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Section 1
Title and Components

TOWN OF FORT ERIE

OFFICIAL PLAN



1.0 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, now Chapter 438, R.S.O. 1980.
- 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", "A-1", "B", "C", "*CI*", "D", "D-1", and "E" and Appendixes *A*, *B* and *C* constitute this Official Plan.



Section 2 Purpose and Goals

TOWN OF FORT ERIE

OFFICIAL PLAN



2.0 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, 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 in Subsections 2 and 4 of Section 24 of 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 or Provincial Policy Statements, may necessitate a revision in the Plan. The need for a revision shall be determined at a special open meeting of Council held according to Section 26 of The Planning Act, 1990.

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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.
- (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 resources).
- (c) To encourage a land use pattern which builds upon the historical development of the Town.
- (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.
- (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.
- (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.
- (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.
- (c) Neighbourhood Plans will insure 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.



2.3.4 AGRICULTURAL

Goal:

- (a) To maintain a permanent reserve of 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.
- (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.
- (c) To foster and promote a sense of neighbourhood identity and to make neighbourhoods safe, energy efficient and 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.



2.3.6 BUSINESS AND EMPLOYMENT

Goals:

- (a) To encourage a range of employment opportunities.
- (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 area 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 suitable areas for various types of industrial development of sufficient size to provide for industrial growth and a diversification of industrial opportunities.
- (f) To encourage the orderly extraction and utilization of mineral aggregate resources and the rehabilitation of pits and quarries when the aggregate resources have been depleted.
- (g) 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.
- (h) 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.
- (i) To encourage and facilitate expansion of the tourist industry.
- (j) 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.
- (k) 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 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.
- (d) To preserve scenic views, important natural heritage features and functions, scenic routes and unique historic features in the Town.

2.3.8 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.

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.
- (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.

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2.3.9 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 artefacts, 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.
- (g) To celebrate the diversity of our cultural heritage and recognize the contributions of first nations people.

2.3.10 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.
- (c) To cooperate with the appropriate public and private agencies to inform the public of energy concerns and promote energy conservation.

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2.3.11 TRANSPORTATION

Goal:

- (a) To ensure communities and neighbourhoods 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.

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 which recognizes their functional differences.
- (c) To minimize capital and operating costs both for the public agencies and for the user.
- (d) To promote the convenience and safety of users of the transportation system.
- (e) To ensure transportation networks are as efficient as possible to lower commuting times.
- (f) *The Town acknowledges the importance of rail infrastructure and recognizes it's 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.*
- (g) To study the needs, improvements and opportunities to utilize the public transit system within the Town.
- (h) To examine the feasibility of providing for on and off road walking and cycling linkages in the transportation network.

2.3.12 PUBLIC PARTICIPATION

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.



Section 3
Basis of the Plan



3.0 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. 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.
- II. 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
- III. 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*.
- IV. 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 neighbourhoods 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. It is anticipated that this impact will be moderated by the net migration of adults age 20-54. To encourage a positive net migration of young and middle age 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 no-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 based on comprehensive studies.

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 Douglstown 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.

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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 Smart Growth 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 if initiated by the Town and/or Regional Municipality of Niagara as part of a *comprehensive review* that reflects growth projections and allocations 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 over the time frame of this plan;
 - (b) the infrastructure and public service facilities that are planned or available are suitable for the development over the long term and protect public health and safety;
 - (c) there are no reasonable alternatives that avoid prime agricultural areas; and
 - (d) there are no reasonable opportunities on lower priority agricultural lands in prime agricultural areas.
 - (e) impacts to agricultural operations are mitigated to the extent feasible.
- 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**



4.0 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.

4.2 GENERAL POLICIES RELATING TO EXISTING USES

- I. Urban uses of land, being all uses other than agricultural or recreational, 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, and;
 - (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.

4.2.A 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 Schedules "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.

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- 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;

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- (g) That adequate provisions have been or will be made for off-street parking and loading facilities, and;
- (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 because of the non-conforming use's location in a Hazard Land area.
- (j) Compliance with the Natural Heritage, Agricultural, Rural and other policies of this plan;
- (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 ha. 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 in to 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 ha., 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;

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(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.

(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 ground water 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 predominant use of land in this category shall be for the growing of crops, including 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 agriculturally- related uses and secondary 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 public 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 public utilities should be directed to the urban areas.

