and related policies to guide development and other forms of renewal to ensure it is in keeping with the Town's vision for this neighbourhood. The Plan will provide and serve as the guide for planning activity for a planning period projected over the next 20 years and will be subject to amendments from time to time, as well as being included the Town's 5 year review of its Official Plan.

4.18.2. VISION

The Secondary Plan is the result of comprehensive consultation. On initiation of strategic planning exercises fostered by the Town's Neighbourhood Plan Program, agency and public engagement was conducted in the early phases of the Neighbourhood Plan's background research. The exercises included municipal and community Focus Group SWOC (Strengths, Weakness, Opportunities & Constraints) sessions, which generated the following Neighbourhood Plan Vision:

“Our vision for Ridgeway and Thunder Bay is a community steeped in the old and where its village character is maintained while meeting the needs of all neighbourhood residents. In 20 years, Ridgeway/Thunder Bay is the best little town in Niagara, a great place to live life, work, play and visit”.

The vision was derived and identified by participants, receiving Council endorsement in June 2009 by way of the Neighbourhood Plan approval, and has remained relevant in the preparation of this Secondary Plan.

4.18.3. GOALS

The goal of this Plan is to build off the vision established, treating it as our benchmark, and to implement a policy framework that strives to achieve the complete community concept. These goals can be met by providing for a variety of residential densities, form and heights, commercial, mixed use and open spaces, while also protecting significant natural environments and introducing enhanced commercial permitted uses to expand the potential for employment type uses and opportunities.

A complete community meets the diverse needs of its many residents and visitors including homeowners, businesspersons, shoppers, and tourists. The Plan shall seek to establish areas and opportunities for intensification in key locations within the neighbourhood, remaining sensitive to the needs of all neighbourhood residents, businesses and citizens of this Town. Furthermore, it will provide guidance/criteria for further residential intensification.

4.18.4. **OBJECTIVES**

The main objectives of the Ridgeway-Thunder Bay Secondary Plan are to:

- a) Encourage new development and re-development that respects the unique history of the neighbourhood and is compatible with the existing built environment. Compatibility does not mean the same as.
- b) Encourage development that supports long term sustainability and provides livable, renewable environments for its residents and businesses.
- c) Support the commercial areas of the neighbourhood that provide the surrounding residential population with a variety of goods and services, as well as providing for the needs of tourists traveling through and to our community.
- d) Provide for a variety of housing alternatives at key locations throughout the neighbourhood with particular focus on intensification and provision for a full range of housing types in and around the downtown core area, along our primary transportation corridors and in locations that are well suited and served by our natural and open spaces areas, connected with pedestrian/trail networks and in proximity of recreational opportunities.
- e) New housing development and re-development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans will be acknowledged within the neighbourhood planning context and developers of these plans shall be encouraged to work with the municipality in achieving the objectives of this Plan.
- f) Support retention of all waterfront property currently in public ownership, and application of existing policy to provide for the expansion of public ownership and use of waterfront lands in our community.
- g) Provide opportunities to embrace and enhance “active transportation” infrastructure through maintaining, creating and extending recreational trail and pedestrian networks that connect the community and give residents a healthy alternative in their transportation choices.

- h) Make the neighbourhood a friendly, walkable community that promotes pedestrian movement and active transportation. Place emphasis on community safety for all ages by providing sidewalks, bike lanes, speed and stop control on our shared roadways.
- i) Provide policy that recognizes and protects the interest and unique historical setting of the downtown core without limiting the ability of more contemporary commercial operations from establishing in other commercial areas of the neighbourhood.
- j) Establish Community Improvement funding programs that supports the BIA commercial and mixed use district efforts to enhance building stock within its boundaries.
- k) Encourage remedial efforts for brownfields within the community in order to bring renewal and a positive, healthy change for these locations.
- l) Provide a full range of housing choices that are coordinated with land use designations and densities that provide for suitable transition and gradation.
- m) Encourage development forms which are compact, to utilize urban land and services efficiently.
- n) Encourage land assembly that would result in more efficient and effective design.
- o) Promote conservation of natural areas together with sensitive development.
- p) Protect significant natural features such as Provincially Significant Wetlands (Mann Farm) with appropriate environmental protection designation, ensuring their ecological functions, benefits and contributions will be shared for future generations.
- q) Provide transit supportive design and density that will encourage and maximize ridership by making it convenient to access transit services.
- r) Promote an appropriate employment designation for lands within the Neighbourhood, in effort to foster light industrial/commercial activity in a small business park setting.
- s) Promote meaningful conservation of the neighbourhood built heritage features while ensuring standards for health and safety are not compromised and that in doing so, potential for renewal and redevelopment are not precluded.

- t) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses and institutions of this area. Promote housing development that will provide opportunities to meet with demographic and socio-economic needs of the Town. A full spectrum of built form and tenure is encouraged if “age-in-place” practice is to be realized.

4.18.5. **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.
- b) Schedule “RTB-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.
- c) The Plan provides for initial areas of Low and Medium density residential that promotes age-in-place opportunities, meets provincial intensification targets, supports the Downtown village environment and walkable communities. Other locations for increased densities will only be considered by demonstration of land use compatibility and compliance with the criteria provided for under Sections 13.10.2 and 4.18.7d).
- d) The Secondary Plan anticipates an additional 975 dwelling units with the projected increase in new residential population of approximately 2400 persons in the neighbourhood over the long term. Current population at the end of 2012 is estimated to be 4500 persons.
- e) 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. Such developments shall be integrated with other forms of housing rather than segregated and isolated in order to provide a more cohesive and inclusive neighbourhood. In doing so, the opportunities for age-in-place are also supported and extended to a broader socio-economic base.
- f) The Town will consult developers regarding intensifying their existing draft approved plans of subdivision, provided the locations are suitable for increase and consistent with locational criteria defined under Section 4.18.7d).
- g) Only through development activity where an EIS has been required will actual development potential be confirmed. Recognition that impacts may affect

ultimate unit yield shall be afforded to this Plan and the stated projections may change accordingly.

- h) Neighbourhood commercial uses may be considered in residential neighbourhoods provided they are in keeping with Section 4.7.4.2 of the Town's Official Plan.

4.18.6. **LOW DENSITY RESIDENTIAL**

- a) The lands designated on Schedule "RTB-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) An overall target of not more than 80% Low Density residential yield shall be anticipated within the Plan Area. In effort to achieve this target, lower density dwellings should comprise not more than 60% of all new development. A Low Density range of up to 25 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify lower density housing stock.
- c) Schedule "RTB-2" provides for approximately 565 additional low density units, bringing the projected total for Low Density units to approximately 2430 over the long term. The yield reflects the existing lot fabric and anticipates retention of some larger existing residential lots. New or redeveloping lower density development can be expected to comprise smaller lot area and dimension. This will also make efficient use of infrastructure while broadening choice and affordability in the low density form over the course of the planning period.
- d) Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.18.12.3 of this Plan. Development, redevelopment or expansion to existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.

4.18.7. **MEDIUM DENSITY RESIDENTIAL**

- a) The lands designated on the Schedule "RTB-2" as "Medium Density Residential" shall be reserved for multiple-unit structures (townhomes 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) An overall minimum target of 20% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise a minimum of 40% of all new development. A

Medium Density range of 25 to 75 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.

- c) Schedule “RTB-2” provides for approximately 410 new Medium Density units, bringing the total for projected Medium Density units to approximately 610 over the long term.
- d) Medium Density development is identified on Schedule RTB-2. Additional areas will also be considered by zoning by-law amendment for areas meeting one or more criteria as outlined below:
 - 1. within walking distance to the Downtown Core Mixed Use;
 - 2. within walking distance to the Gorham Commercial Gateway;
 - 3. preferably along arterial and collector roads within the Plan Area;
 - 4. in close proximity to amenity spaces such as Parks, Open Space/Trails or Natural Feature Areas.
- e) The Town shall encourage and may request medium density be included in proposals where, in the opinion of the Town, medium density is appropriate and meets with the identified locations defined in paragraph d) herein.
- f) Developers with existing draft approved plans of subdivision within the Plan Area will be encouraged to consider modifying their plans to incorporate medium density that is in keeping with the locational criteria described in paragraph d) herein.
- g) It is anticipated that the majority of the Medium Density unit yield will be in the form of ground-based dwellings such as street or block townhouse development. Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, demonstration of compatibility and consideration of built heritage for areas adjacent to the downtown Core Mixed Use area.
- h) Areas of Medium Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.18.12.3 of this Plan. Development, redevelopment or expansion to existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.
- i) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.

4.18.8. CORE MIXED-USE

- a) The lands designated as “Core Mixed-Use” on Schedule “RTB-2” shall be reserved for a variety of retail and office uses, as well as residential uses. The Core Mixed Use areas are shown on Schedule “RTB-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 Neighbourhood Planning Process.
- c) The Town recognizes the unique cultural and historical significance of the Downtown Ridgeway Commercial Core Area 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 current composition of uses and long term vision identified for this area.
- 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 Downtown 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 of earlier years in the core area’s growth and secondly, residential buildings that have been modified or adapted with commercial frontage as the commercial need grew into the residential areas of Ridge Road North, both north and south of the rail station (now the Village Square). The Town recognizes this village setting as being of fundamental value to the residents and business owners in the community. Efforts to retain and enhance this village setting are of primary interest to all stakeholders.

Until such time that Urban Design Guidelines are approved, and in recognition that extensive streetscaping has been completed in the core area, the following site design and urban principles / guidelines should be acknowledged in submission and review for new development applications within the Downtown Core Area Mixed Use designation:

Ridgeway Downtown Core Mixed Use

- i. The Downtown 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 of earlier years in the core area’s growth and secondly, residential buildings that have been modified or adapted with commercial frontage as the commercial need grew into the residential areas of Ridge Road North, both north and south of the rail station (now the Village Square). In either instance the building massing has been brought forward to the streetline and any new development along the Ridge Road North frontage shall be designed and situated to respect the existing streetline setbacks.

- ii. New development or re-development in the mixed use designation shall be encouraged to retain or improve (bring forward to the street) building setbacks in effort to maintain or frame the existing streetscape. In some instances minor setbacks are acceptable where adjacent buildings are presently withdrawn from streetline. However, new buildings should attempt to transition through an average setback of adjacent buildings.
- iii. New buildings purpose built for restaurant or tavern use may be allowed to setback for the purposes of creating patio space as part of their planned operations. Regardless, setbacks of more than 6m are discouraged to limit a punctured appearance of the street wall.
- iv. New or re-developed buildings within the Core Mixed Use designation should maintain an appropriate pedestrian scale within a village context and therefore buildings will provide a minimum of 2 storeys and a maximum of 3 storeys with “at-grade” retail/commercial floor space only for the main level. At least one upper level shall provide for residential dwellings. Office uses can comprise a second floor of a 3 storey building.
- v. Building materials selected for new or redeveloping sites should be of high quality and provide some elements that can be related to other existing built form or heritage architecture from within the village area. Such efforts are not requiring complete replication of period architectural designs, but do respect and honour the traditional elements found in some of the older building stock. Examples would include:
 1. Use of cornice elements and sign banding that is consistent with adjacent buildings.

2. Use of cornice elements and/or bracketing defining the roof line
 3. Consistent upper level window rhythm that is balanced with adjacent buildings and respecting the commercial street window treatments.
 4. At-grade retailers are encouraged to provide ample glazing size and surface, offering good transparency at street level.
 5. Doorways should be clearly defined and easily accessible
 6. Appropriate signage should be provided on sign bands only and where permitted by by-law, use of limited sized projecting signage and awnings may be a consideration.
- vi. The guidelines are not meant to constrain new development to “replicate” or “look” old, but rather the guidelines encourage elements be included that “respect” old, so as to not offend the character of the current village. The village feel and character should be the first measure of design when new proposals are received and reviewed for permit or variance.
- vii. Buildings located on street corners are encouraged to present exposed facades that are of high quality in materials and detail. Architectural detailing of same quality should be applied to both street frontages. Depending on internal layout and structural ability, windows are encouraged for all levels exposed to the public realm. Rhythm of window openings on upper levels should be a consideration in conjunction with efforts to maximize glazing at street level.
- viii. Architectural detailing of the same quality should be applied to both street frontages of a corner unit.
- ix. The Village Square in the role of civic centrepiece shall be supported through careful consideration of adjacent buildings. New development or re-development on properties adjacent or opposing the Village Square and seasonal Farmer’s Market will be required to address these civic spaces as though corner lot conditions exist.
- x. New or re-development of properties adjacent to the Village Square and Farmer’s Market will be encouraged to provide additional pedestrian access out and onto these civic amenity spaces, leveraging the public realm to benefit and stimulate social interactions and commercial activity. Access to upper level office

space can also be focused onto the Village Square, while residential access should remain on the Ridge Road North street frontage, with secondary side or rear locations.

- xi. Ownership of the existing buildings within the Core Mixed Use designation are encouraged to maintain and enhance architectural attributes of buildings particularly those which reflect heritage components or elements that add to the authenticity of the village experience.
 - xii. When considering site design for new or re-developing properties in the Core Mixed Use designation, residential parking in the rear or side yard is preferred and shall conform to municipal By-law requirements.
 - xiii. Properties and buildings not located directly on Ridge Road North within the Core Mixed Use designation are encouraged to maintain high quality appearance and curb appeal to assist in shouldering the mixed use core and to extend the ambiance of the village setting.
- f) 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.
 - g) New development and redevelopment proposed on lands designated Core Mixed Use will be encouraged to locate close to the street frontage.
 - h) New development in the Core Mixed Use designation shall provide at grade commercial uses only, and include a residential component on upper levels. 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 (e.g. – parking).
 - i) The Town shall implement the appropriate zoning to reflect the Core Mixed Use designation, providing detail on permitted uses, regulation and applicable provisions.
 - j) The Town shall seek to implement and administer funding programs to assist eligible properties within the RBIA, with programs such as Facade Improvement, Signage Improvement and potentially Interior Renovation for Conversion to provide for upper level residential.

- k) Any existing buildings subject of conversion or addition for the purpose of mixed use shall require Site Plan Control and be subject to inspections to ensure Ontario Building Code standards have been met.
- l) The maximum height for buildings within the Core Mixed Use designations shall be 3 storeys (12m)
- m) Drive-thru facilities associated with restaurants, banks or any other type of commercial dispensary shall be prohibited within the Core Mixed Use designation.
- n) 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 requirements identified in the implementing zoning by-law, including being within a mixed use building that has a maximum 3 storey (12m) height maximum.
- o) Commercial floor space within the Core Mixed Use designation remains 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.
- p) Residential units will be located on upper floors, reserving at-grade floor space for commercial use with limited exceptions such as retirement homes and existing stand-alone residential.
- q) The Town supports cultural festival activities within the Core Area as a means of stimulating commercial activity and continued vitality of this unique downtown environment. Artistic contributions may be suitable for consideration in the downtown area such as public art display or sculpture. Wall murals may be considered where appropriate that reflect cultural heritage of the village. The Town shall consult the RBIA with respect to having the RBIA develop a plan that supports public art exhibition and the associated administration of any such a program. Any introduction of wall murals shall not be used for commercial advertising.
- r) New automotive related uses are not permitted in Core Mixed Use areas.
- s) New at-grade commercial shall provide for full accessibility and barrier free design.

4.18.9. COMMERCIAL

- a) The lands designated as “Commercial” on Schedule “RTB-2” shall be reserved for a variety of “General Commercial” retail and office uses. The Town recognizes the existing commercial concentration at the intersection of Gorham Road and Dominion Road (*referred to as the “Gorham Commercial Gateway” herein*). This commercial district presents a more traditional highway commercial environment, which is separate and distinct from that of the Core Mixed Use designation of Downtown Ridgeway.
- b) There are additional, smaller areas of commercially designated lands within the Plan Area and together, all “Commercial” designations will be generally subject to the policies of Section 4.9.2 of this Plan.

4.18.9.1. GORHAM COMMERCIAL GATEWAY

- a) The development of more contemporary auto-friendly commercial site design and operation are directed to locate within the Gorham Commercial Gateway. The Gorham Commercial Gateway is situated at the intersection of the only two Regional Roads within the Plan Area. This location provides opportunities to serve both residents of the neighbourhood as well as commuter and seasonal residents of Ridgeway-Thunder Bay and the Crystal Beach neighbourhoods.
- b) Stand-alone commercial buildings, multi-unit and clustered commercial buildings are permitted within the Gorham Commercial Gateway and will be subject to urban design guidelines and on-site parking requirements, consistent with the general provisions of the Town’s comprehensive zoning by-law. Site specific zoning may be utilized where conflicts between existing zoning regulations differ from that of approved urban design guidelines, such as, but not limited to, setbacks and landscape buffering requirements. No less than 15% of the lot area shall be comprised of landscaped open space including planting strips with a focus on providing landscaped areas and enhanced treatment along the street frontage.
- c) Commercial operations that utilize drive-thru facilities as part of their operations would be permitted within the Gorham Commercial Gateway provided the design of such facilities does not impact on functional driveway and roadway operation. Site Plan Control shall ensure adequate maneuverability, stacking provision and placement does not create conflicts or interfere with site ingress and egress.
- d) Drive-thru operations shall be required to address such matters as visual and aesthetic impact on adjacent properties through site plan submission of building

elevation drawing in conjunction with landscaping plan detail and matching elevations.

- e) The potential for permitting uses that go beyond those typical of General Commercial may be appropriate for select areas within the Gorham Commercial Gateway. Any such uses must be included within a site specific zoning amendment. The intention of broadening the permitted uses is to offset the lack of designated employment lands within the Plan Area, to provide reasonable opportunities for very light, innocuous and compatible industrial/commercial type uses to locate and operate within the neighbourhood.
- f) The location identified for expanded uses is identified on Schedule RTB-2 and is described as being lands on the west side of Gorham Road, setback from the road allowance. The implementing zoning by-law shall be used to define a minimum setback from public roads and residential zones for buildings and associated parking that serve the expanded uses. Generally, buildings should be designed using a 30m minimum setback from a residential zone and 50m minimum from Gorham Road.
- g) The additional uses permitted would need to be classified as small scale in nature, with operations occurring in fully enclosed buildings or building units. Outside storage would not be permitted. Without limiting the generality of the types of additional uses, examples might include custom woodworking and cabinetry, commercial bakery, small courier or delivery depot and printing establishments.
- h) In areas of Commercial designation subject to the expanded use permissions, the Town may consider limited individual unit floor space maximums in effort to ensure small scale operations and provide for a range of users to locate within this designation.
- i) As the roads servicing the Gorham Commercial Gateway are under regional jurisdiction, the Region of Niagara shall be consulted in the preparation of Urban Design Guidelines with respect to their road allowances.
- j) Until such time that Urban Design Guidelines are approved, the following site design principles / guidelines should be acknowledged in submission and review for new development applications within the Gorham Commercial Gateway:

For Commercial located close to the roadways:

- i. Recognizing that considerable commuter and tourist vehicular traffic will continue to exist as a component of the overall consumer base, efforts to balance the need for access and parking with those of purely active transportation in origin must be given careful consideration;
- ii. Provide opportunities for buildings to extend towards the street frontage with provision of clearly identifiable pedestrian linkage and access to the site and buildings;
- iii. High quality building materials should be used for all facades with material, colour change and surface relief employed to visually break up large wall space.
- iv. Ample glazing should address the road and parking areas with articulating features such as awnings and bump-outs used to identify building or unit access points
- v. A variety of compatible colour and finishes should be considered for multi-unit commercial buildings;
- vi. Parking areas are encouraged to be located at the side and towards the rear of new commercial development, so as to not diminish pedestrian accessibility from the roadway;
- vii. Loading areas should be located at the rear of buildings;
- viii. Inter-site connectivity through mutual easements and agreements for vehicular and pedestrian traffic is encouraged to limit the amount of vehicular access points required from the roadway;
- ix. Incorporating site furniture such as benches and bicycle racks should be provided;
- x. An enhanced landscaping treatment along street frontages and pedestrian routes is required. Other treatments such as low, decorative fencing in combination with landscape plantings may be used to demarcate outdoor patios, but are discouraged for property demarcation;
- xi. A minimum of 15% landscaped open space for the properties in the Gorham Commercial Centre is required and should focus and direct landscaping towards the street frontage;
- xii. Pylon and pole signage should be contextually sensitive. Multi-unit commercial tenants are encouraged to utilize clustering on a single shared pylon or pole sign.
- xiii. Drive-thru operations should be designed to address such matters as visual and aesthetic impact on adjacent properties and public road allowances.

For Commercial uses located away from the public roadways (those with expanded permitted uses):

- xiv. Building materials and facades visually accessible from the public roadway should remain of high quality;
- xv. Foundation landscaping treatments shall be encouraged where visually accessible from the public roadway
- xvi. Units with roll-up bay doors should be designed so as to not be visible from the roadway and loading should remain in rear areas;
- xvii. Businesses with delivery or fleet vehicles should use rear area parking, reserving customer parking in front buildings or units;

4.18.10. **INSTITUTIONAL**

The lands designated on Schedule “RTB-2” as “Institutional” shall recognize the existing institutional uses within the Secondary Plan Area and shall be reserved for a variety of public and institutional uses generally being governed by the Institutional policies of Section 4.12.

4.18.11. **OPEN SPACE**

- a) The lands designated as “Open Space” on Schedule “RTB-2” shall be reserved for a variety of active and passive recreational use and other open space uses including storm water management. The policies of Section 4.13 shall generally apply to lands designated as Open Space.

Lands identified under an “Open Space” designation within the Ridgeway-Thunder Bay Secondary Plan Area are further defined as provided below.

4.18.11.1. OPEN SPACE – PARKS (COMMUNITY, NEIGHBOURHOOD AND SPECIALIZED)

- b) The Town of Fort Erie’s Parks and Open Space Master Plan shall serve to generally guide the appropriate location and effective service area distribution for parks within the Secondary Plan Area. Applications for development shall have regard to the Master Plan and preferred park locations in their design plans.
- c) Parks are shown on most Schedules of this Plan. It shall remain the intention of the Town to pursue acquisition of adequate Parkland through dedication or other means afforded to the municipality through cash-in-lieu opportunities.

- d) Town owned parks fall within three classifications as stated in the Parks and Open Space Master Plan. The following policies are intended to identify objectives of the Town as it relates to:

Community Parks

- i. Crystal Ridge Park located in the northeast corner of the Crystal Beach Neighbourhood has traditionally performed the role of Community Park and Neighbourhood Park for both adjacent neighbourhoods and shall continue in this capacity with no new Community Park planned within the Ridgeway-Thunder Bay Secondary Plan Area.

Neighbourhood Parks

- ii. The Town shall pursue new neighbourhood parkland through dedication from current development activity occurring in the vicinity of Thunder Bay Road / Maple Leaf Avenue (Ridgeway-by-the-Lake and Ridgeway Shores Development areas) to service the south central area of the Secondary Plan
- iii. Additionally, neighbourhood parkland has also been identified on the schedules of this Plan, located north of the Bertie Public School in the northern portion of Ridgeway. Dedication will be pursued as the preferred method of acquisition resulting from any development applications by area owners with additional lands acquired where necessary from cash-in-lieu contributions.
- iv. Neighbourhood Parks are an important component of the overall Open Space network within the Secondary Plan. Neighbourhood Parks are considered points of interest or walkable, bikeable destinations for residents within the Plan Area and therefore, should be given priority in terms of connection to the overall network. Wherever possible, the provision of active transportation infrastructure to support pedestrian access to Ridgeway Lions Park, Bill Connolly Field and future neighbourhood parks shall be considered and addressed through new development applications, capital projects and capital replacement budgeting.

Specialized Parks

- v. Ridgeway-Thunder Bay provides several Specialized Parks within and straddling its boundaries. More specifically, Shagbark Nature Area, Maple Leaf Park (waterfront), Bernard Avenue Beach (waterfront) and the Friendship Trail. Each of these specialized

parks provides public with opportunities for unique passive recreational pursuits and will be protected for the enjoyment of future generations.

- vi. In addition, the Village Square in the heart of downtown Ridgeway acts as a focal point and transitional node or hub between civic culture and the active/passive recreational culture associated with the Friendship Trail. This unique specialized park space shall be promoted and supported by the Town and RBIA as a means of stimulating social interaction and commercial activity of residents and visitors year-round.
- vii. Opportunities for additional waterfront road allowances to be used for Specialized Park purposing will be considered by the Town to permit continued public access to the waterfront. Such initiatives are consistent with the Town's corporate strategic planning concerning public waterfront access.

4.18.11.2.OPEN SPACE – LINKAGE

- a) The Town supports linkage opportunities that assist in providing improved pedestrian access to points of interest such as the downtown core area & village square, neighbourhood and community parks, schools and public waterfront spaces.
- b) The Town shall make every effort to ensure publicly accessible linkage opportunities are protected and accessible when new development or re-development is proposed within the Plan Area.
- c) Road allowances not presently improved within the Plan Area may be considered by the Town for pedestrian linkage. The Town supports creation of a pedestrian trail linkage on un-travelled portions of Wells Avenue (from Evadere to Hyman) as a means of providing more direct pedestrian connection from the Friendship Trail to the waterfront. By extension, such linkage also creates a core pedestrian linkage to Ridgeway's Downtown Core area for many residents in the Thunder Bay neighbourhood area. In general terms, this north-south connection is an excellent asset for active transportation.
- d) Trail development through select Environmental Area designations identified on Schedules RTB-3 and RTB-3a is considered desirable by the Town. The Town may pursue trail network connectivity where feasible to do so, in consultation with the Niagara Peninsula Conservation Authority and/or MNR, in effort to provide for an enhanced open space network within a variety of different natural settings for natural heritage education and passive recreational enjoyment.

- e) Landscaping treatment and maintenance requirements for linear public linkage will be determined by Town Parks & Open Space staff in consultation with Operations staff. Some areas may be best suited in a naturalized state and others may be preferred in a maintained park like setting.
- f) The Town may consider, acquire or become the benefactor of land for linkage purposes; however, the Town is under no obligation to purchase or accept lands for linkage that, in the opinion of the Town, does not serve to provide opportunity for long term continuous or contiguous connection. Linkage opportunities will be reviewed on an ongoing basis by the Town during secondary planning and individual application submissions.
- g) Linkage opportunities are represented on Schedules RTB-3, 3a and 4 of this Plan and illustrate a preferred series or network of connection. Pedestrian linkage for the purposes of this Secondary Plan can be comprised of sidewalks, multi-class paved, un-paved and naturalized trails systems.

4.18.11.3.OPEN SPACE – PUBLIC WATERFRONT

- a) Policy 4.13.4 shall continue to apply with respect to the Lake Erie shoreline within Ridgeway-Thunder Bay.
- b) The public waterfront represents an important component to the overall open space network with respect to broader community interests. The publicly accessible waterfront areas are destinations for many residents and visitors from beyond Fort Erie’s boundary. The Town shall remain diligent in protecting its public waterfront property and related points of access. Additional waterfront lands shall be received through the implementation of existing Town policy.
- c) The Town shall ensure that available parking areas associated with waterfront access locations are optimized. The Town will continue to monitor area on-street parking to ensure pedestrian safety and passable conditions are maintained. The Town may consider restrictions to on-street parking in areas of high pedestrian traffic and crossing movement for safety and improved sightlines.

4.18.11.4.OPEN SPACE – STORM WATER MANAGEMENT (SWM)

- a) Lands identified as “Open Space - Storm Water Management” (SWM) within the Plan Area serve to provide quality control and volume storage as a result of development. These SWM facilities are functional components of the overall catchment areas they receive surface drainage from and are not considered suitable as active park space for structured recreational purposes. There is an

inherent hazard or flood risk associated with their function and as a result, design of these facilities may require they be fenced for public safety and protection. If options are made available to design in a manner acceptable to approval authorities, efforts to reduce or eliminate fencing requirements should be explored.

- b) Opportunities for SWM facilities to be designed in a manner that provides for a naturalized setting should be considered, provided access and maintenance requirements are not impacted.
- c) New subdivision development will require appropriate studies to assess and demonstrate management of stormwater flows so as to not impact on downstream capacity as a result of increased hard surface run-off.
- d) New development not required to provide SWM ponds shall demonstrate acceptable levels of on-site containment and regulated run-off achieves pre and post run-off conditions for the respective drainage area.
- e) SWM Management reports and detailed engineering shall require approval of relevant authorities including the Town and Niagara Peninsula Conservation Authority. New Stormwater Management Facilities (ponds) will require an Environmental Compliance Approval form the Ministry of Environment.
- f) Existing and proposed SWM facilities are shown on Schedules “RTB-3, 3a and 4”. Proposed SWM ponds shall be considered approximate until detailed engineering at the development stage can more precisely define limits and location of the designation.
- g) Following detailed engineering analysis, should proposed storm water management facilities identified as “Open Space (SWM)” on the Schedules to this Plan be relocated, shift or have their area requirement diminish, the subsequent implementing designation shall be interpreted to be the adjacent developable land use designation. An amendment will not be required provided the changes are not substantive and are the result of detailed refinement.

4.18.12. **NATURAL HERITAGE**

4.18.12.1.GENERAL

- a) Policies of Section 8 shall apply to all Natural Heritage resources within the 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 environmental features or sensitive areas.

- b) Determination of any natural feature boundaries or environmental study requirements will be identified/confirmed during mandatory pre-consultation for Planning Act applications, or on permit application review for site or building expansions in cases where the lands are regulated under the Conservation Authorities Act, as administered by the Niagara Peninsula Conservation Authority, and in accordance with Section 8 of the Official Plan.
- c) Determination of 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.
- d) There may be unique circumstances that need to be recognized as a result of existing conditions, such as existing dwellings within wetland buffers and lots of record within hazard lands. Any such unique circumstances will be identified and discussed if and when a planning application or building permit application is filed with the Town and/or having been identified during pre-consultation. Determination of the applicable approval authority will be dependent on the nature of the existing condition and the environmental designation or constraint impacted. The MOU will be referenced in determining approval authority.

Lands impacted by natural hazards regulated by the NPCA will be subject to regulatory controls under the NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (O.Reg 155/06), as amended from time to time.

- e) Schedule RTB-2 of the Ridgeway-Thunder Bay Secondary Plan illustrates areas of Environmental Protection designation. These areas are identified on Schedules RTB-3 and RTB-3a, and are further broken down to illustrate the specific natural components.
- f) The Ridgeway-Thunder Bay Secondary Plan also contains Environmental Conservation Areas, all of which are shown as an overlay designation on Schedule RTB-2. Development may be permitted in an Environmental Conservation Area subject to an EIS having been conducted and the Terms of Reference approved prior to initiating the EIS by the applicable approval authority.
- g) Policy 8.8.1.XXIV shall be referenced for direction regarding the relationship between existing draft approved plans of subdivision and natural heritage features.

4.18.12.2. ENVIRONMENTAL PROTECTION AREA

- a) Environmental Protection Areas are comprised of Provincially Significant Wetlands (PSW's) and lands subject to natural hazard conditions as described in Section 8.2.4.
- b) PSW's are identified on Schedules RTB-2 and RTB-3. All PSW's are designated as Environmental Protection.
- c) The Plan Area contains several locations where PSW's are identified. The most notable being located generally south of Dominion Road, east of Prospect Point Road North, west of Maple Leaf Avenue North and north of the former golf course along Thunder Bay Road. The friendship Trail bisects the feature just north of its centre. This large feature is referred to locally as the Mann Farm.

The northern portion of this Environmental Protection Area, being those lands north of the Friendship Trail is currently in public ownership. South of the Friendship Trail, a portion at the very southern region is being dedicated to the Town through the Draft Plan Approval process (Ridgeway Shores). The remaining central region of the Environmental Protection Area remains in private ownership. Acquisition of this central portion by a public entity should be explored to continue to provide long term protection for this large ecological feature in the heart of the Secondary Plan combined with educational opportunities through appropriate trails approved by the relevant approval authorities.

- d) Three additional locations containing PSW designation are identified on Schedule RTB-3. The first being in the northwest corner of the Plan Area, southeast of the Nigh Road and Gorham Road intersection. The second is located at the westerly most limit of the Plan Area, adjacent to the Gorham Commercial Gateway and lastly, in the southeast, adjacent to the Shirley Road Pumping Station. In all instances the Environmental Protection designation has been applied and long term protection shall be afforded.
- e) The Ministry of Natural Resources (MNR) establishes the boundaries of wetland features and considers the evaluations to be open files. Property owners who wish to have wetland boundaries re-evaluated have the opportunity to do so in consultation with the MNR. The NPCA will provide guidance to the owner in establishing discussions with local MNR representatives if desired. Property owners should recognize that wetland features may change over time and may increase or decrease in size and will be evaluated as such by the MNR.

- f) Schedules RTB-2 and RTB-3 illustrate the PSW feature and the 30m buffer area associated with the feature. Development within the buffer area is regulated by the NPCA and generally not permitted unless approved by the NPCA.
- g) The 30m buffer adjacent to the PSW's is represented by a line on the Schedules and also illustrates an underlying land use designation. This underlying land use designation does not constitute or secure development rights or potential without pre-consultation with the NPCA and Town on a supporting EIS and the EIS having been completed and accepted by the NPCA.
- h) Notwithstanding paragraph a) and c) herein, Section 4.18.12.1c) recognizes there may be unique circumstances for existing development in PSW buffer areas, in which case, the need for an EIS will be determined through consultation with the Town and NPCA and will be subject to NPCA regulations in effect, as amended from time to time.
- i) Natural Hazards are reflected on Schedules RTB-2 (contained within the Environmental Protection designation) and further broken down on Schedule RTB-3 and RTB-3a. The policies of Section 8 shall apply to Natural Hazards identified within the Ridgeway-Thunder Bay Secondary Plan Area.

4.18.12.3.ENVIRONMENTAL CONSERVATION

- a) Environmental Conservation Area designation comprises wooded areas over 2.0 ha. and the most sensitive of natural areas identified by the Town's Natural Areas Inventory. The Environmental Conservation Area designation is an overlay and is shown on Schedules RTB-2.
- b) When an EIS is required, the Region's guidelines will be followed. The guidelines contain requirements and procedures for scoping and waiving studies. The applicable approval authority shall have regard for the requirements in to simplify the approval process while allowing development that safeguards the natural environment.
- c) A Tree Preservation Plan may be required to implement the recommendations of an EIS, or to protect trees identified as worthy for protection. Requirements for a Tree Preservation Plan will be identified in conditions of draft plan or site plan approval.

4.18.12.4.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 Schedules.

- b) Schedule “C” of the Official Plan illustrates conceptual Corridors throughout the municipality. These corridors represent a higher level linkage 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 Ridgeway-Thunder Bay Secondary Plan Area contains several such corridor routes, which are shown on Schedule “RTB-3” of this Plan.
- c) There is a considerable amount of existing development along portions of these Environmental Corridor routes within the Plan Area. Where feasible, any proposals for new development may be requested to address how these routes could receive enhancement to assist in wildlife movement.

4.18.13. TRANSPORTATION SYSTEMS (ROAD NETWORKS, ACTIVE TRANSPORTATION AND PUBLIC TRANSIT)

- a) The Transportation System is in reference to the various modes of transportation infrastructure that exists or can be planned to be made available to service the Ridgeway-Thunder Bay Secondary Plan Area. The three components envisioned to service the Plan include the road network, the pedestrian/active transportation network and public transit routing.
- b) Transportation systems are shown on Schedule RTB-4 of this Plan
- c) 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 and prioritizing maintenance, construction and improvement will be considered annually through capital budgeting and through development application activity.
- d) 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.

4.18.13.1.ROAD NETWORKS

- a) The development of the road network for the Ridgeway-Thunder Bay Secondary Plan 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) The existing road networks within the Plan Area are generally developed in terms of travelled passage. The historical grid of road allowances strongly represents in the built environment. There are a few road allowances that have remained unimproved and may be considered for alternate purposes relating to active transportation, trail network development and pedestrian connectivity, prior to any determination on whole or part of the unimproved road allowances being considered surplus.
- d) There are generally three categories of roadway hierarchy in the Plan Area. Two Regional arterials (*Gorham Road and Dominion Road*), four Town collectors (*Ridge Road, Burleigh Road, Bernard Avenue and Thunder Bay Road*). All remaining roads would classify as local roads. More recently, private roads are being constructed in association with condominium development; however, these roads remain private and are the responsibility of their respective ownership.
- e) Schedule RTB-4 illustrates the hierarchy of roads and any new development application shall have regard for ultimate road allowance widths in design and zoning setback regulation.
- f) The Plan illustrates “conceptual” roads on portions of the Plan. These conceptual roads are provided as a guide for the purposes of demonstrating efficient use of potentially developable land. Any proposals for areas with conceptual roads shown may supply alternate designs, however development proposals must also demonstrate the effective use of land and connectivity to the existing surrounding road network. Amendment of this Plan would not be required.
- g) The Region of Niagara determines ultimate road allowance width for roads under its jurisdiction. The Region will be circulated with respect to any application for development respecting Dominion and Gorham Roads, at which time final determination on provision of any widening requirements will be identified.
- h) 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 practical or obtainable. Determination of municipal road widening will be reviewed by the Town at the time of application submission or during road reconstruction/improvement projects.
- i) Road widening and daylighting requirements shall be in keeping with the policies of Section 12.7.4.
- j) New road connections should be aligned with opposing roads or major driveways whenever possible.

- k) New road intersections and driveways connecting to Gorham Road and Dominion Road shall require Regional approval.
- l) The Town considers a future road connection linking Yacht Harbour Road with North Shore Drive desirable. This conceptual connection is shown on the Schedules of this Plan. Until such time that an appropriate solution can be determined for connection between the private and public roads, the construction of the connection will not be pursued.

4.18.13.2.ACTIVE TRANSPORTATION

- a) Active Transportation shall be a consideration of Council as identified under Section 12.7.2 iv).
- b) Schedule “RTB-4” illustrates components of the Active Transportation Network for the Ridgeway-Thunder Bay Secondary Plan.
- c) Components of active transportation include on-road cycling lanes, off-road paths/trails and a contextually sensitive neighbourhood sidewalk system within the Plan Area to facilitate a safe and healthy alternative to vehicular travel and reliance.
- d) The Town will take a leadership role in promotion of active transportation infrastructure when reviewing development applications and undertaking road improvements / reconstruction.
- e) The Friendship Trail is a tremendous active transportation asset, not just locally or municipally, but as part of a regional system (*Greater Niagara Cycle Route*). Whenever practical or feasible, additional pedestrian network connection should be considered to further enhance the Friendship Trail’s catchment and access.
- f) Frequent destinations or points of interest, such as Ridgeway’s Village Core, the Gorham Commercial Gateway, schools, parks and waterfront should be given priority for connection when considering annual budget allocation. Connections with established transit routes may also be considered where feasible.
- g) 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 “RTB-4”.

- h) At a minimum, all new or completely reconstructed roads within the Plan Area shall provide for a sidewalk on at least one side of the roadway where financially feasible.
- i) Consideration shall be given to provision of active transportation infrastructure contained within regional and local roadways during major reconstruction projects. Subject to available funding, bicycle lanes as identified on RTB-4 should be a consideration when resurfacing projects are being undertaken.
- j) Collector roads within the Plan Area shall be planned to provide for sidewalks on both sides. Council may consider single side locations in part or in whole following departmental review and recommendation.
- k) 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.
- l) On-road bicycle lanes should be considered for Thunder Bay Road in effort to provide safe cycling access to the waterfront parks and a more southerly east-west route that parallels the service area of the Friendship Trail. Additional linkage from the Friendship Trail to Thunder Bay Road should also be considered. Prospect Point Road North may be suitable to serve in such a capacity, preserving on-street parking in the downtown core area of Ridge Road North. Ultimately, bicycle lanes on Bernard Avenue would create a loop serving the vast majority of the Thunder Bay area.
- m) Portions of the un-opened Wells Avenue road allowance should be considered for active transportation linkage from the Friendship Trail southward towards the waterfront. This central location is well situated to serve both residents and recreationalists.
- n) The Plan Area contains natural environment features that may be suitable for accommodating pedestrian trail linkage. Opportunities to enhance the overall pedestrian network with visual variety in a diversity of settings shall be encouraged. The NPCA will be consulted when trails are proposed in regulated areas. Efforts to connect the Shagbark Nature Area with the core area PSW (Mann Farm) south of Dominion Road and Friendship Trail shall be encouraged.

- o) Any trails associated with, or located in, Natural Features and Open Space areas (excluding some park designations) shall not be lit, thereby assisting in nocturnal wildlife corridor function.
- p) Type of surface materials used on trail linkages in the area natural features will be determined on a site by site basis and in consultation with NPCA and/or MNR where applicable.
- q) Wherever possible, the Town and Region will work cooperatively in establishing linkages to broader regional active transportation infrastructure to further promote and extend the range and reach accessible by active transportation modes.
- r) Active Transportation and Public Transit use are complimentary modes of transportation. Wherever feasible, provision of pedestrian linkage to established transit routes shall be encouraged.

4.18.13.3.PUBLIC TRANSIT

- a) The Ridgeway-Thunder Bay Secondary Plan presently receives regular transit service on a fixed schedule. As development activity increases and population within the Plan Area increases, regular review of the service area routing is encouraged with a goal of expanding coverage and increasing ridership.
- b) Connection to regional transit service is not presently available in Ridgeway-Thunder Bay. The current hub for regional transit connection is located at the major commercial (Walmart) shopping district at Thompson and Garrison Roads (Spears-High Pointe Neighbourhood). Opportunities for regional transit connection shall be encouraged and promoted in conjunction with local transit initiatives in providing access to and from major urban centres within Niagara.
- c) Although not shown on Schedule “RTB-4”, and considered to be a longer term objective, the Gorham Commercial Centre should be promoted for a regional transit hub with local transit connection when regional service levels are capable of expansion. This would also provide the Crystal Beach Neighbourhood with improved access to regional transit, and depending on routing in relation to the QEW, potentially connecting Stevensville as well. The Town shall work cooperatively with the Region on matters relating to improved regional transit connectivity for its residents.

- d) Current local transit routing is illustrated on Schedule “RTB-4”. Although not illustrated on the Schedule, future consideration of expanding the local transit network shall consider Thunder Bay Road and Bernard Avenue for service delivery, providing Thunder Bay residents with a transportation alternative and serving the general public with more direct access to public waterfront areas.
- e) Applications for development shall have regard for transit route service needs. Actual location and infrastructure enhancements for transit stops will be reviewed on an application by application basis. Developers may be required to provide or assist in providing infrastructure to accommodate transit or future transit.
- f) Long term local transit planning shall have regard for locating potential transit stops using a typical 400m radius service area catchment model.

4.18.14. **PARKING**

- a) The majority of the Secondary Plan Area is largely 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.
- b) The Town shall monitor on-street parking in popular areas such as Bernard Beach and Maple Leaf Beach, where seasonal influx may result in increased concerns. The Town may recommend restrictions to alleviate any safety issues if deemed appropriate.
- c) When streets with sufficient road allowance width are identified for reconstruction in popular areas, consideration will be given to the provision of a full parking lane on at least one side of the street wherever feasible.
- d) The Town shall continue to monitor and consider additional opportunities for public parking provision in the Downtown Ridgeway commercial district. The Town shall consult with the Ridgeway BIA on a regular basis respecting parking concerns and work cooperatively in seeking resolution to persistent impacts. Area residents shall be encouraged to use active transportation when accessing the core area, reserving available parking for visitor and tourist traffic.
- e) Should the Town seek to provide additional public parking within downtown Ridgeway, on-street opportunities in the vicinity of the core shall be maximized first and prior to consideration of a new public parking lot. The Town may initiate a parking study prior to any commitment for new lot construction. The Town shall

however, continue to investigate and identify suitable locations for public lot provisions in the event that increased demand warrants action.

- f) 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 properties.
- g) Parking in the Gorham Commercial Gateway will be required to be provided on-site for commercial development, taking into account any approved urban design guidelines when commercial site design is first being considered.
- h) Landscaped areas will be requested for large parking lots, particularly where they are adjacent to Gorham Road, Dominion Road or adjacent residential use. Landscaping requirements shall be focused along the road frontages and shall provide for generous landscaped buffering and planting strips between the roadway and parking areas, using high quality materials and plant stock. No less than 15% of the lot area shall be comprised of landscaped open space including planting strips.
- i) Parking area lighting shall be of adequate levels to ensure pedestrian safety while having regard for any adjacent residential uses. Spillover lighting from parking lot lighting onto adjacent properties shall be avoided.
- j) As predominant road frontage in the Gorham Commercial Gateway gain access to regional roads, the Region will be required to approve ingress/egress locations. Inter-lot connections by way of mutual access easements and agreement are encouraged to limit the amount of driveways and enhance the landscaping abilities afforded with broader, contiguous boulevard lengths.

4.18.15. **CULTURAL HERITAGE**

- a) All matters of Cultural Heritage shall be consistent with Section 11 of this Plan.
- b) The Town recognizes the unique cultural and historical significance of the Downtown Ridgeway Commercial Core Area as being fundamentally and characteristically different than other commercial designations within the Plan Area. Together with the residential in the immediate vicinity, the Ridgeway downtown displays cultural heritage characteristics that need to be considered in the event that new or re-development is proposed in the downtown area.
- c) In developing Urban Design Guidelines for Ridgeway's downtown, the Town will ensure guidelines address cultural and historical elements that should be maintained and enhanced in effort to strengthen the village character.

- d) The Secondary Plan Area contains a number of properties that are either presently designated under the Ontario Heritage Act, or have been identified by the Town to be of interest and subsequently added to the Municipal Registry for consideration on designation. The majority of these properties are located in or within close proximity of the downtown Ridgeway core, generally being the area that best reflects the heritage character of the community. 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.
- e) Schedule “RTB-2” identifies the location of properties that are either designated or listed on the Municipal Registry. The Fort Erie Museum and Cultural Heritage Committee shall continue to advise Council on matters of Ridgeway-Thunder Bay’s built heritage and from time to time, may recommend for Council’s consideration, additional properties for designation or addition to the Registry.
- f) The Ridgeway-Thunder Bay Secondary Plan Area contains areas of archaeological potential. New development proposals may require an archaeological assessment study prepared by a qualified individual or firm to accompany any such development application. The parent Official Plan Schedule 'D' - Cultural Heritage Archeological Zones of Potential identifies areas subject to this requirement. Need for any such study shall be confirmed through mandatory pre-consultation prior to any application submission.

4.18.16. **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 facilities and municipal drainage will be provided, maintained and upgraded as necessary to accommodate the needs of existing and future development in the Ridgeway-Thunder Bay 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 sewer network for the Plan Area were identified. The Region is in the process of upgrading the Shirley Road Pumping Station, however, the planned work does not preclude, nor impact available capacity for future development within the Plan Area.
- d) The Town shall continue to make improvements to storm drainage systems in the Bernard Avenue/Thunder Bay area to assist in alleviating poor natural surface

drainage in this relatively flat area of the municipality. Any planned improvement projects shall be identified in the 10 year capital projects budget.

- e) 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.
- f) Existing municipal water supply is currently available to service the Plan Area. All new development may be required to loop watermains wherever opportunity exists to do so.
- g) All new development within the Secondary Plan Area shall be developed with full municipal services with exception of minor in-filling through consent on roads serviced by open ditch and rural cross section.

4.18.17. **UTILITIES**

- a) Utility providers are encouraged to consult with the Town when new major 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. Utility companies are encouraged to work cooperatively with the Town and regulatory authorities in determining suitable locations that are compatible with existing and planned development, in effort to reduce or eliminate potential conflicts,
- b) 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.

4.18.18. **NEIGHBOURHOOD GATEWAYS & LANDMARKS**

- a) Schedule RTB-2 illustrates Gateway and community Landmarks at key locations in the Plan Area with one such Landmark currently existing:
 - i. Ridgeway Core Area (existing Landmark feature at Civic Square)
 - ii. Gorham Commercial Gateway
 - iii. Dominion East Gateway
- b) Gateway features act to provide both physical and physiological queues to sensory perception on arrival or departure and Community Landmarks act as

visual benchmarks or visual points of reference to indicate location. These queues can range depending on what is intended in defining the character of the gateway or landmark.

In other words, the intensity of the feature makes an intended statement and projects an image the neighbourhood 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 bold statement or a much more modest approach to signal a threshold or specific location.

- c) The Downtown village core area employs a Landmark feature that is clearly identifiable in its location and character. The Village Square represents the heart of the core area and the Landmark acts to re-enforce this location for all to reference in a prominent manner.
- d) The Gorham Commercial Gateway is envisioned to be an active commercial area, focusing less on village character and more on commerce and enterprise. When considering a Landmark for this area of the neighbourhood, consideration should focus on the intersection of these two regional roads. Architectural elements or signature buildings can be considered for the corner properties at this location. The Town will work cooperatively with the Region and property owners in making provision for an architectural feature for inclusion in any future develop or re-development of corner properties.
- e) Gateways and Landmark features can be further defined through the preparation of Urban Design Guidelines.
- f) The Dominion East Gateway feature should consider landscape treatment as the primary feature in combination with other elements such as rock and lighting techniques, creating a modest, low impact gateway reflective of the lower density residential development in the immediate area.
- g) When municipal wayfinding signage is being considered in close proximity the signage should be situated in such a manner that it does not compete with the Gateway or Landmark features,
- h) Any Gateway or Landmark Feature planned along a regional road will require consultation with regional staff and potentially an approval depending on actual position or placement.

4.18.19. INTERPRETATION OF THE PLAN

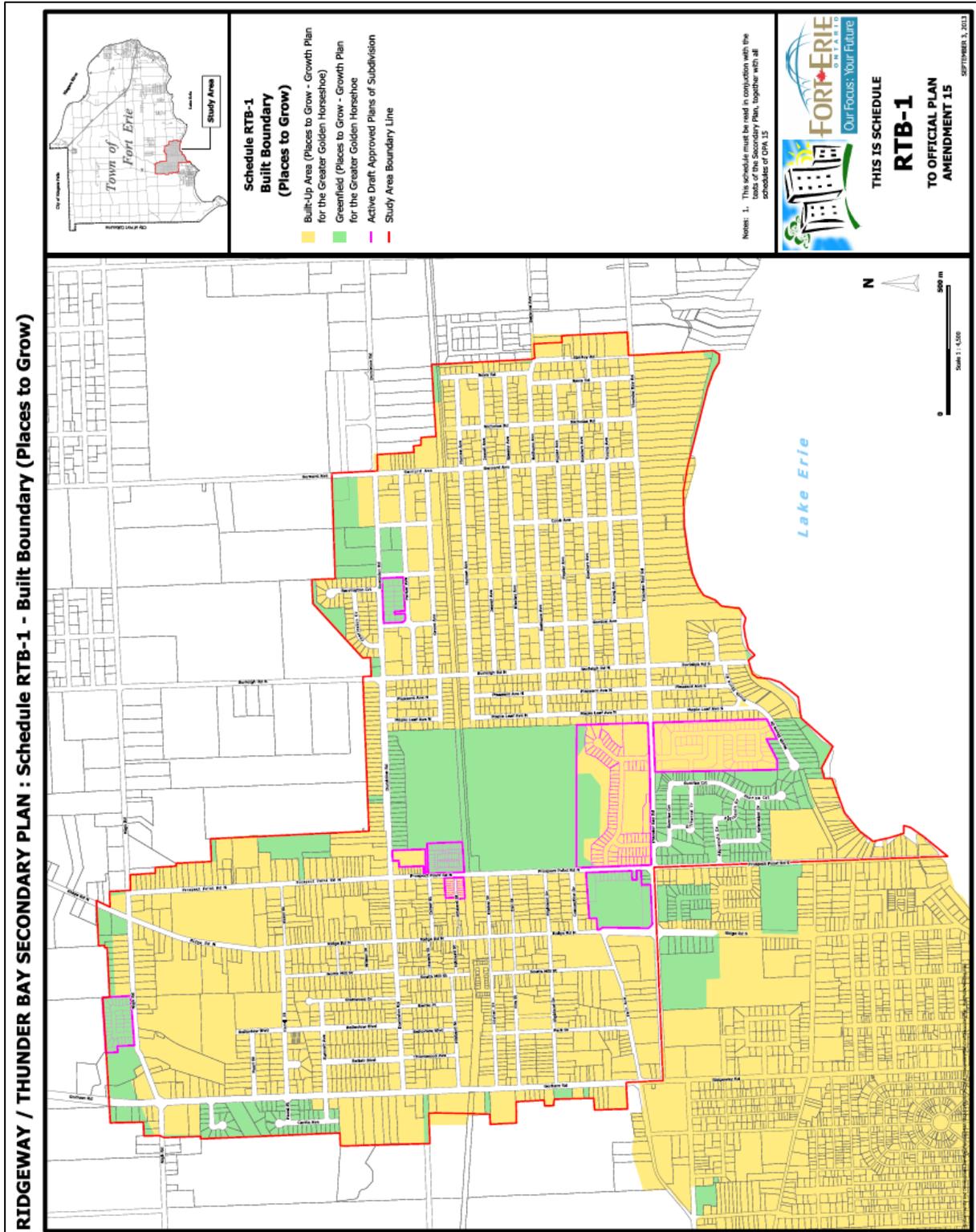
The Ridgeway-Thunder Bay Secondary Plan (Official Plan Amendment No.15) consists of Sections 4.18.1 through 4.18.18, and Schedules “RTB-1”, “RTB-2”, “RTB-3”, “RTB-3a” and “RTB-4”.

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.

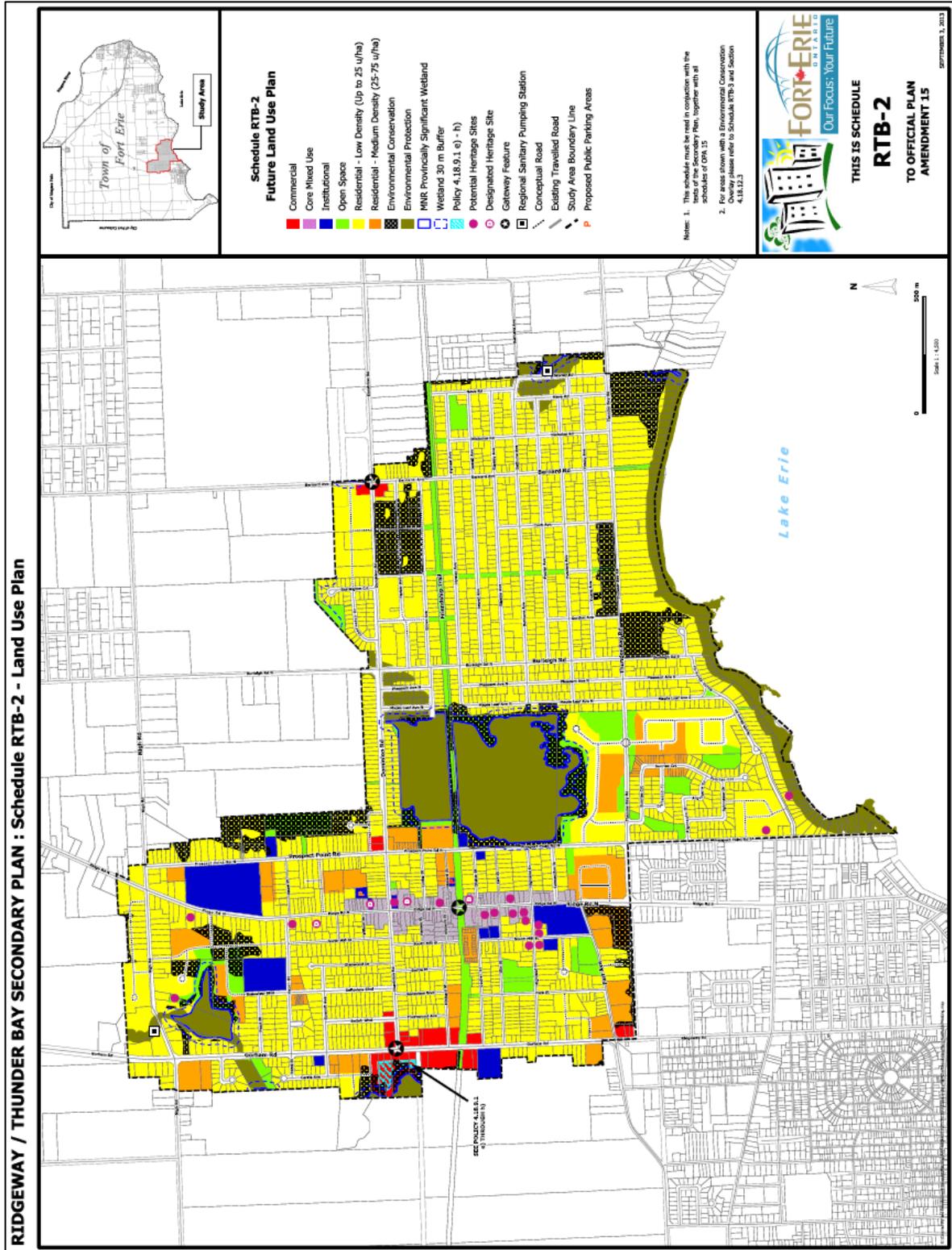
(Section 4.18 was introduced by By-law 2013-084, OPA #15)

SCHEDULE “RTB-1”—BUILT BOUNDARY

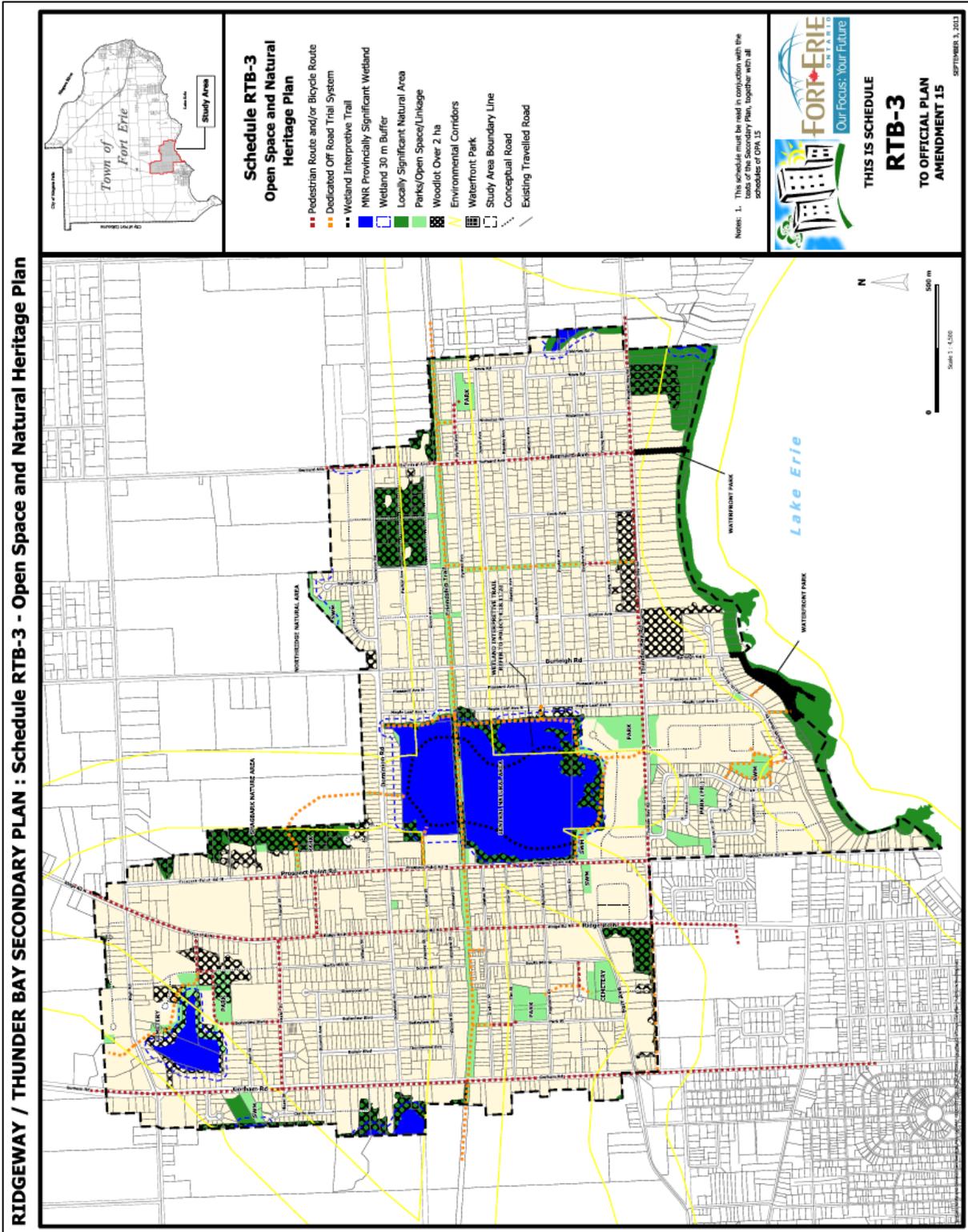
RIDGEWAY / THUNDER BAY SECONDARY PLAN : Schedule RTB-1 - Built Boundary (Places to Grow)



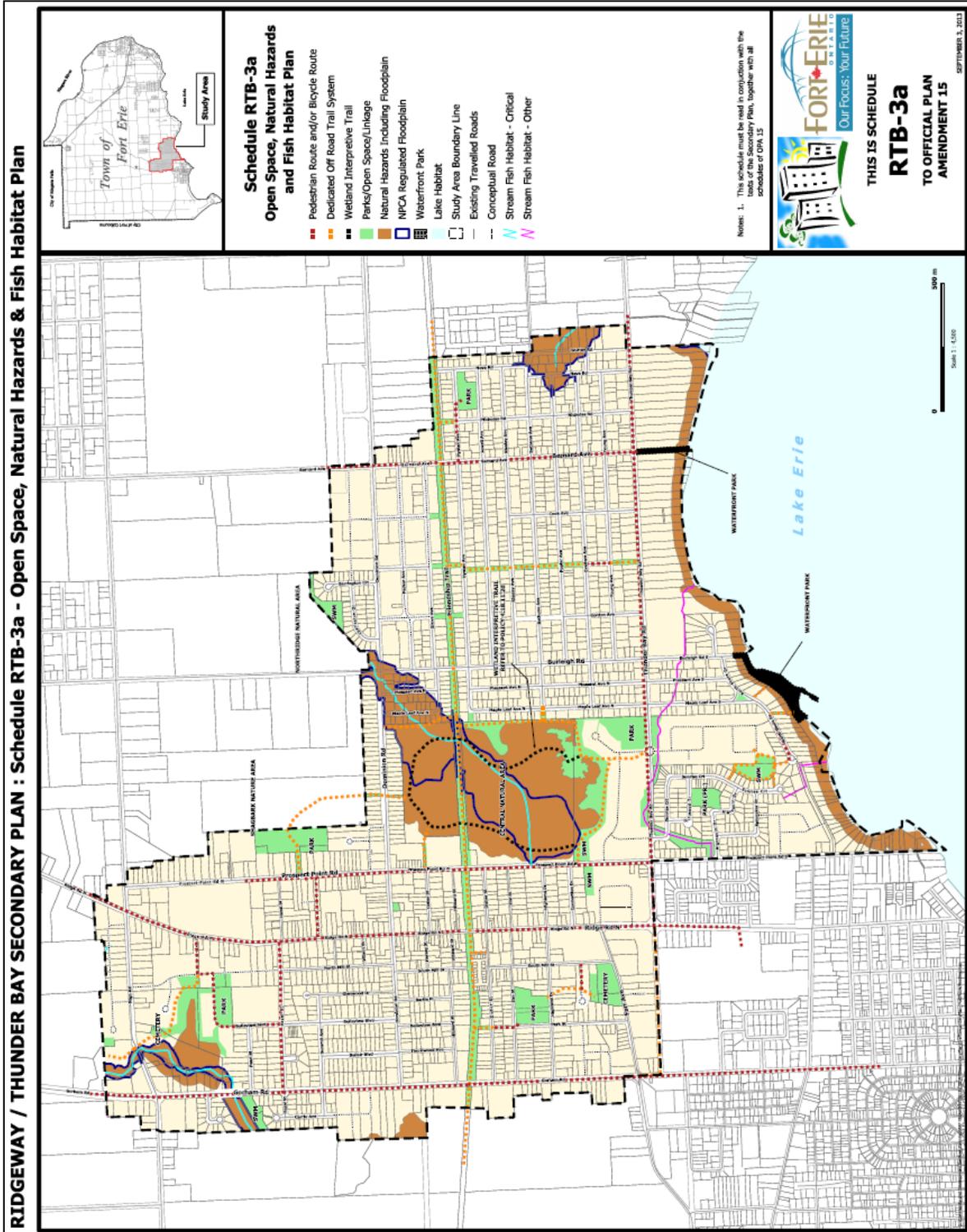
SCHEDULE "RTB-2"—FUTURE LAND USE PLAN



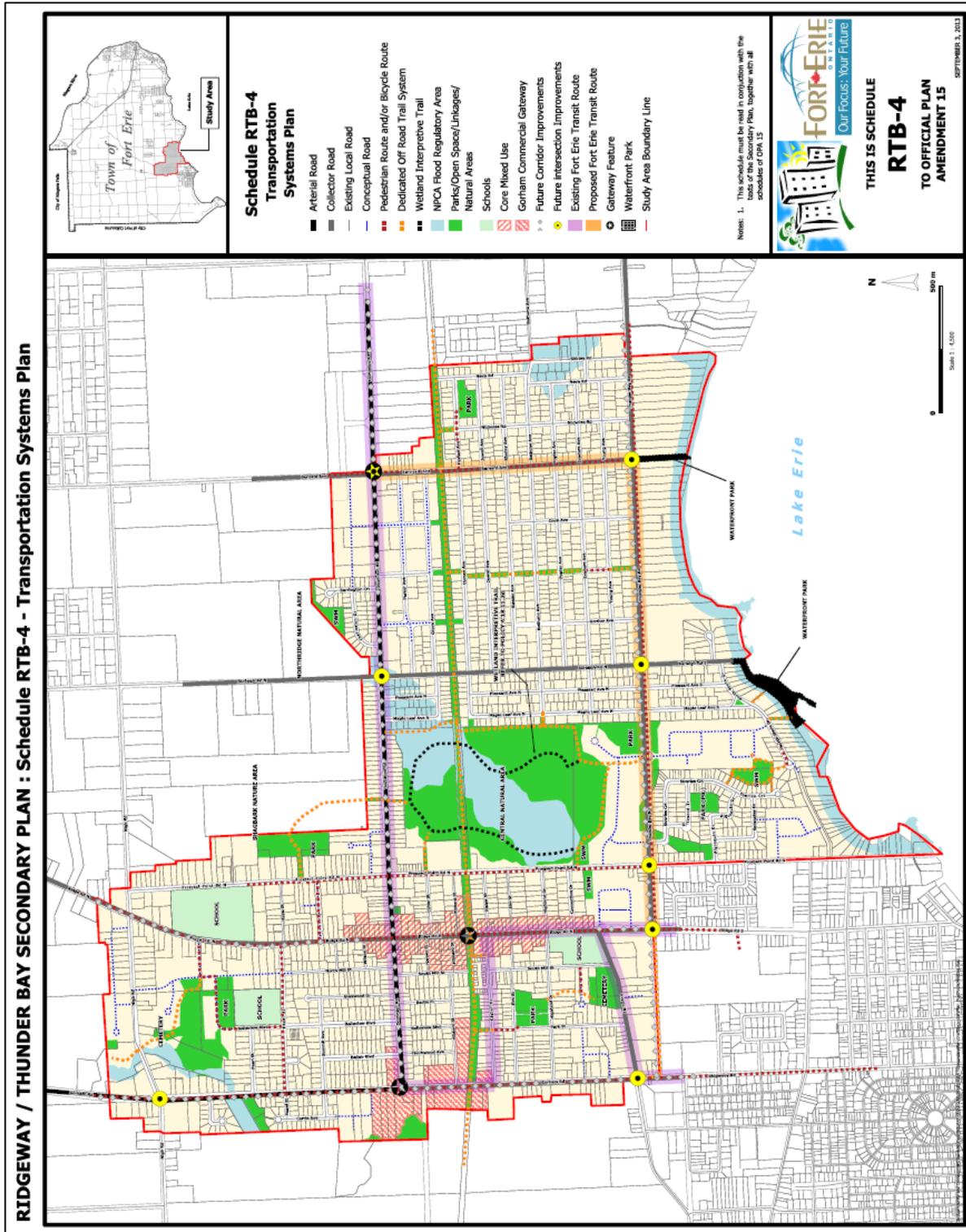
SCHEDULE “RTB-3”—OPEN SPACE AND NATURAL HERITAGE PLAN



SCHEDULE “RTB-3A”—OPEN SPACE, NATURAL HAZARDS AND FISH HABITAT PLAN



SCHEDULE "RTB-4"—TRANSPORTATION SYSTEMS PLAN



4.19. STEVENSVILLE SECONDARY PLAN

4.19.1. PURPOSE

The purpose of the Stevensville Secondary Plan is to provide a framework for a cohesive, complete community, providing opportunities for new development in and around the existing neighbourhoods while remaining conscious and sensitive to the established community as a whole. The framework is intended to provide clear direction in achieving subsequent goals and objectives.

The Secondary Plan consists of a land use plan and related policies to guide development and other forms of renewal to ensure it is in keeping with the Town's vision for this neighbourhood. The Plan will provide and serve as the guide for planning activity at a minimum to the year 2031, and will be subject to amendments from time to time, as well as being included the Town's 5 year review of its Official Plan.

4.19.2. VISION

The Secondary Plan is the result of comprehensive consultation. This strategic planning exercise utilized a neighbourhood planning approach including input from municipal and community Focus Group SWOC (Strengths, Weakness, Opportunities & Constraints) sessions, which generated the following Secondary Plan Vision:

“The ideal Stevensville is a well-planned village that is inclusive, connected to nature, neighbours and jobs; that celebrates its rural heritage and looks forward to a prosperous future with vital commercial and employment areas.”

4.19.3. GOALS

The goal of this Plan is to build off the “vision” established, treating it as a benchmark, and to implement a policy framework that strives to achieve the vision. These goals can be met by providing for a variety of residential densities, form and heights, commercial, mixed use and open spaces, while also protecting significant natural environments. The Plan also seeks to provide flexibility in the commercial uses and new light industrial lands

to expand the potential for employment type uses and opportunities capable of establishing in Stevensville.

A complete community meets the diverse needs of its many residents and visitors including homeowners, businesspersons, shoppers, and tourists. The Plan shall seek to establish areas and opportunities for residential and mixed use intensification in key locations within the neighbourhood, remaining sensitive to the village character and meeting the needs of all neighbourhood residents, businesses and citizens of this Town. Furthermore, it will provide guidance/criteria for any further residential intensification.

4.19.4. **OBJECTIVES**

The main objectives of the Stevensville Secondary Plan are to:

- a) Articulate a Village Core area by location and description.
- b) Provide for serviced ready employment lands to attract new businesses to the industrial park.
- c) Support the commercial areas of the neighbourhood that provide the residents and surrounding rural and agricultural community with a variety of goods and services, as well as providing for the needs of visitors and tourists traveling through and to the community.
- d) Ensure there are sufficient urban lands to accommodate appropriate community growth throughout the planning period, while maintaining the village character.
- e) Provide for a variety of housing alternatives at key locations throughout the neighbourhood with particular focus on strategic intensification and a full range of housing types that contribute to age in place opportunities.
- f) Provide a full range of housing choices that are coordinated with land use designations and densities that provide for suitable transition and gradation.
- g) Encourage development forms which are compact, to utilize urban land and services efficiently.

- h) Encourage land assembly that would result in more efficient and effective in-filling.
- i) New housing development and re-development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans will be acknowledged within the neighbourhood planning context and developers of these plans shall be encouraged to work with the municipality in achieving the objectives of this Plan.
- j) Provide opportunities to embrace and enhance “active transportation” infrastructure through creation of a recreational river trail and augmenting and enhancing pedestrian networks that connect the community and give residents a healthy alternative in their transportation choices.
- k) Make the neighbourhood a friendly, walkable community that promotes pedestrian movement and active transportation. Place emphasis on community safety for all ages by providing sidewalks, bike lanes, speed and stop control on our shared roadways.
- l) Provide policy that recognizes and facilitates defining a village core, both physically and aesthetically, without limiting the ability of more contemporary commercial operations from establishing in other commercial areas of the neighbourhood.
- m) Promote establishment of a Stevensville BIA and work with local businesses and regional partners in creation of a Core Area CIP to assist and stimulate private investment through various financial incentive opportunities.
- n) Protect significant natural features such as Provincially Significant Wetlands with appropriate environmental protection designation, ensuring their ecological functions, benefits and contributions to the natural environment will be shared for future generations.
- o) Anticipate transit service and provide or reserve adequate space within the road allowances for transit supportive design, for implementation once population and the employment lands have bridged the feasibility and viability gaps that have kept regular transit service to Stevensville from being established.

- p) Promote an appropriate employment designation for lands within the Neighbourhood, in effort to foster light industrial activity in a small business park setting.
- q) Promote meaningful conservation of the neighbourhood built heritage features while ensuring standards for health and safety are not compromised and that in doing so, potential for renewal and redevelopment are not precluded.
- r) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses and institutions of this area. Promote housing development that will provide opportunities to meet with demographic and socio-economic needs of the Town. A full spectrum of built form and tenure is encouraged if “age-in-place” practice is to be realized.

4.19.5. **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.
- b) Schedule “STV-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.
- c) The Plan sets out to provide for initial areas of Low and Medium density residential and areas of mixed use (residential / commercial) to be situated in the “village core” area. Moreover, the Plan promotes a wide range of residential choice, including age-in-place opportunities, meeting with provincial intensification targets, support for village “core area” and in general, an environment that is conducive to being a highly walkable community.
- d) The Secondary Plan provides for an overall targeted total of 879 units at plan “build out” including the existing 479 units. The new 400 additional units identified in this Plan will increase the existing population from 1240 persons to 2250 by adding approximately 1020 new residents to Stevensville over the long term. The 400 new residential units shall comprise approximately 70 new low density residential units, and 206 new medium and mixed use density

residential units. The new residential projection also accounts for the 124 units in existing registered or draft approved plans of subdivision yet to be developed. Intensification of residential densities within draft approved plans over and above the unit counts in this policy shall be permitted by zoning by-law amendment in accordance with other policies in this Section.

- e) 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. Such developments shall be integrated with other forms of housing rather than segregated or isolated in order to provide a more cohesive and inclusive neighbourhood. In doing so, the opportunities for age-in-place are also supported and extended to a broader socio-economic base.
- f) The Town will consult developers regarding intensifying their existing draft approved plans of subdivision, provided the locations are suitable for increase and consistent with locational criteria defined under Section 4.19.6 g) and 4.19.7 d). An amendment to this plan will not be required.
- g) For lands impacted by the Environmental Conservation Overlay, only through developer or landowner activity where there is an interest in advancing the underlying designation, and where an EIS has been required and approved, will actual development potential be confirmed. Recognition that impacts may affect ultimate unit yield shall be afforded to this Plan and the stated projections may change pending the outcome of the required study work.
- h) Neighbourhood commercial uses may be considered in residential neighbourhoods provided they are in keeping with Section 4.7.4.2 of the Town's Official Plan.
- i) Storm water management (SWM) facilities are essential for sustainable development, including residential areas. As such and given the exact size and location of facilities is determined after detailed engineering studies have been provided with development plans; SWM facilities shall be considered a permitted use within both the Low Density Residential and Medium Density Residential designations of this Plan. Appropriate zoning shall be applied as a part of the development process and once location and size have been finalized.

4.19.6. **LOW DENSITY RESIDENTIAL**

- a) The lands designated on Schedule “STV-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) An overall target of not more than 70% Low Density residential yield shall be anticipated within the Plan Area. In effort to achieve this target, lower density dwellings (detached, semi-detached and duplex) should comprise roughly half of all new development form/type. A Low Density range of up to 16 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify lower density housing stock.
- c) Schedule “STVN-2” provides for approximately 70 additional low density units, not including those in existing registered and draft approved plans of subdivision (approx. 115 units) for an estimated total of 185 units over the long term. The yield reflects the existing lot fabric and anticipates retention of some larger existing residential lots. New or redeveloping lower density development can be expected to comprise smaller lot area and dimension. This will also make efficient use of infrastructure while broadening choice and affordability in the low density form over the course of the planning period.
- d) Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.19.13.3 of this Plan. Development, redevelopment or expansion of existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.
- e) Existing Residential area lot fabric between Coral Avenue and Settler’s Cove, west of Stevensville Road, represents largely underutilized residential lands. The Town supports consolidation of property or a bound landowners group exploring the residential in-filling of this area with compatible residential development. Schedule STV-2 illustrates a conceptual road to be able to access and service these lands, however

alternative scenarios may be proposed that result in the ability to maximize the available lands within this area of the Plan

- f) The Plan also designates Low Density immediately east and adjacent to the main body of United Empire Loyalists parkland. These lands are part of a larger parcel of land that is bisected by a tributary recently designated as part of the "Stevensville Road Drain" under the Municipal Drainage Act. The drainage course represents a physical feature used in this instance to create a boundary between the Medium Density to the east. Low Density has been chosen for this location as a transitional or gradation of density between the Medium Density adjacent to the Mixed Use Core, and Open Space uses west of these lands, also representing the urban area boundary.

Servicing feasibility and strategies will be required as part of any development application for these lands. Accessing the Low Density lands will require a cooperative and constructive approach with approval authorities. Relevant environmental impact studies will be required and Drainage Act provisions must be respected. The Town recognizes these lands (east and west of the tributary) as key residential development lands given the limited supply of available land within the Plan and Urban Area. Every effort to retain the longer term development potential of these lands is of interest to the Town.

- g) 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 suitability and size of the site, proximity to arterial roads and core mixed use areas, parks and open space areas or in locations where such form can assist in mitigation and attenuation, such as residential lands adjacent to rail. In such cases, any additional units shall be considered a supplement and compliment to unit counts identified in Policy 4.19.5 d).
- h) Lands designated Low Density lying on either side of Stevensville Road, south of the CN Rail line, that are part of a much larger agricultural land holdings, may seek consents using the urban area boundary as the devising limit. The Town would consider a consent for

that portion falling within the urban area to be in keeping with the Plan's intent and objectives. Services are presently available.

4.19.7. **MEDIUM DENSITY RESIDENTIAL**

- a) The lands designated on the Schedule "STVN-2" as "Medium Density Residential" shall be reserved for multiple-unit structures (townhomes 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) An overall minimum target of 30% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise just over half of all new development. 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.
- c) Schedule "STV-2" provides for approximately 200 new Medium Density units, exclusive of any existing registered and draft approved plans containing multi-unit dwellings
- e) Developers with existing draft approved plans of subdivision within the Plan Area will be encouraged to consider modifying their plans to incorporate additional medium density, having taken into account such matters as suitability and size of the site, proximity to arterial roads and core mixed use areas, parks and open space areas, or in locations where the subsequent built form can assist in mitigation and attenuation, such as residential lands adjacent to rail. In such cases, any additional units shall be considered a supplement and compliment to unit counts identified in Policy 4.19.5 d).
- f) The Plan anticipates approximately 150 units to be developed in two or three low-rise (two or three storey) apartments in the medium density areas immediately adjacent to the village core area. These locations may also be suitable for seniors development that may provide for a level of semi-assisted or fully assisted senior accommodation. A variety of tenure (condominium, life lease and rental) is encouraged to provide broader choice.

Fully assisted or nursing home as an institutional use, shall be permitted in the Medium Density designation requiring only a By-law

amendment, without the need to amend this Plan. Development containing fully assisted senior care, in whole or in part, may increase density on the site to 75 units/ha. for that portion devoted to such use.

The remaining estimate of 50 units within these core shoulder areas are anticipated to be in the form of ground-based single and two storey street or block townhome development in a variety of tenures.

- g) Areas of Medium Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.19.13.3 of this Plan. Development, redevelopment or expansion of existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.
- h) Maximum density of the lands located on the southeast corner of Coral Avenue and West Main Street, known municipally as 3801 West Main Street, shall be 32 un./ha. Site specific zoning shall provide regulation for this property as a whole. This property may be eligible for consent provided a zoning By-law amendment can be approved that is in keeping with the intent of the Town Comprehensive Zoning By-law as amended from time to time, and the combined overall density would not exceed 32 un/ha. Notwithstanding 4.19.7 i) herein, a severed parcel would be permitted to have a single or semi-detached dwelling, provided the severed parcel does not exceed 2 dwelling units in total. Site Plan Approval would be required for both severed and retained lands.
- i) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.
- j) An amendment to this Plan will be required to justify Low Density residential development on lands designated as Medium Density Residential in this Plan.
- k) Notwithstanding 4.19,7 a) and 4.19.7 i) 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.

4.19.8. **CORE MIXED-USE**

- a) The lands designated as “Core Mixed-Use” on Schedule “STV-2” shall

be reserved for a variety of retail and office uses, as well as residential uses. The Core Mixed Use areas are shown on Schedule “STV-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 neighbourhood planning process leading to a Secondary Plan for adoption into the Town’s Official Plan document.
- c) The Town recognizes the cultural and community centre as being in the immediate vicinity of Stevensville Road and East & West Main Streets, including lands on the north side of Black Creek on Stevensville Road. The Community’s development origins trace outwards from this “village” core in the earliest days of the agricultural community’s beginnings. The retention of small town or village “feel” is a key objective of this Plan.

In light of the desired goal, the Plan identifies a “Core Mixed Use” designation that encompasses the “village” core area. It is within this “Core Mixed Use” designation that efforts be made to reinforce a pedestrian environment, conducive to smaller footprint commerce and tourism interests. Public realm enhancement and urban design are to be used in new development, both public and private, in order to further reinforce “character” in a manner that is complimentary. This does not mean replication of period architecture as a requirement, but rather as a consideration, together with such design aspects as pedestrian scale and massing of buildings, placement on the lot and landscaping treatments. The implementing zoning By-law will provide appropriate regulation to guide these objectives.

- d) New development and re-development in the Core Mixed Use area should include provision of residential development together with at-grade commercial and/or second floor office space. Residential is preferred to occupy second or third storey space within the Core Mixed Use designation, however the implementing By-law may provide for adjoining residential to be situated at grade, provided it does not detract from the primary at-grade commercial purpose and use.
- e) There are opportunities for new development and building additions on a number of properties within the Core Mixed Use designation that will assist in better defining a street-wall, in what can be described as an

incomplete or permeated streetscape; this is more the case for properties on the north side of Black Creek.

Over time, building and property owners are encouraged to make such modifications to increase the commercial density without need for expanding the designation. Increased street-front building presence will aide in creating the downtown or village environment where an increased pedestrian presence is both anticipated and expected.

- f) 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.
- g) The Core Mixed Use designation primarily represents the traditional commercial core area, its associated residential components and shouldering period residential building stock. The Town recognizes this village setting as being of fundamental value to the residents of the community. Efforts to retain and enhance this village setting with a pedestrian orientated public realm are of primary interest to all stakeholders.
- h) The Town may wish to consider undertaking an urban design guideline study, depending on available funding opportunities or partnerships.

Until such time that Urban Design Guidelines may be approved, the following site design and urban design principles / guidelines should be acknowledged in submission and review of new development applications within the village Core Mixed Use designation:

Stevensville Core Mixed Use Area

- i. 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 of earlier years and secondly, residential buildings, some of which have been modified or adapted with commercial false front façade additions as the commercial expanded into the neighbouring residential properties. Building setbacks vary under present circumstances and it is desirable in the mixed–use designation to bring the building stock forward to the street line when the opportunity is available to do so.

- ii. Not all buildings hold potential for expansion or modification, in which case, any adjacent properties undertaking such changes shall have regard for neighbouring building existing (constructed) setbacks. Core Mixed Use zoning implemented elsewhere in the Town have typically recognized existing historical downtown environments with zero front and side yard setbacks.
- iii. Stevensville's core area was not constructed in the same manner and most (not all) of the current building stock within the Core Mixed Use designation do have front and side yard setbacks similar to that of contemporary residential standards. Consideration shall be given to the implementing By-law for this new Mixed Use environment to further reduce setbacks and allow expansion for commercial purposes. While the implementing By-law may or may not create a zero setback environment, it should improve available building envelopes to enable forward placement of buildings or expansion on a lot. However, new buildings should attempt to transition through an average setback of adjacent buildings to the front lot line, unless the existing setback is greater than 6m, in which case 6m should represent a maximum setback for new commercial construction.
- iv. New buildings purpose built for restaurant or tavern use may be allowed to setback for the purposes of creating patio space as part of their planned operations. Regardless, setbacks of more than 6m are discouraged to limit a punctured appearance of the street wall.
- v. New or re-developed buildings within the Core Mixed Use designation should maintain an appropriate pedestrian scale within a village context and therefore buildings are strongly encouraged to provide a minimum of 2 storeys and a maximum of 3 storeys with "at-grade" retail/commercial floor space adjacent to the front lot line for the main level and being accessible from the street. At least one upper level should provide for residential dwellings. Office uses can comprise a second floor of a 3 storey building.
- xiv. Building materials selected for new or redeveloping sites should be of high quality and provide some elements that can be related to other existing built form or heritage architecture from within the

village core area. The village feel and character should be the first measure of design when new proposals are received and reviewed for permit or variance.

- xv. Buildings located on street corners are encouraged to present exposed facades that are of high quality in materials and detail. Architectural detailing of same quality should be applied to both street frontages. Depending on internal layout and structural ability, windows are encouraged for all levels exposed to the public realm. Rhythm of window openings on upper levels should be a consideration in conjunction with efforts to maximize glazing at street level.
 - xvi. Ownership of the existing buildings within the Core Mixed Use designation are encouraged to maintain and enhance architectural attributes of buildings particularly those which reflect heritage components or elements that add to the authenticity of the village experience.
 - xvii. When considering site design for new or re-developing properties in the Core Mixed Use designation, residential parking in the rear or side yard is preferred and shall conform to municipal By-law requirements.
 - xviii. Properties and buildings not located directly on Stevensville Road within the Core Mixed Use designation are encouraged to maintain high quality appearance and curb appeal to assist in shouldering the core and to extend the ambiance of the village setting.
- 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) New development in the Core Mixed Use designation shall provide at grade commercial uses and include a residential component. 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 such as parking and outdoor amenity area requirements.
 - k) The Town shall implement the appropriate zoning to reflect the Core

Mixed Use designation, providing detail on permitted uses, regulation and applicable provisions.

- l) The Town encourages the creation of a Business Improvement Area for the “Village” Core Mixed Use area that may, or may not; extend to include all Core Mixed Use and Gateway Highway Commercial lands along the Stevensville Road.
- m) The Town shall seek to implement and administer incentive programs to assist eligible properties within the Core Mixed Use area with programs such as Facade Improvement, Signage Improvement and potentially Interior Renovation for Conversation to provide for additional residential.
- n) Any existing buildings subject of conversion or addition for the purpose of mixed use shall require Site Plan Control and be subject to inspections to ensure Ontario Building and Fire Code Standards are being met.
- o) The maximum height for new construction/buildings within the Core Mixed Use designations shall be 3 storeys (12m)
- p) Drive-thru facilities associated with restaurants, banks or any other type of commercial dispensary shall be prohibited within the Core Mixed Use designation. Commercial operations using drive-thru services will be encouraged to locate in the “Gateway Highway Commercial” area north of Eagle Street.
- q) 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 requirements identified in the implementing zoning by-law, including being within a mixed use building that has a maximum 3 storey (12m) height maximum.
- r) Commercial and residential floor space within the Core Mixed Use designation shall be subject to the general provisions of the Town’s Comprehensive Zoning By-law as amended from time to time.
- s) The Town supports cultural festival activities within the Core Area as a means of stimulating commercial activity and community building.

- t) New automotive related uses are not permitted in Core Mixed Use areas and shall be encouraged to locate in the Stevensville Gateway Highway Commercial area.
- u) Accessibility shall be considered for any development or redevelopment proposals as administered through the Ontario Building Code.
- v) The lands located at 2596 Stevensville Road shall be permitted to have non-automotive repair and similar uses, subject to site specific zoning to regulate accordingly.

4.19.9. **COMMERCIAL**

- a) The “Commercial” areas are shown on Schedule “STV-2” and shall generally be governed by the policies of Section 4.9 unless otherwise defined under this section.
- b) There are two smaller areas of Commercial designation lying in the southern Plan Area along Stevensville Road that have traditionally supplied automotive type highway commercial uses. These commercial uses are being retained in the Plan. Consideration of the long term use as commercial in this location, towards a more compatible residential designation may be of interest to the property owners or Council.