(b) Wayside pits, quarries and portable asphalt 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) 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 and may include parks, conservation uses and open space recreational uses.

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- (d) The policy is to prevent urban development in areas designated Agricultural and to preserve such areas for agricultural uses.

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) which ever 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 6.B.6 and 8.B.8 of 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 as determined by the Medical Officer of Health or such person appointed for that purpose pursuant to the Ontario Building Code.
 - (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 C, 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 siting of buildings, the supply of potable water and the operation of a private long-term waste disposal system.

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- (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 suitably distant from and protected from incompatible land uses.
- IV. Secondary 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;
 - (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 operations 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.

4.5.3 CONSENTS TO SEVER

- 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.

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- III. Where two or more farms are amalgamated 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, 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 129-90.
 - (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.
 - (g) The size of the new lot should be a *minimum of* 0.4 ha. 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 a small-scale farm-related commercial or industrial use if such facility can't reasonably be located in the urban or rural area. Any lots approved should be located so the effect on surrounding agricultural lands as well as viable farm operations is minimized.
- V. Consents to convey may be permitted if the land for which consent is requested is to be added to adjoining lands on which there is an existing farm operation, and the parcel to be retained is large enough to support a viable farm operation.
- VI. The severance of farm parcels is generally discouraged and will only be permitted where the lots are of a size appropriate for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.
- VII. Small lot severances for intensive agricultural operations, such as green houses or livestock operations shall only be permitted upon condition that the necessary infrastructure for the intensive agricultural operation is established prior to the construction of a dwelling on the lot. The lot should be of a sufficient size so that these uses have the appropriate room for expansion.

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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 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) small-scale commercial or industrial uses that serve or directly relate to the agricultural industry;
 - (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 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.

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 sewage disposal system according to the appropriate authority’s requirements.
- II. Notwithstanding the foregoing, waterline extensions outside urban areas may be permitted subject to Policies 6.B.6 and 8.B.8 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 non-farm residential 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:

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- (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 well and 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 or 4.6.3, whichever is applicable.
 - (b) Development shall be designed to retain the natural features and vegetation, including mature trees.
 - (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 potable water and the long-term operation of a 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. 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 Formulae. No variance shall be granted that will jeopardize adjacent livestock operations.
 - (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 in to 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.

4.6.3 CONSENTS TO SERVER

- 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 be located in an area where it may be considered as an infilling lot;

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- (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 a 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.
- (d) Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a private waste disposal system and potable water supply as determined by the *Town or relevant approval agency*.

4.7 RESIDENTIAL

- I. 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 POLICES

- 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.
- (b) In urban areas the overall neighbourhood housing mix shall contain at least:

Low Density	80%
Medium Density	10%
High Density	10%

- II. To facilitate a constant supply of new housing, the Town will attempt to maintain at least a three-year supply of un built draft approved, zoned, or registered, dwelling units with servicing capacity, and a ten-year supply of land designated and available for new residential development and intensification.
- III. Residential intensification shall be encouraged in urban areas that have sufficient existing or planned infrastructure.

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- 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 4.7.3.2, of this Plan.
- VII. The down zoning of residential properties shall be discouraged unless it can be demonstrated that the rezoning will not significantly impact on the supply and mix of residential land in the neighbourhood.
- 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 4.7.1.
- X. Group homes shall be permitted subject to the Group Homes policies of this Plan in Subsection 4.7.2.
- 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 liaison 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.

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

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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 affect 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 Statues 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
 - (c) Children’s Residences
 - (d) Accommodation Services for the Developmentally Handicapped
 - (e) Satellite Residences for Seniors
 - (f) 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.

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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) The design buildings that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”.
- 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.

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- (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.
 - (e) The development shall be subject to a site specific zoning by-law amendment ***unless identified by a Neighbourhood Plan.***
- IV. 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) That the proposal be subject to a site specific zoning by-law amendment.
 - (g) The accessory apartment should not exceed a floor area of 45 sq.m. (584 sq. ft.).
- V. 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.
- VI. Where The Urban Residential designation abuts the Agricultural & Rural designation the Minimum Separation Distance policies of this Plan shall apply.
- VII. 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 the ***Sub-section 4.7.4.2*** of this Plan 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 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 MDS 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. particularly***

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sewers, will not be provided except where required to correct an existing health problem as determined by the authority having jurisdiction..