Such consideration would require amendment to this Plan and an Environmental Site Assessment on the suitability of the lands to be used for a more sensitive land use. A Record of Site Condition would also be required prior to such an amendment being considered.

Should consideration be given to re-designating and redeveloping these commercial sites, further consideration may be given to Brownfield CIP incentives should remedial works be required.

- c) Accessibility shall be considered for any development or redevelopment proposals as administered through the Ontario Building Code.

4.19.9.1. STEVENSVILLE “GATEWAY HIGHWAY COMMERCIAL”

- a) The “Gateway Highway Commercial” area are shown on Schedule

“STV-2” shall generally be governed by the policies of Section 4.9.4 unless otherwise defined under this section

- b) In light of the potential highway lying immediately north of the community, the development of more contemporary auto-friendly commercial site design and operation are directed to locate within the Gateway Highway Commercial area where sites are capable of providing for the intended design need and will cater to local population, employment lands workforce, tourism and commuting or transient public.
- c) The designated area provides larger parcels of land capable of developing in a more contemporary highway commercial context, with auto-oriented commercial businesses and on-site parking. The Town recognizes this distinction, which separates itself from the pedestrian oriented Core Mixed Use area established for the traditional village core of Stevensville. The policies of this section intend to support that distinction.
- d) The “Gateway” Highway Commercial area is a term coined by the Community Focus Group to describe a desirable impression when entering Stevensville. Whether remaining as presently configured, or as part of a perception generated as a result of potential highway off-ramping leading into this commercial environment, the term “Gateway” is being used in a land use context and does not represent municipal naming preference. It is simply used to provide description and describe location for this urban area entry point.

Should the future highway come into being, the commercial significance and range of consumers attraction can be expected to increase accordingly.

Commercial development occurring in the Gateway Highway Commercial designation shall have regard for transportation policies; particularly policy 4.19.14.1.

- e) Commercial development within the Gateway Highway Commercial area is encouraged to cluster and share access points from Stevensville Road for improved safety and traffic control management.
- f) All development within the Gateway Highway Commercial area will require on-site parking, consistent with the general provisions of the Town’s comprehensive zoning by-law.

- g) No less than 15% of the zoned commercial lot area shall be comprised of landscaped open space including planting strips with a focus on providing landscaped areas and enhanced treatment along the street frontage.
- h) Commercial operations that utilize drive-thru facilities as part of their operations would be permitted within the Gateway Highway Commercial area provided the design of such facilities does not impact on functional driveway and roadway operation. Site Plan Control shall ensure adequate maneuverability, stacking provision and placement does not create conflicts or interfere with site ingress and egress.
- i) Drive-thru operations shall be required to address such matters as visual and aesthetic impact on adjacent properties through site plan submission of building elevation drawings in conjunction with landscaping plan detail and matching elevations.
- j) As the road servicing the Gateway Highway Commercial area is under regional jurisdiction, the Region of Niagara shall be consulted in the preparation of Urban Design Guidelines with respect to their road allowances.
- k) Pending the outcome of future Phase 2 EA Highway Corridor study, the Town may wish to consider developing Urban Design Guidelines to unify an overall Commercial Gateway image. Such guideline development will be subject to budgetary allocation.
- l) Until such time that Urban Design Guidelines may be approved, the following site design principles / guidelines should be acknowledged in submission and review for new development applications within the Stevensville Commercial Highway Gateway area:
 - i. Recognizing that considerable commuter and tourist vehicular traffic will continue to exist as a component of the overall consumer base, efforts to balance the need for access and parking with those of purely active transportation in origin must be given careful consideration;
 - ii. Provide opportunities for buildings to extend towards the street frontage with provision of clearly identifiable pedestrian linkage and access to the site and buildings from the roadway;

- iii. High quality building materials should be used for all facades with material, colour change and surface relief employed to visually break up large wall space.
- iv. Ample glazing should address the road and parking areas with articulating features such as awnings and bump-outs used to identify building or unit access points
- v. A variety of compatible colour and finishes should be considered for multi-unit commercial buildings;
- vi. Parking areas are encouraged to be located at the side and towards the rear of new commercial development, so as to not diminish pedestrian accessibility from the roadway. Despite this commercial area's auto-friendly acceptance, pedestrian movement should not be compromised. Providing appropriate pedestrian linkage from the surrounding commercial, employment and village areas is an important component, as not everyone accessing this commercial area will do so by motor vehicle. All areas within the Secondary Plan, including the Gateway Highway Commercial area, should be considered part of the walkable neighbourhood.
- vii. Loading areas should be located at the rear of buildings;
- viii. Inter-site connectivity through mutual easements and agreements for vehicular and pedestrian traffic is encouraged to limit the amount of vehicular access points required from the regional roadway;
- ix. Incorporating site furniture such as benches and bicycle racks should be provided for;
- x. An enhanced landscaping treatment along street frontages and pedestrian routes is required. Other treatments such as low, decorative fencing in combination with landscape plantings may be used to demarcate outdoor patios, but are discouraged for property demarcation;
- xi. A minimum of 15% landscaped open space for the properties in the Gateway Highway Commercial area is required and should focus and direct landscaping towards the street frontage;

- xii. Pylon and pole signage should be contextually sensitive. Multi-unit commercial tenants are encouraged to utilize clustering on a single shared pylon or pole sign.
 - xiii. Drive-thru operations should be designed to address such matters as visual and aesthetic impact on adjacent properties and public road allowances.
- m) Accessibility shall be considered for any development or redevelopment proposals as administered through the Ontario Building Code.

4.19.10. **EMPLOYMENT LANDS (INDUSTRIAL)**

- a) The development of employment lands in Stevensville will significantly contribute to the long-term sustainability as a complete community. In this respect ample designated employment lands have been provided for in Stevensville within the urban area boundary. These employment lands can take advantage of quick direct access to the QEW, existing rail corridor and future MTO corridor.
- b) To further promote the development of Stevensville employment lands, eligible employment development can utilize incentives offered through the Town's Gateway Economic Zone Community Improvement Plan.
- c) Industrial development occurring in the northeast area of this Plan shall have regard for transportation policies, particularly policy 4.19.14.1.
- d) Policies of Section 4.10 shall apply to all Industrial lands within the Stevensville 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.
- e) Notwithstanding the policies of Section 4.10:
 - i. Industrial lands with an Environmental Conservation overlay south of the C.P Rail, as shown on Schedule STV-2, shall develop for prestige and/or light industrial uses. Development shall be subject to the Natural Heritage policies of Section 8 and the types of

Industrial uses shall comply with the D6 Guidelines of the Ministry of the Environment; and

- ii. New Development of the Industrial lands just east of Stevensville Road, south of Eagle Street and north of CP Rail, as shown on Schedule STV-2, shall comply with the D6 guidelines relative to Institutional and Medium Density designated residential lands south of the CP Rail right-of-way.
- iii. Outside storage of materials or goods shall only be permitted in areas screened from residences or public realm and the nature of the storage does not cause compatibility issues to more sensitive lands uses.
- f) 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.
- g) Lands designated Industrial lying south of the CP Rail lands, east of Winger Road are part of a much larger agricultural land holding. The Town would consider a consent for that portion falling within the urban area to be in keeping with the Plan's intent and objectives. Sanitary sewer is available in the road allowance; however a municipal water supply or potable water supply solution would still be required prior to any Site Plan or construction approvals.

4.19.11. **INSTITUTIONAL**

- a) The lands designated on Schedule "STV-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) Accessibility shall be considered for any development or redevelopment proposals as administered through the Ontario Building Code.

4.19.12. **OPEN SPACE**

- a) The lands designated as “Open Space” on Schedule “STV-2” shall be reserved for a variety of active and passive recreational use and other open space uses. The policies of Section 4.13 shall generally apply to lands designated as Open Space.

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

4.19.12.1. OPEN SPACE – PARKS (COMMUNITY, NEIGHBOURHOOD AND SPECIALIZED)

- a) The Town of Fort Erie’s Parks and Open Space Master Plan shall serve to generally guide the appropriate location and effective service area distribution for parks within the Secondary Plan Area.
- b) Parks are shown on most Schedules of this Plan. The location and general size of parks, based on the current Master Plan, have been relatively satisfied in terms of proximity to residents and service areas. Minor additions may be considered for the park space at Memorial Hall and Memory Park.
- c) Developers can expect cash-in-lieu as the alternate to parkland dedication will be the primary method of satisfying dedication requirements for new development under the Planning Act. This may not always be the case, however, since the majority of the community is in a built-up or approved status, parkland service locations and coverage area are already in place and defined.
- d) Amenities provided or planned for the various parks within this Secondary Plan shall be in keeping with those identified under the Park and Open Space Master Plan.
- e) Town owned parks fall within three classifications as stated in the Parks and Open Space Master Plan. The following policies are intended to identify objectives of the Town as it relates to:

Community Parks

- i. United Empire Loyalist Park is classified as a Community Park and also fulfills the role of Neighbourhood Park in that most residents make use of “Stevensville Mini Park” being unaware that it is in fact part of the United Empire Loyalist Community Park complex. Since this portion of the park is south of Black Creek and situated along West Main Street, this southern portion has provided for a Neighbourhood Park component.

The vast majority of United Empire Loyalist Park is not within the Secondary Plan Area (Urban Area Boundary), however, being immediately adjacent, its role in serving Stevensville and the broader community is, by extension and regardless of the urban boundary, considered a Stevensville community asset, capable of hosting larger organized field and sporting events.

Similar to the “Stevensville Mini Park” identifier, the larger park portion accessed from Ott Road, is commonly referred to as “Ott Road Park”. This again, is all part of the United Empire Loyalist Park complex, which is classified as a “Community Park”.

Neighbourhood Parks

- i. In addition to the portion of United Empire Loyalist Park, locally known and referred to as “Stevensville Mini Park”, which services the western end of the community, Stevensville Memorial Park (at the Library and Hall) provides for a Neighbourhood Park space in the eastern half of the community.
- ii. The Secondary Plan has identified a small addition to Stevensville Memorial Park, immediately east of Climenhage Street. The Town deems this parkland addition as desirable and will seek opportunities for further addition should the opportunity be presented in future.

Specialized Parks

- i. Memory Park is a Specialized Park located on Stevensville Road, immediately adjacent to Black Creek on the north side. This park space is centrally located and has been the benefactor of service group donations for improvement in past. The Town supports

continued effort to improve this park space, by making use of the full site area, which extends farther back from the Stevensville Road than presently utilized.

- ii. A longer term goal of creating and constructing a recreational trail system along the north side of Black Creek is envisioned. The trail would extend the distance of the community and run through Memory Park. Such a connection will make the park space more accessible to the broader public and serve in a capacity as a hub or transitional point between the village or civic culture and that of the active/passive recreational culture associated with the trail's use.
- iii. Establishing a specialized park that serves as a civic square or civic space may be considered within the village core area. Options on the feasibility of a civic square, which may include Memory Park or the available space in front of the Memorial Hall, will be part of the 2016 Parks and Open Space Master Plan review process.
- iv. Open Space lands located east of Stevensville Road along the north side of CN lands are generally removed from open view and access from road or walkways. During the Parks and Open Space Master Plan review, consideration on developing these lands or part of these lands for use as a "dog park" may be considered.

4.19.12.2.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, but not limited to, the village core area, Memory Park, United Empire Loyalist Park, Stevensville Public School, Memorial Hall and the Library. When considering Stevensville's present built environment, the most suitable location for establishing additional pedestrian linkage is on lands along the north side of Black Creek.
- b) The Town shall make every effort to ensure publicly accessible linkage opportunities are protected and accessible when new development or re-development is proposed within the Plan Area.

- c) Trail development through select Environmental Area designations identified on Schedules STV-3 and STV-3a is considered desirable by the Town. The Town may pursue trail network connectivity where feasible to do so, in consultation with the Niagara Peninsula Conservation Authority and/or MNR, in effort to provide for an enhanced open space network within a variety of different natural settings for natural heritage education and passive recreational enjoyment.
- d) The Town may consider, acquire or become the benefactor of land for linkage purposes; however, the Town is under no obligation to purchase or accept lands for linkage that, in the opinion of the Town, does not serve to provide opportunity for long term continuous or contiguous connection. Linkage opportunities will be reviewed on an ongoing basis by the Town during secondary planning and individual application submissions.
- e) The multi-use trail shown on the Schedules of this Secondary Plan is conceptual. The Town shall work with all relevant departments and agencies in determining a more definitive location.
- f) Implementing the planned trail along the north side of Black Creek is anticipated to be done incrementally through development applications, donation or planned purchase, when within financial means of the Town to do so. Until such time, alternative locations for linkage may be used. For example, where the trail is shown on the immediate west side of Stevensville Road, an alternate location may be located along Pirson Street until such time that the Town is in a position to secure the long term connecting link. Conceptual trails shown across privately owned/occupied lands does not imply expropriation.
- g) Linkage opportunities are represented on Schedules STV-3, 3a and 4 of this Plan and illustrate a preferred series or network of connection. Pedestrian linkage for the purposes of this Secondary Plan can be comprised of sidewalks, multi-class paved, un-paved and naturalized trails systems.

4.19.13. NATURAL HERITAGE

4.19.13.1.GENERAL

- a) Policies of Section 8 shall apply to all Natural Heritage resources within the Stevensville 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 environmental features or sensitive areas.
- b) Determination of any natural feature boundaries or environmental study requirements will be identified/confirmed during mandatory pre-consultation for Planning Act applications, or on permit application review for site or building expansions in cases where the lands are regulated under the Conservation Authorities Act, as administered by the Niagara Peninsula Conservation Authority, and in accordance with Section 8 of the Official Plan.
- c) Determination of 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.
- d) There may be unique circumstances that need to be recognized as a result of existing conditions, such as existing dwellings within wetland buffers and lots of record within hazard lands. Any such unique circumstances will be identified and discussed if and when a planning application or building permit application is filed with the Town and/or having been identified during pre-consultation. Determination of the applicable approval authority will be dependent on the nature of the existing condition and the environmental designation or constraint impacted. The MOU will be referenced in determining approval authority.

Lands impacted by natural hazards regulated by the NPCA will be subject to regulatory controls under the NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (O.Reg 155/06), as amended from time to time.

- e) Schedule STV-2 of the Stevensville Secondary Plan illustrates areas of Environmental Protection designation. These areas are identified on Schedules STV-3 and STV-3a, and are further broken down to

illustrate the specific natural feature or hazard land components.

- f) The Stevensville Secondary Plan also contains Environmental Conservation Areas, all of which are shown as an overlay designation on Schedule STV-2. Development may be permitted in an Environmental Conservation Area subject to an EIS having been conducted and the Terms of Reference approved prior to initiating the EIS by the applicable approval authority.
- g) Schedule STV-3a of this Plan identifies a creek tributary crossing Stevensville Road lying just south of the CNR Right-of-Way. This tributary is identified by NPCA as Type 1- Critical Fish Habitat and traverses lands designated as Low Density Residential by this Plan. Any development activity in this area shall comply with the 30m setback provisions from top of bank in order to protect fish habitat. Should the NPCA identify any wetland features along the tributary, the wetland regulations of the NPCA shall apply.

The NPCA shall be consulted with respect to any development on these lands.

- h) Policy 8.8.1.XXIV shall be referenced for direction regarding the relationship between existing draft approved plans of subdivision and natural heritage features.

4.19.13.2. ENVIRONMENTAL PROTECTION AREA

- a) Environmental Protection Areas are comprised of Provincially Significant Wetlands (PSW's) and lands subject to natural hazard conditions as described in Section 8.2.4.
- b) PSW's are identified on Schedules STV-2 and STV-3. All PSW's are designated as Environmental Protection.
- c) The Plan Area contains several locations where PSW's are identified. Most are associated and defined along the shoulders of the Black Creek drainage course with several truncated sections resulting from the longstanding road networks. The only other wholly contained PSW is found in the northeastern portion of the Plan, which is surrounded by designated Industrial land. Any remaining PSW's are typically found outside of the Plan Area, however, may influence lands within the Plan with respect to setbacks for development. 30m of adjacent lands from

PSW's lying just outside of the Secondary Plan limits are shown on Schedule "STV-3" to this Plan.

While it is recognized by NPCA that the common threshold for an EIS requirement adjacent to a PSW is 30m, the NPCA may request an EIS to demonstrate no negative effects on a PSW within 120m of adjacent lands, depending on the nature of the development.

- d) The Ministry of Natural Resources (MNR) establishes the boundaries of wetland features and considers the evaluations to be open files. Property owners who wish to have wetland boundaries re-evaluated have the opportunity to do so in consultation with the MNR. The NPCA will provide guidance to the owner in establishing discussions with local MNR representatives if desired. Property owners should recognize that wetland features may change over time and may increase or decrease in size and will be evaluated as such by the MNR. The NPCA regulates identified wetlands under the Conservation Authorities Act.
- e) Schedules STV-2 and STV-3 illustrate the PSW features and the 30m adjacent land limits associated with the feature. Development within the adjacent land is regulated by the NPCA and generally not permitted unless approved by the NPCA.
- f) The 30m adjacent to the PSW's is represented by a line on the Schedules and also illustrates an underlying land use designation. This underlying land use designation does not constitute or secure development rights or potential without pre-consultation with the NPCA and Town on a supporting EIS and the EIS having been completed and accepted by the NPCA.
- g) Notwithstanding paragraph a) and c) herein, Section 4.19.13.1d) recognizes there may be unique circumstances for existing development in PSW adjacent lands, in which case, the need for an EIS will be determined through consultation with the Town and NPCA and will be subject to NPCA regulations in effect, as amended from time to time.

- h) Natural Hazards are reflected on Schedules STV-2 (contained within the Environmental Protection designation) and further broken down on Schedule STV-3 and STV-3a. The policies of Section 8 shall apply to Natural Hazards identified within the Stevensville Secondary Plan Area.
- i) There may be instances where the Environmental Protection Area designation limit is the result of NPCA defined areas requiring further study to confirm actual limits. More specifically, areas where slopes have been identified as being in excess of 3:1 and greater than 3m in height from top to toe. Where such areas exist in defining the EPA limits shown on this Plan's Schedules, studies to determine "stable top of slope" may be requested to confirm limits of development in relation to the slope as identified. Any required modification to the limits of the Environmental Protection Area as a result of study findings will not require amendment to this Plan or the Zoning By-law.

4.19.13.3. ENVIRONMENTAL CONSERVATION

- a) Environmental Conservation Area designation comprises wooded areas over 2.0 ha. and the most sensitive of natural areas identified by the Town's Natural Areas Inventory. The Environmental Conservation Area designation is an overlay and is shown on Schedules STV-2, STV-3 and STV-4.
- b) When an EIS is required, the Region's guidelines will be followed. The guidelines contain requirements and procedures for scoping and waiving studies. The applicable approval authority shall have regard for the requirements, to simplify the approval process while allowing development that safeguards the natural environment.
- c) A Tree Preservation Plan may be required to implement the recommendations of an EIS, or to protect trees identified as worthy for protection. Requirements for a Tree Preservation Plan will be identified in conditions of draft plan or site plan approval.

4.19.13.4. 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 STV-3.
- b) Schedule “C” of the Official Plan illustrates conceptual Corridors throughout the municipality. These corridors represent a higher level linkage 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 Stevensville Secondary Plan Area contains one such corridor, which is directly associated with the Black Creek tributary.
- c) There is a considerable amount of existing development along portions of these Environmental Corridor routes within the Plan Area. Where feasible, any proposals for new development may be requested to address how these routes could receive enhancement to assist in wildlife movement.

4.19.14. TRANSPORTATION SYSTEMS (ROAD NETWORKS, ACTIVE TRANSPORTATION AND PUBLIC TRANSIT)

- 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 Stevensville Secondary Plan Area. These include, but are not limited to, Rail, Road, Future Highway, potential Transit service and Active Transportation infrastructure (either planned or existing sidewalks, bicycle lanes & trails)
- b) Transportation systems are shown on Schedule STV-4 of this Plan
- c) 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 and prioritizing maintenance, construction and improvement will be considered

annually through capital budgeting, and through development application activity.

- d) 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.

4.19.14.1. “PREFERRED CORRIDOR” FUTURE 400 SERIES HIGHWAY

- a) The Provincial Government is undertaking an Environmental Assessment (EA) to establish a Preferred Corridor and Right-of-Way for a 400 Series Highway connecting link between Highway 406 in Welland and the QEW between Netherby and Bowen Roads. Schedule STV-4 of this Plan illustrates the conceptual corridor as requested by the Town of Fort Erie Council, to be reflected in Regional Policy Plan Amendment No.6 and Phase 2 of the Provincial Niagara to Greater Toronto Area (N-GTA) Transportation Strategy when initiated.
- b) Further EA study work (a Phase 2 undertaking) has been identified as a “next step” in this Provincially led process to identify a 170m Right-of-Way within the “corridor”, which location could be adjusted, however, no associated timeline has been made available.
- c) At a higher level conceptual stage the Town supports this planned highway. Until such time that the Province acts to advance the required Phase 2 EA study and any subsequent corridor protection designation, and policy directives being implemented at the Regional level respectively, the Town will give consideration, to the best of its ability, on matters relating to any potential development activity in proximity to the identified corridor. In doing so, the Town may circulate development applications to the Region as a courtesy for comment, with the understanding that without corridor protection policies in-place, development activity and property owner rights have to be taken into account in processing applications for development.
- d) For the purposes of this Secondary Plan, The Town envisions a full interchange being planned for Stevensville Road. Such an interchange

would be extremely beneficial to the Employment lands within the Community and provide for general economic growth as a result of improved accessibility for all forms of commuter related traffic entering or passing through the community.

4.19.14.2.ROAD NETWORKS

- a) Further development of the road network within the Stevensville 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) The existing road networks within the Plan Area are generally developed in terms of travelled passage. The historical nature of the community was one of a rural crossroads community with subsequent development occurring in layers from Stevensville Road and East & West Main Street.
- d) There are generally four categories of roadway hierarchy in the Plan Area (not including the potential future Provincial Highway). These would be defined as:
 - Regional Arterial Road (Stevensville Road)
 - Town Collector Roads (East & West Main Streets and Winger Road);
 - Industrial Roads (Eagle Street); and
 - Local Roads (all remaining)
- e) While there are no “private” roads within Stevensville currently, it can be anticipated that private road development may be introduced at some point in future. Such roads typically are associated with compact condominium type development and are permitted within the Town. In light of public road allowances located north of Black Creek that access Stevensville Road that are generally reduced in width (reflecting more of a laneway status), such roads may be permitted to extend as private roads to access and service available development lands beyond the existing development lining Stevensville Road. Any such private road development permitted shall remain the responsibility of the ownership for continued maintenance and upkeep, both at surface and sub-surface (primary services).

- f) In support of creating a pedestrian friendly environment within the newly designated Core Mixed Use area of the village core, the Town shall request regional cooperation in design of Stevensville Road that is in keeping with “Complete Streets” policy in a contextually sensitive manner. Such consideration shall include on-road bicycle lanes, on-street parking to service commercial within the core, traffic calming measures and strategies for traffic control beyond the core area that will contribute to speed reduction prior to entering the core. This may include signalized intersection(s), traffic circle or simply 4-way stop control. Safety is a concern on all roadways within the Plan Area with the highest priority placed at this location (Stevensville Road in the village core) given the volume of vehicles using Stevensville Road.
- g) Schedule STV-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 and any regional requirements as conveyed in the Region’s Official Plan) in design and zoning setback regulation.
- h) The Region of Niagara determines ultimate road allowance width for roads under its jurisdiction. The Region will be circulated with respect to any application for development along Stevensville Road, at which time final determination on provision of any widening requirements will be identified.
- i) 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 practical or obtainable. Determination of municipal road widening will be reviewed by the Town at the time of application submission or during road reconstruction/improvement projects.
- j) The Plan illustrates “conceptual” roads on portions of the Plan. These conceptual roads are provided as a guide for the purposes of demonstrating efficient use of potentially developable land. Any proposals for areas where conceptual roads are shown may supply alternate designs, however, development proposals must also demonstrate the effective use of land and connectivity to the existing surrounding road network. An amendment to this Plan would not be required.
- k) Road widening and daylighting requirements shall be in keeping with the policies of Section 12.7.4.

- l) New road connections should be aligned with opposing roads or major driveways whenever possible.
- m) New road intersections and driveways connecting to Stevensville Road shall require Regional approval.

4.19.14.3.ACTIVE TRANSPORTATION

- a) Active Transportation shall be a consideration of Council as identified under Section 12.7.2 iv).
- b) Schedule “STV-4” illustrates components of the Active Transportation Network for the Stevensville Secondary Plan.
- c) Components of active transportation include on-road cycling lanes, off-road paths/trails and a contextually sensitive neighbourhood sidewalk system within the Plan Area to facilitate a safe and healthy alternative to vehicular travel and reliance.
- d) The Town will take a leadership role in promotion of active transportation infrastructure when reviewing development applications and undertaking road improvements / reconstruction.
- e) Frequent destinations or points of interest, such as the library, school, parks and village core area should be given priority for connection when considering annual budget allocation. Connections that would support access to transit routes may also be considered where feasible.
- f) 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 “STV-4”.
- g) Consideration shall be given to provision of active transportation infrastructure contained within regional and local roadways during major reconstruction projects, including bicycle lanes as identified by regional cycling master plan and shown on STV-4. This would include

consideration to their addition at the time of any re-surfacing projects (relating to bicycle lanes additions)

- h) Collector roads within the Plan Area shall be planned to provide for sidewalks on both sides. Council may consider single side locations in part or in whole following departmental review and recommendation.
- 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) The Plan Area contains natural environment features that may be suitable for accommodating pedestrian trail linkage. Opportunities to enhance the overall pedestrian network with visual variety in a diversity of settings shall be encouraged. The NPCA will be consulted when trails are proposed in regulated areas. Efforts to connect east and west ends of the Plan Area with a recreational/educational trail is of interest to the Town. A conceptual recreational trail to serve in this capacity is illustrated on Schedule STV-4.
- k) Any trails associated with, or located in, Natural Features and Open Space areas (excluding some park designations) shall not be lit, thereby assisting in a nocturnal wildlife corridor function.
- l) Type of surface materials used on trail linkage in the area natural features will be determined on a site by site basis and in consultation with NPCA and/or MNR where applicable.
- m) Wherever possible, the Town and Region 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. In Stevensville's case, effort shall focus on incremental implementation and support for municipal transit (to bridge geographic gaps) and on-road bicycle lanes on Stevensville Road, as identified in the Region's Cycling Master Plan.

- n) Active Transportation and Public Transit use are complimentary modes of transportation. Wherever feasible, provision of pedestrian linkage to established transit routes shall be encouraged.

4.19.14.4.PUBLIC TRANSIT

- a) Conventional transit service is not presently provided to the Stevensville community. Community Focus Group participation in the development of this Secondary Plan have voiced transit service provision as high priority and until such time that population and employment densities increase, making it more sustainable and financially feasible to extend conventional service to Stevensville, this Secondary Plan shall have regard for implementation in the context of “future” transit provision.
- b) Stevensville is presently provided with municipal “Accessible Specialized Transit” service and the Town supports its continued operation separate to that of a desired “conventional” transit service being established.
- c) The Town supports Region of Niagara inter-municipal transit service and shall work cooperatively in review and support provision of regional routes that may, or may not supplement a level of transit connection from Stevensville to the Fort Erie urban area, in addition to that of its primary and intended inter-municipal service.
- d) Although not shown on Schedule “STV-4”, and considered to be a longer term objective, the Gateway Highway Commercial area should be promoted for a regional transit hub with local transit connection when regional service levels are capable of expansion. This would also provide the Ridgeway and Crystal Beach Neighbourhoods with a more direct alternative to accessing regional transit service without having to travel to the current regional hub at Thompson and Garrison Road (Walmart). Such consideration may also elevate or expedite local transit service implementation and connection to the Stevensville community.
- e) Conceptual local transit routing and potential transit stops are illustrated on Schedule “STV-4”, the location of which, supports the

land uses shown on Schedule STV-2. An amendment to this plan shall not be required to modify or change routing or stops.

- f) Long term local transit planning shall have regard for locating potential transit stops using a typical 400m radius service area catchment model.

4.19.15. **PARKING**

- a) The majority of the Secondary Plan Area is largely 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.
- b) The Town shall monitor on-street parking throughout the community and may recommend restrictions to alleviate any safety issues if deemed appropriate.
- c) When streets with sufficient road allowance width are identified for reconstruction, consideration will be given to the provision of a full parking lane on at least one side of the street wherever feasible.
- d) The Town shall work cooperatively with the Region when capital projects are being designed and undertaken within the Mixed Use Area. The Town seeks to create a pedestrian environment that would include “on-street” parking within the core area and as a result, encourage the region assist in this goal.
- e) 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 properties.
- f) Parking in the Gateway Highway Commercial area will be required on-site for commercial development, taking into account any approved urban design guidelines when commercial site design is first being considered.
- g) Landscaped areas will be requested for large parking lots. Landscaping requirements shall be focused along the road frontages and shall provide for generous landscaped buffering and planting strips between the

roadway and parking areas, using high quality materials and plant stock. No less than 15% of the lot area shall be comprised of landscaped open space including planting strips.

- h) Parking area lighting shall be of adequate levels to ensure pedestrian safety while having regard for any adjacent residential uses. Spillover lighting from parking lot lighting onto adjacent properties shall be avoided.
- i) As the Region maintains control over access (ingress/egress) to Stevensville Road, developers of lands within the Gateway Highway Commercial area are encouraged to consider inter-lot connections by way of mutual access easements and agreements.

4.19.16. **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 Stevensville as being that of an agricultural origin. Residents of the community have expressed their desire to maintain the small town or village “feel”.
- c) In developing Urban Design Guidelines for Stevensville’s village core, the Town will seek to ensure guidelines address cultural and historical elements that should be maintained and enhanced in effort to strengthen the image and village character sought by residents.
- d) Council may consider periodic recommendations from the Fort Erie Museum and Cultural Heritage Advisory Committee concerning property/structure designations.
- e) The Secondary Plan presently does not have any designated heritage properties. Two properties (3 structures) have been identified as being of interest and subsequently added to the Municipal Registry for potential or future designation. 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.

- f) The Fort Erie Museum and Cultural Heritage Committee shall continue to advise Council on matters of Stevensville'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.
- g) The Stevensville Secondary Plan Area contains areas of archaeological potential. New development proposals may require an archaeological assessment study prepared by a qualified individual or firm to accompany any such development application. The parent Official Plan Schedule 'D' - Cultural Heritage Archeological Zones of Potential identifies areas subject to this requirement. Need for any such study shall be confirmed through mandatory pre-consultation prior to any application submission.

4.19.17. **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 facilities and municipal drainage will be provided, maintained and upgraded as necessary to accommodate the needs of existing and future development in the Stevensville 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 sewer network for the Plan Area were identified.
- d) 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.
- e) 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.

- f) Existing municipal water supply is currently available to service the Plan Area. All new development may be required to loop watermains wherever opportunity exists to do so.
- g) The Region of Niagara has completed a B Class Environmental Assessment on a portion of lands designated for Medium Density Residential on Schedule STV-2. On completion of the Environmental Assessment, the Town may redesignate and rezone the final limits to reflect the use through housekeeping amendments. The Town may simply choose to rezone without an amendment to this Plan.
- h) There are presently no restrictions to development within Stevensville under current water supply conditions. The expansion is to secure water supply for Stevensville and Douglastown over the long term.
- i) All new development within the Secondary Plan Area shall be developed with full municipal services with exception of minor in-filling through consent on roads serviced by open ditch and rural cross section.
- j) Servicing the lands north of Black Creek, west of Stevensville Road will require tributary (Stevensville Municipal Drain) crossings for public or private roads, water and sanitary sewer. The Town shall work cooperatively with approval authorities and development interests in securing future viability for development in this area. Minor changes to designation limits may be adjusted to those which are shown on the Schedules of this Plan without amendment, provided site specific zoning that reflects final limits are to the satisfaction of the respective approval authorities. Land Use designation changes may follow during regular housekeeping exercises. Where a division of land use is that of a constraining feature (eg. Flood Plain), supporting studies will be required for relevant approval authorities review and approval.

4.19.18. UTILITIES

- a) Utility providers are encouraged to consult with the Town when new major 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. Utility companies are encouraged to work cooperatively with the Town and regulatory authorities in determining suitable locations that are compatible with existing and planned development in effort to reduce or eliminate potential conflicts,
- b) 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.

4.19.19. **NEIGHBOURHOOD GATEWAYS & LANDMARKS**

- a) Schedule STV-2 illustrates Gateway symbols at key locations in the Plan Area. These “gateways” are generally the north and south entry points into the community.
- b) Gateway features act to provide both physical and psychological queues 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 neighbourhood 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) Gateways and Landmark features can be further defined through the preparation of Urban Design Guidelines.
- d) When municipal wayfinding signage is being considered in close proximity gateway features, the signage should be situated in such a manner that it does not compete with the Gateway or Landmark features.
- e) Any Gateway or Landmark Feature planned along a regional road will require consultation with regional staff and potentially an approval depending on actual position or placement.

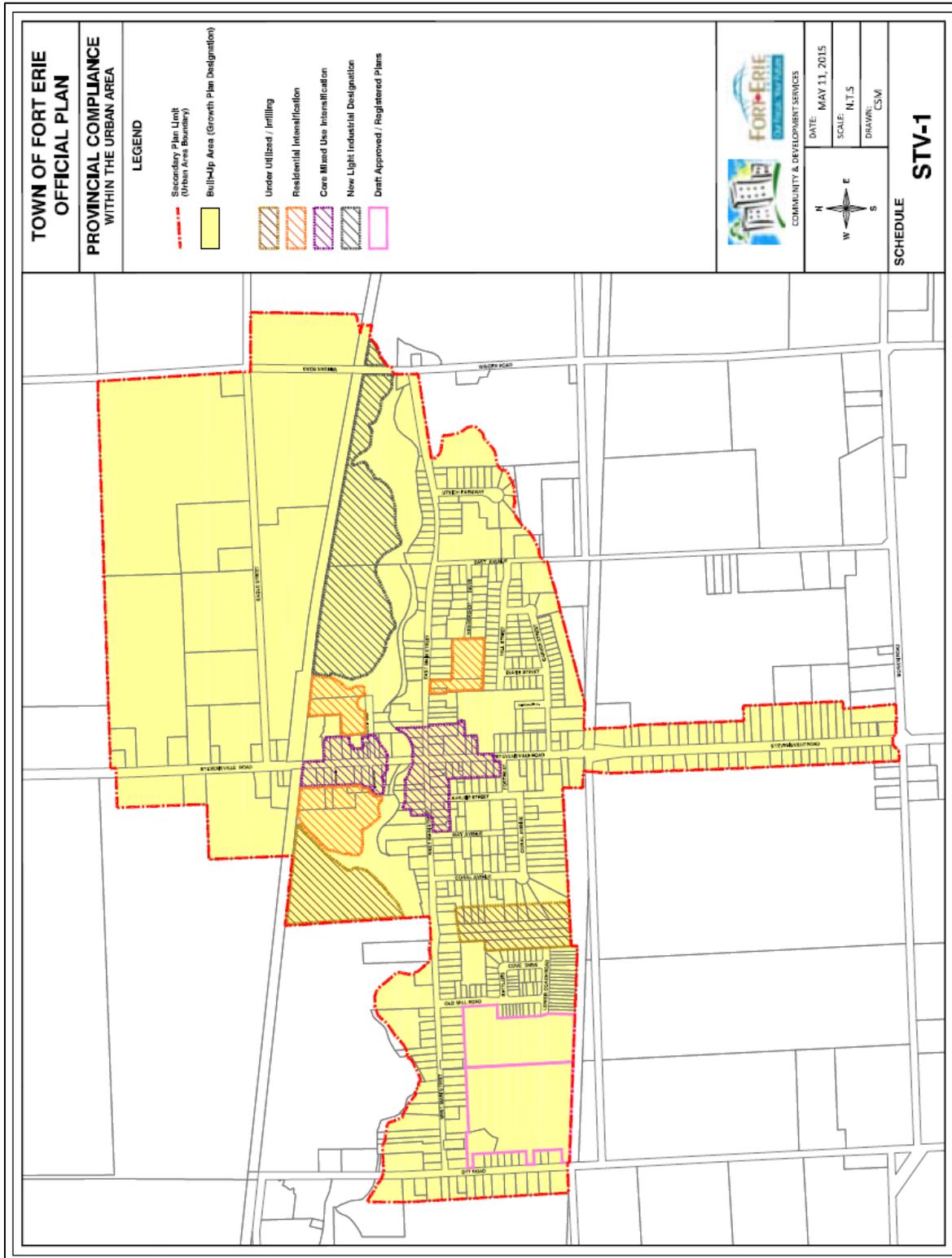
4.19.20. **INTERPRETATION OF THE PLAN**

The Stevensville Secondary Plan (Official Plan Amendment #24) consists of Sections 4.19.1 through 4.19.20, and Schedules “STV-1”, “STV-2”, “STV-3”, “STV-3a” and “STV-4”.

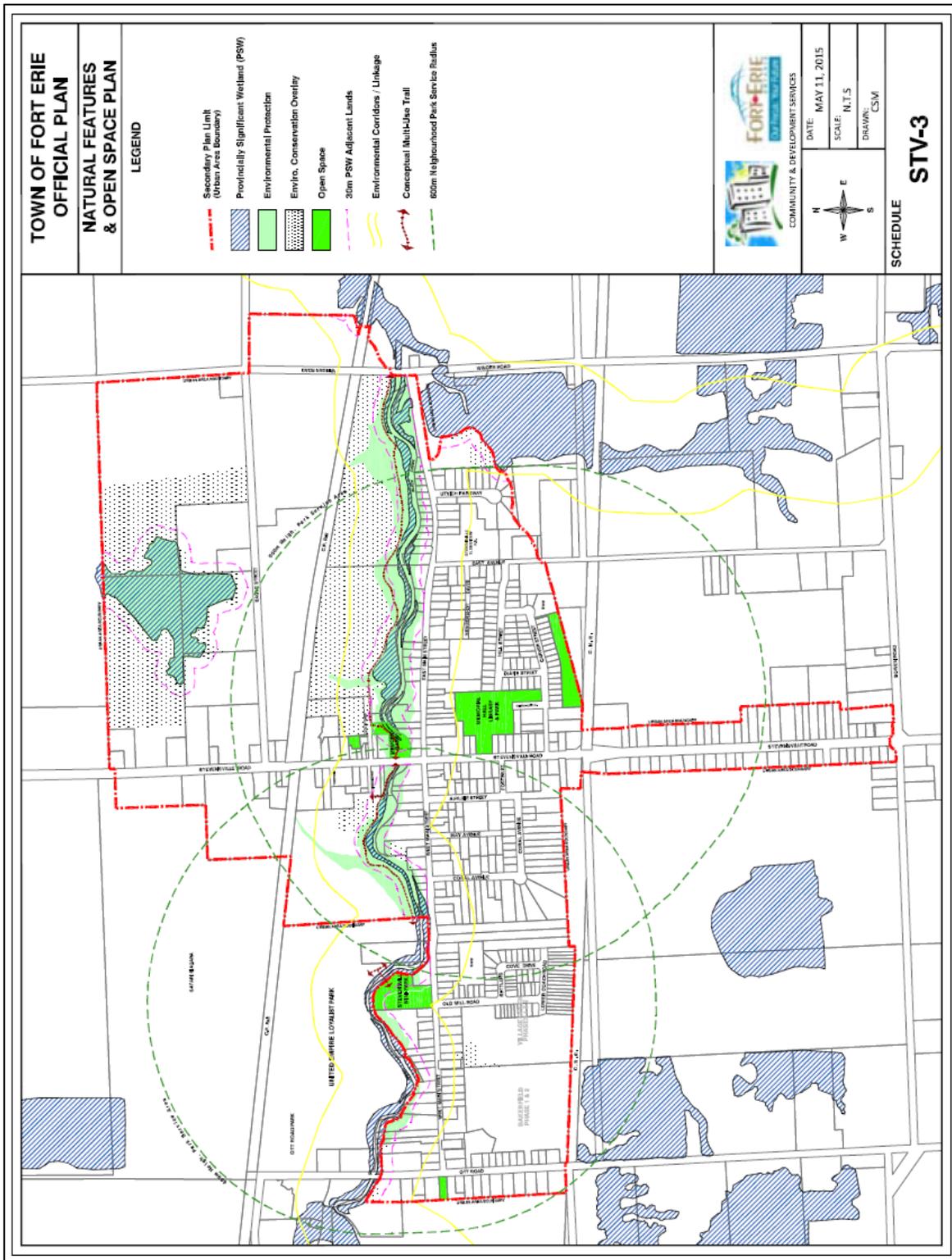
The text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

(Section 4.19 was introduced by By-laws 2014-069 & 2014-070, OPA #24)

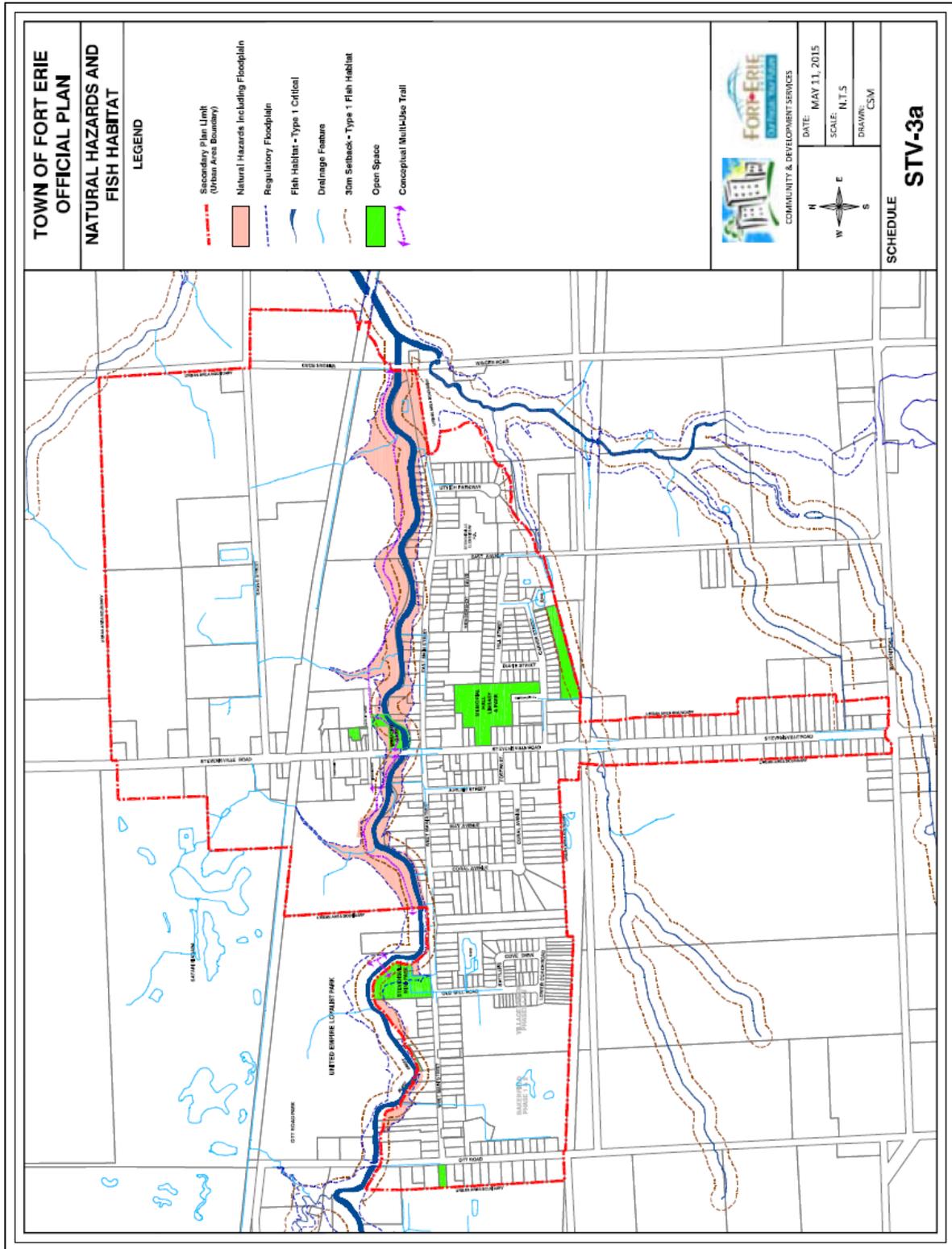
SCHEDULE "STV-1"—BUILT BOUNDARY



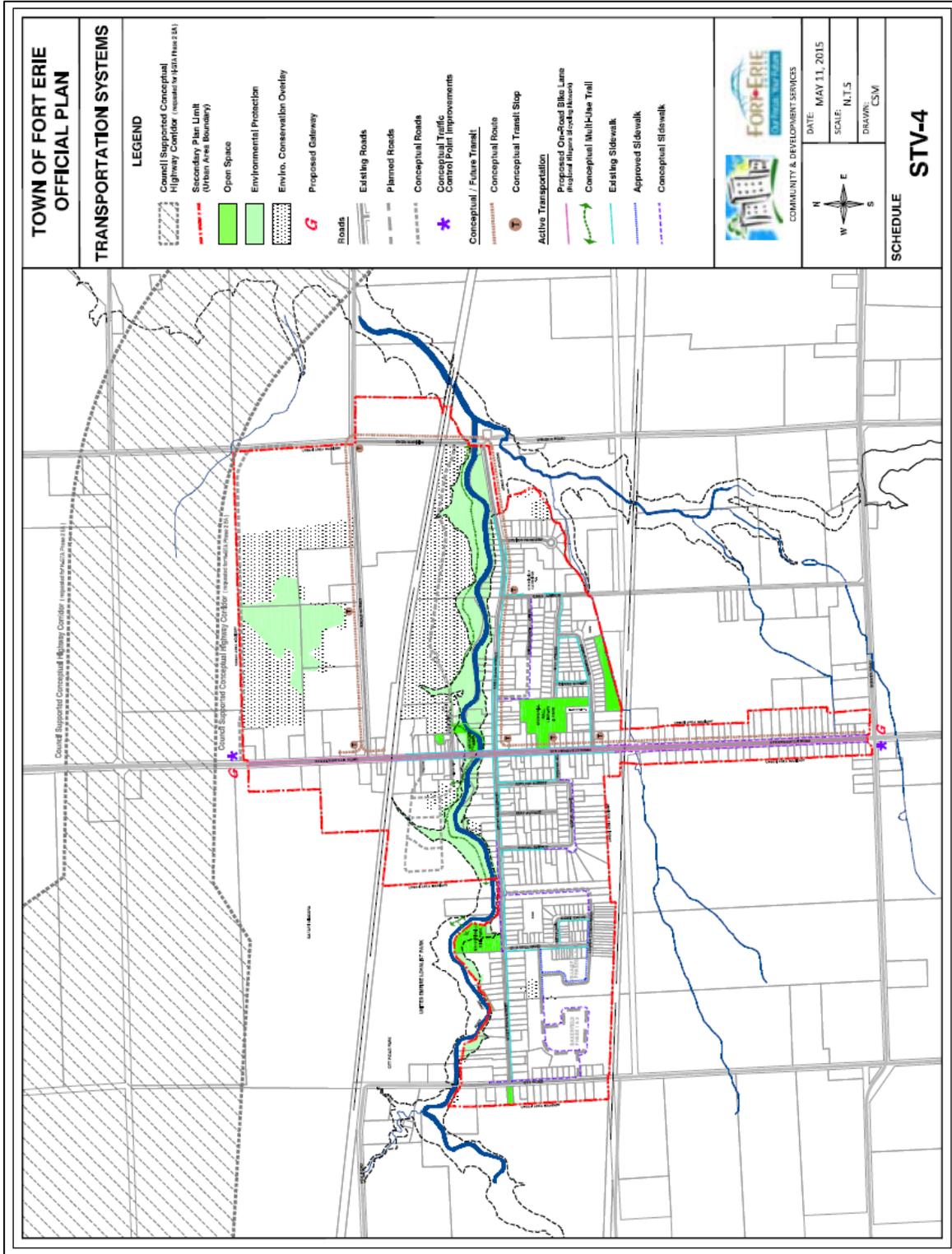
SCHEDULE "STV-3"—NATURAL FEATURES & OPEN SPACE PLAN



SCHEDULE "STV-3A"—NATURAL HAZARDS AND FISH HABITAT



SCHEDULE "STV-4"—TRANSPORTATION SYSTEMS



4.20. DOUGLASTOWN-BLACK CREEK SECONDARY PLAN

4.20.1. PURPOSE

The purpose of the Douglastown-Black Creek Secondary Plan is to provide a policy framework guide and provide opportunities for new development in the Plan Area while remaining conscious and sensitive to the established community as a whole. The framework is intended to provide clear direction in achieving subsequent goals and objectives.

The Secondary Plan consists of a land use plan and related policies to guide development and any form of renewal to ensure it is in keeping with the Town's vision for this neighbourhood. The Plan will provide and serve as the guide for planning activity at a minimum to the year 2031, and will be subject to amendments from time to time, as well as being included the Town's 5 year review of its Official Plan. Full "build out" or development permitted by this Plan would exceed the 2031 planning horizon timeline associated with Growth Plan objectives and municipal growth management targets.

4.20.2. VISION

The Secondary Plan is the result of protracted and comprehensive consultation. This strategic planning exercise utilized a neighbourhood planning approach including input from municipal and community Focus Group SWOC (Strengths, Weakness, Opportunities & Constraints) sessions, which generated the following Secondary Plan Vision:

"The ideal Douglastown-Black Creek is a peaceful bedroom community, uniquely located for those who enjoy active outdoor and leisure lifestyles, including support for active transportation and walkable local commercial amenities; where homes are affordable, available for all ages and where future development is compatible with its surroundings."

4.20.3. GOALS

The goal of this Plan is to build off the "vision" established through stakeholder 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 convenience commercial and transit connection need increased population if they are to become feasible. Increasing the overall population and residential density can only add to the

feasibility of such services, but in doing so, a balance must be found that is sympathetic to the existing community character, but also introduces a variety of housing forms.

The Plan will maintain a residential prominence. However, efforts to reinforce local commercial viability in the vicinity of Baker Road and Netherby Road intersection, together with efforts to broaden the range of permitted uses in the Highway Commercial designation on the south side of the QEW will also be explored.

Despite Complete Community objectives being the practice of secondary planning efforts of the Town, it may not always be practical to anticipate the full spectrum of amenities typically found in much larger geographic areas and more populous urban neighbourhoods. What can be achieved is taking advantage of opportunities to diversify the uses that are being planned, which for the most part, will continue to be residential in focus. From the outset, this community has been identified as being a bedroom community and given its scale, is not likely going to be enough at build-out to support amenities typical of a complete community such as a grocery store, a school or post office.

The geography is simply not of a scale to attract or support some forms common to the complete community and with adjacent urban areas offering most if not all, it further diminishes feasibility or viability in this regard. Nevertheless, it does provide opportunities for new commercial and the market will dictate viability.

What can be promoted is diversification in the current building stock. Intensification in the form of smaller frontage singles, introduction of semi-detached and townhomes, together with small apartment or other multi-level living would offer choice in housing form, which is essentially large lot detached or lifestyle living in the leisure home park.

So while not considered a “complete community”, it is with certainty, a move towards diversifying and giving rise to supporting the existing community facilities, providing increased viability to sustain local commercial enterprise and furthering any potential for future transit feasibility/connection.

4.20.4. **OBJECTIVES**

The main objectives of the Douglastown-Black Creek 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;

- b) Encourage development forms which are more compact, to utilize urban land and services efficiently;
- c) Identify locations within the Plan Area which may best represent the form of residential being introduced and support the locations through zoning implementation;
- d) Increase population to generally double that of present day at full build-out. An increased population will better support existing community facilities and offer increased viability to commercial enterprise and transit feasibility;
- e) Reinforce the (northern) community entry of Baker Road at Netherby Road as the “Gateway” into the community by applying urban design criteria and consider using architectural control in the implementing zoning for buildings at this location;
- f) Provide supporting policy that recognizes active transportation with focus on connecting links to the Niagara River multi-use trail (part of the Greater Niagara Circle Route) and the local Shagbark Trail;
- g) Provide support and increase awareness of the public points of access to Black Creek for casual recreational pursuits;
- h) Protect significant natural features such as Provincially Significant Wetlands with appropriate environmental protection designation, ensuring their ecological functions, benefits and contributions to the natural environment will be shared for future generations;
- i) Anticipate transit service will reach the community once population increases and have bridged the feasibility and viability gaps that have kept regular transit service to Douglastown-Black Creek from being established;
- j) Promote enhancement of employment opportunities in the permitted commercial uses on the south side of the QEW to broaden their appeal as development lands next to the highway.
- k) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the population and where servicing feasibility is not apparent, seek alternatives to providing very limited development

opportunities through private servicing where approval authorities have been satisfied criteria can be met.

4.20.5. **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.
- b) Schedule “DBC-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.
- c) The Plan sets out to provide for initial areas of Low and Medium density residential recognizing and maintaining existing and approved residential development. New areas of residential development, being predominantly the lands west of Black Creek Drive, shall also be duly designated for residential uses and will contain the areas of intensification envisioned. Designation and zoning will be used to secure and control future development of these lands that are in keeping with the goals and objectives on this Plan.
- d) The Secondary Plan provides for targeted range of approximately 1100 units at plan “build out” including the existing 630 units. The approximately 500 new/additional units identified in this Plan will increase the existing population from roughly 1350 persons to between 2500 - 2600 by adding approximately 1150 to 1250 new residents to Douglastown-Black Creek over the long term. The new residential units shall comprise approximately 280 new low density residential units (including the approved 90 unit River Trail Phase 2 Plan) with the remaining units comprising the medium density form. It is estimated that approximately 100 to 150 apartment units can be composed in the medium density provided for in this Plan. Furthermore, it is expected the market will lead on the amount and timing relating to the apartment form, but the Plan is providing for it to address the age-in-place opportunity and to some extent, the affordability of housing within the community.
- e) 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 of the community centre, place of worship and the potential future

commercial is preferred, in effort to provide greater ease in access to such amenities.

- j) For lands being considered for residential development that may be impacted by the Environmental Conservation Overlay, only through developer or landowner activity where there is an interest in advancing the underlying designation, and where an EIS has been required and approved, will actual development potential be confirmed.
- k) Storm water management (SWM) facilities are essential for sustainable development, including residential areas. As such and given the exact size and location of facilities is determined after detailed engineering studies have been provided with development plans; SWM facilities shall be considered a permitted use within both the Low Density Residential and Medium Density Residential designations of this Plan. Appropriate zoning shall be applied as a part of the development process or potentially through municipal housekeeping amendments once location, construction and size have been finalized.
- l) All residential development shall be subject to the regulations and provisions of the Town Comprehensive Zoning By-law 129-90, as amended, or succession thereof. Site specific zoning may be used in certain situations or under special circumstance during implementation of this Plan. Zoning may also be used to recognize existing conditions, if such conditions can be proven to have existed prior to the passing of By-law 129-90.
- m) The active draft plan of subdivision application and zoning application for lands north of Baker Road, east of Netherby Road (former draft approved Black Creek Meadows subdivision) will be permitted to complete processing. Land use designations shown on Schedules to this Plan may be slightly modified to reflect any subsequent approval without amendment to this Plan. Once draft approved, the lands subject of the application would then become subject to all policies of this Plan.
- n) Lands shown as residential in designation that comprise the former Erie and Ontario Rail line will be subject to Environmental Site Assessment studies to accompany any zoning by-law amendment application, if residential development is proposed.

4.20.6. **LOW DENSITY RESIDENTIAL**

- a) The lands designated on Schedule “DBC-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) An overall target of not more than 80% Low Density residential yield shall be anticipated within the Plan Area. In effort to achieve this target, lower density dwellings (detached, semi-detached and duplex) should comprise roughly half of all new development form/type. A Low Density range of up to 16 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify lower density housing stock.
- c) Schedule “DBC-2” provides for approximately 190 additional low density units, not including those in existing registered and draft approved plans of subdivision (approx. 90 units) for an estimated total of 280 units over the long term. Essentially all new low density residential dwellings will be planned to locate on large parcels of land through draft plan of subdivision on the west side of Black Creek Road. The majority of these dwellings will be located north of Baker Road with opportunities for additional low density subdivision planning mid-block south of Baker Road. New lower density development should be expected to comprise modestly smaller lot area and dimension than the majority of the existing low density lots. This will also make efficient use of infrastructure while broadening choice and affordability in the low density form over the course of the planning period
- d) Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.20.11.3 of this Plan. Development, redevelopment or expansion of existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.
- e) Low density residential that may be planned adjacent or in close proximity to Netherby Road and the QEW Niagara-bound off ramping shall comply with MTO building setback requirements and be required to demonstrate compliance with Ministry or Environment and Climate Change noise and vibration regulations in providing adequate

mitigation to sensitive residential uses.

- f) 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 suitability and size of the site, 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 4.20.5 d).

4.20.6.1. SOUTHEAST BLACK CREEK TRAIL

- a) Notwithstanding policy 12.1 III to the contrary, for the existing lot of record located south of Townline Road, on the east side and at the extreme southerly limit within the urban area boundary, a single residential dwelling shall be permitted on private services, subject to satisfying regional private septic system criteria and conservation authority regulatory requirements.
- b) Lot will be subject to Site Plan Control.

4.20.6.2. TOWNLINE ROAD – SOUTH SIDE – EAST OF BLACK CREEK TRAIL

- a) Notwithstanding policy 12.1 III to the contrary, vacant lots of record south of Townline Road between Black Creek Trail and the QEW may develop with single detached residential dwellings on private septic systems provided regional private septic system criteria can be met and Niagara Peninsula Conservation Authority approval can be obtained.
- b) Consolidation of adjacent properties or boundary adjustments may be permitted to facilitate required lot area for private servicing.
- c) Lots will be subject to site plan control
- d) All applicable permits must be acquired and may include permit from The Ministry of Transportation given proximity to the QEW.

4.20.6.3. WEST SIDE – SWITCH ROAD – SOUTH SIDE – EAST OF BLACK CREEK TRAIL

- a) Notwithstanding policy 12.1 III to the contrary, lands located on the north side of the QEW between Black Creek and Switch Road within the identified urban area boundary have partial servicing (sanitary only). Feasibility of water connection is unlikely during the planning period and there has not been any capital planning set out to provide municipal water to these lands. These lands are regarded as having a relatively high degree of environmental constraint.

Despite such conditions, if any further residential development potential can be identified with frontage on Switch Road that is capable of meeting zoning criteria, while also having satisfied the Town and any other regulatory approval authority in respect of a potable water supply, the consent process may be considered for creating a new lot. Should there be any new lot creation, connection to existing sanitary services will be mandatory and connection to municipal water supply shall also be required should a municipal water supply become available in future as the result of a local improvement initiative by property owners.

4.20.7. MEDIUM DENSITY RESIDENTIAL

- a) The lands designated on the Schedule “DBC-2” as “Medium Density Residential” shall be reserved for multiple-unit structures (such as townhomes, triplex, quads and/or low-rise 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) An overall minimum target of 20% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise just under half of all new development. 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.
- c) Schedule “DBC-2” provides for approximately 200 new Medium Density units, all of which shall be located on the west side of Black Creek Road.

- d) Ground-based medium density residential (townhomes) should consider modest roof pitch in areas adjacent or opposing existing detached residential dwellings.
- e) Other forms of medium density multi-unit dwellings should not exceed three storeys in height and should be located internally in new development in effort to provide transition in height from existing developed areas.
- f) Maximum heights shall be defined in Zoning By-law 129-90, as amended.
- g) The Plan anticipates approximately 100 units to be developed in two or three low-rise (two or three storey) apartments in the area immediately adjacent and south of the Place of Worship and Commercially designated lands, south of Baker Road. This location is most desirable for seniors development that may provide for fully independent living, semi-assisted living or fully assisted nursing home level of care and accommodation. A variety of tenure (condominium, life lease and rental) is also encouraged to provide broader choice.

Fully assisted nursing home or home for the aged as an institutional use, shall be permitted in the Medium Density designation and may be subject to additional provisions in the implementing by-law. Development containing fully assisted senior care, in whole or in part, may increase density on the site to 75 units/ha. for that portion devoted to such use.

- h) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.
- i) An amendment to this Plan will be required to justify Low Density residential development on lands designated as Medium Density Residential in this Plan.
- j) Notwithstanding 4.20.7 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.
- k) Notwithstanding 4.20.7 a) to the contrary, and as recognized by policy

4.14.7 of the Official Plan, Black Creek Leisure Homes seniors lifestyle development shall be permitted to contain detached dwellings (year round mobile home park). Density of the park exceeds low density range and subsequently represents medium density in numbers and therefore, medium density designation is applied. The medium density designation would also allow for other forms of medium density to be considered on these lands. The lands are used for residential purposes despite being zoned for commercial use. The site specific zoning in force and effect for these lands may continue to remain and regulate the existing limits of the site.

Should expansion of the existing mobile home park be pursued, consideration shall be afforded in zoning lands north of Old Townline Road, within the existing urban area boundary, for similar use or permanent forms of medium density development permitted under this Plan. Changes to provide for permanent (foundations) housing form associated with the mobile home park is encouraged at this location. A zoning amendment would be required but would not require amendment to this Plan.

The Town may also consider stopping up and closing the Old Townline Road road allowance to be made available to the developer in effort to bridge and consolidate the land holdings.

Any such development potential may be subject, but not limited, to engineering studies for servicing and noise/vibration mitigation. Furthermore, regional servicing within the Old Townline Road allowance would require an easement to preserve access, or alternative arrangements to move or remove any underground services presently within the road allowance.

4.20.8. **COMMERCIAL**

- a) The “Commercial” areas are shown on Schedule “DBC-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.

4.20.8.1. SOUTH SIDE OF BAKER ROAD AT NETHERBY ROAD

- a) The commercial lands located on the southeast corner of Netherby Road and Baker Road shall serve in the capacity of a local convenience commercial centre. These lands are encouraged to include residential rental apartments above commercial units to assist in supplying the community with a form of housing that meets with age-in-place objectives. More specifically, providing opportunities for young families and mature youth to find accommodation within the community with a longer term goal of retaining their residence in Douglastown-Black Creek as they transition through adulthood.
- b) Commercial uses shall be defined in the zoning and are intended to services the community on a whole in addition to “pass-by” traffic.
- c) Should any future market demand demonstrated through land owner study result in only a portion of this site being viable for convenience commercial uses, a remnant southern portion may be used for medium density residential, provided access to the lands via public road allowance can be secured. Not more than 50% of the designated lands would be eligible and a zoning by-law amendment would be required without further amendment to this Plan.
- d) This location is of significance with respect to this intersection being the primary point of entry into the northern community. Design of the site and building shall have regard to such matters as:
 - i. High quality architectural design and materials to serve in a capacity of a landmark or gateway level building;
 - ii. Enhancement of landscaping on the Baker Road frontage to soften appearance and provide a level of visual screening from headlights from on-site traffic to the residential on the north side of the street.
 - iii. Use lighting treatments to enhance the building and parking areas while limiting impacts on area residential, including residential that may be provided for on upper levels.
 - iv. Provide clearly defined pedestrian passage from the site frontage and potentially from adjacent properties (community centre, church

and medium density block) in the form of sidewalks or hard surface trail linkage, where such pedestrian movement is likely to occur.

- v. Design for fully enclosed waste management either internal to the building or in an accessory structure in a less prominent location on site.
- vi. Site should consider being designed to accommodate (potential/future) transit vehicle turning in the event that local and/or regional transit services become feasible in providing a level of service to Douglastown-Black Creek.

4.20.8.2. 4301 NIAGARA RIVER PARKWAY

This site has operated commercially for a number years, including instances of at-grade retail and upper floor residential. Commercial viability has negatively impacted this site in the past decade, rendering it vacant for extended periods.

- a) Consideration shall be given to allowing rezoning of this property, without need to amend this Plan, for multi-residential uses while maintaining sensitive built form and massing to adjacent dwellings. Design considerations should include and may be found in a site specific by-law containing additional regulation on:
 - i. Building height should not exceed 3 storeys (or 11m);
 - ii. Design and building placement/addition should be sensitive to proximity to the Niagara River Parkway with setbacks being considered maximized where possible.;
 - iii. Parking in rear lot area shall be a consideration where it can be balanced with Parkway setback and maintain quality site design;
 - iv. Minimum of 5 units and maximum of 9 units;
 - v. Site access shall be from Black Creek Road unless otherwise permitted by Niagara Parks Commission; and
- b) Site Plan Control shall be used to ensure compliance with all other zoning or municipal requirements.
- c) If through consolidation with adjacent property on Black Creek Road, the site increases in total lot area, general policies of medium density shall apply. Should modification to the provisions of multi-unit residential zoning be required to address such matters as height,

density, setbacks or building placement, a site specific zoning by-law amendment will need to be undertaken, but shall not require an amendment to this Plan

4.20.8.3. COMMERCIAL BOUNDED BY QEW-TOWNLINERoad- NETHERBY ROAD

This defined area of approximately 17.39 ha. (43 ac.) with a PSW of approximately 4.0 ha. (10 ac.) has been long held highway commercial lands intended to provide service and cater to major highway traffic. Its location at the full interchange with Netherby Road provides good visibility and exposure to the QEW, yet has remained undeveloped. Its location midway between urban Fort Erie and urban Niagara Falls is the only intervening location with municipal services available to service to lands. However, with major commercial uses established at the Fort Erie and Niagara Falls urban areas, the market has not advanced proposals that have been feasible to construct given proximity of the other major serviced highway commercial sites.

While the designation remains in place as commercial for this Secondary Plan, broadening the permitted uses on portions of the site is an opportunity to further advance potential development interest.

East Half

- a) The site may develop through Draft Plan of Subdivision or through Part Lot Control. Consent applications shall be discouraged unless adequate safety and sightlines can be effectively demonstrated with supporting traffic study identifying points of ingress and egress adequate for proposed development.
- b) Required Site Plan Control with Agreement shall ensure additional requirements and conditions are met.
- c) Zoning for the east half of the commercial designation may contain additional (enhanced) permitted uses over and above those presently permitted in the current zoning, but shall be subject to additional provisions required to be met and may exclude residential components next to the QEW.
- d) Additional uses that may be considered in the site specific implementing by-law would include select uses that are typically

permitted in Prestige Industrial zoning provided that such uses are considered Class I or better in terms of Ministry of the Environment and Climate Change D-6 Separation Guidelines and NPC-300 Guidelines for noise and vibration. The municipality may require completion of such studies to support site planning and recommendations may form part of the required Site Plan Agreement.

- e) Additional permitted uses that may be considered include, but are not limited to, such use as business or commercial trades school, establishments providing information and telecommunication services, printing establishments and public storage facilities.
- f) Zoning and Site Plan Control shall be used to ensure such aesthetic measures as building placement and screening are used to maintain visual appeal throughout the enhanced commercial area.
- g) Outside storage of materials and goods shall not be permitted with exception of public storage facilities that may be permitted limited outside storage of boats, trailers and motorhomes. Any such outside storage areas permitted with public storage shall be controlled through site plan and may be subject to visual screening and height restrictions in the implementing by-law.

West Half

- h) Additional uses that may be permitted by zoning by-law amendment on lands lying on the western portion of this site (due south of the PSW) may include institutional uses in the form of fully assisted long term care, retirement home / home for the aged at an equivalent density of 75 u.p.h. without amendment to this Plan.
- i) Additional studies may be required to support institutional uses to ensure compatibility of adjacent uses, servicing capacity and compliance with MOECC noise and vibration criteria.
- j) Site Plan Control with Agreement will ensure additional requirements and conditions are met.

4.20.8.4. COMMERCIAL SOUTH SIDE TOWNLINE ROAD (2991 TOWNLINE RD.)

The commercial lands located on the south side of Townline Road, east of Black Creek Trail have seen use as a metal fabrication facility since approximately 1975 and is permitted, together with a detached residential dwelling on a private septic system under existing site specific zoning.

- a) Any future application to amend the zoning may provide for expanded commercial uses similar to those being provided for on the north side of Townline Road. Opportunities to improve site aesthetics from Townline Road, including landscaping and vegetative screening/buffers of open yards and outside storage shall be considered if the Town is provided with any future planning applications.
- b) Opportunities for a private maintenance yard / facility in conjunction with Black Creek Leisure Homes shall be permitted on these lands through zoning by-law amendment. Site Plan Control will provide opportunities to improve site aesthetic and screening to reduce visual impacts on Townline Road and adjacent residential properties.

4.20.8.5. COMMERCIAL SOUTHWEST CORNER OF TOWNLINE ROAD AT NETHERBY ROAD

This commercial site of approximately 1.9 ha. (4.7 ac.) is presently zoned for automotive service station uses and may continue to retain the commercial designation and zoning that provides for such use under this Secondary Plan. Alternative land use may be considered appropriate in future if feasibility/viability of automotive use is diminished.

- a) Notwithstanding the commercial designation of these lands, consideration for expansion of the existing Black Creek Leisure Homes may be permitted by zoning by-law amendment without amendment to this Plan. Such use shall be guided by existing zoning for the established park and may require additional study to provide requirements in meeting noise mitigation / attenuation in relation to adjacent roads. Additional studies relating to servicing may also be required at the time of zoning amendment.

- b) If in the event that such expansion is planned to occur, the Town shall consider making the Old Townline Road road allowance available to the ownership in order to provide contiguous ownership, save and except required easements for an existing regional watermain and any local easement or utility easement requirements.

4.20.9. **INSTITUTIONAL**

- a) The lands designated on Schedule “DBC-2” as “Institutional” recognize the existing Place of Worship use. 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) Accessibility shall be considered for any development or redevelopment proposals as administered through the Ontario Building Code.

4.20.10. **OPEN SPACE**

- a) The lands designated as “Open Space” on Schedule “DBC-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.
- b) Lands identified under an “Open Space” designation within the Douglastown-Black Creek Secondary Plan Area are further defined as provided for below.

4.20.10.1. OPEN SPACE – PARKS (NEIGHBOURHOOD AND SPECIALIZED)

- a) The Town of Fort Erie’s Parks and Open Space Master Plan shall serve to generally guide the appropriate location and effective service area distribution for parks within the Secondary Plan Area. The Parks and Open Space Master Plan is scheduled for review and update in 2016 and shall provide future direction on the community’s long term Open Space needs. The Secondary Plan anticipates open space and recreational attributes for the benefit of residents and shall form part of the future Master Plan.

- b) Town owned parks fall within three classifications as stated in the Parks and Open Space Master Plan. While “Community Park” does not form part of the Town’s Open Space provisions in the Plan Area, Neighbourhood Parks and Specialized Parks are represented and being planned. The following policies are intended to identify objectives of the Town as it relates to:

Neighbourhood Parks

- i. Neighbourhood parks within the Plan Area are located in the north portion of the Plan Area, within the residential subdivisions. Lands south of the QEW are predominantly commercially designated or comprise specialized lifestyle residential (Black Creek Leisure Homes) that have private amenity space for its residents. There are no plans for a new neighbourhood park south of the QEW.
- ii. The northern community provides two existing “neighbourhood parks” referred to as “A.C Douglas 1” and “A.C. Douglas 2”.

A.C. Douglas 1 serves in a capacity of a passive recreational space due to the municipal infrastructure required to be situated within the park space including a regional sanitary pumping station and a stormwater management facility planned for construction as part of the River Trail (Phase 2) plan of subdivision. As part of the subdivision approval, the park will be provided with amenities such as paved trail and small pavilion overlooking the pond and generally cater to the local residents seeking an outdoor area for passive, leisure pursuits.

A.C. Douglas 2 is the more southerly neighbourhood park and provides the community with amenities geared to active recreational needs. The park space contains tennis and basketball courts, a soccer pitch and back-stop for baseball. The large fields are shared spaces, so organized sport would need to be scheduled.
- iii. Identified need for a more northern neighbourhood park is found in the Town’s Parks and Open Space Master Plan. Future development applications will be reviewed with the intent of lands being provided in a desirable location that will serve area and future residents with a park space. Programming of the future park space will be considered during the upcoming Parks and Open

Space Master Plan review in terms of active amenity requirements versus passive park use. The Town shall have regard for the future park location that will include consideration on optimal catchment area. The Town typically aspires to a 600m catchment area, but must also consider other factors such as population and density and other existing recreational spaces that may be under other jurisdiction or even privately operated.

Specialized Parks

- iv. Specialized parks in context of the secondary plan include such features as the Niagara River Recreational Trail, The Shagbark Trail and unimproved creek-front road allowances.
- v. The Plan Area extends to the Niagara River were it gains access to the Niagara River Recreational Trail. While the trail is not under the jurisdiction of the Town (owned and maintained by Niagara Parks Commission) it is a publicly accessible recreational asset that residents of Douglastown-Black Creek benefit from and enjoy. This trail system is part of a major network of trails that extend beyond municipal and regional boundaries. As part of the Greater Niagara Circle Route, this trail system is also recognized as part of a much larger planned network referred to as the Trans Canada Trail that seeks to link the three national coastlines via land and water routes.

The Niagara River Recreational Trail's multi-use paved trail system is of benefit to the community who have identified an "active lifestyle" within their vision statement.

- vi. Shagbark Trail is a relatively smaller segment of paved trail linking Black Creek Road with Shagbark Lane and Switch Road. The Shagbark trail serves an important role for pedestrians as it provides the only footbridge crossing of Black Creek, which lays immediately north of the QEW. The only other crossing point for the northern portion of the community is Niagara River Parkway at the extreme north.

The Shagbark Trail and bridge have effectively enabled a circular 4.5 km recreational/walking route comprised of Black Creek Road, Shagbark Trail and Shagbark Lane, Switch Road and the Niagara River Recreational Trail. Only the Shagbark trail portion of the circuit is considered a Town specialty park (linear park). The

portions of Switch Road and Black Creek Road (where there are no municipal sidewalks) would classify as on-road pedestrian linkage.

Feasibility of improvements will be reviewed during the Parks and Open Space Master Plan. New development along Black Creek Road may be required to provide sidewalks in effort to further formalize the pedestrian route.

The Plan identifies locations where unimproved road allowances running off River Trail extend to Black Creek. The road allowance “stubs” are in public ownership and can serve in a roll that provides public access to the creek for additional recreation pursuits such as kayaking or canoeing in summer months, and in the winter time, skating or cross country skiing. The Town shall undertake the appropriate process to enhance these public spaces and work with community residents during the Parks and Open Space Master Plan update (2016) in order to determine the appropriate or intensity of use for these points of creek access.

The lands are shown as Open Space in order to facilitate their future review, which may or may not lead to dedication as parkland under specialized park criteria.

4.20.10.2.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 neighbourhood parks, Shagbark Trail, The Niagara River Recreational Trail, the Black Creek Community Centre and Black Creek itself.
- 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.
- c) The Town may consider, acquire or become the benefactor of land for linkage purposes; however, the Town is under no obligation to

purchase or accept lands for linkage that, in the opinion of the Town, does not serve to provide opportunity for long term continuous or contiguous connection. Linkage opportunities will be reviewed on an ongoing basis by the Town during secondary planning and individual application submissions.

- d) Linkage opportunities are represented on Schedules DBC-3 and 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 pedestrian routes.

4.20.11. **NATURAL HERITAGE**

4.20.11.1. GENERAL

- a) Policies of Section 8 shall apply to all Natural Heritage resources within the Douglstown-Black Creek 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 environmental features or sensitive areas.
- b) Determination of any natural feature boundaries or environmental study requirements will be identified/confirmed during mandatory pre-consultation for Planning Act applications, or on permit application review for site or building expansions in cases where the lands are regulated under the Conservation Authorities Act, as administered by the Niagara Peninsula Conservation Authority, and in accordance with Section 8 of the Official Plan.
- c) Determination of 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.
- d) There may be unique circumstances that need to be recognized as a result of existing conditions, such as existing dwellings within wetland buffers and lots of record within hazard lands. Any such

unique circumstances will be identified and discussed if and when a planning application or building permit application is filed with the Town and/or having been identified during pre-consultation. Determination of the applicable approval authority will be dependent on the nature of the existing condition and the environmental designation or constraint impacted. The MOU will be referenced in determining approval authority.

Lands impacted by natural hazards regulated by the NPCA will be subject to regulatory controls under the NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (O. Reg. 155/06), as amended from time to time.

- e) Schedule DBC-2 of the Douglstown-Black Creek Secondary Plan illustrates areas of Environmental Protection designation. These areas are identified on Schedules DBC-3 and DBC-3a, and are further broken down to illustrate the specific natural feature or hazard land components.
- f) The Douglstown-Black Creek Secondary Plan also contains Environmental Conservation Areas, all of which are shown as an overlay designation on Schedule DBC-2 and 3. Development may be permitted in an Environmental Conservation Area subject to an EIS having been conducted and the Terms of Reference approved prior to initiating the EIS by the applicable approval authority.

4.20.11.2. ENVIRONMENTAL PROTECTION AREA

- a) Environmental Protection Areas in the Plan Area are comprised of Provincially Significant Wetlands (PSW's) and lands subject to natural hazard conditions as described in Section 8.2.4.
- b) PSW's are identified on Schedules DBC-2 and DBC-3. All PSW's are designated as Environmental Protection.
- c) The Plan Area contains several locations where PSW's are identified. Most are associated and defined along the shoulders of the Black Creek drainage course. PSW's lying just outside of the Secondary Plan area are shown to provide context on the environmental feature and any influence it may present on lands within the Plan Area. In most, if

not all cases, the PSW's are truncated at roads or (abandoned) railways

While it is recognized by NPCA that the common threshold for an EIS requirement adjacent to a PSW is 30m, the NPCA may request an EIS to demonstrate no negative effects on a PSW within 120m of adjacent lands, depending on the nature of the development.

- d) The Ministry of Natural Resources (MNR) establishes the boundaries of wetland features and considers the evaluations to be open files. Property owners who wish to have wetland boundaries re-evaluated have the opportunity to do so in consultation with the MNR. The NPCA will provide guidance to the owner in establishing discussions with local MNR representatives if desired. Property owners should recognize that wetland features may change over time and may increase or decrease in size and will be evaluated as such by the MNR. The NPCA regulates identified wetlands under the Conservation Authorities Act.
- e) Schedules DBC-2 and DBC-3 illustrate the PSW features and the 30m adjacent land limits associated with the feature. Development within the adjacent land is regulated by the NPCA and generally not permitted unless approved by the NPCA.
- f) The 30m adjacent to the PSW's is represented by a line on the Schedules and also illustrates an underlying land use designation. This underlying land use designation does not constitute or secure development rights or potential without pre-consultation with the NPCA and Town on a supporting EIS and the EIS having been completed and accepted by the NPCA.
- g) Notwithstanding paragraph a) and c) herein, Section 4.20.11.1d) recognizes there may be unique circumstances for existing development in PSW adjacent lands, in which case, the need for an EIS will be determined through consultation with the Town and NPCA and will be subject to NPCA regulations in effect, as amended from time to time.

- h) Natural Hazards are reflected on Schedules DBC-2 (contained within the Environmental Protection designation) and further broken down on Schedule DBC-3 and DBC-3a. The policies of Section 8 shall apply to Natural Hazards identified within the Douglstown-Black Creek Secondary Plan Area.

4.20.11.3. ENVIRONMENTAL CONSERVATION OVERLAY

- a) Environmental Conservation Area designation overlay, as shown on Schedules DBC-2, DBC-3 and DBC-4, comprises wooded areas over 2.0 ha. and the most sensitive of natural areas identified by the Town's Natural Areas Inventory.
- b) When an EIS is required, the Region's guidelines will be followed. The guidelines contain requirements and procedures for scoping and waiving studies. The applicable approval authority shall have regard for the requirements, to simplify the approval process while allowing development that safeguards the natural environment.
- c) A Tree Preservation Plan may be required to implement the recommendations of an EIS, or to protect trees identified as worthy for protection. Requirements for a Tree Preservation Plan will be identified in conditions of draft plan or site plan approval.

4.20.11.4. 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 DBC-3.
- b) Schedule "C" of the Official Plan illustrates conceptual Corridors throughout the municipality. These corridors represent a higher level linkage 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 Douglstown-Black Creek Secondary Plan Area contains one such corridor, which is directly associated with the Black Creek tributary and the Niagara River Shoreline.

- c) Black Creek's shoreline has essentially been built out with residential, particularly on the west side. While the east side is far less intense in terms of development, the natural feature constraints of flood line and PSW will likely prevent future incursion in the east shoreline area.

Much of the development has occurred and been in place along the Creek's shoreline between 1950 to 1970 and has subsequently seen regenerative vegetative growth offering wildlife and avian corridor activity. It is not anticipated to be subject to and any further degradation through development. However, any opportunities to further enhance the corridor will be considered during development applications that may arise within the general vicinity of Black Creek with proponents asked to demonstrate enhancement of the corridor in relation to their proposed development activities.

4.20.12. **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 Douglastown-Black Creek 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 potential for future transit service.
- b) Transportation systems are shown on Schedule DBC-4 of this Plan.
- c) 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.
- d) 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.

4.20.12.1.ROAD NETWORKS

- a) Further development of the road network within the Douglastown-Black Creek 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) New subdivision development with planned public right-of-ways shall have roads 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 six (6) categories of roadway hierarchy in the Plan Area. These would be defined as:
 - Queen Elizabeth Way (QEW)
 - Regional Arterial Road (Netherby Road being the westerly limit of the Plan Area)
 - Niagara River Parkway – (NPC Jurisdiction)
 - Town Collector Roads (Baker Road and Black Creek Road);
 - Local Roads (all remaining public roads); and
 - Private Roads (within Black Creek Leisure Homes Lifestyle Community)
- e) Schedule DBC-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 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 application for development adjacent to Netherby 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 practical or 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 Plan illustrates “conceptual” roads on portions of the Plan. These conceptual roads are provided as a guide for the purposes of demonstrating efficient use of potentially developable land. Any proposals for areas where conceptual roads are shown may supply alternate designs; however, development proposals must also demonstrate the effective use of land and connectivity to the existing surrounding road network. Change to the conceptual road network would not require amendment to this Plan.
- i) New road connections should be aligned with opposing roads or major driveways whenever possible.
- j) Any planned road intersections and driveways connecting to Netherby Road or the Niagara River Parkway shall require approval of the respective authority.

4.20.12.2.ACTIVE TRANSPORTATION

- a) Active Transportation shall be a consideration of Council as identified under Section 12.7.2 iv).
- b) Schedule “DBC-4” illustrates components of the Active Transportation Network for the Douglastown-Black Creek Secondary Plan.
- c) Components of active transportation in the context of the Douglastown-Black Creek Secondary Plan Area are almost entirely for recreational purpose. While planned development is intending to increase feasibility of some commercial enterprise, the vast majority of active transportation related alternatives will remain recreational in nature. Despite this community reality, residents are encouraged to make use of the Niagara River Recreational Trail to gain access to urban Fort Erie or urban Niagara Falls for seasonal commuting on bicycle. Should transit become feasible for regular route and service implementation,

active transportation should also be considered to transit stop locations.

- d) The Town will take a leadership role in promotion of active transportation infrastructure when reviewing development applications and undertaking road improvements / reconstruction.
- e) 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 “DBC-4”.
- f) The Town shall consider options and opportunities to improve pedestrian safety along the northern reach of Black Creek Road where it narrows in close proximity to Black Creek. With little shoulder area, pedestrians are channeled onto the roadway on route to and from the Niagara River Parkway and the Niagara River Recreational Trail.
- g) Collector roads within the Plan Area shall be planned to provide for sidewalks on both sides. 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.
- h) 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.
- i) The Plan Area contains natural environment features that may be suitable for accommodating pedestrian linkage (access to Black Creek for passive recreational pursuits such as canoe and kayaking launch points). The NPCA will be consulted when trails/sidewalks are proposed in regulated areas.
- j) Type of surface materials used on trail linkage in the area natural features will be determined on a site by site basis and in consultation with NPCA and/or MNR where applicable.

- k) Wherever possible, the Town, Region and Niagara Parks Commission, 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.
- l) Active Transportation and Public Transit use are complimentary modes of transportation and can be co-dependent for some residents. While transit feasibility remains elusive at this time due to such factors as population, density and automotive lifestyle, regard for accessing planned transit locations should be considered in new development and major roadway reconstruction projects.

4.20.12.3.PUBLIC TRANSIT

- a) Conventional transit service is not presently provided to the Douglastown-Black Creek community. Community Focus Group participation in the development of this Secondary Plan have voiced transit service provision as high priority and until such time that population densities increase, making it more sustainable and financially feasible to extend conventional service to the community, this Secondary Plan shall have regard for implementation in the context of “future” transit provision. Illustration of transit routes and stops does not imply the Town will be providing service, but rather if service where to become a reality, where the service may be suited to connect to the community.
- b) Douglastown-Black Creek is presently provided with municipal “Accessible Specialized Transit” service and the Town supports its continued operation separate to that of a desired “conventional” transit service being established.
- c) The Town supports Region of Niagara inter-municipal transit service and shall work cooperatively in review and support provision of regional routes that may, or may not supplement a level of transit connection from Douglastown-Black Creek to the Fort Erie urban area, in addition to that of its primary and intended inter-municipal service.

- d) Conceptual local transit stops are illustrated on Schedule “DBC-4” as a first step in reaching the Douglastown Black Creek community. A conceptual stop on Netherby Road to service Black Creek Leisure Homes and one in proximity of the Black Creek Community Centre would provide walkable access to the service while minimizing incursion into the communities for timing or schedule alignment purposes. Should service demand dictate, interior routing could be defined at such time of service commitment.
- e) Long term local transit planning shall have regard for locating potential transit stops using a typical 400m radius service area catchment model.

4.20.12.4. PARKING

- a) The majority of the Secondary Plan Area is largely 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.
- b) The Town shall monitor on-street parking throughout the community and may recommend restrictions to alleviate any safety issues if deemed appropriate.
- c) 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.

4.20.13. 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 Douglastown-Black Creek as being that of a lumber and grain milling origin as far back as the late 1700’s and well into the 1800’s. While virtually all of the early settlement has been replaced, there are a few residential dwellings of

considerable vintage. The Secondary Plan presently does not have any designated heritage properties.

- c) The Fort Erie Museum and Cultural Heritage Committee shall continue to advise Council on matters of Douglstown-Black Creek'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.
- d) 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.
- e) The Douglstown-Black Creek Secondary Plan Area contains areas of archaeological potential. New development proposals may require an archaeological assessment study prepared by a qualified individual or firm to accompany any such development application. The parent Official Plan Schedule 'D' - Cultural Heritage Archeological Zones of Potential identifies areas subject to this requirement. Need for any such study shall be confirmed through mandatory pre-consultation prior to any application submission.

4.20.14. **MUNICIPAL SERVICES**

- a) Municipal servicing shall be consistent with the policies of Section 12 of this Plan.
- b) Notwithstanding Section 12.1, some private or partial private servicing will be permitted within the Plan area in specific locations, with such locations having been identified in Sections 4.20.5 i), 4.20.6.1, 4.20.6.2 and 4.20.6.3 on Schedule DBC-2 of this Plan. Other than the lands identified, no further considerations for private or partial private servicing within the urban area boundary will be permitted without amendment to this Plan and if required, the Region's Official Plan. A Site Specific Zoning Amendment for lands considered will also be required. If for any reason that services are ultimately made available to these locations, service connection will be mandatory.

- c) Municipal services such as sanitary and storm sewers, stormwater management facilities and municipal drainage will be provided, where feasible, and maintained/upgraded as necessary to accommodate the needs of existing and future development in the Douglastown-Black Creek Secondary Plan Area.
- d) Based on findings of the 2010 Waste Water / Stormwater Master Plan study (*XCG Consultants Ltd.*), no immediate servicing concerns respecting sanitary capacity of the Douglastown Lagoons, or the Regional Pumping Station located in A.C. Douglas Park 1 have been identified.
- e) 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.
- f) 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.
- g) 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.
- h) Existing municipal water supply is currently available to service the majority of the Plan Area. New development may be required to loop watermains wherever opportunity exists to do so.
 - i) There are currently no restrictions to development within Douglastown-Black Creek under current water supply conditions for lands on the west side of Black Creek. Presently, there are no watermains servicing the lands on the east side of Black Creek and the Town has no directive to undertake this work under capital planning. Local residents would need to successfully petition under local improvement provisions in order to construct a watermain on Switch Road and along the Niagara River Parkway within the Plan Area.

4.20.15. 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.