- 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 in to 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 rural residential areas 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 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 private waste disposal system as determined by the Chief Building Official or Regional Niagara Health Services Department
 - (c) Development and site alteration will be consistent with the Natural Heritage Section of this Plan.
 - (d) Any regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act are complied with.
- IX. Lands designated as Rural Residential and zoned Estate Residential can develop by Plan of Subdivision provided other policies of the Plan are met.***

4.7.5.2 RURAL RESIDENTIAL ALONG THE NIAGARA RIVER 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.
 - (b) The standard of development shall be in accordance with the policies of the Niagara Parks Commission and the following criteria:
 - (c) Wherever possible, new residential development will be coordinated with the Niagara Parks Commission's service road construction policies. Individual site access shall be from service

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roads. 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.
 - (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 Chief Building Official or Medical Officer of Health, if appropriate shall be 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.
 - 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.
- (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 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. 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 activity. ***Core Mixed Use Areas will be developed within or around downtown areas.***
- II. 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.

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.

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- 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. 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 existing Official Plan designation of the lands, 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 and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, 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, transit and pedestrian traffic;
 - (e) 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 Chief Building Official or Regional Niagara Health Services Department and any other authority deemed advisable;
 - (f) 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

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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;

- (g) 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.
- (h) 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, landscaped area or buffering requirements to protect adjacent residential area, prohibition of nuisances, control over outside storage, and control of lighting for parking areas in certain cases;

II. *There are site- specific Commercial designations in the Hamlet of Snyder and in the vicinity of Ridge Road and Garrison Road, outside the Urban Boundary. These Commercial designations reflect lands, which are serviced by private sanitary sewers. Therefore, use of these lands will be limited to existing uses permitted by the current zoning of the lands that can be accommodated on private services.*

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.

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.
- 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

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- V. Public and/or private parking lots in General Commercial areas.
- VI. 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).
- VII. 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 by the existing or proposed road system;
 - (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 manoeuvring 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 Policies 5.14 and 5.15 of the Regional Policy Plan.

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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 that can be adequately serviced by private sanitary sewage disposal and 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.

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- (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 manoeuvring 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 Plan.
 - ii. The impact of the development on the existing recreational commercial facilities of the area.
- IV. It is not intended to designate areas for Recreational Trailer Parks, but rather to designate their location on the Land Use Plan by amendment to this Plan. 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.
 - (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. 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. 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.
- IV. Lands designated as Industrial on Schedule “A” of this Plan represent important employment areas for the Town. As such the redesignation 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.
- V. *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.
- VI. 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

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areas shall operate according to applicable standards of the Ministry of the Environment regarding noise and emissions.

- VII. 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.
- VIII. 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.
- IX. 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:
- (b) 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.
 - (c) Landscaping shall be concentrated adjacent to the QEW and/or Regional Road in order to provide an attractive appearance.
 - (d) The Zoning By-law shall contain performance criteria embracing building material, surface treatment, landscaping and so on;
 - (e) Outside storage and loading areas adjacent and directly visible to the QEW and is prohibited.
 - (f) Parking areas shall generally be discouraged in the yards abutting the Q.E.W and if located in these yards will be appropriately screened with landscaping; and
 - (g) All industrial activities other than storage shall be contained wholly within enclosed buildings.
- X. 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;

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- (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.
- (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.

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;

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- (c) The existing use of all land and the location and use of all buildings and structures within a distance of **500** 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;
 - (a) Potential impacts on the transportation system which will require truck routes and points of site access to be established;
 - (d) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
 - (e) The capability of the land for agricultural uses;
 - (f) Proposed rehabilitation plan;
 - (g) The degree to which the operation will be exposed to the public; and,
 - (h) 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 hectarage and average soil capability unless 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 Aggregates 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 construction need such as for road construction. 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.
- II. Wayside operations and portable plants are regulated through the Aggregate Resources Act but licensed by the Ministry of Transportation. While it is recognized wayside operations and portable plants used for public authority contracts shall be permitted without the need for an Official Plan or Zoning By-law amendment or development permit, Council shall seek the fullest possible involvement in the review of applications to ensure conformity with this Plan. In considering the appropriateness of a location for a wayside operation or portable plant, Council will take into consideration potential impacts on areas of existing development or environmental sensitivity, and the type of rehabilitation.

4.12 INSTITUTIONAL

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.