4.20.16. NEIGHBOURHOOD GATEWAYS & LANDMARKS

- a) Schedule DBC-2 illustrates a Gateway symbols at the primary entry point of Baker Road at Netherby Road. Future development within the community will also use this access point, further reinforcing its true function as a gateway. The Town shall seek voluntary participation and effort on the part of development interests at this location to promote the gateway.
- b) Gateway features act to provide both physical and psychological queues 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 will require consultation with regional staff and potentially an approval depending on actual position or placement.

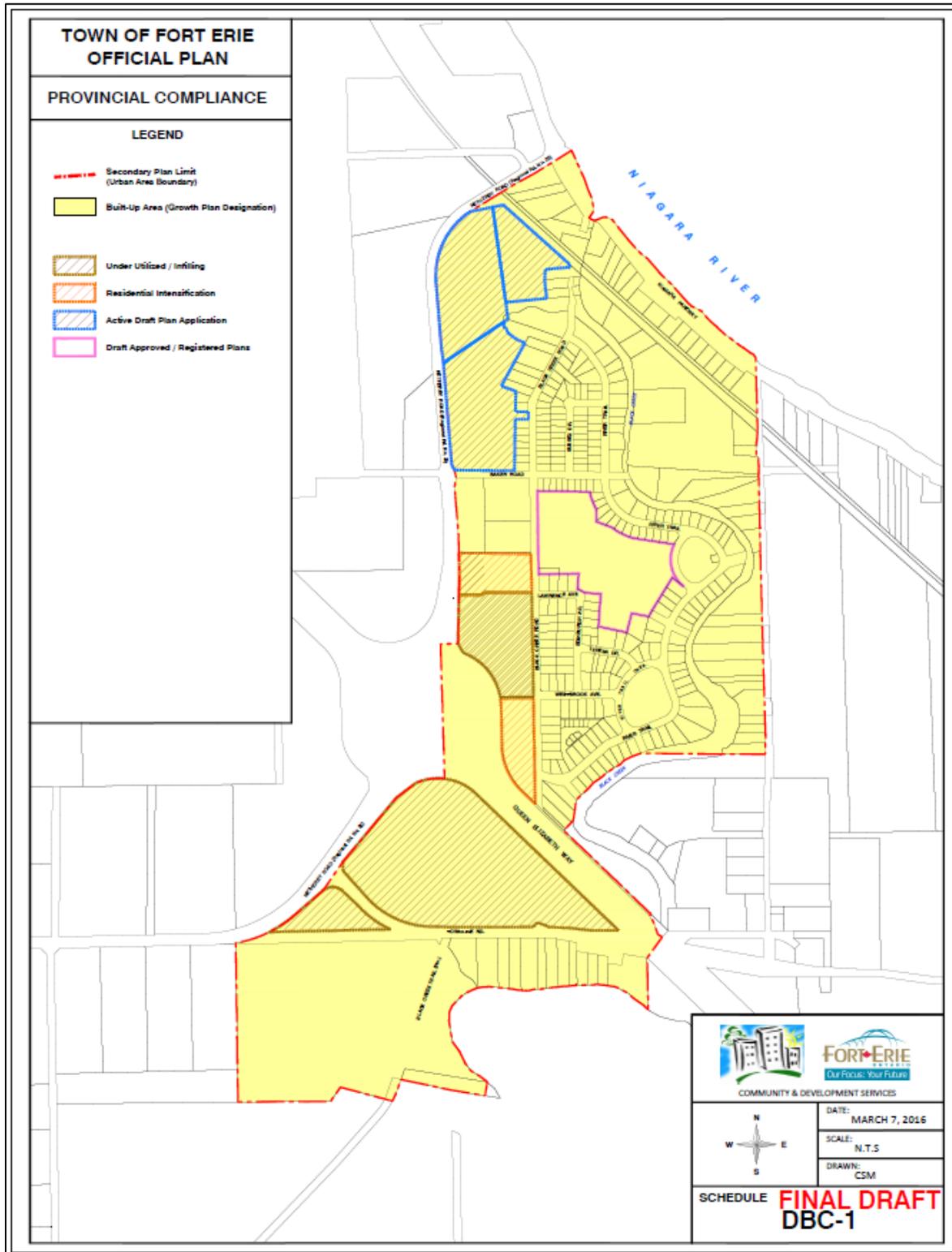
4.20.17. INTERPRETATION OF THE PLAN

The Douglastown-Black Creek Secondary Plan (Official Plan Amendment No.28) consists of Sections 4.20.1 through 4.20.17, and Schedules “DBC-1”, “DBC-2”, “DBC-3”, “DBC-3a” and “DBC-4”.

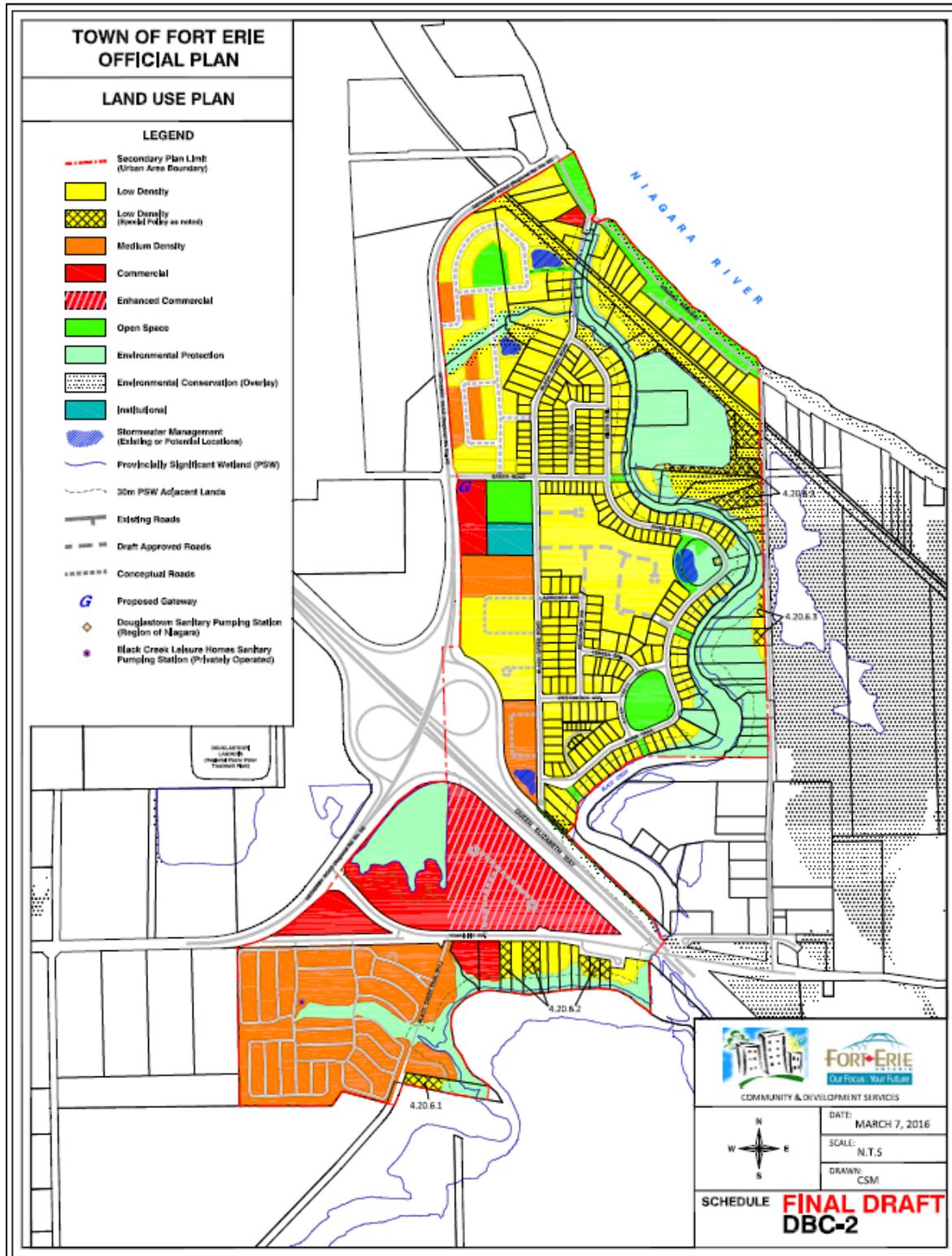
The text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

(Section 4.20 was introduced by By-law 2016-034, OPA #28)

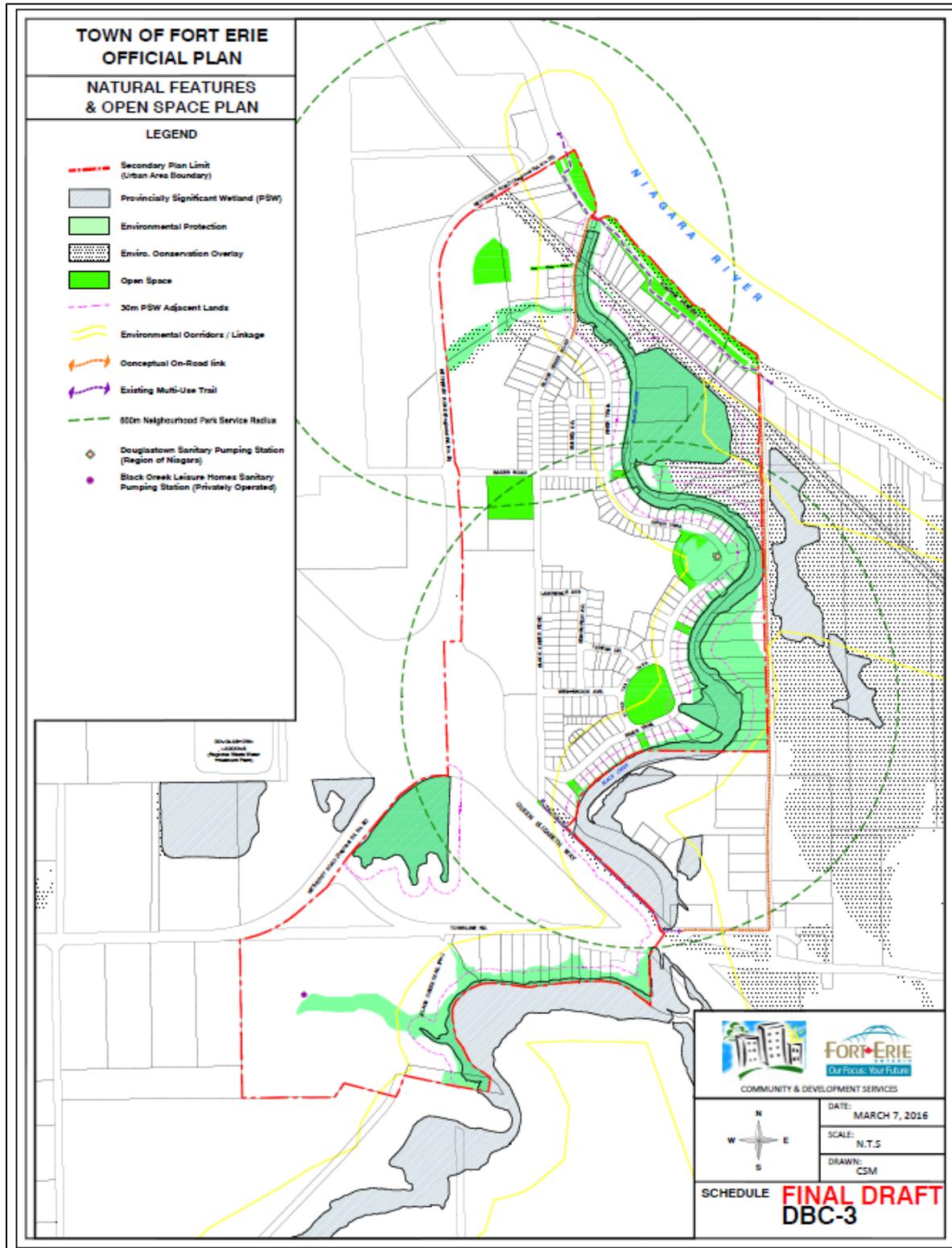
SCHEDULE "DBC-1"—PROVINCIAL COMPLIANCE



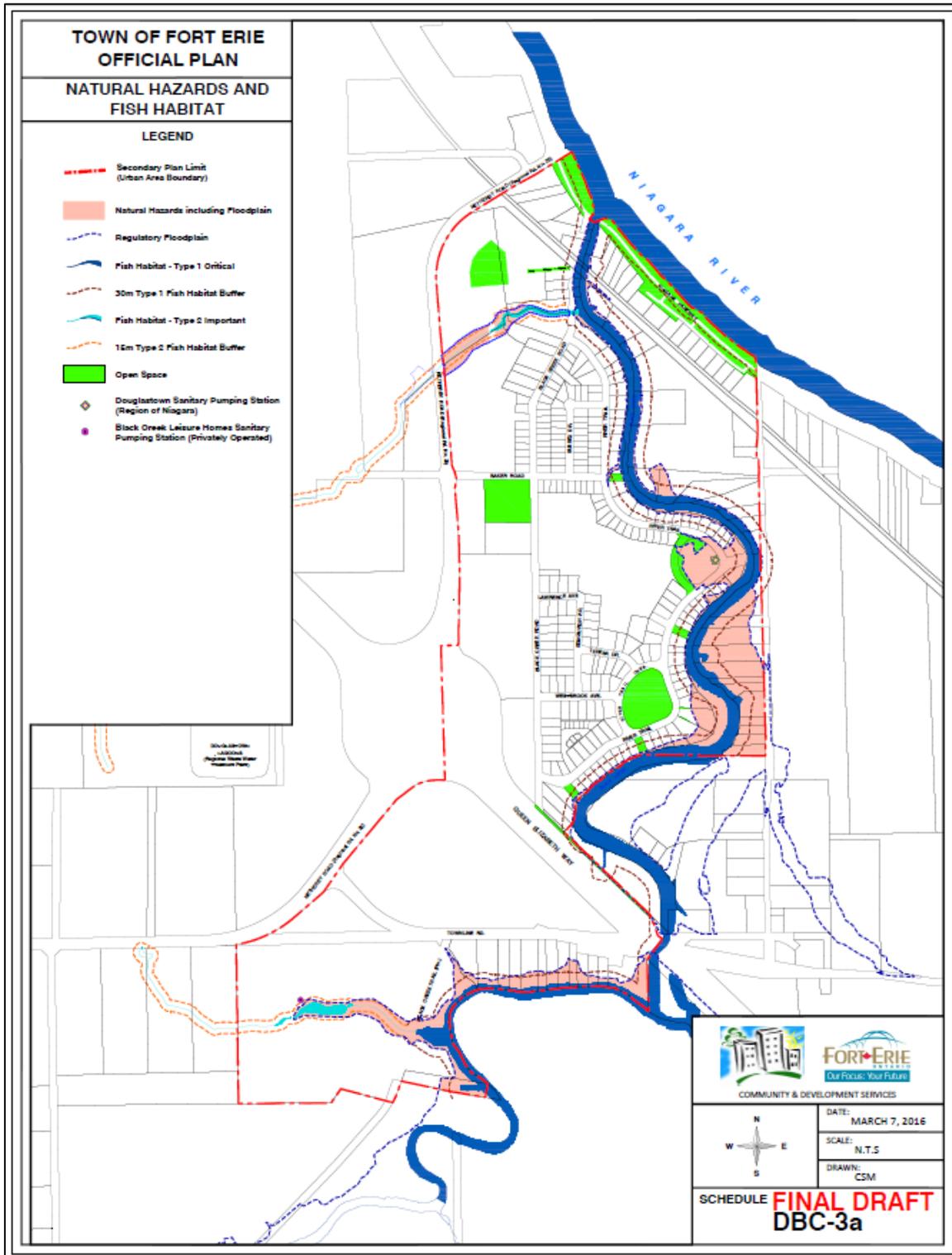
SCHEDULE "DBC-2"—LAND USE PLAN



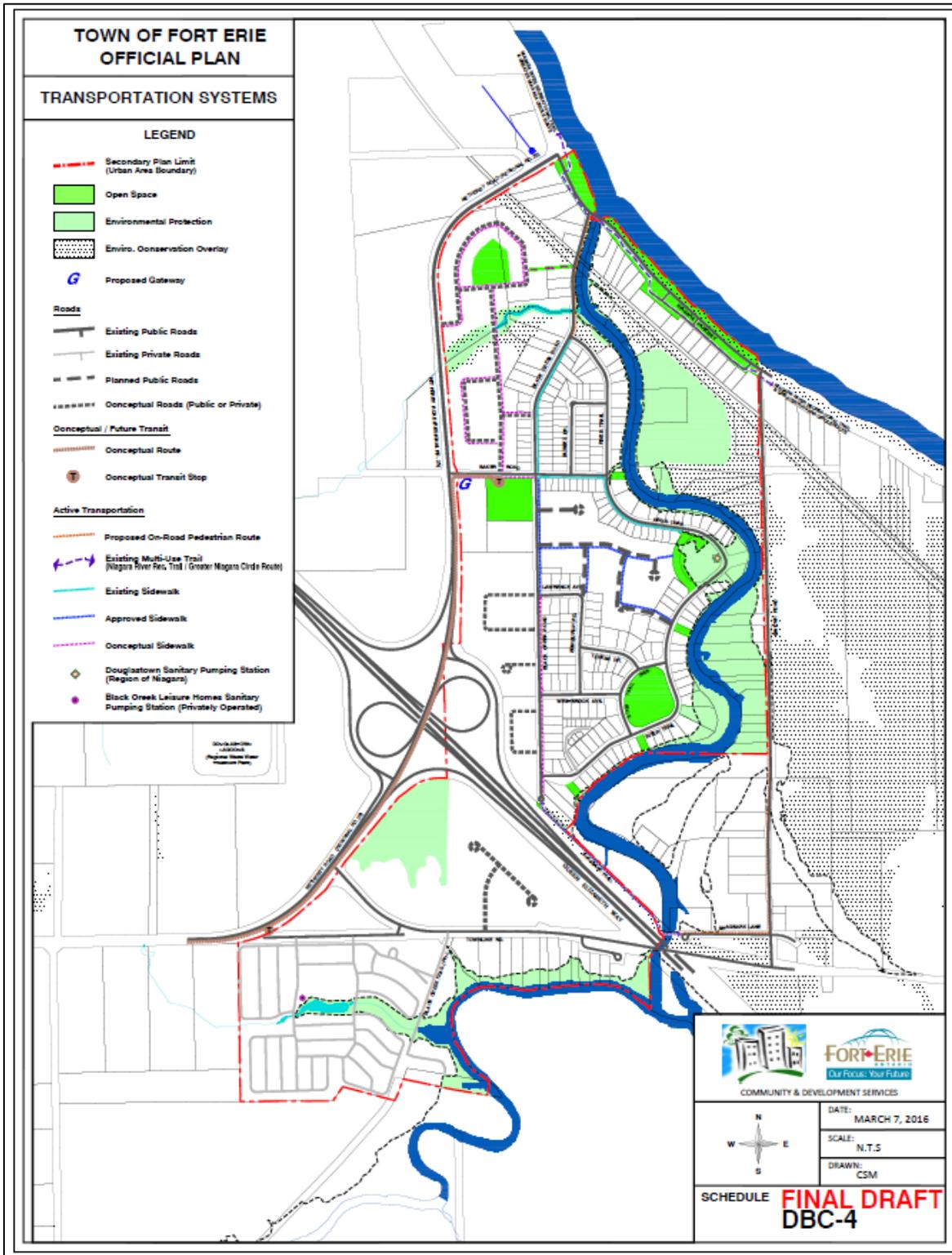
SCHEDULE "DBC-3"—NATURAL FEATURES & OPEN SPACE PLAN



SCHEDULE “DBC-3A”—NATURAL HAZARDS AND FISH HABITAT



SCHEDULE "DBC-4"—TRANSPORTATION SYSTEMS



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. 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. Preconsultation 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 lowrise 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 nonconforming 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 THE SOUTH SIDE OF PRINCESS STREET, BETWEEN WATERLOO AND ARCHANGEL 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 Bylaw as amended from time to time.
- o) Residential units will be subject to the regulations of the implementing bylaw with limited exceptions such as retirement homes and existing standalone 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:

- a. 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;
- b. Proximity and access to the QEW;
- c. Proximity to major commercial and institutional uses;
- d. Transit exposure;
- e. Minimal impact to adjacent properties with respect to height and design flexibility;
- f. Pending Hagey Avenue access addition improves site access opportunity and options;
- g. Potential for underground parking with available overburden depth.
- h. High neighbourhood and highway exposure for commercial uses.
 - i. Nothing shall prevent these lands from developing commercially under the regulations and provisions as set out in the Town’s Comprehensive Zoning By-law.

- ii. 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.
- iii. 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.
- iv. Permitted uses with mixed residential/commercial will be identified in the implementing zoning.
- v. Outdoor amenity area for residential shall be defined in the implementing zoning. A rooftop common amenity space and use is also permitted and encouraged.
- vi. 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.
- vii. 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.
- viii. 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 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

- a) **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.
- b) **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

- c) 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.
- d) 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, interregional 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.

4.21.17. **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.

4.21.18. 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

- a. 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.
- b. 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

- c. 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.

- d. 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.

- e. 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.

4.21.19. **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 watermains 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.

4.21.20. 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 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.

4.21.21. **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.

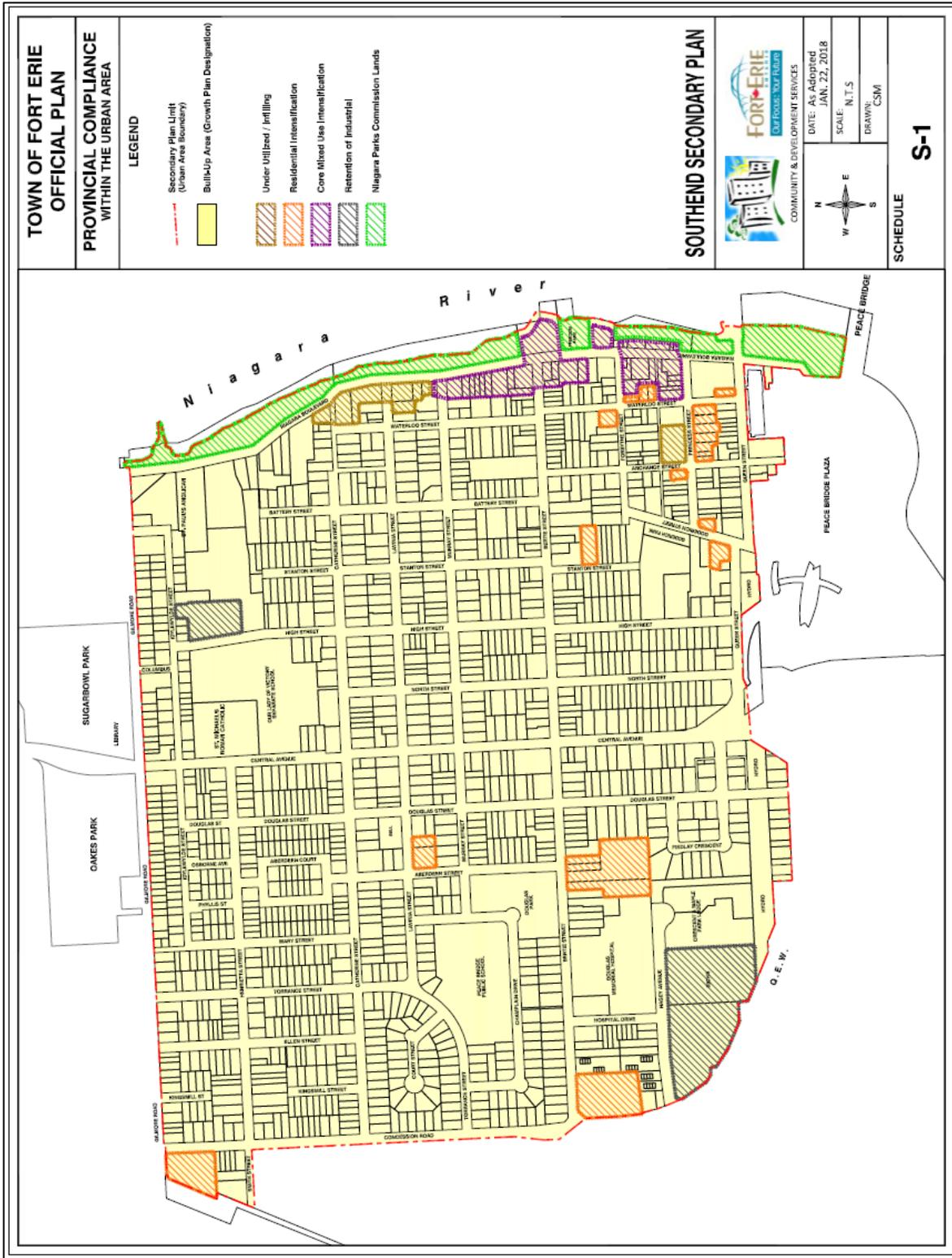
4.21.22. **INTERPRETATION OF THE PLAN**

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”.

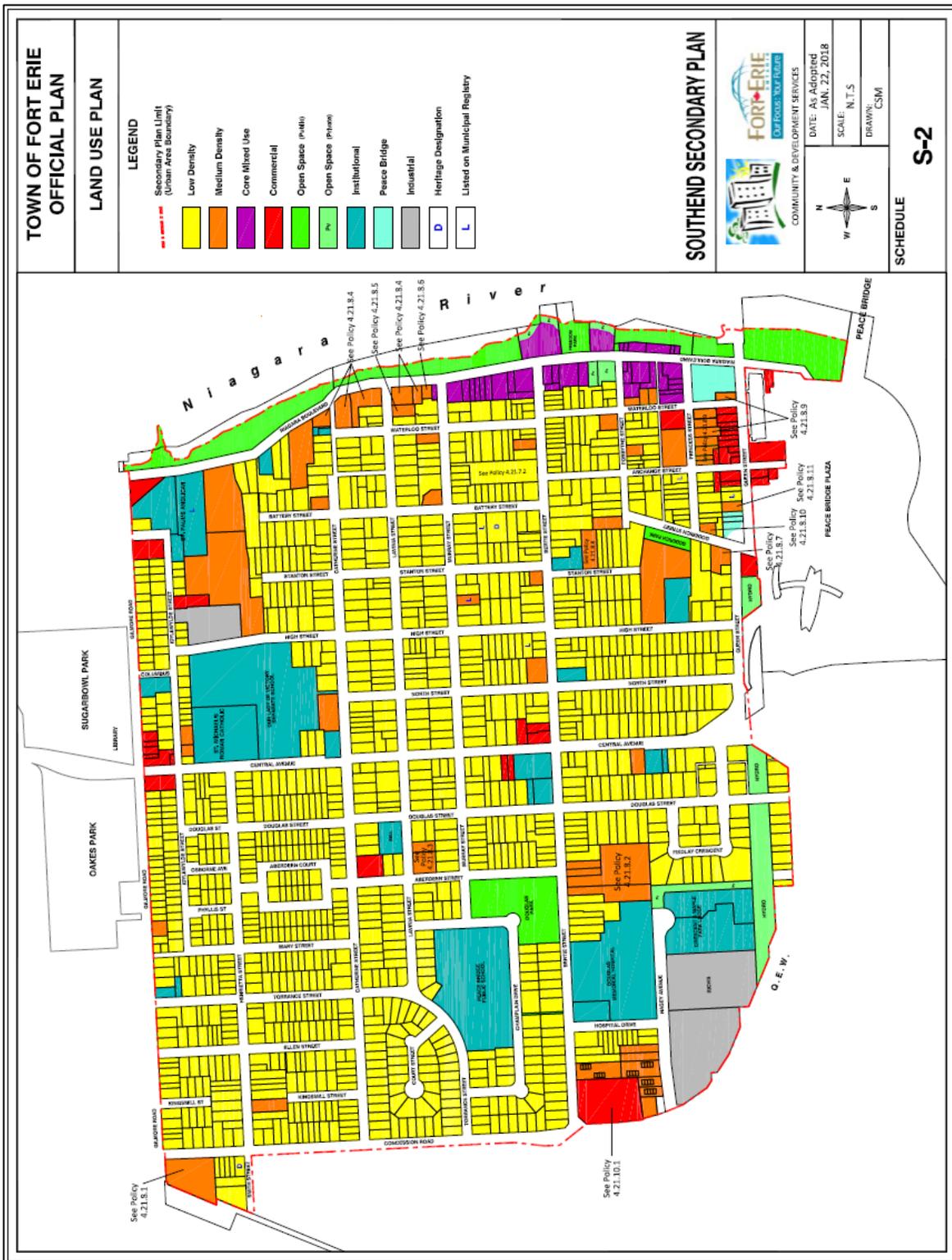
The text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

(Section 4.21 was introduced by By-law 2018-001, OPA #37)

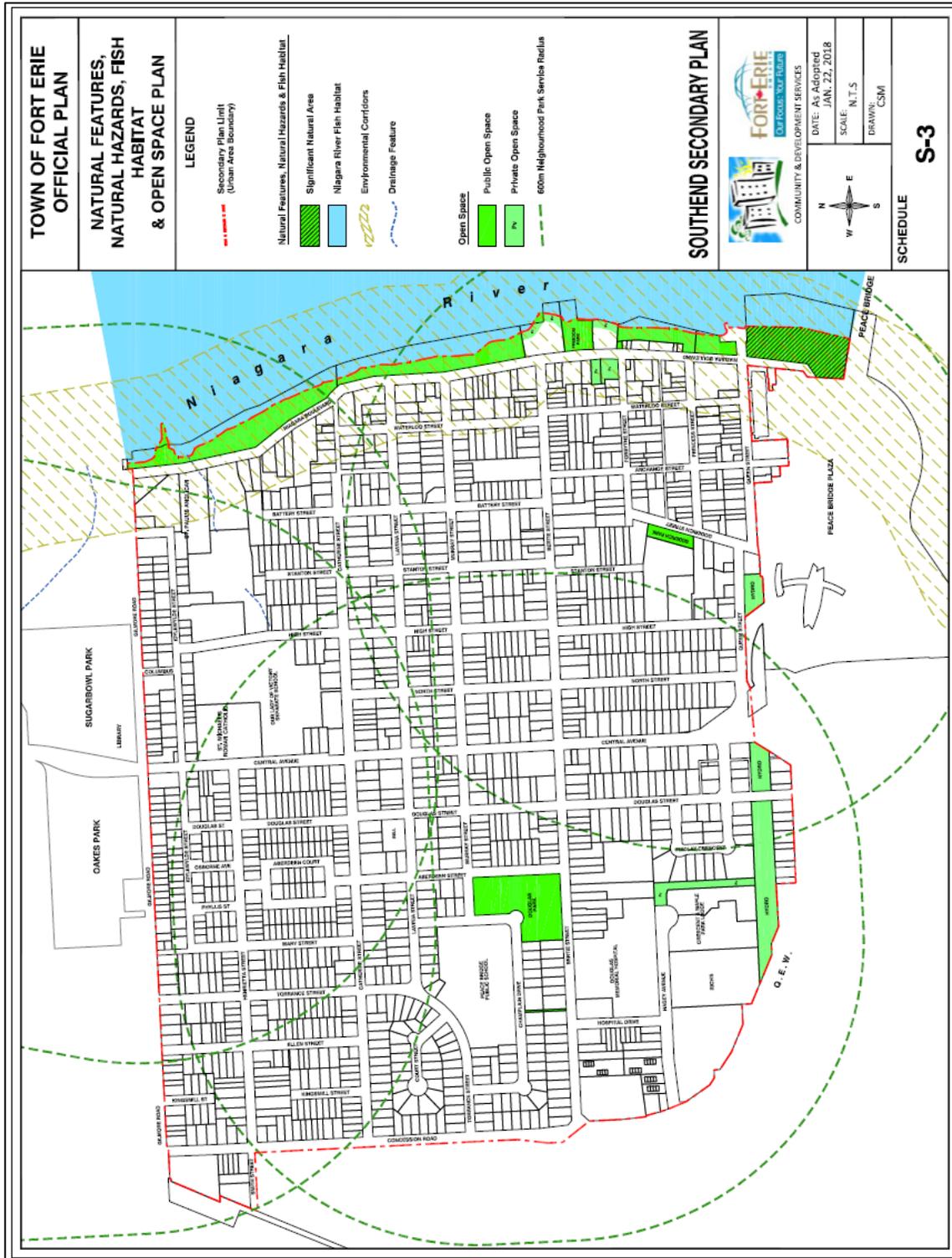
SCHEDULE "S-1"—PROVINCIAL COMPLIANCE



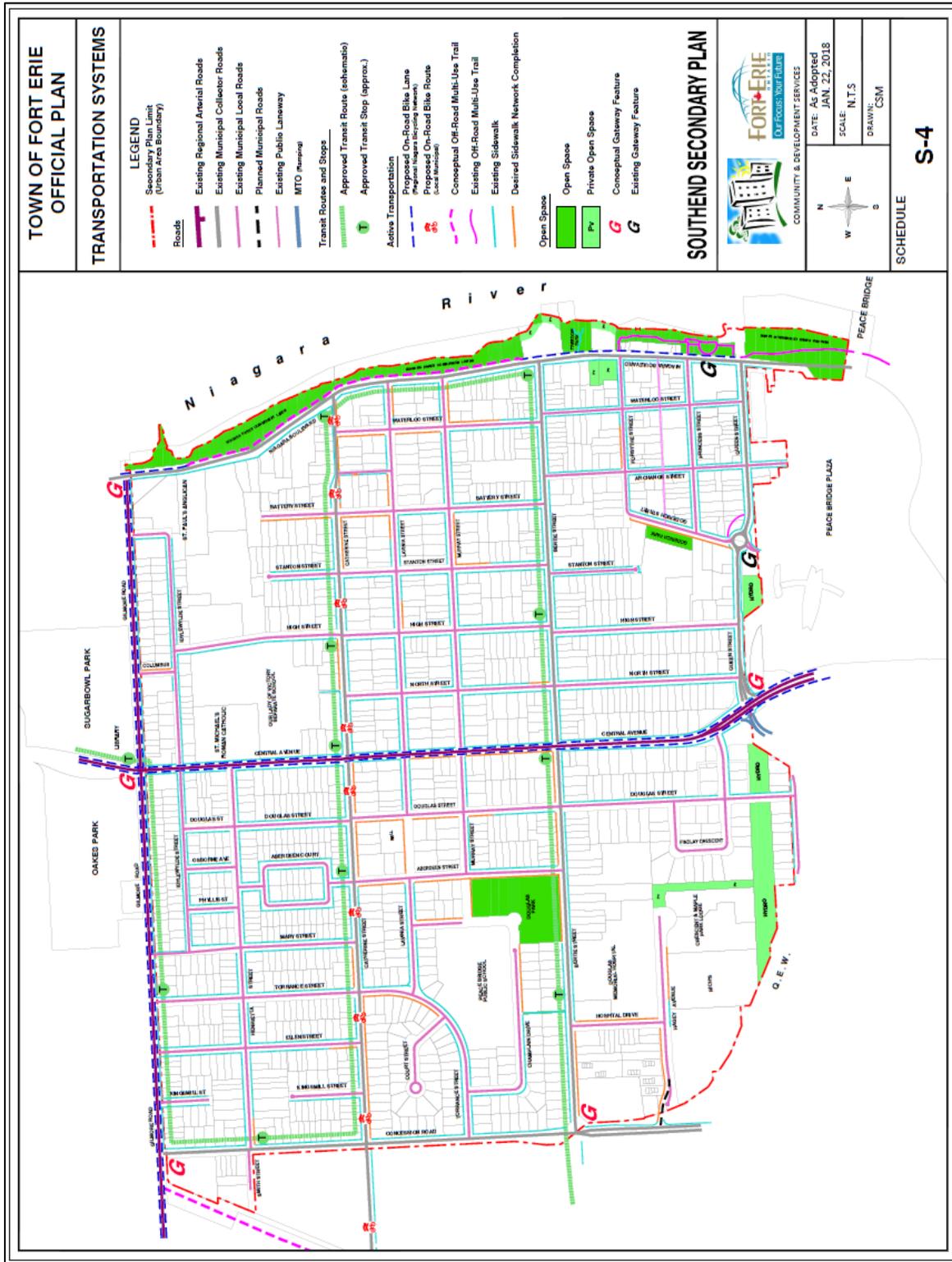
SCHEDULE "S-2"—LAND USE PLAN



SCHEDULE "S-3"—NATURAL FEATURES, NATURAL HAZARDS, FISH HABITAT & OPEN SPACE PLAN



SCHEDULE "S-4"—TRANSPORTATION SYSTEMS



Section 5

URBAN FORM AND HOUSING

5. URBAN FORM AND HOUSING

5.1. COMMUNITY HEALTH AND WELLNESS

The World Health Organization defines healthy communities as those communities that are “continually creating and improving those physical and social environments and expanding those community resources which enable people to mutually support each other in performing all the functions of life and in developing to their maximum potential”. Safe and healthy communities improve the quality of the natural resources, provide the necessary lands, roads and hard infrastructure to support existing and future growth, promote public participation in community activities, promote improved access to health and social services, promote healthy lifestyles and promote a caring community.

The Official Plan provides the physical context for planning a safe and healthy community in Fort Erie. The policies in this section work in conjunction with the policies in the Land Use, Natural and Cultural Heritage, and Infrastructure sections of this Official Plan. Policies throughout the Plan promote safe and healthy communities by providing opportunities to live, work, play and shop in the community, protecting the important natural resources in the community, improving the movement of people and goods in and through the community and encouraging public involvement in community issues.

5.2. GENERAL POLICIES

- I. The Town will co-operate and assist other levels of government, public and private agencies, and local stakeholder groups to improve the health and well-being of people living, working and playing in Fort Erie through the planning and development of safe and healthy communities.

5.3. AFFORDABLE HOUSING

- I. The Town will endeavour to ensure that affordable housing is made available to low and moderate income households. The provision of affordable housing shall be accommodated by the following methods:
 - a. Providing for a mixture of housing types, and lot sizes to serve the needs of various sectors and income levels in the community;

- b. Residential intensification by means of conversion of non-residential structures, permitting accessory apartments within existing dwellings, as well as infilling and redevelopment, in appropriate areas of established communities;
 - c. Encouraging residential units as a component of commercial developments;
 - d. Encouraging residential intensification efforts within and on the periphery of the central business districts of Fort Erie;
 - e. The Neighbourhood Planning exercise will provide the opportunity to determine if a variety of housing types are available for various demographic and income sectors, whether housing is owner occupied or rental, as well as the age and physical condition of housing stock;
 - f. The Town shall participate in government programs, where and when appropriate, to assist in the provision of affordable housing and the rehabilitation of existing housing stock;
 - g. Where appropriate and desirable include financial incentive programs for affordable housing in Community Improvement Plans;
 - h. The Town's Community Health and Wellness Committee recognizes the need for affordable housing as a positive component in creating and sustaining a healthy community and as such, will work with agencies administering affordable housing programs such as Niagara Regional Housing, the Canada Mortgage and Housing Corporation, and the development community; to identify the affordable housing needs within the Town of Fort Erie based on current and projected population demographics.
- II. The Town shall work in consultation with the Region and in consideration of the Niagara Regional Housing Strategy to establish targets for affordable housing.

5.4. ACCESSIBILITY

- I. The Town shall maintain an Accessibility Advisory Committee to consider the accessibility needs of persons with disabilities by undertaking the following:
 - a. Review and make recommendations on the accessibility of municipal buildings and current park infrastructure;
 - b. Provide input into the sidewalk rehabilitation program for accessibility design;
 - c. Participate in the development of transit initiatives;
 - d. Undertake a review of site plan applications; and
 - e. Review road crossing and intersection improvements including signalization when up for consideration.

5.5. NEIGHBOURHOOD PLANNING

- I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.
- II. A Neighbourhood Plan is a general guide for the development and redevelopment of a neighbourhood or part thereof. It reflects Council's intention regarding the ultimate development of the neighbourhood and implements the policies of the Official Plan in more detail at the neighbourhood level. Neighbourhoods identified for planning in the Town are denoted in Schedule "A1" of this Plan.

5.5.1. GENERAL POLICIES

- I. Neighbourhood Plans shall be implemented by amendment to this Plan. These plans shall be adopted by bylaw after consultation with neighbourhood residents, property owners and stakeholders.
- II. Planning decisions not consistent with the goals, objectives, and policies of the Neighbourhood Plan require a modification to the Neighbourhood Plan. Council

will seek public and agency input prior to making any significant modifications to the Plan.

III. The Neighbourhood Plan process will provide for collaborative preparation of the Plan between the Town, Region and NPCA, as well as review and comment of the Plan by relevant agencies to ensure it adequately addresses agency requirements and Provincial Policy objectives. Areas identified for residential intensification or site specific urban design matters by amendment will be reflected in the Zoning By-law.

IV. Council shall identify 2 to 3 priority Neighbourhood Plan Areas each year for development of a Neighbourhood Plan.

V. A Neighbourhood Plan indicates:

- a. The location and pattern of existing and proposed roads, as well as cycling and walking infrastructure;
- b. The ultimate population and number of dwellings to be expected in the neighbourhood;
- c. The location and extent of land required for community facilities, open space, natural areas, schools, institutional, commercial, residential and industrial uses as well as mixed use areas combining some of these land uses;
- d. The distribution and mix of housing of various types, densities and lot sizes, including appropriate areas and opportunities for accessory apartments;
- e. The location of major redevelopment and intensification areas;
and
- f. The location, design and possible staging of basic engineering services and public utilities.

VI. Neighbourhood Plans also form a basis for the maintenance of relevant statistical data by identifying the location and density of development and how the Plan meets provincial growth directives.

5.5.2. POLICIES

- I. New residential development should be sensitively designed to complement the existing character of the area, but not required to replicate the existing neighbourhood.
- II. A distinct identity for each local neighbourhood and/or community will be maintained by encouraging common design themes in the built environment while accommodating individual architectural highlights.
- III. Redevelopment of existing neighbourhoods will be addressed by providing flexibility in land use and compact, efficient urban form such as alternative lotting patterns and housing types, as well as a mix of uses;
- IV. Incorporate pedestrian and cycling access within and between residential development, parks, schools, commercial areas, churches, community facilities, employment uses and similar land uses to promote active transportation in a comprehensive manner that considers continuity and connectivity on a broader network basis;
- V. Encouraging those land uses that will generate employment opportunities for residents of the community;
- VI. Encouraging energy efficient designs;
- VII. Neighbourhood Plans will encourage the provision of appropriate services, facilities, and economic and employment opportunities that will support the neighbourhood.
- VIII. Neighbourhood Plans will ensure that housing is provided in a manner that implements and addresses Provincial policies by:
 - a. Providing opportunities for the development of a range of housing choices in terms of type, tenure, size and affordability;

- b. Encouraging residential intensification and redevelopment; and
 - c. Ensuring that the existing housing stock is maintained in terms of both quality and quantity.
- IX. The Town will work in close consultation with the Region through the Neighbourhood Plan process to identify key nodes and corridors for intensification.
- X. Streetscapes will produce a varied but cohesive landscaped image that provides public amenities and spaces, safety, comfort, and encourages the use of pedestrian and cycling activities where appropriate.
- XI. Open Spaces will be arranged so that they complement the streetscape and the built form, and provide high quality, aesthetically pleasing, usable public environment enhancing a sense of place.
- XII. The preservation, enhancement, remediation, and restoration of the Town's Natural Areas will be identified and promoted in Neighbourhood Plans by:
- a. Incorporating Natural Areas into Open Space, Parklands, and amenity areas where possible;
 - b. Ensuring that development proposals recognize and enhance the viability of natural areas; and
 - c. Incorporate important findings of other studies completed by the Town, Region, or private sector, as well as watershed plans or sub-watershed plans completed by the Niagara Peninsula Conservation Authority that may have land use implications.
- XIII. Neighbourhood Plans will incorporate design features to protect sensitive land uses from areas that constitute Natural Constraints such as flooding, erosion, and unstable soil conditions, as well as nuisances related to railway and motor vehicular traffic and industrial operations.

5.6. URBAN DESIGN

- I. Urban Design is an integral part of the total planning process as it provides a method of providing a visual contribution to the establishment of the character of the Town and its distinct neighbourhoods. The policies contained in this section are general in nature and are intended to be integrated into the Town's Neighbourhood Planning process. Neighbourhood Plans may provide more detailed and specific policies.