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- II. The use of institutional facilities for multiple complimentary 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; and
 - (e) *New institutional uses or essential emergency uses are not permitted in hazardous lands.*
- 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 agricultural uses and accessory dwellings.

4.13.1 GENERAL POLICIES

- I. In the event the operation of any one of the existing open space uses located outside of the Town’s urban area boundaries is discontinued, the respective site shall be redesignated Agricultural or Rural in keeping with the surrounding land use and zoned accordingly in the Zoning By-law *through updates to the planning documents.*
- II. Open space uses intended for intensive recreational uses, with the exception of linear recreational trails, will be located within the urban boundary.
- III. *Permitted secondary uses, unless existing, shall be permitted by zoning by-law amendment.*

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- IV. 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.
 - V. 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.
 - VI. 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.
 - VII. 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.
- VIII. Notwithstanding the Open Space policies of this Plan, the Niagara Parks Commission is permitted to develop land uses permitted under the Niagara Parks Act.***

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. Notwithstanding the policies of this Section, the Open Space designation for golf courses situated outside the urban area boundary reflects the long standing existing golf course use only. Should the golf course use cease operation the intent would be for the lands to revert back to agricultural uses. Any open space use other than a similar open space recreational or conservation type use will require an amendment to this Plan.
- IV. The Open Space designation of the landfill site operated by the Regional Municipality of Niagara reflects the ultimate intended land use of the site after closure of the landfill operation. Notwithstanding the policies of this section, the existing 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.



V. 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 areas 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, and;
- (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 traffic;

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;
 - (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;
 - (c) provide, where feasible, multiple purpose, year-round activities.

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- 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 "C 1", 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; and*
- IV. The Town will consider the strategic acquisition of Lake Erie shoreline lands that compliment 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 it's budget deliberations."*

4.14 SPECIAL POLICY AREAS

4.14.1 URBAN ENTERTAINMENT CENTRE (Special Policy Area 1)

- I. The Fort Erie Urban Entertainment Centre Special Policy Area 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, and supporting commercial, hospitality, residential/accommodation, institutional and industrial uses.

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- II. The predominant use of land in this area shall include a horse racetrack, equine centre, and approved gaming activities. In addition, the following ancillary uses shall also be permitted:
- (a) Commercial uses including hotels, motels, lodges, restaurants, vehicle service stations, and amusement and recreation facilities;
 - (b) Tourist Information Centre, conference and banquet facilities, and accessory retail facilities;
 - (c) Veterinarian offices or clinics, animal hospitals;
 - (d) Institutional uses including education and training centres;
 - (e) Residential accommodations accessory to any permitted use and freestanding forms of medium and high density housing, such as a condominium-suite apartment complex;
 - (f) Small scale equine related manufacturing facilities (i.e. tack, carts, buggies, sulkies, and carriage manufacturing)
 - (g) Any accessory and incidental use to the aforementioned primary uses (i.e. services, manufacturing, retailing, or offices that are associated with and form part of the main permitted use.)
- III. This area is to be studied by the owner, Nordic Gaming Corporation, 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.
- IV. Until a Development Plan for this area is prepared and approved by Council, in whole or in part, the relevant policies of the Official Plan shall apply to this area.
- V. Once a Comprehensive Development Plan is approved, all development and redevelopment shall be consistent with same and other relevant policies of the Official Plan, and shall proceed on the basis of the Special Policy Area provisions of the Planning Act.
- VI. The Comprehensive Development Plan prepared for this area shall be based on the principles contained in the Urban Design section of this Plan.
- VII. *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.***
- VII. Studies may be required prior to development approval to consider impacts on municipal services, roads and traffic, stormwater 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.

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VIII. 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.

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

4.14.2 PEACE BRIDGE AREA (Special 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 and Communications, 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.

4.14.3 FORT ERIE INDUSTRIAL PARK (Special 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 Special Policy Area is in accordance with the Natural Hazard Policies of the Provincial Policy Statements.***
- 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 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" 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;

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- (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 "C I". 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 "C I".
 - (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.
 - (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 (Special Policy Area 4)

- I. The lands subject to Special 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.