5.6.1. GENERAL POLICIES

- I. Urban character will be achieved within the Town's neighbourhoods, along major roads and significant public spaces, and elsewhere as identified by this Plan or subsequent Planning Documents.
- II. A distinct character for each neighbourhood will be established through the road pattern, building height and massing, streetscape elements, preservation and incorporation of heritage features and buildings, and prominent placement of institutional and open space uses.
- III. Road and lotting patterns will respect the established development patterns and heritage resources of each community and where possible facilitate active transportation.
- IV. Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.
- V. Heritage resources will be conserved and incorporated into new development in a manner that enhances the resource and makes them focal points for the community or neighbourhood.
- VI. Proposed development patterns will encourage open space connections that link public parks and community facilities through the use of pedestrian and cycling walkways, trails, and other such connections.
- VII. Generous planting of native species will be provided appropriate to the circumstances and location, and existing vegetation will be preserved to compliment the built form and to create an established appearance.

- VIII. Appropriate Gateway treatments will be provided at major entrances to the Town (Peace Bridge Area, QEW, Highway No. 3) and distinct communities within the Town through appropriate signage, landscape and streetscape design, and building massing or any combination thereof.
- IX. Consideration will be given to matters relating to exterior design in terms of character, scale, appearance, sustainability and design through site plan control for areas in accordance with urban design guidelines developed as part of the Neighbourhood Plan process.

5.6.2. **STREETSCAPES**

- I. The streetscape is the character of the street space as determined by the design of the street right-of-way and the portion of abutting lands from the street edge out to and including building facades.
- II. The design of major roads and their streetscapes will create a safe, enjoyable, and attractive environment for pedestrians, cyclists, and other non-motorized users through, where appropriate, the use of reduced street width, buffering sidewalks and bikeways, and minimizing the distance of road crossings for sidewalks and bikeways.
- III. Streetscapes will incorporate visually important vistas and views with particular emphasis placed on Lake Erie and the Niagara River. Such vistas and views shall be maintained and enhanced where appropriate.
- IV. Where appropriate with the existing urban character new development should be sited close to the street and aligned with it to enclose the street space.
- V. Streetscapes adjacent to natural areas and the Lake Erie and Niagara River shorelines should be designed or enhanced in a harmonious fashion that extends the visual effect of the naturalized area by the location of streets and height and spacing of buildings.
- VI. Special attention will be given to major intersections to create sense of identity and heightened architectural interest. For the purpose of this subsection, major intersections means arterial intersections and other significant intersections

which, due to their location and function, serve as an entry point or other high profile feature of the community.

VII. Buildings and streetscapes will be designed to create a sense of identity through rational and sensitive treatment of architectural features, forms, massing, layout, and landscaping.

VIII. Signage and utilities shall be designed to minimize visual clutter and shall be integrated into the landscape and designed to achieve scale mass and height relationships.

IX. It is Council's preference that utilities will be located and relocated underground and where this is not practical utilities shall be designed, clustered or grouped to minimize visual clutter. Utility providers shall consider innovative methods to contain utilities and determine appropriate locations for large equipment and cluster sites subject to Town approval.

5.6.3. **BUILDINGS AND PUBLIC SPACES**

I. The effect of buildings and spaces on the surrounding environment will be considered equally with the function and aesthetics of the site to complement surrounding site conditions, including heritage elements, and the intended character of the area.

II. Building and site design will:

- a. Be compatible with surrounding site conditions including heritage elements, and the intended character of the area;
- b. Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture;
- c. Incorporate personal safety measures and provide comfort and amenity space both on the site and on the abutting streetscape;
- d. Facilitate the preservation and where appropriate, the enhancement of natural features found on the site;

- e. Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;
- f. Minimize the overall effects of noise and other negative impacts; and
- g. Provide for appropriate bicycle parking.

III. Landscaping and planting will:

- a. Integrate with the landscaping of adjacent sites and the streetscape;
- b. Enhance personal safety both on site and on the streetscape;
- c. Define and enhance pedestrian and bicycle routes and accent entrances;
- d. Screen and buffer parking, loading, and storage areas;
- e. Screen unattractive views and buffer adjacent land uses;
- f. Promote a diversity of native plant materials; and
- g. Where appropriate enhance and buffer adjacent natural areas.

IV. In order to encourage the efficient shared use of parking, loading and storage areas for commercial and industrial uses on adjacent lots, landscaping and buffering requirements between adjacent lots should be applied to perimeter locations where appropriate.

V. Where employment, industrial, and commercial uses are located adjacent to noise sensitive uses, adequate acoustic protection and buffering shall be employed at or near the source of the noise to ensure compatibility and acceptability of adjacent land uses.

- VI. Measures will be incorporated into new residential development to buffer the dwelling units from incompatible traffic noise. Such measures will be incorporated into specific development applications.
- VII. Building and site designs that conserve energy and water will be encouraged. Energy conservation will be addressed at the development application stage and during the preparation of detailed building and site design. Buildings should, wherever possible, be designed to minimize interior heat loss and to capture and retain solar heat energy during the winter and to minimize solar heat penetration during the summer.
- VIII. The interconnection and integration of pedestrian, cycling and vehicular access is encouraged on abutting lands to facilitate safe and efficient movement to and from the public road network.
- IX. Development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.

Section 6

COMMUNITY IMPROVEMENT

6. COMMUNITY IMPROVEMENT

- I. It is the intent of Council to maintain and promote an attractive and safe living and working environment through community improvement.

6.1. GENERAL

- I. Community improvement will be accomplished through:
 - a. The ongoing maintenance, rehabilitation, redevelopment, and upgrading of communities and areas characterized by one or more of the following:
 - i. inadequate physical, social, community or recreational infrastructure;
 - ii. obsolete/dilapidated buildings; and
 - iii. conflicting land uses
 - b. The establishment of comprehensive programs to promote redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues or needs.
- II. Community improvement will be implemented through the designation, by Council, of Community Improvement Project Areas and through the preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.

In addition, the lands of the Canadian Motor Speedway identified as Site Specific Policy Area 12 on Schedule "A" of the Official Plan, should Official Plan Amendment No. 4 be approved by the Ontario Municipal Board, are significant employment uses and are considered a "strategic location for investment" not within a settlement area (urban area) that can also be included within both a Community Improvement Project Area, designated by by-law and Community Improvement Plan.

(Amended by By-law 2012-132, OPA #9)

- III. It is the intent of Council that the entire urban area or any part of the urban area, as defined in this Plan, and as subsequently amended from time to time, may be designated by by-law as a Community Improvement Project Area.

6.2. COMMUNITY IMPROVEMENT PROJECT AREAS

- I. Community Improvement Project Areas will be designated based on one or more of the following conditions being present:
 - a. Buildings and/or property in need of repair, rehabilitation, or redevelopment;
 - b. Brownfields, underutilized lands or an abundance of unused or abandoned buildings;
 - c. Non-conforming, conflicting, encroaching or incompatible land uses or activities;
 - d. Deficiencies in physical infrastructure including but not limited to, the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
 - e. Poor road access and/or traffic circulation;
 - f. Deficiencies in community and social services including but not limited to, public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
 - g. Inadequate mix of housing types;
 - h. Buildings, structures and lands of heritage and/or architectural significance;
 - i. Known or perceived environmental contamination;
 - j. Poor overall visual quality, including but not limited to, streetscapes and urban design;
 - k. Existing designated Business Improvement Areas, potential for inclusion in a designated Business Improvement Area, and/or existing designated commercial area;
 - l. High commercial vacancy rates;

- m. Shortage of land to accommodate building expansion, parking and/or loading facilities;
- n. Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and
- o. Provisions for energy efficiency and any other environmental, social or community economic development reasons.

6.3. COMMUNITY IMPROVEMENT PLANS

- I. Community Improvement Plans will be prepared to provide direction regarding one or more of the following activities:
 - a. The provision of public funds such as grants, loans and other financial instruments designed to encourage and promote:
 - i. physical remediation, repair, rehabilitation, redevelopment or improvement of lands and/or buildings;
 - ii. residential and other types of infill and intensification;
 - iii. a range of housing types;
 - iv. affordable housing;
 - v. heritage and architectural preservation, restoration and improvement;
 - vi. Ongoing viability and revitalization of commercial areas and commercial uses.
 - b. Municipal acquisition of land and/or buildings for the purposes of community improvement, and subsequent:
 - i. clearance, grading, or environmental remediation of these properties;
 - ii. repair, rehabilitation, construction or improvement of these properties;
 - iii. sale, lease, or other disposition of these properties to any person or governmental authority;
 - c. Other preparation of land or buildings for community improvement other municipal activities, programs or investments for the purpose of:

- i. improving community quality, safety and stability;
 - ii. improving environmental conditions and energy efficiency;
 - iii. improving social condition;
 - iv. facilitating and promoting local economic development and growth;
 - v. promoting cultural development.
- d. Coordination of any of the activities identified in Section 6.3.1(a)-(c) above with other public and/or private community improvement activities.

6.4. PUBLIC PARTICIPATION

- I. During the preparation of a Community Improvement Plan and any subsequent amendments, Council will inform the public and obtain public input in keeping with the policies contained in this Plan for notification and public meetings.

6.5. IMPLEMENTATION

- I. Council will determine the priorities and order in which designated Community Improvement Project Areas will have Community Improvement Plans prepared and adopted.
- II. All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related Town policies and by-laws.
- III. Council will apply for grants and other financial assistance through federal, provincial and regional programs and encourage community organizations to provide financial assistance to the Town for the purposes of community improvement.
- IV. Council will participate in regional, provincial, federal programs that provide assistance to private landowners for the purposes of community improvement.
- V. Council will be satisfied that its participation in community improvement activities will be within the financial capabilities of the Town.
- VI. The Jarvis Street/Bridgeburg Community Improvement Plan encourages property owners and merchants within the plan area to undertake structural and façade

improvement to commercial buildings. Structural and façade improvements shall be undertaken in accordance with the Façade Streetscape Plan for the Bridgeburg Business Improvement Area. Eligible structural and façade improvements may also be undertaken in accordance with the provisions of the Bridgeburg Façade Improvement Grant Program.

The Façade Improvement Grant Program is intended to provide partial funding for the improvement of existing façade treatments on commercial properties within the Jarvis Street/Bridgeburg Business Improvement Area. Property owners and business proprietors willing to undertake façade improvements are eligible to apply.

The lands shown as being within the Community Improvement Project Area on Schedule "A" to By-law No. 205-85 are hereby designated as those lands subject to the Jarvis Street/ Bridgeburg Façade Improvement Grant Program.

Section 7

**MINERAL AGGREGATE AND
PETROLEUM RESOURCES**

7. MINERAL AGGREGATE AND PETROLEUM RESOURCES

- I. Mineral aggregate and petroleum resources are of provincial interest due to their economic importance, as well as restricted supply and geographic locations. Mineral aggregate and petroleum resources shall be protected for their long term use.

7.1. GENERAL

- I. Existing aggregate resources and petroleum resources areas are identified on Schedule "B" respectively to this Official Plan.
- II. In areas adjacent to or in known deposits of mineral aggregate or petroleum resources, outside the urban boundary, proposed development and activities that would preclude or hinder the establishment of new or expansion of existing operations or access to the resources shall only be permitted if justification is provided that:
 - a. resource use would not be feasible; or
 - b. The proposed land use or development serves a greater long term public interest; and
 - c. Issues of public health, public safety and environmental impact are addressed.

7.2. AGGREGATE RESOURCES

- I. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety, or environmental impact. Where Planning Act approvals are required to establish the new land use, studies or reports may be required to demonstrate land use compatibility, with appropriate setbacks and buffer distances. Policy 4.11.1 III shall also be addressed.

7.3. PETROLEUM RESOURCES

- I. Petroleum resource operations (wells), identified by Ministry of Natural Resources mapping, that establish in petroleum resource areas shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Where Planning Act approvals are

required to establish the new land use, a Petroleum Resources Impact Study may be required to demonstrate the above.

II. The protection of existing operations shall be ensured as follows:

- a. Development of a residential, institutional, commercial or industrial nature shall be situated a minimum of 75 metres from an existing resource operation;
- b. New road allowances, utility corridors, electrical transmission lines and railways shall be located no closer than 50 metres from a petroleum resource operation;
- c. Suitable access to and space surrounding existing wells shall be maintained; and

Section 8

NATURAL HERITAGE

8. NATURAL HERITAGE

This Section of the Plan provides policy for the protection of Fort Erie's Natural Heritage Features and Natural Hazards. The policies of this section were developed in order to promote biodiversity having regard to the United Nations policies for protecting biodiversity and the environment including the provisions of the Kyoto Accord, the Canadian Biodiversity Strategy, the Carolinian Canada Conservation Program, the Ontario Provincial Policy Statement on Natural Heritage, and the Regional Policy Plan. An ecosystem approach has been considered in the development of the policies of this Section to achieve healthy landscapes.

Natural Heritage Features are shown on Schedules "A" as: Environmental Protection Areas; and Environmental Conservation Areas. Schedule "C" depicts the Natural Heritage features in more detail showing Provincially Significant Wetlands, identified Areas of Natural and Scientific Interest, Locally Significant Wetlands, Environmentally Sensitive Areas, Significant Natural Areas, and Woodlands over two hectares. Schedule "C" provides assistance for determining the reason for these Environmental Protection Area and Environmental Conservation Area designations and direction as to the applicable policies for this Section to refer to. Corridors are also shown on Schedule "C". Schedule 'C1' identifies Fish Habitat and Stream Corridors, Natural Hazard Areas including Valleylands and Dune Protection Areas.

Environmental Protection Areas include Provincially Significant Wetland Resource Areas, Areas of Natural and Scientific Interest, the Habitat of Threatened, and Endangered Species and Species of Special Concern and Natural Hazard Areas, including Dune Protection Areas.

Environmental Conservation Areas include, Significant Natural Areas, Locally Significant Wetlands, as well as, other woodlands and meadows.

Rehabilitation areas include Environmental Corridors and Linkages and areas possessing the potential for increasing the ecological integrity of Fort Erie if rehabilitated to a more natural state.

Valleylands, stream corridors and fish habitat areas are also important Natural Heritage Features with specific policies to ensure their protection.

8.1. GENERAL POLICIES

- I. The Town promotes the protection and/or conservation and where appropriate the restoration and enhancement of Natural Heritage Features and Areas within and adjacent to its boundaries. In addition to implementing the policies of this

Plan, the Town may use one or all of the following alternative means to protect these Features:

- a. The acquisition of lands or use of conservation easements;
 - b. Requesting other levels of government or public bodies such as the Province of Ontario, the Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority, Niagara Parks Commission and / or local nature clubs to acquire those lands associated with a hydrologic function and/or suitable for conservation purposes;
 - c. Entering into agreements with public agencies, private conservation groups or landowners to secure the protection of such lands;
 - d. Encouraging landowners to preserve or convey such lands to a public agency or land trust;
 - e. Where appropriate consider higher densities than currently permitted on lands adjacent to natural features and areas identified for protection.
- II. Where appropriate and in compliance with the parkland dedication policies of this Plan, portions of protected natural areas could be considered for parkland dedication purposes where sufficient active parkland is provided for the neighbourhood and/or community.
- III. Alternative development standards that conserve resources while effectively using the land shall be considered where appropriate.
- IV. The Town shall support efforts to achieve the following targets through voluntary land owner stewardship and restoration:
- a. 30% of the land area in the Region in forest cover or wetland, with at least 10% of each subwatershed in wetland; and
 - b. The use of 30 metre wide naturally vegetated buffers along 70% of the length of the first to third order stream corridors as per the policies of this Plan. Agricultural uses may continue within this

buffer and are encouraged to employ best management practices to protect water resources and natural heritage.

- V. The Town shall support landowner stewardship by:
- a. Encouraging good forestry practices and development of Woodland Management Plans;
 - b. Encouraging restoration and conservation including the planting of native vegetation; and
 - c. The Town shall maintain a by-law regulating the harvesting, destruction or injuring of trees in woodlands unless a Regional By-law is approved with similar or more rigorous standards.
- VI. Tree By-laws will be administered to complement the Natural Heritage policies of this Plan by ensuring tree cutting or removal prior to the approval of applications through the planning process, only takes place in accordance with the Town and/or Regional By-laws.
- VII. Public works and/or private infrastructure works and actions shall be undertaken in ways that are consistent with the protection of Natural Heritage Features and Areas. In instances where public and/or private infrastructure works may impinge upon these areas, the Town will give consideration to the impacts of its proposed actions, consider alternatives and implement measures to minimize or preferably avoid impacts if feasible. Such public and/or private infrastructure works shall be subject to Section 8.1 and Section 12.6.
- VIII. Where any land is delineated as a Natural Heritage Feature on Schedules "A", C and/or "C1" and the land is under private ownership, this Plan does not intend that such land is open to the general public, or that the lands will be purchased by the Town or any other public agency.
- IX. The designations in this section are intended to protect and/or conserve natural features and ecological functions as well as to complement land use designations set out on the General Land Use Plan in Schedule A as well as those designations and land use categories set out in Neighbourhood Plans.
- X. Where a site specific development/redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision, a consent,

minor variance, a site plan control agreement, or an approval under a site alteration by-law may impact an Environmental Protection Area or certain Environmental Conservation Areas identified on Schedule “A” or Fish Habitat identified on Schedule “C1” and as outlined in greater detail by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS). The EIS shall be submitted with the application.

- XI. An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.
- XII. An Environmental Impact Study shall be carried out by professionals qualified in the field of environmental sciences and acceptable to the Town, Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority, and the Ministry of Natural Resources, if necessary.
- XIII. Pre consultation with the Town, Niagara Peninsula Conservation Authority and Region is important for consultants in developing the Terms of Reference for Environmental Impact Studies (EIS). The Town’s Natural Areas Inventories contain important information that can assist in formulating the Terms of Reference. Prior to commencement of the Study, a Terms of Reference, prepared by the applicant’s consultant, shall be developed in consultation with the said agencies as required.
- XIV. In general, the Environmental Impact Study (EIS) shall address:
- a. A description of and statement of the rationale for the proposal and alternatives to the proposal;
 - b. A description of adjacent land use and the existing regulations affecting the proposal and adjacent lands;
 - c. A description of the proposed undertaking, including a location map showing proposed buildings, existing land uses and buildings, existing vegetation, fauna, site topography, drainage, hydrology, soils and habitat areas;
 - d. A description of all natural features and functions and the linkages among them, on site and on adjacent lands that might directly or indirectly be affected including significant hydrologic, surface and ground water functions such as groundwater discharge or

- recharge, as well as identification of the setting with respect to surrounding natural features;
- e. A description of alternate forms that the proposal could take including an assessment of the advantages and disadvantages of each;
 - f. An identification and evaluation of the actions necessary to prevent, change, mitigate or remedy any impacts upon natural heritage features and functions including significant surface and groundwater features and hydrologic functions and the alternative methods of protecting the functions and values of the areas affected;
 - g. An assessment of the impacts on the natural features and ecological functions that might reasonably be caused by the proposal, identifying the types and significance of the impacts and including the cumulative effect;
 - h. A concluding statement on how the policy objectives of the Natural Heritage Section of this Plan are being complied with;
 - i. Any other information required by the Town, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority, or the Regional Municipality of Niagara that is deemed necessary to evaluate the proposal in relation to the particular Natural Area under investigation;
 - j. The required scope and or content of an EIS may be reduced in consultation with appropriate agencies, where: the environmental impacts of the development are thought to be limited; or other environmental studies fulfil all or some of the requirements; and
 - k. As provided for in the Regional Policy Plan development or site alteration within or adjacent to an Environmental Conservation Area within the Urban Area Boundary, an EIS shall be prepared to the satisfaction of the Town of Fort Erie and in consultation with the Region and Niagara Peninsula Conservation Authority. In comparison, development or site alteration within or adjacent to Environmental Conservation areas outside the Urban Area

Boundary, as well as adjacent to Environmental Protection areas requires the preparation of an EIS to the satisfaction of the Region in consultation with the Town, Niagara Peninsula Conservation Authority and, if necessary, the Ministry of Natural Resources.

- XV. The Town shall participate with the Region and Niagara Peninsula Conservation Authority, landowners and community groups in ensuring watershed plans are prepared for major watersheds at the broad landscape level that include an inventory and assessment of ecological features and functions in the watershed; identification of key issues and objectives; a water budget and conservation plan; recommendations to maintain and where feasible enhance ecosystem health; and identification of subwatershed boundaries and establishment of new guidelines for additional studies where needed.
- XVI. Where a major land use change or plan is proposed, that goes beyond an individual site specific development proposal such as the community or neighbourhood level, an Environmental Planning Study (EPS) shall be prepared to ensure the intent of the goals, objectives and policies of this Plan are achieved. The EPS shall provide for: an environmental inventory and assessment; an environmental management strategy in concert with a recommended development plan; recommendations for amendments to the planning documents and a monitoring plan to assess environmental health after development is initiated.
- XVII. Essential uses of a linear nature may be permitted within the Natural Heritage Areas or adjacent lands where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.
- XVIII. Where there are several different Natural Heritage features identified on Schedule "C" or Schedule "C1" for the same lands, the most restrictive Policy section associated with the natural heritage features shall apply.
- XIX. Where, through the review of a planning application, it is found that important environmental features or functions have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the Region, the Town and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meet the criteria for designation as a Natural Heritage Feature in this Plan the appropriate Natural Heritage policies shall apply.

- XX. Where development or site alteration is approved in accordance with the policies of this Plan the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the administrable Tree Conservation By-laws and related Environmental Impact Study and its implementation monitored by a member of the Ontario Professional Forestry Association or consultant who prepared the Environmental Impact Study.
- XXI. The Town may create an Environmental Advisory Committee to assist in the review of Environmental Impact Studies, Watershed plans or other environmental studies and to give advice to Council on environmental matters.
- XXII. Where development or site alteration is approved in, or adjacent to, a natural feature new lots thus created shall not extend into either the area to be retained in a natural state or the buffer zone identified through an Environmental Impact Study. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The transfer of these lands to the Town, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. It should not be assumed that these lands will be accepted by the Town as parkland dedication however. Additional methods of protecting these lands such as conservation easements will be considered.
- XXIII. This Section of the Plan also shall apply when development or site alteration is proposed on lands in Fort Erie adjacent to a significant natural area in an adjoining municipality that is designated in the Regional Policy Plan, in that municipality's Official Plan or by the Ministry of Natural Resources.
- XXIV. Plans of subdivision that had received draft plan approval as of the date of adoption of this Plan, and on which natural heritage features are identified on Schedule "C" of this Plan, or are adjacent to such features, are not subject to the policies in this section. If draft approval lapses or is withdrawn, the applicable policies of Section 8.0 will apply to subsequent planning applications involving the subject lands. Where significant modifications to a draft plan are proposed such that the plan is recirculated for comment, the revised plan shall be designed to reduce significant negative impacts on the natural heritage features identified on Schedule "C" of this Plan for the subject site and adjacent lands.

8.2. ENVIRONMENTAL PROTECTION AREAS

- I. Areas designated as Environmental Protection on Schedule “A” include Provincially Significant Wetland Areas, Areas of Natural and Scientific Interest, the Habitat of, Threatened, and Endangered Species, Species of Special Concern and Natural Hazard areas as identified on Schedules “C” and “C1”. It is the intent that lands designated as Environmental Protection will be protected from incompatible development by not permitting development or site alterations to occur within such designated areas.
- II. Uses that will be permitted within Environmental Protection Areas include: conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreational pursuits deemed to be appropriate by the Ministry of Natural Resources or other uses permitted by the Natural Hazards policies of this Plan.
- III. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- IV. Environmental Impact Studies (EIS) will be required for development or site alteration on lands adjacent to Environmental Protection Areas in accordance with the more detailed policies of this Section. The Regional Municipality of Niagara will be the agency responsible for approving an EIS on lands adjacent to Environmental Protection Areas in consultation with the Town, Niagara Peninsula Conservation Authority, and Ministry of Natural Resources, if necessary. Development on lands adjacent to a Natural Hazard Area may also require the approval of the Niagara Peninsula Conservation Authority.
- V. Existing agricultural uses are permitted to continue in Environmental Protection Areas. However, new agricultural buildings and structures, as well as large scale expansions of existing buildings are not permitted. Development and site alteration may be further restricted by other more detailed policies in this Section.

8.2.1. PROVINCIALY SIGNIFICANT WETLAND AREAS

Provincially Significant Wetlands play an important role in the natural environment. This Plan protects the hydrological, social, ecological and economic benefits associated with these wetland resource areas of the Town in accordance with Provincial Policy Statement. The Town, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority, and the Regional Municipality of Niagara have a role in the

protection of Provincially Significant Wetlands through accepted land use planning and resource management practices.

The Ministry of Natural Resources has evaluated and classified Provincially and Locally Significant Wetlands in the Town of Fort Erie. All wetlands currently evaluated are delineated on Schedule “C”. Only Provincially Significant Wetlands are designated as Environmental Protection Area.

- I. In instances where Provincially Significant Wetland areas are identified by the Ministry of Natural Resources, or a study approved by the Ministry of Natural Resources, development and site alteration will not be permitted within the boundary of the wetlands as defined by the Ministry of Natural Resources.
- II. In all instances the Town will require an Environmental Impact Study for new development proposals on lands adjacent to these wetland areas, as per Appendix ‘C’. Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts to the wetlands features and their ecological functions.
- III. As part of an Environmental Impact Study, the staking of the boundaries of the wetland feature shall be in consultation with the Ministry of Natural Resources and/or Niagara Peninsula Conservation Authority. Upon confirmation of any change in boundaries, the new boundaries will be reflected in the zoning by-law.
- IV. Provincially Significant Wetlands identified by the Ministry of Natural Resources, are considered open ecological files whereby further evaluation may take place with respect to their significance or boundaries at anytime. Changes to the boundary or status of these wetlands will be correspondingly reflected in the Official Plan.
- V. In order to ensure connectivity within neighbourhoods and communities fragmented by the identification of Provincially Significant Wetlands, the feasibility of developing within the wetlands through an Environmental Assessment process can be explored with respect to the provision of infrastructure such as water and sanitary sewers, roads as well as power transmission and communication corridors.
- VI. Where single - detached dwellings have been constructed within Provincially Significant Wetlands in compliance to the existing Zoning By-law and prior to adoption of this Plan, the area occupied by the dwelling, driveway, amenity area and any accessory structures shall be zoned to appropriately recognize the existing disturbed area.
- VII. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

VIII. A small diagonal linear Provincially Significant Wetland, designated as Environmental Protection Area, bisects a property located south of Garrison Road, just west of Helena Street, north of Site Specific Policy Area 5. The lands adjacent to this wetland contain a wooded area that is designated as Environmental Conservation Area overlay and also are designated for commercial purposes. Policy 4.9.1.V. should be referred to for additional policy direction on this site. Any proposed development or site alteration on adjacent lands, including the installation of a span bridge that traverses the wetland, will require the approval of the Niagara Peninsula Conservation Authority based on an Environmental Impact Study demonstrating that there will be no negative impacts on the natural features or ecological functions of the wetland. Development or site alteration within the Environmental Conservation Area is subject to the policies of Section 8.3.1 of this Plan. Nothing in this policy shall be interpreted as a commitment for approval from the Niagara Peninsula Conservation Authority.

8.2.2. AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)

The Town has unique features that have been classified by the Ministry of Natural Resources to be Life Science and Earth Science Areas of Natural and Scientific Interest. It is intended that the lands designated on Schedule “C” as ANSIs will be preserved as natural areas. This designation incorporates the identified feature as well as an adjacent lands area established by the Ministry of Natural Resources.

- I. In instances where ANSIs are identified within the Town, development or site alteration will not be permitted within the boundary of the ANSI as defined by the Ministry of Natural Resources.
- II. Areas of Natural and Scientific Interest identified by the Ministry of Natural Resources, are considered open ecological files whereby further evaluation may take place with respect to their significance or boundaries at anytime. Changes to the boundary or status of these features will be correspondingly reflected in the Official Plan.
- III. In instances where ANSIs are identified within the Town, development and site alteration will only be permitted on lands adjacent to the ANSI, as identified on Appendix C, where an Environmental Impact Study demonstrates there will be no negative impact to the ANSIs natural features or functions.

8.2.3. HABITAT OF THREATENED, ENDANGERED SPECIES AND SPECIES OF SPECIAL CONCERN

- I. The Town intends to protect the habitat of threatened and endangered species habitat and species of special concern within the Municipality.
- II. Development and site alteration will not be permitted within the significant habitat of threatened, or endangered species, as identified by the Ministry of Natural Resources (MNR) or by study approved by the MNR, within the Town.
- III. In instances where the habitat of threatened and endangered species and species of special concern is identified within the Town by study or agency review of applications, development will only be permitted on lands adjacent to the significant habitat, as identified in Appendix C, where an Environmental Impact Study demonstrates the development or site alteration will have no negative impact on the habitat's features or functions.
- IV. Development may be contemplated within the significant habitat of species of special concern based on an Environmental Impact Study that demonstrates that portions of the habitat will be maintained and protected from negative impact to the habitat's features and ecological functions.
- V. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.2.4. NATURAL HAZARDS

The Natural Hazards section provides policies dealing with Hazardous Lands, which are property or lands that could be unsafe for the development due to naturally occurring processes. Natural Hazards may include flooding hazards, erosion hazards or dynamic beach hazards (which include Dune Protection areas). There are Natural hazards associated with Lake Erie shoreline as well as river and stream systems. Natural Hazards also include Hazardous Sites, which are property or lands that could be unsafe for development or site alteration due to naturally occurring hazards, such as unstable soils or unstable bedrock.

- I. The Natural Hazards for river and stream systems consist of the furthest landward limit of the flood hazard or erosion hazard limits. The one hundred year flood is used to define the flooding hazard within the Town of Fort Erie. The Natural Hazards associated with the Lake Erie shoreline represent the furthest

landward limit of the flooding hazard, erosion hazard, wave uprush or dynamic beach hazard limit.

- II. The boundary of Natural Hazard designations reflect the definitions of the various hazards identified in this Section and based on information provided by or prepared for the Niagara Peninsula Conservation Authority, such as floodplain mapping and Lake Erie Shoreline Management Plan respectively. The Niagara Peninsula Conservation Authority (NPCA) can provide technical information to assist in the delineation of Natural Hazards in the field by a surveyor working on behalf of the applicant or landowner.
- III. The 1 in 100 year flood shall be used as the approved standard to define the flooding hazard for rivers and streams in the Town of Fort Erie. Where no floodplain mapping is available and the NPCA has a flooding concern respecting a development application, the landowner will be required to determine the limits of the 1 in 100 year flood.
- IV. The main permitted uses in all areas shown on Schedule “C1” as Natural Hazard Areas, and designated on Schedule “A” as Environmental Protection may include passive non-structural conservation and resource management uses including flood and erosion control works, as well as minor additions, enlargements and reconstruction to existing uses, may be permitted in those portions of Natural Hazards areas (floodplains). It should be ensured that the effects and risks to public safety are minor so as to be mitigated in accordance with provincial standards as determined by the demonstration and achievement of: floodproofing standards, protection works standards, and access standards; safe access during times of flooding erosion or other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts, particularly water quality impacts will result. All development and site alteration must comply with the applicable regulations of the Niagara Peninsula Conservation Authority.
- V. Dune Protection Areas are delineated on Schedule “C” and are those lands that include all the natural sand dune formations in the Point Abino area. These dunes exhibit steep slopes which may be subject to severe erosion and poor soil stability under certain conditions. Lands so designated are intended for the preservation and conservation of these significant landforms. The preservation of these landforms is of the utmost importance. No new uses development or site alteration is permitted within the Dune Protection area. Minor alterations or additions to existing buildings shall only be considered upon the written approval

of the Town, Region, Niagara Peninsula Conservation Authority and Ministry of Natural Resources based on an Environmental Impact Study. The precise limits of the Dune Protection area can be determined in the field with the technical input of the Niagara Peninsula Conservation Authority and other appropriate agencies.

- VI. Development for institutional uses including hospitals, schools, nurseries, nursing homes and day care facilities, essential emergency services and uses associated with the disposal, manufacture, treatment or storage of hazardous substances will not be permitted within Hazardous Lands or Hazardous Sites.
- VII. Natural Hazards areas shall be zoned in a separate classification in the Zoning By-law. The boundaries of the lands delineated on Schedules "C" and "C1" as Natural Hazard areas shall be used as guidelines for the zone boundaries in the Zoning By-law. When more detailed mapping becomes available it shall be incorporated by amendment into this Plan and/or the Zoning By-law, after consultation with the Niagara Peninsula Conservation Authority, Regional Municipality of Niagara and the Ministry of Natural Resources. Notwithstanding the Environmental Protection Designation, an appropriate zoning category will be applied to, or maintained for, existing development outside the 1 in 100 year floodplain or backshore flooding areas that recognizes the existing and approved use of the lands.
- VIII. Where new development is proposed on a site, part of which is identified as Natural Hazard Area by Schedules "C and C1", such lands shall not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town. Where an open watercourse is involved, adequate space shall be provided for maintenance and other similar operations.
- IX. Where any land identified as Natural Hazard Areas by Schedules "C and C1", is privately owned, it is not implied that such land is free and open to the general public or that the land will be purchased by a public agency.
- X. Should development be proposed on lands appropriate for development outside of the Natural Hazard area, the lands within the Natural Hazard area shall be dedicated to the Town including any water lots.

- XI. Except for uses permitted in this Section, development of water lots will require an amendment to this Plan and implementing Zoning By-law and approval of the Niagara Parks Commission, if applicable.
- XII. For the purposes of this Plan and any implementing Zoning By-law, the full extent of any water lot, whether filled or covered by water, is deemed to be included within the limits of the Town of Fort Erie.
- XIII. Certain areas of the Town have substantial slope variation (i.e. slopes greater than 20 percent). In these areas, the Town will require development proposals to give consideration to special design/engineering works to ensure slope stability, positive storm water drainage and public safety. A geotechnical report prepared by a qualified geotechnical engineer may be required. This report will be circulated to the Niagara Peninsula Conservation Authority for review and approval.
- XIV. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.3. ENVIRONMENTAL CONSERVATION AREAS

- I. Areas designated as Environmental Conservation include Locally Significant Natural Areas, Locally Significant Wetlands, Woodlands, in some cases Valleylands, Meadows, and Rehabilitation Areas, which include corridor and linkages. The Environmental Conservation designations are intended to conserve natural habitat as well as to complement land use designations set out on the General Land Use Plan in Schedule “A”.
- II. The General Land Use Plan designations shown underneath the Environmental Conservation Overlay designation shown on Schedule “A” identify the primary permitted land use, however development will only be permitted in these areas in compliance with the more detailed Environmental Conservation Area policies of this Plan.
- III. Environmental Conservation area designations will be identified in the Zoning By-law with the use of zones that limit the permitted uses to existing uses, conservation uses, flood and erosion control, fish, forestry and wildlife management, as well as passive recreational pursuits, unless an Environmental Impact Study (EIS) justifies a proposed development in accordance with the policies of this Plan. The Region and Conservation Authority shall be consulted

with respect to the review of an EIS and removal of any Zoning By-law Holding Provisions related to natural heritage matters.

- IV. Agricultural uses existing at the date of adoption of this Plan may continue and expand if justified by an Environmental Impact Study and is subject to the more detailed environmental policies in this Section of this Plan. Small scale agricultural buildings may not require an Environmental Impact Study, if there are no reasonable alternative locations, the buildings are directed away from the feature to the maximum extent possible and environmental impacts have been minimized.
- V. The intent of the Environmental Conservation Areas policies is to create a balance between conservation and development that effectively uses land resources while protecting important natural features and ecological functions for future generations. Upon the submission of a development proposal, the degree of protection and conservation afforded to the natural features and ecological functions of these areas in large part depends on the area's classification as further identified by the policies of this Section.
- VI. Notwithstanding the policies of this Section, an Environmental Impact Study may not be required for the development of a single detached dwelling on an existing lot of record or minor expansion of an existing use within or adjacent to an Environmental Conservation Area where, in the opinion of the Town, in consultation with other agencies, the development is located, designed and constructed to minimize impacts to the health and integrity of the natural features or ecological functions for which the area is identified. Site plan control may be used to ensure impacts are minimized.
- VII. If an Environmental Impact Study is completed and a feature or function is identified that warrants the protection of the Environmental Conservation Area as an Environmental Protection Area, then the policies of the Environmental Protection area shall apply. Locally Significant Wetlands or unevaluated wetlands will only be reclassified to a Provincially Significant Wetland and designated as Environmental Protection Area upon the Ministry of Natural Resources approval of a wetland evaluation.
- VIII. The boundaries of an Environmental Conservation Area may be refined through an Environmental Impact Study or Environmental planning study. Where Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and the Town have

concluded that significant changes should be made to the mapping or classification of a natural area Schedules “A” and “C” shall be updated through the 5 year review of this Plan or by site-specific amendment.

- IX. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- X. Where a new mineral aggregate operation or an expansion to an existing operation is proposed within an Environmental Conservation Area the Environmental Impact Study required will include consideration of:
 - a. Whether the following will be maintained or enhanced before, during and after mineral aggregate extraction,
 - i. Connectivity among Natural Heritage Features and hydrologic features;
 - ii. Significant hydrologic features and functions; and
 - b. How significant natural heritage features and ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in that particular setting or ecodistrict.

8.3.1. SIGNIFICANT NATURAL AREAS

The Town of Fort Erie has completed a Natural Areas Inventory that identifies Significant Natural Areas (SNA’s), Corridors, and Linkages that should be considered for protection. These Natural Areas include, but are not limited to Significant Woodlands, Thickets, Meadowlands, Significant Wildlife Habitat Areas, and Environmentally Sensitive Areas and Environmental Corridors and Linkages. Significant Natural Areas are considered to have a higher ecological significance than other Natural Areas designated as Environmental Conservation in that they meet three or more criteria of the Town’s Natural Areas Inventory, as outlined in Appendix ‘D’, for assessing the significance of the natural feature.

- I. All Significant Natural Areas identified on Schedule “C” are approximate and may be redefined through a Neighbourhood Plan, Draft Plan of Subdivision, or Site Plan in conjunction with an Environmental Impact Study.

- II. Development or site alteration within or adjacent to Significant Natural Areas (SNA'S) shall only be permitted if an Environmental Impact Study (EIS) demonstrates that the development or site alteration will not result in degradation that threatens the health or integrity of the natural features or ecological functions for which the area is identified as significant in the Town's Natural Areas Inventory or that are identified as significant through the EIS. The Town's Natural Areas Inventory identifies the key features and functions of SNA's.
- III. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.3.2. **LOCALLY SIGNIFICANT WETLANDS**

Locally Significant Wetlands are identified on Schedule "C" and represent wetland areas evaluated by the Ministry of Natural Resources and determined to be locally significant. These areas although not provincially significant provide important habitat features and functions, as well as, important hydrologic functions.

- I. Development or site alteration within or adjacent to Locally Significant Wetlands shall comply with Policies 8.3.1.I and 8.3.1.II, as well as ensure there is no degradation to water quality and quantity.
- II. Any Environmental Impact Study completed to assess the impacts of development shall consider the Ministry of Natural Resources Wetland evaluations, as well as, the Town's Natural Areas Inventory.
- III. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.3.3. **WOODLANDS, THICKETS AND MEADOWLANDS**

The Town places a high priority on the preservation of existing woodlands, thickets and meadowlands within the Municipality, in addition to and separate from those identified on Schedule "C" as Significant Natural Areas, or Locally Significant Wetlands and promotes the retention of these natural areas and the integration of tree cover into the urban and non-urban environments.

- I. Woodlands, thickets and meadowlands that are situated within valley lands and stream corridors are subject to the policies of Section 8.3.5 of this Plan. Woodlands thickets and meadowlands that are shown as Significant Natural Areas by Schedule "C" are subject to the policies of Subsection 8.3.1.

- II. Notwithstanding Policy 8.3.3.1 development and site alteration within these areas also will be subject to an Environmental Impact Study that ensures that there will be some retention of the important features and functions identified by the Town's Natural Areas Inventory.
- III. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- IV. For the purposes of this Plan woodlands are considered to be wooded areas greater than 2 hectares in size. The configurations of all woodlands identified on Schedule "C" are approximate and may be refined through further field analysis and study. Whenever the Town is undertaking a public work, the Town will attempt, where feasible, to protect and preserve existing trees. In addition, in order to enhance the urban environment, the Town will promote the retention of existing street tree cover and provide for tree planting on an on-going basis.

8.3.4. ENVIRONMENTAL CORRIDORS, LINKAGES

- I. The Town encourages the connection of Natural Heritage Features within the Municipality and adjacent to its boundaries using environmental corridors, and ecological linkages, where feasible.
- II. The Town will promote the ecological rehabilitation of environmental corridors, linkages, and corridor areas as they become identified.
- III. Corridor Areas are encouraged to regenerate to more natural conditions with the eventual aim of their reclassification to Significant Natural Areas. In this regard, the Town will encourage the implementation of voluntary Conservation Easements or Stewardship Agreements with the owners of lands shown as Corridor Areas on Schedule "C"
- IV. Where an environmental corridor or linkage area has been identified on Schedule "C", or through further study, and in instances where a development proposal may impact upon it, an Environmental Impact Study as outlined in Policies 8.1.1.XII, 8.1.1.XIII and 8.1.1.XIV of this Section may be required.
- V. In the design of neighbourhoods or other suburban communities, the Town will require that environmental corridors or linkages identified on Schedule "C" or

through further study, will be incorporated into the design of the proposal where feasible.

VI. In the built-up areas of Fort Erie, the Town will incorporate environmental corridors or ecological linkages into development/redevelopment proposals where feasible.

VII. In an effort to provide linkages between Natural Heritage Features, the Town will continue to support a program for the naturalization and revegetation of parks, open space and storm water management areas, where appropriate.

VIII. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.3.5. VALLEYLANDS, STREAM CORRIDORS AND FISH HABITAT AREAS

Valleylands and Stream Corridors provide unique ecological functions including the conveyance of storm and melt waters, nutrient and sediment transport, maintenance of stream flow and water levels and quality, fish and wildlife habitat, and linkages between natural areas and habitat features. Fish Habitat areas are identified on Schedule “C1” of this Plan. Many Valleylands, stream corridors and Fish Habitat areas are within Environmental Protection Areas.

- I. The Town will promote the protection and maintenance of all Valleylands and stream corridors as environmental corridors.
- II. Valleylands subject to these policies shall be identified by the Niagara Peninsula Conservation Authority in consultation with Regional Niagara and the Town of Fort Erie. These Valleylands are to be identified and mapped in the Official Plan and Zoning By-laws.
- III. Along Valleylands where the valleybank height is equal to or greater than 3 metres. The following policies apply:
 - a. A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the Niagara Peninsula Conservation Authority (NPCA), shall be required for all new structures and site alterations including swimming pools and private sewage disposal systems;

- b. Should the NPCA find evidence of slope instability or where the valley slope exceeds 3:1 (Horizontal Distance: Vertical distance) a geotechnical report prepared by a qualified engineer shall be submitted with an application for new development or site alteration. A setback greater than 7.5 metres may be required where the NPCA has determined after considering the report that an increased setback is necessary to address site specific conditions;
- c. A reduced setback may be considered, in unusual circumstances, where an existing lot has insufficient depth to accommodate the required setback and a geotechnical report demonstrates to the satisfaction of the Niagara Peninsula Conservation Authority that some infringement within the setback area on site can be accommodated with mitigative measures that maintains bank stability, will not create hazards or increase existing ones, and will have no adverse environmental impact in the long term. In no case shall development be allowed beyond the top of bank; and
- d. Where possible existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed. New lots created by plan of subdivision, consent or plan of condominium shall not extend below the top of the valley slope as determined by the NPCA. Lands below the top of the valley slope shall be maintained as one block and the dedication of these lands to the NPCA, Town or other public body is encouraged.

IV. Many stream corridors, as well as larger water courses and water bodies contain important Fish Habitat. Schedule "C1" identifies the location of Critical Fish Habitat, as well as other Fish Habitat.

V. Development and site alteration shall not be permitted in Fish Habitat or adjacent lands except in accordance with provincial and federal requirements and where there is no net loss of productive capacity. The proponent shall be required to prepare an Environmental Impact Study to the satisfaction of the Department of Fisheries and Oceans or its delegate.