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- (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 NIAGARA RIVER GOLF COURSE (Special Policy Area 5)

- I. Special Policy Area 5 applies to those lands identified as such on Schedule "A". The lands will be designated as Open Space and Environmental Protection Area should the Ontario Municipal Boards approve of the relevant Zoning By-law, Official Plan and Regional Policy Plan amendments. Notwithstanding the Environmental Protection Area policies of this Plan, limited golf course features such as golf cart paths and fairway crossings may be permitted provided it is demonstrated they do not compromise the integrity of the natural areas. Any permitted golf course features shall be clearly shown on the approved Site Plan as approved by Town Council pursuant to Section 41 of the Ontario Planning Act.
- II. *Should the Ontario Municipal Board not approve the relevant applications, the lands shall be designated in part Agricultural and in part Environmental Protection Area (EPA). The EPA designation shall relate to those lands identified as Provincially Significant Wetland by the Ministry of Natural Resources.*



4.14.6 FRENCHMAN'S CREEK (Special Policy Area 6)

- I. The Frenchman's Creek Special Policy Area 6 applies to those lands identified as such on Schedule "A". These lands north of Arcadia Street Road Allowance are and designated as Urban Residential, Urban Residential and Open Space with an Environmental Conservation overlay and Environmental Protection. Development shall be in accordance with the policies associated with these designations. Urban residential development may proceed upon inclusion of 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.

4.14.7 KRAFT DRAIN AREA (Special Policy Area 7)

- I. The Kraft Drain Area Special Policy Area 7 applies to those lands identified as such on Schedule "A". These lands are designated as Residential, Residential with an 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.

4.14.8 ZOOZ (Special Policy Area 8)

- I. The ZOOZ Special Policy Area 8 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, serpentarium, adventure rides, picnic areas, animal park, trailways, walkways, botanical gardens and recreation related buildings), mini putt golf, overnight tent campground, single detached dwelling and one accessory apartment dwelling, a greenhouse, as well as existing amphitheatre, serpentarium, adventure rides, 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.
- IV. Development or site alteration adjacent to Environmental Protection Areas shall be in accordance with the policies Natural Heritage Section of this Plan.

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V. Special Policy Area No. 8 shall take effect upon the Town's approval of Zoning By-law Amendment No. 350302-0255 and the Regional Municipality of Niagara's approval of Official Plan Amendment No. 350302-0053 and Regional Policy Plan Amendment No. 9, 2005.

VI. *Should the Ontario Municipal Board not approve the relevant applications, the lands shall be designated in part Agricultural and in part Environmental Protection Area (EPA). The EPA designation shall relate to those lands identified as Provincially Significant Wetland by the Ministry of Natural Resources.*

4.14.9 MOBILE HOME PARK (Special Policy Area 9)

Special Policy Area 9 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.

4.14.10 LANDS BELOW THE LAKE ERIE FLOOD ELEVATION (Special Policy Area 10)

I. *Special Policy Area 10 applies to the lands identified as such on Schedule "A" of this Plan. New development must be constructed above the Lake Erie 100 year flood elevation of 177.11 metres GSC;*

II. *Additions or renovations to existing buildings shall comply with the Conservation Authorities Policies and Procedures; and*

III. *Major development should be subject to a flood proofing study.*



Section 5 Urban Form and Housing



5.0 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 in to the sidewalk rehabilitation program for accessibility design;
 - (c) participate in the development of transit initiatives; and
 - (d) undertake a review of site plan applications.

5.5 NEIGHBOURHOOD PLANNING

- I. A Neighbourhood Plan is a general guide for the development and redevelopment of a residential neighbourhood. 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. Neighbourhood Plans identified in the Town are denoted in Schedule "A1" of this Plan.

5.5.1 GENERAL POLICIES

- 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, property owners and stakeholders. Planning decisions *not* consistent with the goals and objectives 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.
- II. The Neighbourhood Plan process will provide for review and comment of the Plan by relevant agencies to ensure it adequately addresses agency requirements and Provincial Policy objectives.***

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Key land use elements of the adopted Neighbourhood Plan, such as land uses requiring a change in designation or site specific policy will be incorporated in to the Official Plan. Areas identified for residential intensification or site specific urban design matters will be reflected in the Zoning By-law.

III. Council shall identify 2 to 3 priority Neighbourhood Plan Areas each year for development of a Neighbourhood Plan.

IV. A Neighbourhood Plan indicates:

- (a) The location and pattern of existing and proposed roads;
- (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;
- (e) The location of major redevelopment and intensification areas; and,
- (f) The location, design and possible staging of basic engineering services and **public utilities**.