VI. A naturally vegetated buffer area, of at least 30 metres in width from the stable top of bank will be required adjacent to Critical Fish Habitat. A minimum 15 metre

vegetative buffer from the stable top of bank will be required adjacent to Important or Marginal Fish Habitat. A narrower buffer may be considered where the EIS has demonstrated that there will be no harmful alteration or destruction to Fish Habitat. For critical Fish Habitat a minimum 15 metre setback shall be required unless the development represents an expansion to an existing use.

Where development is proposed adjacent to a Municipal Drain, a buffer zone a minimum of 15 metres in width will be required for maintenance purposes and the functioning of the drain. A narrower buffer may be considered if determined appropriate by the Town and the Niagara Peninsula Conservation Authority.

VII. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

Section 9

AIR, WATER AND ENERGY CONSERVATION

9. AIR, WATER AND ENERGY CONSERVATION

9.1. AIR QUALITY

- I. The Town shall support energy efficiency and improved air quality through land use and development patterns and transportation policies that:
 - a. Promote compact form and structure of nodes and corridors;
 - b. Promote the use of public transit and alternative and active transportation modes, such as walking and cycling within and between employment, service and living areas, through an Active Transportation Advisory Committee;
 - c. Improve the mix of employment and housing uses to shorten commute journeys; and
 - d. Promote designs that maximize the use of alternative or renewable energy sources.

9.2. WATER QUALITY AND QUANTITY

- I. The Niagara River has been designated by the federal and provincial governments in cooperation with the International Joint Commission as one of forty-three Areas of Concern in the Great Lakes Basin. In order to fulfil municipal obligations towards improving the quality of the Niagara River the Natural Heritage and Water Quality policies of this Plan shall be read in their entirety and all relevant policies applied to each situation.
- II. As watershed and groundwater studies identify surface and groundwater features, hydrologic functions and natural heritage features and areas that are necessary for the ecological and hydrological integrity of the Town's watersheds, the Town shall consider amendments to this Plan and incorporate appropriate findings into Neighbourhood Plans to further delineate the features and establish appropriate policies.
- III. Development or site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features as identified through watershed plans or source water protection plans such that those features and their related hydrologic functions will be protected, improved or restored through appropriate mitigative measures and/or alternative development approaches.
- IV. Development and site alteration should not negatively impact the quality and quantity, functions and characteristics of surface or ground water resources with

respect to natural heritage areas, ground water recharge areas or essential well supplies of landowners.

- V. Necessary restrictions shall be placed on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.
- VI. A stormwater management plan and sediment and erosion plan, signed by a qualified professional engineer, shall be required with a development application depending on the scale of the development proposal and environmental conditions. The stormwater management plan shall demonstrate that vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services will be minimized.
- VII. Stormwater management plans shall be prepared in accordance with current provincial planning and design standards and where an Environmental Impact Study (EIS) is being prepared for the development. The stormwater management plan shall be coordinated with and integrate any recommendations of an Environmental Impact Study, Environmental planning study or Watershed Plan.
- VIII. Abandoned water wells can be conduits for hazardous materials to reach and contaminate groundwater systems. Before allowing any new development to occur on lots that contain abandoned wells, such wells will be plugged and decommissioned as a condition of development approval.
- IX. The Town supports design, construction and maintenance of Requisition and Petition Drains authorized under the Drainage Act in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas and fish and wildlife habitat.

9.3. ENERGY CONSERVATION

- I. In order to provide support for improved energy efficiency and air quality, opportunities will be provided for alternative and renewable energy systems in accordance with the Green Energy Act.
- II. Alternative and/or renewable energy systems are permitted within Fort Erie, subject to the development and use of alternative and/or renewable energy systems being in accordance with provincial and federal requirements, including appropriate separation distances to address land use compatibility and consideration for standard but important site plan matters with respect to drainage, landscaping and access where relevant.

Section 10

HUMAN-MADE HAZARDS AND NUISANCES

10. HUMAN-MADE HAZARDS AND NUISANCES

In order to ensure a healthy community it is important to ensure that the development of sensitive land uses occurs on lands where hazards associated with contaminated lands from past industrial/commercial lands or hazards from petroleum or aggregate resource extraction have been appropriately mitigated. It is also important to ensure sensitive land uses are appropriately separated from industrial operations to minimize nuisance impacts associated with odour, dust, noise and vibration.

10.1. POTENTIALLY CONTAMINATED PROPERTIES

- I. Potentially contaminated properties are properties where the environmental condition of the site (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment.
- II. While the identification of potentially contaminated sites is important, the policies in this section should not be interpreted as a commitment on the part of the Town to identify all contaminated sites. Rather, these policies should be regarded as an effort on the part of the Town to responsibly utilize available information in the planning application review process.
- III. The Town requires that development take place only on properties where the environmental conditions are suitable for the proposed use.
- IV. The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:
 - a. Activities involved with the elimination of waste and other residues;
 - b. Industrial and commercial activities involving the storage and/or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints or solvents.
- V. As part of a planning application the Town may require development proponents to document (through a Phase One Environmental Site Assessment) detailing the previous uses of a property or surrounding areas to determine the potential for site contamination. The Chief Building Official may require the same documentation for the issuance of a building permit where a change to a more sensitive use is sought, but no Planning Act approval is required.
- VI. For properties that have been identified as having historical industrial, commercial or community use, through the documentation of previous uses

process, that could render the lands “potentially contaminated” and the Town determines that the application will involve a change of use to a more sensitive land use, the Town will:

- a. Require as a condition of planning approval, written verification to the satisfaction of the Town from a qualified person, defined by Provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with Provincial legislation, regulations and standards, including where required by the Town or Provincial legislation and/or regulations, filing of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Registry and submission to the Town of proof that MOE has acknowledged receipt of the RSC.
- b. Establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 10.1.VI.(a);
- c. Where applicable, utilize the holding provisions or site plan control of the Planning Act to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 10.1.VI.(a), and that remediation takes place in accordance with the Record of Site Condition and/or Certificate of property use;
- d. The Chief Building Official may require the same documentation for the issuance of a building permit where the change of uses are the same, but no Planning Act approval is required; and
- e. Where the Town is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the Town may require, as a condition of transfer, satisfactory verification of environmental site condition as per Policy 10.1.VI (a).

10.2. WASTE DISPOSAL SITES

- I. No reuse of a property used as a waste disposal site may be approved within 25 years of closure, unless the reuse has been approved by the Minister of the Environment under applicable legislation, guidelines and regulations.

- II. The satisfactory verification of suitable environmental site condition in accordance with Section 10.1 of this Plan will be required as a condition of approval for planning applications on lands containing or affected by former or current waste disposal sites.
- III. Development proposals within 500 metres of existing or former landfill sites shall be assessed by qualified professionals with respect to impacts on human health and safety.

10.3. BROWNFIELDS COMMUNITY IMPROVEMENT PLAN

- I. The Town of Fort Erie shall develop a Brownfields Community Improvement Plan to create a comprehensive strategy for the safe and effective development of Brownfields sites. This strategy shall involve a review of the policies of this section and identification of any necessary updating or revisions to the policies of this Section.

10.4. RESOURCE OPERATIONS

- I. Development on, abutting or adjacent to lands affected by former mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.

10.5. SEPARATION DISTANCES OF SENSITIVE LAND USES FROM INDUSTRIAL OPERATIONS AND MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES

- I. In order to minimize risk to public health and safety, it is important for sensitive land uses to be appropriately separated and buffered from industrial development, which includes sewage treatment and water treatment plants to minimize nuisances and possible health impacts. Therefore, when considering amendments to the Official Plan or Zoning By-law to establish either a new sensitive land use or industrial operation in proximity to the other, Council shall have regard to the Ministry of the Environment D6 Guidelines, as amended or other applicable guidelines in determining appropriate separation distances and necessity of more detailed compatibility studies.
- II. It is important that facilities for the production of Marihuana for Medical Purposes, licensed and operated in accordance with the Marihuana for Medical Purposes Regulations and permitted as an agricultural or industrial use be appropriately distanced from sensitive land uses, including residences, schools, churches etc. Policy 10.5.1 shall provide guidance on distance separation in this regard.

Further as permitted by Policies 13.4.1 and 13.4.11, these facilities shall be put under Site Plan Control to enhance land use and operational compatibility.

10.6. DEVELOPMENT IN PROXIMITY TO RAIL FACILITIES

- I. It is important that sensitive land uses be adequately separated and/or buffered from railway yards, corridors and other facilities so as not to impede future railway operations and ensure the impacts of noise and vibration on sensitive land uses are appropriately mitigated.

- II. New sensitive land uses will generally not be encouraged adjacent to rail facilities. Development adjacent to or in proximity to railway infrastructure shall comply with the following policies:
 - a. There are existing established residential neighbourhoods within 300 metres of the CN Rail yard in Fort Erie. The 300 metre distance is a Ministry of the Environment (MOE) guideline for separation distances between heavy industrial uses and sensitive land uses which CN Rail has adopted as a standard distance separation for rail yards. There may be opportunities for limited infill development and areas of intensification as identified through the Neighbourhood Plan process within the 300 metre distance, providing opportunities for the efficient use of urban lands. Given this MOE guideline distance can often be reduced by appropriate studies that ensure reasonable standards of compatibility and public health and safety, and that the rail yard has operated at a reduced capacity for several years; residential development maybe permitted within 300 metres of the rail yard subject to the following;
 - i. Residential intensification areas will be identified through the Neighbourhood Plan process which CN Rail will be provided the opportunity to participate in; and
 - ii. Residential intensification areas within 300 metres will be subject to a noise study prepared to the satisfaction of the Region and/or Ministry of the Environment in consultation with CN Rail; and
 - iii. Residential intensification areas within 100 metres of a rail yard shall require a vibration study to the satisfaction of the Region and/or Ministry of the Environment in consultation with CN Rail.

- b. All proposed residential or other sensitive use development within 500 m. of a railway right-of-way or 1 km of a rail yard will be required to undertake noise studies to the satisfaction of the Town and the Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified;
- c. All proposed residential or other sensitive use development within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the Town in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified;
- d. Where applicable, the Town shall ensure that sightline requirements of Transport Canada are addressed;
- e. All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the municipality in consultation with the appropriate railway;
- f. Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Town in consultation with the appropriate railway.

Section 11

CULTURAL HERITAGE

11. CULTURAL HERITAGE

This Section of the Plan provides policy for the protection and enhancement of Fort Erie's Cultural Heritage.

The policies of this section are intended to identify and provide a level of protection for special or unique cultural heritage features in the Town.

INTRODUCTION

The Town of Fort Erie has a cultural history that dates back over 11,000 years to the Paleo-Indian period and nomadic hunting bands. The earliest European settlement of the area was related to Old Fort Erie, one of a series of British bastions along the Great Lakes designed to control access to the Niagara River. The Americans destroyed the fort in 1814 and it remained an overgrown ruin for more than a century until it was restored in the late 1930's.

While the garrison at Fort Erie was established in 1764, Dunbar's gristmill erected in 1792 is the earliest recorded structure in the area and occupied the current Canadian Commercial Customs site. The community that grew up around the mill was known as Fort Erie Rapids or Fort Erie Mills. By 1807 the settlement contained 30 houses was becoming a larger commercial centre than Buffalo and was renamed Waterloo. The village's importance diminished after 1825 due to the construction of the Erie Canal that made it more convenient for people in Buffalo to trade with the rest of New York State.

Settlement in the former Bertie Township began in 1784 with a small influx of Loyalists. The first survey map of the Township was completed in 1789 and entitled 'Quaker Township' in reference to the many Quaker settlers in the area. An Act of Parliament named the area Bertie in 1793. By 1812 the Township had several mills, schools, churches, and the largest community was Stevensville.

In 1850 Bertie Township was incorporated. By 1886 the Township was described as the wealthiest and most populous municipality in Welland County. It had a population of 4,000, several quarries and mills, and mounds of sand from 10 to 15 feet in height fringing the shores of Lake Erie. In 1970 it was amalgamated with the Town of Fort Erie and the Village of Crystal Beach becoming the Town of Fort Erie as it exists today.

This glimpse of the history of Fort Erie demonstrates the importance of cultural heritage and that as human beings, we do not exist in isolation from our environment. On the contrary, there has always been a complex interrelationship between people and their environment and each has shaped the other. Cultural heritage draws residents together in a shared sense of home and belonging with a strong connection to familiar territory, traditions and social relationship.

There are five categories of cultural heritage:

- Cultural heritage landscapes
- Built heritage
- Archaeological sites
- Moveable heritage (artifacts and archives)
- Intangible heritage

The material form of Cultural Heritage consists of the physical remains (buildings, structures and artifacts). Intangible heritage consists of traditional skills, beliefs, folklore, songs and dances. Physical and intangible heritage often overlap. Historic buildings for example are physical resources that may owe their significance to the materials or construction methods in use at the time or the architectural style. Yet that same building may be more significant because for its intangible heritage by the residents who lived there or some important event in history of which the building played a pivotal role.

Cultural heritage resources are scarce, fragile, and non-renewable. They must be managed in a prudent manner if they are to be conserved for the sustenance, coherence and meaning of future generations.

11.1. GENERAL POLICIES

- I. In recognition of the non-renewable nature of cultural heritage resources, as well as the contribution they make to the character, civic pride, tourism potential, economic benefits and historical appreciation of the community, the Town will actively promote cultural heritage and conservation in all applicable municipal activities. The protection of heritage features will be a consideration in all development proposals and public works.
- II. The Town shall appoint a Municipal Museum and Cultural Heritage Committee whose primary responsibility shall be to manage and operate museum facilities in accordance with applicable by-laws relating to museum services in the Town of Fort Erie and to advise Council on cultural heritage matters relating to the collection, conservation, research and interpretation of cultural heritage, as well as provide Council and the Town with an historical context on emerging issues.
- III. Once formed this Committee will be responsible for: identifying Cultural Heritage Districts, Cultural Landscapes and archaeological sites; the current roles of the Local Architectural Conservation Advisory Committee (LACAC) with respect to built heritage; and the Town the Fort Erie Museum Board with respect to moveable heritage, being artifacts and archives, and intrinsic culture. The Town's

Community Health and Wellness Committee shall continue to be responsible for Arts and Culture.

IV. Until such time as the Municipal Museum and Cultural Heritage Committee is formed:

- a. The Committees identified in Policy 11.1.III shall continue to be responsible for their Cultural Heritage mandates; and
- b. The mentioned Committees shall work together in a cooperative fashion so as to address cultural heritage in a comprehensive manner and avoid duplication of services.

V. The Fort Erie Municipal Museum and Cultural Heritage Committee shall prepare and maintain on an on-going basis for the approval of Town Council an inventory of the cultural heritage resources under its mandate. The inventory may comprise written and graphic information describing the inventoried features.

VI. In order to adequately protect and preserve cultural heritage attributes a Heritage Impact Assessment may be required by the Town where the development or redevelopment of lands is considered by the Municipal Museum and Cultural Heritage Committee to adversely affect:

- a. A building or structure designated under Part IV of the Ontario Heritage Act;
- b. Lands contiguous to a protected heritage property;
- c. A registered or known archaeological site;
- d. Building or structure listed in the inventory of heritage buildings and features;
- e. Lands adjacent to a known archaeological site;
- f. Lands that have the potential to contain archaeological resources; and
- g. Any area for which a heritage planning statement has been prepared.

VII. The Heritage Impact Assessment should demonstrate the heritage attributes will be conserved in accordance with the Cultural Heritage Policies of this Plan.

VIII. Development and site alteration may be permitted on lands contiguous to a protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated the heritage attribute of the protected heritage property will be conserved.

IX. In carrying out Neighbourhood Planning the Town shall ensure that cultural heritage is identified, evaluated, conserved and enhanced and may prepare policies to provide detailed guidance regarding; the existence of heritage features and their significance; priorities as to their conservation, acceptable land uses and the type of development considered appropriate. The policies may also identify other required environmental benefits such as:

- a. Improved public access to the area or individual site;
- b. The inclusion of areas of open space;
- c. The provision of interpretive devices such as plaques and displays; and
- d. Ensuring the use of appropriate quality building materials.

X. The Town may acquire the freehold rights or request easements on, or impose covenants on, real property designated under the Ontario Heritage Act.

XI. The Town recognizes that the archaeological remains of past human activities are fragile and non-renewable and that every effort shall be made to identify, protect and otherwise conserve these features, particularly where they may be affected by land disturbance.

XII. The Town and /or Region's Tree Conservation By-laws provide the opportunity to designate Heritage Trees under the Ontario Heritage Act. Prior to designating a Heritage tree(s), Council shall develop criteria which will be used to assist in determining the appropriateness of designation.

XIII. The Town of Fort Erie will investigate and adopt where appropriate municipal property tax relief measures for those properties designated under

Parts IV or V of the Ontario Heritage Act that have been restored and/or conserved. Such measures should be guided by the Ontario Ministry of Tourism and

- XIV. The Town shall to the best of its financial capability participate in cultural heritage programs, including management, planning and funding programs of the Regional, Provincial and Federal governments or any other agencies and groups, that are intending to conserve, restore, protect or otherwise assist in the management of heritage features.

11.2. CULTURAL HERITAGE LANDSCAPES

Cultural Heritage Landscapes are geographical areas of heritage significance that have been modified by human activities and are valued by the community. These landscapes involve a grouping of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant and distinctive type of heritage form. Examples include but are not limited to heritage conservation districts, villages, parks, gardens, battlefields, mainstreets, neighbourhoods, cemeteries, trailways and industrial complexes.

- I. Council shall consult with the Fort Erie Municipal Museum and Cultural Heritage Committee in matters relating to the conservation of cultural heritage landscapes within the Town of Fort Erie. The Committee shall identify through inventory, or on a case-by-case basis, cultural heritage landscapes and advise Council on those worthy of designation under Parts IV and V of the Ontario Heritage Act.
- II. Where the Town of Fort Erie has designated cultural heritage landscapes as heritage conservation districts under Part V of the Ontario Heritage Act it is the intent of Council to conserve and enhance the unique heritage character of the area. Property owners will be encouraged to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work.
- III. The Town will seek to protect and conserve the character of the municipality, particularly with respect to those buildings and areas representative of formative settlement from the late-eighteenth, nineteenth and twentieth centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.
- IV. Prior to designating a heritage conservation district the Town will:

- a. By by-law define and examine an area for future designation; and
 - b. Prepare and adopt a conservation district plan containing policies, guidelines and relevant information respecting the protection and enhancement of the district.
- V. The Town in consultation with the Municipal Museum and Cultural Heritage Committee may designate heritage conservation districts under Part V of the Ontario Heritage Act where it has been determined that the district possesses one or more of the following attributes:
- a. The area contains a group of buildings or features that reflect an aspect of local history, through association with a person, group or activity;
 - b. The area is characterized by buildings and structures that are of architectural or vernacular value or interest; or
 - c. The area contains other important physical and aesthetic characteristics that alone would not be sufficient to warrant designation but provide an important context for built heritage features or associations with the district including such matters as landscape features or archaeological sites.
- VI. In determining proposals for the construction, demolition, or removal of the buildings and structures or the alteration of existing buildings in cultural heritage landscapes that have been designated under the Ontario Heritage Act the Town will be guided by the applicable heritage conservation district plan or guidelines and the following general principles:
- a. Heritage buildings and archaeological sites including their surroundings should be protected from any adverse effects of the development and shall be sensitively incorporated in to any redevelopment proposals;
 - b. Original building fabric and architectural features such as doors, windows, moldings, verge boards, walling materials and roofs should be retained or repaired and where original materials cannot be salvaged like materials may be used;

- c. New additions and features should generally be no higher than the existing building and wherever possible be placed to the rear of the building or setback substantially from the principal façade;
- d. New construction and/or infilling should fit the immediate physical context and streetscape by: being generally of the same height, width and orientation as adjacent buildings; be of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape;
- e. Public works and landscaping within a designated district should ensure that existing road and streetscapes are maintained or enhanced and that proposed changes respect and are complementary to the identified heritage character of the district; and
- f. Required road rights-of-way, day lighting triangles and corner roundings indicated elsewhere in the Official Plan may be required in designated districts but every effort shall be made to ensure that existing pavement widths especially where they are major contributors to the character of the streetscape will be retained.

VII. Existing rural and agricultural areas of the municipality are considered to be an important cultural heritage asset to the Town. It is recognized that there may be potential to disrupt the character of the rural landscape and its individual component heritage features. Accordingly, in any development activity that is subject to approval under the Planning Act, the Town shall seek the appropriate conservation of important inventoried rural heritage features including: farm houses, barns, silos, remnant foundations, earthworks, tree lines, fences, walls and woodlots.

VIII. The Town of Fort Erie recognizes that there are historic villages, hamlets and settlement areas that are of cultural heritage value within the municipality. These areas will be identified and included in the cultural heritage inventory and the character of these areas shall be maintained by: conserving existing heritage buildings, structures and properties, existing tree stands, grassed boulevards, tree lined streets and roads.

IX. The intangible attributes of the area may be recalled through the use of former names of historical activities, themes, families or other persons associated with

the affected area in the naming of parks, streets, roads, community facilities or other public works.

- X. The Town also recognizes that in certain circumstances the potential for housing intensification may be constrained due to the prevailing character and attributes of cultural heritage landscapes. The public benefits of housing intensification versus the protection of the heritage resource needs to be carefully considered. Housing intensification developments may be limited in density and design in this regard.
- XI. The Town may permit additional density in a proposed development in order to conserve an important heritage feature. Any additional density permitted shall not result in a scale, type or form of development that is out of keeping with adjacent uses or buildings.
- XII. The Town recognizes that there are roads or portions of roads within the municipality that may constitute cultural heritage landscapes specifically where they exhibit physical and historical integrity by retaining major characteristics usually typified by unpaved or paved lanes, little or no shoulders, and unimproved grass ditches. Prospective heritage roads will not be highly engineered or previously improved to recent design and construction standards and will usually exhibit one or more of the following attributes:
- a. Historical associations with a theme of human history that is representative of cultural processes in the development and use of land in the Town;
 - b. Historical associations with the life or activities of a person, group, institution or organization that has made a contribution to the local or regional municipality, province or nation; and
 - c. Scenic character, including that in the streetscape itself as well as in the landscape beyond the boundary of the road, especially as experienced while travelling the road.
- XIII. Where possible, after consultation and approval by the appropriate road authority, Heritage roads shall be conserved and protected with a presumption against any works or undertakings that would adversely affect the heritage attributes and character. In particular the Town will endeavor to retain and protect:

- a. Existing paved road widths where they contribute to the heritage character of the road;
- b. Existing trees and tree lines within the road right-of-way;
- c. Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines; and
- d. Transportation related heritage features, such as bridges, where they contribute to the heritage character of the road.

XIV. Works or undertakings, such as intersection improvements, may be undertaken at specific locations to remedy clearly demonstrated deficiencies at that location provided that they do not generally adversely affect the character or attributes of the heritage road. Additionally, development shall not be encouraged where it adversely affects the character or attributes of a heritage road.

XV. Council may designate heritage roads and their respective road rights-of-way under the provisions of the Ontario Heritage Act. Such designation will be accompanied by a comprehensive heritage assessment and heritage planning statement identifying key cultural heritage attributes. Heritage roads may also be plaqued or otherwise signed along their routes in order to identify them to the traveling public and visitor.

XVI. Railways and rail lines constitute valued cultural heritage landscapes within the Town. As rail lines are decommissioned from active use or are abandoned the Town will encourage and support, with other interested agencies, a network of “rails to trails” that will assist in conserving valued heritage features, enhancing recreational opportunities and promoting tourist visitation to historical centres of settlement such as Ridgeway.

XVII. The Onondaga Escarpment is an important physiographic feature in the Town’s cultural heritage landscape. It is associated with prehistoric settlement, long-used human travel routes and military engagements. The Town will ensure that this prominent feature and those special places of cultural heritage interest associated with it will be conserved and protected.

11.3. BUILT HERITAGE RESOURCES

Built Heritage involves one or more significant buildings, structures, monuments, installations or remains that are associated with architectural importance or historical importance from cultural, social, political, economic or military perspectives.

- I. Council shall consult with the Municipal Heritage Committee in matters relating to the conservation of built heritage within the Town of Fort Erie. The Heritage Committee shall identify through the ongoing inventory, or on a case-by-case basis, properties of architectural and historical interest and advise Council on those heritage properties considered worthy of designation under Parts IV and V of the Ontario Heritage Act.
- II. Where any development or land disturbance requires the approval of the Town of Fort Erie or where a permit or other approvals are required by another authority and the Town is required to regulate, advise, or comment, the Town shall seek to ensure that the built heritage resources are not adversely affected by the proposed development.
- III. The Town will ensure that the heritage attributes of these buildings and properties will be respected with a presumption in favour of conserving and any important associated spaces such as grass boulevards, parks and cemeteries, and streetscapes.
- IV. The Town may require that heritage properties are retained on-site and used or adaptively re-used as appropriate to the proposed development and land use. Heritage easements may be required as well as development agreements respecting the care and conservation of the affected heritage property.
- V. It is recognized that there remain in the Town of Fort Erie several historic cemeteries, containing a variety of grave markers in various materials and state of repair. The Town will ensure that these important heritage features are conserved and protected by encouraging owners to maintain, stabilize and arrest the deterioration of the cemetery and any remaining markers.
- VI. The Town will ensure that in considering the approval of any proposed development near or adjacent to cemetery properties that such development will be designed and landscaped in a manner that is sensitive to the cemetery as well as enhancing and integrating with the open space character of the cemetery.

11.4. ARCHAEOLOGY RESOURCES

Archaeological resources include artifacts and archaeological sites, as well as marine archaeological sites. The identification and evaluation of such resources are based on archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

- I. As a condition of the development of land within the Town of Fort Erie, the Regional Municipality of Niagara as the delegated authority in consultation with the Municipal Museum and Cultural Heritage Committee may require that an archaeological resource assessment be undertaken, for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found, should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule “D” or Zone of Sensitivity as shown on Schedule “D1” to this Official Plan or where an archaeological site has been previously registered on the property.
- II. An archaeological assessment will be required for lands located outside an urban area boundary. Where the entire property will not be developed consideration may be given on a site-specific basis by the Ministry of Tourism and Culture in consultation with the Region and the Town to exempt the areas that will not be developed from requiring an archaeological assessment.
- III. Proponents will be encouraged to complete the necessary assessment and/or site mitigations prior to submitting their planning application. Where this is not possible the following Archaeological Condition will be included as part of any approval:
 - a. The proponent shall carry out an archaeological assessment and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found;
 - b. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Town, the approval authority being the Regional Municipality of Niagara and the Ministry of Tourism and Culture confirming that all archaeological resources concerns have met licensing and resource conservation requirements; and

- c. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site may be permitted.
- IV. The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism and Culture under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant site found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances.
- V. When adopted as Council policy the proponent agrees to adhere to the procedures of the “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations”.
- VI. Small-scale applications such as minor variance, land severance or minor zoning amendment, will be reviewed and an archaeological assessment may be required by the Town in consultation with the Regional Municipality of Niagara as the delegated authority. Where a new building lot is created on land that is presently vacant an archaeological assessment may be required if:
 - a. The application is situated within the zone of archaeological potential as indicated on Schedule ‘D’, or:
 - b. The application contains or will directly affect a federal, provincial, or municipal historic landmark, monument, site or designated property.
- VII. Where lands are within the Peace Bridge Zone of Sensitivity or The War of 1812 Zone of Sensitivity as shown on Schedule ‘D1’ an archaeological resource assessment shall be undertaken prior to the issuance of a building permit for any building or structure. Town Council shall amend its Site Plan Control By-law to include all buildings and structures as being subject to Site Plan Control within the Zones of Sensitivity.
- VIII. Municipal and Regional projects, except for the maintenance of existing municipal and agricultural drains, will be reviewed to determine impacts upon potential archaeological resources. An archaeological resource assessment will be required if the lands are located within the zone of archaeological potential as indicated on Schedule “D” or a Zone of Sensitivity as indicated on Schedule ‘D1’.

The maintenance of existing municipal facilities, roads and infrastructure is exempt from this policy.

- IX. Council shall undertake, together with the Niagara Parks Commission, and the local aboriginal community, to co-operatively establish guidelines for sharing archaeological information derived from the application of the archaeological master plan and potential mapping.
- X. Council shall undertake to establish guidelines for Town Departments to ensure that in all appropriate circumstances, construction projects that may negatively impact archaeological resources on public lands (e.g., trail, playground, playing field, public washroom, parking lot construction, road widening/extension, trunk sewer, and watermain construction, stormwater management facility construction, municipal building and structure construction) and which are located in areas of archaeological potential or zone of sensitivity, are subject to archaeological resource assessment prior to any land disturbing activity.
- XI. Council may, in consultation with the Ministry of Tourism and Culture, and other appropriate agencies, landowners, and the public, consider the adoption of a “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations”. The Contingency Plan shall address the following:
- a. A notification process, involving the Town of Fort Erie, the Regional Municipality of Niagara, the Ontario Ministry of Tourism and Culture, and the local aboriginal community;
 - b. An investigation and reporting process undertaken by a licensed archaeologist; and
 - c. Financial responsibility, structured according to the ability to pay of the proponent. In the case of individual landowners, it may be necessary to establish a contingency fund.
- XII. Council may consider, in consultation with local museums the adoption of a comprehensive policy concerning the curation of artifacts from archaeological sites within Fort Erie. Any curatorial facility (existing or proposed) and its practices must meet current professional standards with respect to climate control, security, researcher access, etc.

11.5. MOVABLE HERITAGE

Movable Heritage consists of artifacts and archives which contribute to an understanding of past human behaviour, customs, activities, episodes, institutions or personalities within Fort Erie.

- I. Movable Heritage shall be coordinated and managed in the following manner:
 - a. The Municipal Museum and Cultural Heritage Committee shall advise Council on matters relating to the collection, conservation, research, interpretation, education and exhibition of movable heritage;
 - b. Objects will be stored, protected and preserved pursuant to provincial standards for community museums;
 - c. Objects collected should be accompanied by proper documentation such as circumstances surrounding it's discovery or acquisition, the original owner and use, a chronological history and pertinent facts; and
 - d. Development and site alteration shall comply with the archaeological policies of this Section.

11.6. INTANGIBLE HERITAGE

Intangible Heritage consists of a community's values, belief systems, customs, history, and social and institutional arrangements. Intangible heritage can be viewed as economic, academic or social resources for a community.

- I. Intangible Heritage shall be coordinated and managed in the following manner:
 - a. The Municipal Museum and Cultural Heritage Committee shall be responsible for the collection, preservation, research and interpretation of intangible heritage resources; and
 - b. The Town shall promote public awareness and enjoyment of the Town of Fort Erie's Intangible Heritage by initiating or supporting promotional or educational programs intended to increase community awareness and appreciation of the Town's heritage such as plaquing programs, special events, oral history collection, lectures, research papers, competitions and awards.

Section 12

SERVICING AND UTILITIES

12. SERVICING AND UTILITIES

The systems for water distribution and treatment, wastewater collection and treatment, and storm water collection and release and essential public utilities will be designed, built and operated in a manner which protects public health and safety, minimizes negative impacts on the natural environment and supports development in accordance with the policies of this Plan.

12.1. GENERAL POLICIES

- I. All development applications will be evaluated to determine whether the water, wastewater and storm water services are or will be capable of supporting the proposed development at acceptable levels of service as generally described in the Town's and Region's Master Servicing Plans.
- II. Proposed plans of subdivision shall not be granted draft plan approval unless adequate services exist or are planned for within the time frame of draft approval (3 years).
- III. All lands within the urban areas are to be serviced by municipal sanitary and water services. Existing private services within an urban area are permitted to continue until such time as municipal services are available.
- IV. The provisions of the Local Improvement Requirements of the Municipal Act may be used where necessary to provide services to existing developed areas of the Town.
- V. In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services that are not economically feasible to provide, improve or maintain. Where municipal services are to be extended, the Town may consider the phasing of development or the use of front ending agreements as provided for in the Development Charges Act.
- VI. All future service installations will be required to comply with Town and Regional Niagara Municipal Servicing standards, as amended from time to time to address local and regional circumstances and Ministry of Environment Guidelines.
- VII. The inclusion of lands within an urban area shall not be considered as any commitment by the Niagara Region or the Town to provide municipal services within the time period of this Plan to any area not currently serviced.

- VIII. Extensions of municipal services outside of urban area boundaries shall comply with the requirements of the Regional Policy Plan.
- IX. The Town may prohibit development in a zoning by-law pursuant to the Planning Act until such time as municipal services are available.
- X. The Town shall require that all linear municipal services and public transmission or communication utilities be located underground within road allowances and/or easements, where appropriate. Outside of urban areas the Town may require that such facilities be underground. Setbacks from all such services and utilities may be required. Easements for such services and utilities may be provided without amendment to this Plan.
- XI. New public water treatment and sewage treatment plants and their facilities shall require an amendment to this Plan and may be subject to the requirements of the Environmental Assessment Act.
- XII. The comments of utility providers regarding the availability of utilities and infrastructure shall be reviewed with respect to growth areas and major infill, redevelopment and intensification areas during the planning process.
- XIII. Existing Regional or Town servicing properties associated with landfills, treatment plants, reservoirs and pumping stations shall be permitted to operate for their intended service use. Should the use cease operation, future land uses on the property, or within 500 metres of lands used for waste disposal purposes, shall be in accordance with the policies of the designation indicated subject to necessary environmental clearances.
- XIV. Expansions of the existing sewage treatment and water treatment plants operated by the Niagara Region are subject to the Municipal Engineer's Municipal Class Environmental Assessment. No amendment to this Plan is required for expansions of either facility on their current property. However, compliance with Policy 10.5.I of this Plan is required.

12.2. MUNICIPAL WATER SUPPLY

The existing water system for the Town of Fort Erie consists of a watermain network, five storage facilities and a water treatment plant.

The Regional Municipality of Niagara is responsible for water treatment and transmission, water storage and trunk watermain facilities. The Town is responsible for water distribution, including retail sales within the Municipality.

In 1999 the Town of Fort Erie completed a Water Distribution Master Plan Update that reviewed the status of the system, the need for improvements and future development. The study concluded that there does not appear to be any water servicing constraints for developments within the current urban boundary. It identified the highest priority as the need to embark on a cast iron watermain replacement/rehabilitation program to address coloured water complaints. This program would also address existing hydraulic deficiencies and system leakage.

- I. The replacement/rehabilitation of existing water lines shall be a priority for Council.
- II. The designation of lands for development shall not be considered a commitment by the Niagara Region or the Town to extend water lines to the area until financially feasible.
- III. The sizing of water lines will be based on the monitoring of anticipated density and pattern of development, including the potential for infill/redevelopment and intensification, within the various water supply areas.
- IV. The extension of watermains beyond any urban boundary for agricultural or agriculturally related purposes in compliance with the requirements for the waterline extensions as contained in the Regional Policy Plan will be given due consideration for approval by the municipality where deemed appropriate.

12.3. MUNICIPAL SANITARY SEWERS

The existing sanitary sewer system for the Town of Fort Erie consists of a sanitary sewer network, fourteen sewage pumping stations and three (3) treatment facilities (The Stevensville/Douglstown Lagoon, The Anger Avenue Water Pollution Control Plant and the Crystal Beach Water Pollution Control Plant)

The Regional Municipality of Niagara is responsible for the sewage treatment plants and major sewage transport facilities (pumping stations and trunk sewers). The Town is responsible for the local sewage collection.

In 1999 the Town of Fort Erie completed a Sanitary Sewer Master Plan Update that reviewed the status of the system, the need for improvements and future development. A major conclusion was that the system has the theoretical ability to accommodate full development within the urban areas however there are local areas with limited or no capacity in the existing system for new development until extraneous flows (inflow/infiltration) into the system have been addressed.

Improvements to the existing sanitary sewer system and the reduction of extraneous flows shall be a priority for Council.

- I. Appropriate sanitary sewerage treatment and trunk sewer facilities will be installed and maintained to adequately serve the developed areas, with due regard for the protection of water quality in the streams, Lake Erie and the Niagara River.
- II. Development shall be phased in accordance with improvements to the sewershed area and the reduction of extraneous flows as recommended in the Sewer Master Plan and as approved by Town Council.
- III. The sizing of sanitary sewerage facilities will be based on the monitoring of anticipated density and pattern of development, including the potential for infill/redevelopment and intensification, within the various sewershed areas.
- IV. Where two or more buildings are on one connection to the municipal sewer, if any sewer reconstruction or major building reconstruction takes place, such buildings are to be provided with individual sewer connections.
- V. All new development other than minor infilling development which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the development. The continued separation of storm and sanitary flows beyond the boundaries of the development will be dependent upon the available capacity within the existing sewer system, the treatment plant and the proximity of suitable storm outlets to the development.

12.4. LOTS ON PRIVATE SANITARY AND WATER SERVICES

- I. New private communal systems are prohibited.
- II. All new development located outside Urban Areas Boundaries shall provide sustainable private water and sewage services. The land owner is responsible for the maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.
- III. The minimum lot size shall be in accordance with the lot size requirement stipulated for the applicable designation and corresponding policy pertaining to lot creation or existing lot of record.
- IV. Lots on a private sewage disposal system should have a minimum lot frontage of 46 metres unless a greater frontage is stipulated by policy for the designation the

lot is situated within. A lesser frontage may be considered where similar lot frontages exist in the immediate area and provided that there is sufficient lot area to accommodate the private sewer disposal system and spare area subject to the approval of the authority having jurisdiction.

- V. The soil and drainage conditions shall be suitable for the proper siting of buildings, the supply of potable water and the long term operation of a waste disposal system.
- VI. The natural drainage systems of the surrounding lands shall not be interfered with or detrimentally affected by the development.
- VII. Each sustainable private sewage disposal system shall require approval by the authority having jurisdiction. If, any area appears questionable for the proper operation of a sustainable private sewage disposal system an evaluation of the subject lands by a competent authority shall be required before development is allowed to proceed which may include the submission of an engineering report to establish the depth of bedrock and the water table, the feasibility of providing an individual sewage disposal system, and evidence a suitable drinking water supply can be provided.
- VIII. The Town will not consider nor accept to become a party to a default responsibility agreement for any private communal water supply or sewage treatment system as may be required pursuant to Ministry of Environment guidelines whether or not the existing or proposed development is permitted by this Plan or the Zoning By-law.

12.5. STORM WATER MANAGEMENT

- I. Appropriate storm sewer facilities will be installed and maintained to serve the developed areas, with due regard to the need to protect creek and river areas and adjacent land uses from any possible destructive effects of storm water runoff.
- II. The staging of construction of storm sewer facilities will be based on the staging of development and the sizing of storm sewer facilities will be based on the approved development pattern within the various drainage areas.
- III. Storm Water Management Studies will be carried out in consultation with the Niagara Peninsula Conservation Authority, Niagara Parks Commission, Ministry of Transportation, and the Regional Municipality of Niagara to:

- a. Assess downstream constraints (e.g. flooding, erosion, and environmental) and determine how these constraints will be addressed;
- b. Indicate the conveyance of storm water runoff from the site by the major and minor systems;
- c. Indicate adequate erosion and sedimentation control techniques which will be utilized during and after construction, where necessary;
- d. Consider identifying areas of constraint with regard to combined sewers and old or outdated infrastructure; and
- e. Storm drainage facilities will be constructed completely separate from sanitary sewer facilities and separation of existing combined systems will be encouraged.

12.6. PUBLIC USES, INFRASTRUCTURE AND UTILITIES

- I. Unless restricted by other policies of this Plan essential public uses including public infrastructure, as well as utilities, shall be permitted in all land use designations of this Plan, provided that there are no reasonable and feasible alternative locations and the use can be made compatible with its surroundings. Public uses involving outdoor storage will require special attention and may not be permitted in all designated areas if deemed incompatible. The offices or any non-essential use of any public use or utility shall be directed to the urban area.
- II. In Agricultural, Environmental Protection or Environmental Conservation Area designations, only public uses of a linear nature including utilities shall be permitted where no other reasonable location is available, subject to the policies of this Plan. The impact of these linear facilities on agriculture, surface drainage and the environment shall be minimized.

These uses shall only be permitted within Environmental Protection Areas, Environmental Conservation Areas or lands adjacent thereto, within existing rights-of-way or easements, or if justified through an Environmental Assessment approved under Provincial or Federal legislation. Within Environmental Conservation Areas or lands adjacent thereto, an Environmental Impact Study can also be used to justify the proposed use. In all cases the policies of Section 8

of this Plan must be complied with. Any requirements of the Niagara Peninsula Conservation Authority shall be complied with.

III. An Environmental Impact Study or Environmental Assessment required under Policy 12.6.II shall address, in addition to the policies of Section 8.1, the following:

- a. The value and sensitivity of the particular site;
- b. The expected impact of the proposed project on agriculture, natural heritage, water resources and hazard lands having regard for the Regional and local Official Plans and the regulations and policies of the Niagara Peninsula Conservation Authority;
- c. The need for and benefits of the proposed project; and
- d. The advantages and disadvantages of alternative locations for the proposed project.

IV. The municipality shall consult with the Region and relevant authority having jurisdiction prior to allowing any utility to locate in an Agricultural, Environmental Protection or Environmental Conservation Area designation.

V. In all commercial, industrial and residential areas, both existing and proposed, and in other areas where visual quality is important, local utilities will be located underground where feasible.

VI. Preference will be given to the location of utilities within public rights-of-way or existing easements, but consideration will be given to private property if public-rights-of-way or easements are not feasible.

VII. Installation of new utilities in areas designated for new residential development will be subject to subdivision and/or site plan control provisions as contained in the Planning Act or successor legislation.

VIII. The Town encourages the joint use of rights-of-way and corridors wherever feasible for various public utilities to lessen the impact on the environment, minimize visual impact and avoid possible land use and development problems.

12.7. ROADS

The Town of Fort Erie has jurisdiction over public roads, pedestrian and bicycle path facilities which serve a primarily local function. Those roads facilities which serve Regional and Provincial functions are the responsibility of the Regional Municipality of Niagara and the Province of Ontario, respectively.

The Transportation Plan as shown on Schedule “E” comprises Provincial Highways, arterials (Regional Roads), collector roads and local roads. Not all local roads are shown on Schedule “E”.

The Major Roads set out in Schedule “E” have not been based on a comprehensive transportation study but rather on available reports and studies pertaining to the road network and traffic patterns in the Town.

The road network shown on Schedule “E” - Transportation Plan - is based on the principle that the overall road pattern should be in harmony with the existing and proposed road pattern in adjoining municipalities as well as with the system of Provincial Highways and Regional Roads.

12.7.1. ROAD CLASSIFICATIONS

For the purpose of this Plan, the following functional classification of roads is established:

I. Provincial Highways

- a. A Provincial controlled access highway is a multi-lane divided roadway under the jurisdiction of the Province which is designed to carry high volumes of long distance and inter-regional traffic travelling at high speeds. Intersections with other roadways are grade-separated. Full control of access is under the jurisdiction of the Ministry of Transportation.
- b. A Provincial Highway such as Highway No. 3 is a roadway under the jurisdiction of the Province which is designed to carry medium to high volumes of long distance and inter-regional traffic. Direct access from abutting properties is controlled, and most intersections are at grade.

II. Regional and Arterial Roads

- a. Arterial Roads are roadways mainly under the jurisdiction of the Region which are designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic as well as traffic en route to or from the Provincial highway system. Direct access from abutting properties should be limited particularly near major intersections. Most intersections are at grade. The Region shall be consulted through the Site Plan Approval process to provide proper protection to Regional Roads.

III. Collector Roads- Town and Regional

- a. Collector Roads which are mainly under the Town's jurisdiction, are designed to carry moderate volumes of inter-neighbourhood and inter-district traffic and to function as links between Arterials or Provincial Highways and Local Roads. Intersections are at grade. Direct access from abutting properties is normally permitted unless deemed undesirable.

IV. Niagara River Parkway

- a. The Niagara River Parkway, Niagara Boulevard and other Niagara Parks Commission controlled roads are controlled access highways under the Niagara Parks Act and Public Transportation and Highway Improvement Act. The Niagara River Parkway is a processional roadway that provides a north-south linkage from Lake Ontario to Lake Erie for tourists and local residents. Residential development outside the Urban Area is located predominantly along the west side of the Parkway, and is generally not permitted direct access to the Parkway but rather obtains access through a service road system which is also controlled by the Niagara Parks Commission;
- b. Approval of the Niagara Parks Commission is required for any development access onto the Niagara Boulevard. The comments of the Niagara Parks Commission relating to traffic concerns and/or requirements shall be obtained pertaining to large scale development applications up to 800 metres from Niagara Parks Commission lands.