IV. 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 compliment 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 access within and between residential development, parks, schools, commercial areas, churches, community facilities and similar land uses;
- V. Encouraging those land uses that will generate employment opportunities for residents of the community;
- VI. Encouraging energy efficient designs;

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- 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, safety, comfort, and encourages the use of sidewalks and public spaces.
- 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, and;
 - (b) Ensuring that development proposals recognize and enhance the viability of natural areas.
 - (c) Incorporate important findings of other studies such as watershed plans or sub-watershed plans 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.

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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.
- IV. Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian 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.

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- 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 ***compliment 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.

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- 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;
 - (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



6.0 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;
 - iii. conflicting land uses; and
 - (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.
- 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;
- (o) 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
 - 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.

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- 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



7.0 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.

7.1 GENERAL

- I. Existing aggregate resources and petroleum resources areas are identified on Schedule “B” respectively to this Official Plan.
- I. In areas adjacent to or in known deposits of mineral aggregate or petroleum resources, outside the urban boundary, development and activities that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - (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.

7.3 PETROLEUM RESOURCES

- I. *Petroleum resource operations* (wells) 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. 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
 - (d) appropriate setbacks shall be established in the implementing zoning by-law.
- II. Lesser setbacks may be considered through the development approval process by amendment to the implementing zoning by-law subject to the Province’s approval. As a condition of approving development applications, abandoned wells discovered on the lands during site review will be properly plugged in accordance with provincial requirements.



Section 8

Natural Heritage



8.0 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, as shown on Schedules "A" as: Environmental Protection Areas; and Environmental Conservation Areas; Rehabilitation Areas; and Valleylands, Stream Corridors and Fish Habitat Areas. Schedule "C" depicts the Natural Heritage feature in more detail showing Provincially Significant Wetlands, Locally Significant Wetlands, Environmentally Sensitive Areas, Locally Significant Natural Area, Woodlands over two hectares, Natural Hazard Areas, and Fish Habitat. Schedule "C" provides assistance for determining the reason for this Environmental Protection area as Environmental Conservation area designation and direction as to the applicable policies of this section to refer to.

Environmental Protection Areas include Provincially Significant Wetland Resource Areas, Areas of Natural and Scientific Interest, the Habitat of Vulnerable, Threatened, and Endangered Species and Natural Hazard Areas.

Environmental Conservation Areas include, Locally 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 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;

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- (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 *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. 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 105 of each subwatershed in wetland; and
 - (b) the use of natural vegetated buffers along stream corridors as per the policies of this Plan.
- IV. 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.
- V. *Tree By-laws will be administered to compliment the Natural Heritage policies of this Plan by ensuring tree cutting or removal takes place in a responsible manner, as specified in the Town and/or Regional By-laws, prior to the assessment of applications through the planning process in accordance with these policies.*
- VI. The Town shall undertake public works and actions that are consistent with the protection of Natural Heritage Features. In instances where public 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 impacts.
- VII. Where any land is delineated as a Natural Heritage Feature on Schedules “A”, *C and/or “CI”* 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.
- VIII. 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.
- IX. Where a site specific development/redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision, or a consent, minor variance or site plan control may impact an Environmental Protection Area or certain Environmental Conservation

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Areas, identified on Schedule “A” 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.*

- X. *An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.*
- XI. 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. Prior to commencement of the Study, a Terms of Reference, *prepared by the applicants consultant*, acceptable to the Town shall be prepared in consultation with the, Niagara Peninsula Conservation Authority, the Regional Municipality of Niagara, and other agencies as required.
- XII. *Pre consultation with the Town 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.*
- XIII. 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, *including hydrologic, surface and ground water functions*, on site and on adjacent lands that might directly or indirectly be affected;
 - (e) A description of alternate forms that the proposal could take including an assessment of the advantages and disadvantages of each;
 - (f) An *assessment* of the impacts that might reasonably be caused to the natural features and functions *by the proposal including the cumulative effect of the impacts*;
 - (g) An *identification and evaluation* of the actions necessary to prevent, change, mitigate or remedy any *assessed* impacts upon natural heritage features and functions and the alternative methods of protecting the functions and values of the areas affected;
 - (h) A concluding statement that the policy objectives of the Environmental Protection Area or Environmental Conservation Area designation are being complied with;

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- (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) For 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 Ministry of Natural Resources, if necessary.