V. Local Roads

- a. Local Roads are designed to carry relatively low volumes of traffic travelling at low speeds from abutting properties to Collector Roads, Arterial Roads or Provincial Highways. Such roadways should not provide for through traffic. Intersections are at grade. Direct access from abutting properties is permitted except near major intersections.

12.7.2. **GENERAL ROAD POLICIES**

- I. This Plan supports the concept of complete streets that are designed to accommodate vehicles, pedestrians and cyclists and necessary infrastructure where appropriate. Cycling considerations will be incorporated at key stages in the Town's land use and transportation plan activities.
- II. Minimum rights-of-way deemed necessary for the Major Roads shown on Schedule "E", Transportation Plan are set out in Subsection 12.7.4 hereof. Lands for road widening or other improvements shall be obtained as a condition of approval by the Land Division Committee of consent to severance, or as a condition of approval of a draft plan of subdivision or through the site plan control process. Widening may also be carried out on an extensive basis when required by the authority having jurisdiction. The Region shall be consulted through the development approval process including site plan approval to provide proper protection to all roadways.
- III. No development or redevelopment will be permitted that does not front on a public road of an acceptable municipal standard of construction. Despite the foregoing policy, exceptions may be made in certain circumstances by Council that have the effect of permitting development or redevelopment on lands fronting a private roadway that existed on the date of passing of Zoning By-law No. 590-76; however, such exceptions shall necessitate an amendment to the Zoning By-law.
- IV. Improvements to the road system and road reconstruction should be carried out in accordance with suitable standards. The Council has adopted standards pertaining to local and collector roads, and will consider the adoption of the Roads and Transportation Association of Canada Geometric Design Standards for rural and urban roads. Improvements and reconstruction shall consider provisions for active transportation for pedestrians and cyclists where appropriate.

- V. Road allowance widths are to be protected and acquisition of road allowance widening will be pursued through the planning approvals process where permitted. The Zoning By-law shall contain setbacks to protect road allowance widths.

- VI. It is proposed that intersection improvements, such as pavement realignment, provision of turning lanes, and other measures will be undertaken at the intersections of major roads and various local roads as traffic conditions warrant and suitable financing is available for such improvements. Where a major road intersects a minor road, the improvements shall be designed to favour traffic on the major road. In future subdivision plans, the number of intersections with major roads will be kept to a minimum.

- VII. The design, layout and orientation of local roads will be considered through the Neighbourhood Plan and Urban Design process.

- VIII. The full costs of road improvements on a roadway established by the public road authority, deemed necessary because of proposed development, shall be paid for by the developer unless otherwise identified in the Development Charges Background Study.

- IX. It is not intended that all road proposals will be undertaken in the immediate future, but Council may prepare a detailed road improvement program and establish an order of priorities for improvements.

12.7.3. **SPECIFIC ROAD POLICIES**

I. For Provincial Highways

- a. The right-of-way width shall be as required by the Ministry of Transportation and

- b. Direct access from abutting properties shall be strictly controlled to avoid interference with the highway's primary function of carrying through traffic.

II. For Arterial Roads

- a. Direct access from abutting properties shall be strictly controlled, and directed to a local road where possible;

- b. Building setbacks shall be required which are sufficient to provide rights-of-way for future traffic needs while still providing acceptable pedestrian access;
- c. Intersections in developing areas shall be spaced to provide optimum traffic movement, taking into account safety devices such as daylighting triangles and traffic signals;
- d. In developing areas steps will be taken to minimize the number of access points;
- e. In developed areas approved, designated widenings will be designed in an attempt to minimize the impact on abutting properties, and will occur only after consultation with affected property owners;
- f. Road widening dedication requirements for Regional Roads will be based on those identified in the Regional Policy Plan; and
- g. Regional Roads 1 and 3 are considered scenic roads by the Region and the scenic qualities should be taken in to consideration for any road projects.

III. For Collector Roads

- a. The right-of-way width will generally vary from 20 to a maximum of 26.2 metres; except for those under Regional jurisdiction which shall be determined by the Region;
- b. Direct access from abutting properties will be permitted where such will not create a traffic hazard; and
- c. Intersections shall be spaced to provide optimum traffic movement, taking into account safety devices such as traffic signals and the objective of discouraging unnecessary through traffic onto Local Roads.

IV. For Local Roads

- a. The basic right-of-way width will generally be a maximum 20 metres, however, some Local Road rights-of-way are presently less than 20 metres and widenings to the foregoing maximum might not be practical;
- b. Direct access to a new local road from abutting properties shall be required for low density residential uses abutting Provincial Highways or Arterial Roads;
- c. Intersections with Provincial Highways and Arterial Roads shall be discouraged; and
- d. Through traffic may be discouraged by means of low speed design and road pattern.

12.7.4. ROAD WIDENINGS

- I. Pursuant to the provisions of the Planning Act, the dedication of lands for road allowance widening purposes will be required within the designated future road allowance rights-of-way as specifically set out in this Section and the Regional Policy Plan when such lands are proposed to be developed, redeveloped or subdivided, or where such lands are in a Site Plan Control area in a by-law passed under the Planning Act.
- II. The dedication of lands for daylighting triangles and possible right-turn channelization abutting existing roads may be required when such lands are proposed to be developed or redeveloped or where such lands are in a site plan control area in a by-law passed under the Planning Act, or where a consent or subdivision approval is required. Daylighting requirements will be based on the functional road classification of intersecting roadways as follows:

Road Classification of Intersecting Streets	Maximum Daylighting Requirements
Local to Local	4.5 m Triangle or Radius
Collector to Local or Collector	7 m x 7 m Triangle
Arterial to Local, Collector to Arterial	12 m x 12 m Triangle

The extent of land required to be dedicated for daylighting requirements pursuant to site plan control shall not exceed the amounts described above.

III. If widening of an existing road is required, the policy will be to widen equally on both sides wherever feasible. In certain cases where factors such as topography and location of existing buildings dictate, more than one-half of the widening on one side of the road may be required.

IV. Notwithstanding the provisions of Subsection 12.7.3, the designated right-of-way widths of specific roads are as follows:

TOWN COLLECTOR ROADS

Street	From	To	Road Allowance Preferred Width (metres)
Albany Street	Helena Street	Garrison Road	26.2
Bernard Avenue	Thunder Bay	Highway No. 3	23
Brunswick Avenue	Ridge Road	Ridgeway Road	23
Daytona Drive	Dominion Rd	Garrison Road	23
Derby Road	Erie Road	Farr Avenue	23
Gilmore Road	Sunset Drive	Pettit Road	23
King Street	Albany Street	Garrison Road	23
Main Street East and	Winger Road	Ott Road	23
Nigh Road	Highway No. 3	Rose Hill Road	23
Pettit Road	Gilmore Road	Garrison Road	23
Phillips Street	Buffalo Road	Crescent Road	23
Point Abino Road	Erie Road	Brown Road	23
Rebstock Road	Schooley Road	Ridge Road South	23
Ridge Road	Bowen Road	Brunswick Avenue	23
Rose Hill Road	Dominion Road	Highway No. 3	23
Schooley Road	Michener Road	Erie Road	23
Sunset Drive	Highway No. 3	Bowen Road	23
Washington Avenue	Dominion Road	Helena Street	26.2
Winger Road	Bowen Road	Netherby Road	23
Crescent	Dominion Road	Garrison Road	23
Buffalo	Dominion Road	Garrison Road	23
Burleigh	Thunder Bay	Highway No. 3	23
Thunder Bay Rd	Ridge Road	Stone Mill Road	23
Concession	Albany Street	Gilmore Road	23
Baker Rd	Netherby Road	River Trail	23

V. The rights-of-way for all other roads not listed in the chart are to remain as they presently exist.

12.8. TRUCKING

I. It is recognized that the movement of goods by truck will continue to be a vital element in the planning, design and operation of transportation services within and through Fort Erie. The following policies apply to trucking:

- a. truck access will be provided to commercial and industrial development with due regard for the need to protect residential neighbourhoods from truck noise, vapour emissions and traffic hazards;
- b. Through truck movement will be discouraged on local roads within residential neighbourhoods, where there is an alternate Provincial Highway;
- c. Development generating substantial truck traffic will be encouraged to locate near or adjacent to Provincial Highways or arterial roads;
- d. Council may require appropriate building setbacks, screening and buffering along designated truck routes to alleviate excessive impacts of noise on adjacent land uses.; and
- e. Trucking along the Niagara River Parkway or other roadways of the Niagara Parks Commission are restricted under the Niagara Parks Act.

12.9. PARKING

- I. Off-street parking standards for all land uses and loading facilities standards for industrial and commercial uses will be established in the implementing Zoning By-law, and adequate off-street vehicular and bicycle parking shall be provided for all development or redevelopment pursuant to such standards.
- II. Prior to removing or adding on street parking, the Town shall consider the context of the area including walkability and cycling opportunities. Where on-street parking is removed, sufficient off-street parking will be provided in its place.
- III. Council will require as a condition of development or redevelopment that entrance and exit points of parking areas will be limited in number and designed to acceptable standards for traffic safety. Sharing of access points by similar adjoining land uses, where practicable, will be encouraged to minimize hazards.
- IV. Council shall ensure as a condition of development or redevelopment appropriate parking for persons with disabilities is provided in an accessible location.

- V. In the central business districts on Fort Erie and Ridgeway parking improvements will be undertaken as parking conditions warrant and when suitable financing is available for such improvements. In the absence of a comprehensive traffic and parking study for the Town, the central business districts of Fort Erie and Ridgeway shall, in that order, be considered as high priority areas of need for parking improvement. When a detailed transportation study is completed by the Town, that study should form the basis of improvements in the parking system.
- VI. Consideration will be given to the establishment of a parking authority that would provide control over the supply and use of parking facilities.

12.10. PEDESTRIAN PATHS & TRAILS

- I. Virtually all modes of travel require some pedestrian linkages. The Town will actively encourage and investigate opportunities to create and maintain pedestrian paths within and through the built environment by:
- a. Pedestrian paths will be designed and provided as part of new development in order to link centres of activity such as parks, shopping areas and schools;
 - b. Pedestrian paths will also be provided in parks and open space areas where appropriate;
 - c. Sidewalks will be provided within public road rights-of-way where appropriate; and
 - d. When reviewing site plans, neighbourhood plans and large development proposals, particular attention will be paid to efficient, safe and pleasant pedestrian movement through the development or neighbourhood.

12.11. BIKEWAYS AND SUPPORT FACILITIES

- I. The Town recognizes that utilitarian and recreational bicycling is a legitimate means of sustainable transportation and is part of a healthy lifestyle contributing to personal wellbeing and environmental sustainability. Cycling considerations will be incorporated at key stages in the Town's land use and transportation planning activities.
- II. Bikeways and support facilities, where appropriate, will be designed and provided as a part of new development. Throughout the Town a combination of on-road

and off-road bicycle paths will be considered in the overall planning. Such paths are considered part of the transportation system and will be dedicated as public rights-of-way. The bicycle network will be designed to minimize potential danger from other forms of transportation and conflict with pedestrians.

- III. The municipality encourages the protection of abandoned rail corridors and other linear corridors for off-road trail use.
- IV. The Regional Municipality of Niagara's Bikeways Master Plan will be considered in all designs and implementation of bicycle paths within the Town.
- V. The Town, in partnership with the Niagara Region and other stakeholders, will ensure that the development and support of its bicycling network (as identified in Schedule "E") is planned, designed, constructed and maintained according to national and provincial standards and guidelines to help ensure public safety, security and compatibility for all road users.
- VI. Bicycle supportive facilities, such as secure bicycle parking, will be considered at public buildings and places as a model for the private sector.

12.12. PUBLIC TRANSIT

- I. The Town shall continue to provide local transit service in Fort Erie within its financial capabilities.
- II. The Town shall undertake a Transit Study to examine the provision of wider transit service in Fort Erie.
- III. The existing transit system could be enhanced through a combination of:
 - a. Higher levels of service for existing routes;
 - b. Expanding the transit service area by extending existing routes and/or providing new routes;
 - c. Ensuring that transit vehicles can accommodate the physically challenged;
 - d. Medium and high-density residential development shall be encouraged to front on arterial roads where transit is either provided or planned;

- e. Amenities such as bus shelters and benches shall be provided at high use bus stops; and
- f. Integrating transit with cycling and walking supports that may include: bicycle racks on buses; sheltered, secure bicycle parking facilities at hubs; and connected pedestrian routes.

Section 13

IMPLEMENTATION

13. IMPLEMENTATION

13.1. GENERAL

- I. The designations shown on Schedule A to this Official Plan are to be interpreted in a general fashion and are not to be precisely scaled. Where roadway or natural features such as water courses identify a distinct separation between designations such boundaries shall be used to provide a distinct interpretation of the boundary of the designation. Minor refinements to the boundaries of the designations in association with development applications shall not require an amendment to this Plan Official Plan.
- II. This Official Plan is required to conform to the Regional Niagara Policy Plan and Provincial Growth Plan and shall be “consistent with” the Provincial Policy Statement.
- III. The Urban Area Boundaries as delineated in the Regional Policy Plan are fixed, and shall only be changed by Amendment to the Regional Policy Plan.
- IV. This Official Plan will be implemented by means conferred upon Council by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by the Zoning By-law, neighbourhood plans, site plan control, subdivision and part- lot control, consents to severances, the property standards by-law, demolition control, provision of municipal services, public works, energy conservation and other legislation.
- V. In order to ensure that the policies of the Official Plan are being implemented, the following controls will be regularly reviewed:
 - a. The Zoning By-law;
 - b. Subdivision and Part-Lot Control;
 - c. Site Plan Control and Design Guidelines; and
 - d. All other practices and procedures involved in processing development applications.

13.2. THE ZONING BY-LAW

- I. Zoning By-laws pursuant to the Planning Act, RSO 1990, will be used to regulate the use of land and the character, location and use of buildings and structures in accordance with the policies of this Plan.
- II. Following approval of this Plan, it is intended that the existing comprehensive Zoning By-law be amended to establish development standards in conformity with the policies of the Official Plan.
- III. The main permitted uses in the land use designations on Schedule “A” will generally be permitted by the Zoning By-law, when appropriate.
- IV. Other permitted uses in the land use designations on Schedule “A” may generally be recognized by the Zoning By-law or by amendment to the By-law.
- V. Although it is intended that all lands will eventually be zoned in the Zoning By-law to conform with the main permitted uses on Schedule “A” it is not intended that all lands be zoned for their ultimate use immediately. Vacant lands designated for specific uses in the Plan, particularly those areas that may be the subject of a Neighbourhood Plan, may be zoned in an Implementing Zoning By-law in a ‘Neighbourhood Development’ zone as an interim measure. When such areas are deemed necessary for *development*, they will be rezoned to an appropriate category to permit the uses set forth in this Plan. Environmental Conservation area designations will be identified in the implementing zoning by-law with the use of either Holding zones or zones that limit the permitted uses to existing uses, conservation uses, forestry and wildlife management, as well as passive recreational pursuits. *Development* on lands adjacent to Environmental Conservation areas could be subject to Site Plan Control in accordance with Policy 13.4.II of this Section.
- VI. Detailed Zoning By-laws incorporating specific plans and conditions for medium and high density residential or non-residential uses may be adopted as an adjunct to Subdivision Agreements or Site Plan Agreements, to achieve good individual site and neighbourhood development and to help achieve the policy intent of this Plan.

- VII. The existing Zoning By-law will be reviewed and periodically consolidated. This review will recognize controls available through design guidelines and approval of site plans under the provisions of the Planning Act, R.S.O 1990.

13.3. NEIGHBOURHOOD PLANS

- I. Neighbourhood Plans do not form part of the Official Plan but are considered Council policy as they are adopted by resolution of Council after consultation with neighbourhood residents and property owners as well as relevant technical agencies and bodies having an interest.

Planning decisions contrary to the goals and objectives of the Plan should not be made without first modifying the Plan. The Neighbourhood Plan process will provide for review and comment of the Plan by relevant agencies to ensure the Plan adequately addresses any technical requirements and provincial policy objectives. Key land use elements of the Neighbourhood Plan will be incorporated by amendment into the Official Plan and implementing Zoning By-law where appropriate. Council will seek public and agency input prior to making any significant modifications to the Plan.

- II. Neighbourhood Plans will be prepared for areas of the Town to provide a basis for more detailed planning and to indicate how the goals and policies of the Official Plan are to be implemented prior to *development* proceeding. Neighbourhood Plans also form a basis for the maintenance of relevant statistical data.
- III. The Neighbourhood Plan policies of Section 5 of this Plan should be considered in implementing the policy objectives for Neighbourhood Plans.

13.4. SITE PLAN CONTROL

- I. All of the Town of Fort Erie, being the total area within this Plan, shall be a proposed Site Plan Control area. The actual areas and uses to which site plan control shall apply will be established by By-law in accordance with Section 41 of the Planning Act, 1990.
- II. The following uses will not be subject to Site Plan Control unless such control will assist in managing grading and drainage impacts and locating *development*, in accordance with Policies 8.1 and 8.3 to assist in conserving important Natural Areas:
- a. Single detached or semi-detached dwellings, additions thereto, and buildings and structures accessory thereto in a Registered Plan of subdivision with an agreement;

- b. Small scale agricultural buildings and structures except greenhouses, medical marihuana grow and production facilities, mushroom farms, and larger livestock operations.
- III. The implementation of Site Plan Control shall ensure that a safe and attractive site environment is provided, by ensuring that Town and Regional standards are implemented and ensuring that any project is developed and maintained as approved.
- IV. It shall be the policy of the Town to establish uniform Site Plan Control policies which shall be applied to the *development* and *redevelopment* of land within the established site plan control area.

13.5. SUBDIVISION CONTROL

- I. The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 1990, will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plan are complied with and that a high standard of design is maintained in new development areas.
- II. Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:
 - a. The Plan of Subdivision conforms with the policies of this Plan;
 - b. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;
 - c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and
 - d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

13.6. CONSENTS TO SEVER

- I. Consents in Urban Areas will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies of the Official Plan, to the matters set out in the Planning Act, 1990, and to the following criteria when considering an application for consent:

- a. The proposed *development* should generally be infilling in nature and/or assist with, but not hinder, the efficient *development* of the area;
 - b. Approval of the conveyance and the development of the proposed and remnant lots should not be unduly detrimental to the financial status of the Town. Consents should be granted only in areas where the undue extension of any major service or facility, such as a road, would not be required;
 - c. The proposed *development* should be serviced by municipal water and sanitary sewer services; and
 - d. Regard should be had to the compatibility of the proposed use and lot size with uses and lot sizes in adjacent areas and the effect of such use and lot size on the surrounding area.
- II. Consents will be granted only when the land fronts on an existing public road that is of a reasonable standard of construction. Direct access from major roads should be restricted, and residential lots should, where possible, have access only from internal or minor roads. In no case should consent be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.
- III. In no case should any parcel be created which does not conform with the provisions of the Zoning By-law. If a rezoning is required to permit a proposed use, it shall be a condition of approval that the By-law to amend the Zoning By-law be passed by council, and granted approval by the Ontario Municipal Board if required, in accordance with the provisions of the Planning Act, 1990, prior to consent being given.
- IV. Consents to land severances may be permitted outside of the Town's Urban Areas where, in the opinion of the municipality, a plan of subdivision is not required, and provided that the consent complies with the other relevant policies of this plan.

13.7. AMENDMENTS TO THE LAND USE PLAN, SCHEDULE "A"

- I. An amendment to Schedule "A" is required to permit the establishment of areas for uses other than those included in the Land Use Plan, Schedule "A".
- II. Changes to the Urban Area Boundaries, Rural or Agricultural Designation will require the approval of the Regional Municipality of Niagara and will require an amendment to the Regional Policy Plan.

III. In considering an amendment to the Land Use Plan, Schedule “A” that would designate additional areas for a particular use or change the designated use of a particular area, or an amendment to the implementing Zoning By-law that would zone additional areas for a particular use or change the zoning of a particular area, the Council shall have due regard to the following criteria which are in addition to the policies and criteria specified elsewhere in this Plan:

- a. The need for the proposed use;
- b. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing *development*;
- c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;
- d. The location of the area under consideration with respect to:
 - i. the adequacy of the existing and proposed highway system in relation to the *development* of such proposed areas,
 - ii. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
 - iii. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.
- e. The compatibility of the proposed use with uses in adjoining areas;
- f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;
- g. The potential effect of the proposed use on the financial position of the municipality; and
- h. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

13.8. PUBLIC MEETINGS

From time to time it will be necessary to amend the Official Plan and Zoning By-law in order to reflect changing conditions, priorities and needs of the community, as well as conform with Provincial and Regional Policy requirements. Any amendments to either document will require that an opportunity be given to inform and obtain input from the public in order to ensure that the Official Plan and the implementing Zoning By-law reflect the goals and objectives of the community.

13.8.1. OFFICIAL PLAN AMENDMENTS

- I. The procedures to be followed in amending the Fort Erie Official Plan shall include a minimum of 20 days advance notice for public meetings as required by the Planning Act R.S.O. 1990 and shall include the following measures:
 - a. Adequate information shall be made available to the public, including all boards, commissions and agencies having an interest in the matter as required by the Planning Act R.S.O. 1990, including Regional Niagara and any affected municipality;
 - b. At least one public meeting shall be held by the Council (or Committee of Council) to inform and obtain comments from the public. If no written objections to the proposed amendment are received prior to the public meeting and no verbal objections to the proposed amendment are made at the public meeting, this will be interpreted as no public interest; and
 - c. Notice of this public meeting shall be placed in a local newspaper which, in the opinion of the Town Clerk, has a general circulation within the Town. Any parties who have requested notification of any meetings on this particular matter shall be notified by first class prepaid mail or personal service of the public meeting at least 20 days prior to the date of the meeting if the request is received prior to the date notices are issued. For any additional public meetings regarding such proposed amendment, the same notification procedures shall be used.

13.8.2. ZONING BY-LAW AMENDMENTS

- I. The procedure to be followed in amending the Fort Erie Zoning By-law shall include a minimum of 20 days notice for public meetings as required by the Planning Act R.S.O. 1990 and shall include the following measures:
 - a. Adequate information shall be made available to the public, including all boards, commissions and agencies having an interest in the matter as required by the Planning Act;
 - b. At least one public meeting shall be held by the Council or Committee of Council to inform and obtain input from the public regarding an application to amend the Zoning By-law;
 - c. In the case of site specific amendments every person or owner assessed in respect of land within 120 metres of the subject area shall be notified by first class prepaid mail or personal service; and
 - d. In the case of an application to amend the Zoning By-law which is generally applicable within the Town or to multiple sites in various locations within the Town, a notice of the public meeting shall be placed in a local newspaper which, in the opinion of the Town Clerk, has a general circulation within the Town. In addition, any person who has requested notification of any meetings on a particular application to amend the Zoning By-law shall be notified of the public meeting by first class prepaid mail or personal service if the request is received prior to the date notices are issued. For any additional public meetings regarding such proposed amendment, the same notification procedures shall be used.
- II. In all instances, Council decisions on any proposed Amendment to the Official Plan and/or Zoning By-law will take place a minimum of 35 days from the time notification of the amendment application is first given to the public.

13.9. LAND FOR PARK PURPOSES

Public Open Space shall generally be acquired through dedication, grants or the use of funds for park or other public recreational purposes pursuant to the Planning Act R.S.O. 1990 based on the following criteria:

- I. As a condition of residential *development* or *redevelopment*, conveyance of land to the Town for park purposes shall be required at a rate of:
 - a. 5 percent of the land proposed for *development*; or
 - b. One hectare of land for each 300 dwelling units proposed.
- II. As a condition of industrial or commercial *development* or *redevelopment* or recommended condition of approval of a plan of subdivision, the conveyance of land to the Town for park purposes may be required at a rate of 2 percent of the land proposed for *development* or *redevelopment*.
- III. In lieu of the conveyance of land for park purposes, a cash payment equal to the value of any land required to be conveyed may be required.
- IV. Land to be dedicated for park purposes shall only be accepted when minimum site and location standards and site preparation are deemed acceptable by the Town.
- V. Council shall use the lands conveyed to the Town for public park or recreational uses, but may sell such lands at any time.
- VI. All monies received under provisions of Policies III and V of this Section shall be used for the sole purpose of public park or recreational uses in accordance with the Planning Act R.S.O. 1990.
- VII. Council may utilize any monies identified in Policy VI to acquire or develop public park or recreational uses in any area of the Town it considers necessary.
- VIII. The Town shall endeavor to encourage the availability of land and facilities of other agencies and groups for the general use of all residents.
- IX. The Town may also acquire lands which are of particular value either because of their physical, or if appropriate social or environmental character, or because their location provides a link with other portions of the open space system.
- X. Public Recreational areas and parkland are deemed essential for the welfare of the residents, and the policy of this Plan is therefore to provide such areas at the rate of 4 hectares per 1,000 population.
- XI. The Tourism and Leisure Master Plan, prepared by the Town, shall be used as a guide to Council in its decisions regarding parks and recreational facilities.

13.10. SPECIAL ZONING MEASURES

13.10.1. HOLDING BY-LAWS

- I. Council may enact holding by-laws in accordance with the Planning Act R.S.O. 1990 in order to limit or prevent the use of certain lands until such time as Council is satisfied that development is feasible within the ability of the Region of Niagara and the Town of Fort Erie to provide the necessary services and such development satisfies the provisions of this Plan.
- II. Generally, holding by-laws will be applied to lands which are unserviced or undeveloped at the date of adoption of this Plan. Holding by-laws will identify the ultimate use of these lands in accordance with this Plan and shall identify the holding restriction by affixing an “H” prefix to the land use zone applicable to the lands.
- III. Council will place certain lands in holding zones in order that lands may be released for development when appropriate, by amendment to the Zoning By-law.
- IV. Holding by-laws will specify uses (and any additional regulations applicable thereto) which will be permitted while the by-law is in effect, provided that such interim uses do not conflict with the ultimate designated use of the lands. Interim uses may include agricultural uses, one single- detached dwelling per lot, and uses existing at the date of adoption of this Plan.
- V. Prior to enacting a by-law to delete the holding symbol in accordance with the Planning Act R.S.O. 1990, Council shall be satisfied that:
 - a. Servicing capacity is available to, and servicing systems are adequate for the servicing of the subject lands;
 - b. All necessary financial and servicing requirements have been satisfied;
 - c. All necessary subdivision or development agreements have been entered into and the conditions of these agreements have been or will be met; and
 - d. Proposed development of the subject lands satisfies all other applicable policies of this Plan.

13.10.2. **BONUS ZONING**

- I. Council may pass a by-law in accordance with the Planning Act R.S.O. 1990, to establish increases in the height and/or density of development in return for the provision of certain facilities, services or other matters. Such a by-law would identify areas or zone categories in which the bonus provisions would apply, and would specify the amount by which the height and/or density of development would be permitted to increase in exchange for development features which:
 - a. Provide for housing units which assist in meeting the housing targets established in the Municipal Housing Statement;
 - b. Provide parkland dedication greater than the legislative requirement;
 - c. Improve traffic and pedestrian movement;
 - d. Provide hard servicing facilities that are more than are required to service the development;
 - e. Increased buffering or landscaping beyond the requirements set out in the Zoning By-law;
 - f. Use or re-use vacant land and buildings particularly in the urban area; and
 - g. Improve the compatibility of existing land uses.
 - h. The Town will require that the owner of the development involving bonus provisions enter into an agreement with the Town which details the bonusing exchange.

13.10.3. **TEMPORARY USE BY-LAWS**

- I. Council may enact temporary use by-laws in accordance with the Planning Act R.S.O. 1990, to allow land and buildings to be zoned for uses which are allowed by the Official Plan. Such by-law will describe the specific area affect and establish an expiry date for the by-law which shall not be later than three years from the date of passing thereof.
- II. In general, temporary uses, buildings and structures that are not farm- related shall not be permitted in Agricultural areas. Temporary uses shall be compatible with

existing and future agricultural uses, will not compromise the properties intended agricultural use and no non-farm buildings or structures are proposed.

III. Despite Policy I hereof Council may pass further temporary use by-laws to grant further three year periods.

IV. Subsequent to the expiration of a by-law enacted in accordance with Policies I or III, the use permitted by that by-law shall cease with respect to the comprehensive Zoning By-law.

V. In considering a temporary use by-law, Council shall be satisfied that:

- a. The proposed development or redevelopment is consistent with the temporary nature of the use;
- b. The proposed use is compatible with adjacent uses and, where necessary, buffering is provided to ensure visual separation and compatibility between uses;
- c. The size of the lot and/or building is appropriate for the proposed use; and
- d. Adequate services are available.

VI. The temporary use by-law shall establish all necessary site regulations within the by-law, or by reference to the comprehensive Zoning By-law.

VII. Before passing a by-law under this section Council shall hold a public meeting as prescribed in the Planning Act R.S.O. 1990 and subject to Sub-section 13.8.4.3 of this Plan.

13.10.4. **CASH-IN-LIEU OF PARKING REQUIREMENTS**

I. Cash in Lieu of Parking

- a. In accordance with the Planning Act R.S.O. 1990, such an agreement may contain provisions requiring the landowner to make one or more payments to the municipality and establishing a schedule for such payment.

- b. The agreement shall be registered in the Registry Office.
- c. When all monies agreed upon have been paid to the Town, the landowner may request that the Town Clerk provide a certificate, in registerable form, certifying that all monies have been paid or that the agreement has been terminated.

II. Off-Site Parking

- a. The parking requirements for residential dwellings located in the downtown cores can be achieved through the provision of dedicated parking spaces or permit parking in a public parking lot or dedicated spaces in private parking lots located within a reasonable walking distance of the residential dwelling. Long term access to the parking spaces on private property must be secured through an easement in favour of the residential property owner.

(Amended by By-law 2017-013, OPA #33)

13.10.5. INTERIM CONTROL BY-LAW

- I. When Council has directed that a study or review of land use policies be undertaken for a defined area, Council may pass an interim control by-law in accordance with the Planning Act R.S.O. 1990, to restrict the use of land, buildings or structures to those established in such a by-law.
- II. The effective period of an interim control by-law shall not exceed one year except that Council may amend the by-law to extend the period provided the total effective period of the by-law does not exceed two years from the date of passing of the original interim control by-law.
- III. When an interim control by-law ceases to be in effect, Council may not pass a further interim control by-law on the subject lands for a minimum period of three years.

13.11. MINIMUM STANDARDS OF MAINTENANCE AND OCCUPANCY BY-LAW

- I. This policy is intended to secure the health, safety, convenience and welfare of the present and future inhabitants of the Town. To this end Council has enacted a By-law 186-08, passed under the authority of Section 15.1.3 of the Building Code Act,

to prescribe standards for the maintenance and occupancy of property. This By-law and any amendments thereto, will help to maintain a reasonable standard of building and property maintenance within the Town, and as a result, should assist in maintaining a satisfactory level of assessment and property taxes.

II. Content of the By-law

The Town's Maintenance and Occupancy Standards By-law, should have regard to the following matters and set the appropriate standards:

- a. The physical condition of yards and passageways, including the accumulation of debris and rubbish;
- b. The adequacy of sanitation, including drainage and garbage;
- c. The physical condition of accessory buildings; and
- d. The physical condition of the dwellings or dwelling units with particular regard to the following:
 - i. insects and vermin,
 - ii. structural standards,
 - iii. water-tight conditions,
 - iv. adequacy of light and ventilation,
 - v. condition of stairs,
 - vi. interior walls, ceilings and floors,
 - vii. toilet facilities,
 - viii. condition of chimneys,
 - ix. general cleanliness,
 - x. heating system,
 - xi. adequacy of electrical services,
 - xii. adequacy of food-preparation facilities,
 - xiii. adequacy of access,
 - xiv. standards dealing with minimum areas, heights, etc., and;
 - xv. standards of occupancy.

III. Property Standards Officer and Committee

The Council of the Town of Fort Erie shall appoint a Property Standards Committee and shall name a Property Standards Officer. The Committee shall hear and decide

on appeals pursuant to orders issued under the By-law by a Property Standards Officer. The Property Standards Officer shall be assigned the responsibility of administering the Maintenance and Occupancy By-law passed pursuant to Section 15.1.3 of the Building Code Act. Information concerning substandard property conditions, over-use of existing buildings, neglected yards or social problems will be collected by inspectors and other personnel of the municipal departments including the Fire Department, Building Department, the Regional Niagara Public Health Department and other agencies.

It is intended that a close liaison will be maintained between the Property Standards Officer and aforementioned Departments to ensure that the administration of the By-law is accomplished effectively.

13.12. OTHER LEGISLATION

The Planning Act R.S.O. 1990, the Municipal Act R.S.O. 2001, Building Code Act R.S.O. 1992 and other relevant statutes governing such uses as waste disposal sites, automobile wrecking yards, trailers and signs shall be reviewed. Where appropriate, present by-laws will be amended and new by-laws enacted to ensure that such uses are properly regulated and controlled according to the policies of this Plan.

Nothing in this plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with the Act.

13.13. PUBLIC WORKS

Public works shall be undertaken in accordance with the policies of this Official Plan. A Capital Works programme will be prepared in conformity with this Plan and will be updated annually.

13.14. LAND ACQUISITION

In accordance with the Planning Act R.S.O. 1990, and the Municipal Act R.S.O. 2001, it is deemed that this Plan contains provisions relating to the acquisition of land for the purpose of developing any feature of this Plan, and in particular the Council may acquire and hold such land, or sell, lease or otherwise dispose of such land when it is no longer required, as follows:

- I. Land comprising a lot that is substandard in lot frontage and/or area according to the regulations in the implementing Zoning By-law;

- II. Land within a Community Improvement Project area in accordance with the provisions of the Planning Act R.S.O. 1990;
- III. Land proposed for industrial development; and
- IV. Land for open space, parks, or other public recreational purposes, or conservation purposes.

13.15. COMPLETE APPLICATION REQUIREMENTS

- I. Pre-consultation between the applicant and the Town is required prior to the submission of application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, consent or site plan control unless the Director of Community and Development Services or their designate determines that pre-consultation is not necessary based on the scale of *development* or the complexity of planning issues associated with the proposed application. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable. Pre-consultation may also involve the Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority or other agencies that may have an interest in the application as determined by the Town. A by-law shall be approved by Council requiring pre-consultation. Pre-consultation shall be considered a requirement for the submission of a complete application.
- II. In order to ensure that all possible information is available to the Town, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in 13.15 V.
 - a. Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with the required number of hard copies to the Town to make this information readily available to the public, internal departments and outside commenting agencies. Where the Town, the Region, the Niagara Peninsula Conservation Authority has requested additional information and/or reports, there may be a request for peer review of any information and/or report. The applicant shall be responsible for costs for a peer review which shall be payable upon submission of an invoice from the Town, the Region or the Niagara Peninsula Conservation Authority.

- b. The Director of Community and Development Services or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Town, the Region, the Niagara Peninsula Conservation Authority or any other public agency, the application may be deemed to be incomplete.

III. Schedule for Complete Applications:

Information Requirement	Application/Development Scenario
Planning Background/Justification Report	Any proposal for <i>development</i> or site alteration should demonstrate that it meets the goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the Town’s Official Plan and provide an indication of whether it conforms to applicable Provincial Plans and policies.
Land Use/Market Needs	Any proposal for major commercial or residential proposal should consider the existing supply of available land and future land use needs in the Town and in the Region.
Information Requirement	Application/Development Scenario
Archaeology and Cultural Heritage Assessment	Any <i>development</i> or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archeological potential.
Heritage Impact Analysis	Any <i>development</i> or site alteration proposed on or adjacent to lands, structures or buildings designated under the <u>Ontario Heritage Act</u> or listed on an approved heritage resource inventory.

<p>Environmental Impact Study</p>	<p>Any proposal for <i>development</i> or site alteration within or adjacent to any natural heritage feature or natural hazard identified on the Region’s Core Natural Heritage Map, the regulated area of the Niagara Peninsula Conservation Authority or the Town’s Official Plan shall provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures necessary.</p>
<p>Environmental Planning Study or Sub- Watershed Study</p>	<p>Any proposal for a secondary plan or an urban boundary expansion shall address the guidelines and terms of reference of any relevant watershed plans and shall include an environmental inventory and assessment with recommendations on where <i>development</i> may take place, features to be protected, appropriate policies for planning documents and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after <i>development</i>.</p>
<p>Tree Preservation Plan</p>	<p>Any <i>development</i> or site alteration that may have adverse effects on a significant tree or group of trees, including a woodland as defined by the Regional Tree and Forest Conservation By-law. A significant tree may be one that because of its size, age or species it is considered to be of significance to the neighbourhood, streetscape or cultural heritage landscape.</p>

Information Requirement	Application/Development Scenario
Floodplain and Hazard Land Analysis	Any <i>development</i> or site alteration proposed near floodplain or hazard lands identified by regulations of the Niagara Peninsula Conservation Authority.
Geotechnical and Slope Stability Report	Any <i>development</i> or site alteration proposed near valleylands identified by regulations of the Niagara Peninsula Conservation Authority.
Environmental Site Assessment	Any <i>development</i> or site alteration on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the property should be accompanied by one or more reports to assess existing conditions and address the need for any further environmental testing or remediation necessary in accordance with Provincial regulations and guidelines.
Air Quality/Noise/ Vibration Study	Any <i>development</i> for a sensitive land use that is located near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility, pumping station or landfill operation and for any <i>development</i> that could generate air quality/noise/ vibration issues which could impact abutting sensitive land uses.
Agricultural Impact Assessment	Any proposed <i>development</i> or site alteration for a non-agricultural use on lands situated outside of the Urban Area shall evaluate the capability of the site for agricultural use including soil, micro-climate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership Analysis	Any <i>development</i> or site alteration for a secondary use to agricultural or an application for consent on lands designated for agricultural purposes.

Information Requirement	Application/Development Scenario
Alternative Site Analysis for Non-Agricultural Uses	Where a non-agricultural use is proposed in an Agricultural area it must be demonstrated that there are no reasonable alternative locations available in Urban Areas, Rural Areas or on lower priority agricultural land in the Town.
Minimum Distance Separation Formula I & II Analysis	Any non-agricultural use is proposed within 300 metres of an active or potential livestock facility shall include a review of these facilities and calculations to determine conformity with MDS requirements.
Mineral Aggregate and /or Petroleum Resources Impact Study	Where <i>development</i> or site alteration is proposed on lands within or adjacent to an area of known mineral aggregate resources, it shall be demonstrated that the resource use will not be hindered in the future, that the resource use is not feasible, that the proposed <i>development</i> or use serves a greater long term public interest and that other impacts are evaluated.
Municipal Servicing Study	Any plan of subdivision or major <i>development</i> proposal should address the availability of adequate municipal services and impacts on the existing municipal services and facilities.
Stormwater Management Plans	Any major <i>development</i> or site alteration proposed should address how stormwater runoff will be handled in terms of water quality and quantity, lot grading and drainage controls, and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any <i>development</i> or site alteration that may have a significant impact on vehicular, cycling and pedestrian traffic flow and safety, which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing Plans	Any <i>development</i> outside of the Urban Area where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, cumulative long term impacts, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and lot grading.

Information Requirement	Application/Development Scenario
Financial Impact Assessment	To address financial implications of a proposed <i>development</i> on the provision of municipal services and utilities that may cause a financial, environmental, or economic hardship for the Town and the Region.
Social Impact Assessment	To determine what kinds of social impacts are likely to occur; to assess the significance of these impacts; and to identify measures that may help avoid or minimize adverse effects.
Area Design Plan	Where the Neighbourhood Plan is not being followed an Area/Neighbourhood Design Plan must be submitted.
Housing Issues Report	To address the potential impact of a proposed Condominium Conversion on the existing rental housing market in the Town.
Sun/Shadow Study	A technical document to address the impact of shadows at various times of the day cast by a proposed <i>development</i> on adjacent streets, parks and properties.

13.16. OFFICIAL PLAN REVIEW

- I. Council will determine the need to carry out a comprehensive review of this Plan by the holding of a special public meeting and through agency consultation not less frequently than every five years. The purpose of this review will be to measure the performance of the Plan’s policies against its goals, and to revise goals, policies or means of implementation where deemed necessary. In addition, during this review, this Plan will be amended to conform with amendments to the Niagara Regional Policy Plan, Provincial Growth Plan, Provincial Policy Statement and Planning Act. As a result of this review process, this Plan may be amended from time to time.

- II. Housekeeping amendments shall be carried out as required to address changes in legislation or where there is a demonstrated need for policy revisions on certain issues. These revisions shall be processed as amendments under the Planning Act.

- III. Amendments to this Plan shall not be required for Office Consolidations of the Plan, changes such as typographical, editorial, or formatting corrections to text or Schedules, which do not change the intent of the Plan.

Section 14

INTERPRETATION

14. INTERPRETATION

14.1. LAND USE BOUNDARIES

- I. The boundaries between land use areas designated in Schedule “A”, Land Use Plan, shall be considered as general only and are not intended to define the exact limits of such areas. Except in the case of the Urban Area Boundaries and Rural and Agricultural areas identified in the Regional Plan, roads, railways and other definite physical barriers, minor boundary adjustments may be made for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than such minor adjustments, no areas or zones shall be created that do not conform with this Plan in respect to Land Use.
- II. Changes to the Urban Area Boundaries, Rural or Agricultural Designation will require the approval of the Regional Municipality of Niagara which will require an amendment to the Regional Policy Plan.
- III. When determining the boundary of any designation as shown on any schedule forming part of this Official Plan, the following provisions shall apply:
 - a. A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such designations is closed, the boundary between such designations shall be construed as the former centre line of the said closed street or lane;
 - b. A boundary indicated as following a right-of-way of a railway or any electrical, gas or oil transmission line shall be the centre line of such right-of-way;
 - c. A boundary associated with a feature designated as Environmental Protection Area (EPA) can be more accurately identified in the field through an Environmental Impact Study and/or through confirmation by the appropriate agency. Provided the general intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan. Where EPA boundaries are reduced, the corresponding adjacent designation with an Environmental Conservation Area (ECA) overlay designation shall apply unless there is no other natural heritage feature present. The relevant ECA policies shall be

applied based on the significance of the natural heritage feature as identified by the Town's Natural Areas Inventories;

- d. A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines;
- e. A boundary indicated as following a closed road, lane or railway shall imply that the property formerly in the said road, lane or railway shall be included within the designation of the adjoining property on either side of the said closed road, land or railway. In the event that the said road, lane or railway was a designation between two or more different designations, the new boundary shall be the former centre line of the said closed road, lane or railway;
- f. Where a boundary is indicated as approximately parallel to a street line or other feature indicated in policies (a) or (b) of this Subsection, and the distance from such street line or other feature is not indicated, and policies (d) or (e) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance there from shall be determined according to the scale shown on Schedule "A"; and
- g. A boundary indicated as following the limits of the Municipality shall follow such limits.

14.2. ROAD LOCATION

- I. The location of roads as indicated on Schedule "E", Transportation Plan, shall be considered as approximate only. Amendments to this Plan, therefore, will not be required in order to make minor adjustments or deviations to the location of roads, provided that the general intent of this Plan is maintained.

14.3. NEIGHBOURHOOD BOUNDARIES

- I. The Neighbourhood boundaries shown in Schedule "A1", shall be considered as approximate only, and amendments to this Plan will not be required in order to permit minor adjustments to such boundaries. Changes to the Urban Area Boundaries, will require the approval of the Regional Municipality of Niagara which will require an amendment to the Regional Policy Plan.

14.4. PLAN INTENT

- I. The Plan is designed to express the general intent of the municipality and it shall be interpreted not in a narrow technical manner but rather from a long term conceptual point of view. Interpretation of the intent of this Plan, or any part thereof, will be made by Council after receiving the advice of staff.

14.5. OFFICE CONSOLIDATION

- I. This Plan, its Schedules and Appendices may be updated from time to time to reflect and consolidate amendments approved under the Planning Act, including updated natural heritage mapping.

14.6. POLICY INTERPRETATION

- I. This Plan is intended to be read in its entirety as existing and proposed land uses may be subject to policies within different sections of the Plan. Where multiple policies apply, these are to be applied in either a cumulative or integrated manner, such that all of the policies that relate to a matter are addressed, with the more restrictive policy applying where there are conflicts.
- II. This Plan consists of all policy text, schedules and appendices, except that Appendices 'B' and 'D' are or information purposes only and complement the policies of this Plan.