- XIX.** The Town shall participate with the Region and Niagara Peninsula Conservation, 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.*
- XV.** 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 that provides 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.
- XVI.** *Essential uses of a linear nature maybe 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.*
- XVII.** *Where there are several different Natural Heritage features identified on Schedule “C” for the same lands, the most restrictive Policy section associated with the natural heritage features shall apply.*
- XVIII.** *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.*

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- XIX. Watershed Plans and Environmental Planning Studies shall be implemented through amendments to the Town's Official Plan or *Zoning By-law, as well as Neighbourhood Plans* and Regional Policy Plan where appropriate.
- XX. 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.

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 Vulnerable, Threatened, and Endangered species 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, as well as passive recreational pursuits deemed to be appropriate by the Ministry of Natural Resources.
- III. 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.
- IV. *Existing agricultural uses are permitted to expand into Environmental Protection Areas. However, new agricultural buildings and structures, as well as expansions of existing buildings are not permitted.*

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.

- V. 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

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alteration will not be permitted within the boundary of the wetlands as defined by the Ministry of Natural Resources.

- VI. 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, to demonstrate there will be no negative impacts to the wetland feature or it's functions.
- VII. As part of an Environmental Impact Study, the staking of the boundaries of the wetland feature shall be in consultation the Ministry of Natural Resources. Upon confirmation of any change in boundaries, the new boundaries will be reflected in the zoning by-law. Significant changes in boundaries will be reflected in changes to the corresponding Environmental Protection Area designations in the Official Plan.
- VIII. 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.
- IX. 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.
- X. *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.*
- XI. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

8.2.2 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 VULNERABLE, THREATENED AND ENDANGERED SPECIES

- I. The Town intends to protect the habitat of vulnerable, threatened, and endangered species habitat 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 vulnerable, threatened, or endangered species 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 a vulnerable species based on an Environmental Impact Study that demonstrates the portions of the habitat will be maintained.
- 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 property or lands (*hazard 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 for river and stream systems.

- 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.

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- III. The one hundred year flood shall be used as the approved standard to define the *flooding hazard* for rivers and streams in the Town of Fort Erie. In cases where there is no floodplain mapping a setback of 15 metres has been used to delineate the Natural Hazard designation measured from the top of bank on each side of the watercourse. 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 one hundred year flood.
- IV. The main permitted uses in all areas shown on Schedules “*C and CI*” 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) where 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.
- 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 “*CI*” 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 1:100 year floodplain or backshore flooding areas that recognizes the existing and approved use of the lands.
- VIII. An amendment to this Plan will not be required for minor changes to the Environmental Protection areas boundaries which are deemed to be suitable by Council after consideration of an Environmental Impact Study or other such study or mapping completed in consultation with or by the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources, and Regional Municipality of Niagara.

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- IX. 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.
- X. 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.
- XI. 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.
- XII.** 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.*
- XIII. 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.
- XIV. 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.
- XV. 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, 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 either Holding zones or 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

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pursuits. *The Region and Conservation Authority shall be consulted with respect to the removal of any Holding Provisions.*

- IV. Agricultural uses existing at the date of adoption of this Plan may continue *and expand*, however the construction of *large scale* farm buildings or structures will require an Environmental Impact study if specified by the more detailed policies of this Plan. *Small- scale agricultural buildings may not require an Environmental Impact Study, if there are no reasonable alternative locations and environmental impacts have been minimized.*
- V. 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 areas significance 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 where in the opinion of the Town, in consultation with other agencies, *the development is being 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.*
- 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. Minor changes to the boundary will not require an amendment to the Plan.*
- IX. *The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.*

8.3.1 LOCALLY SIGNIFICANT NATURAL AREAS

The Town of Fort Erie has completed a Natural Areas Inventory that identifies *Locally Significant Natural Areas (LSNA's)*, Corridors, and Linkages that should be considered for protection. These Natural Areas include, but are not limited to Significant Woodlands, Thickets, Meadowlands, Wildlife Habitat Areas, and Environmentally Sensitive Areas and Environmental Corridors and Linkages. *Locally 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 for assessing the significance of the natural feature.

- I. All *Locally 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.

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- II. Development or site alteration within or adjacent to *Locally Significant Natural Areas* (LSNA'S) shall be accompanied by an Environmental Impact Study that demonstrates the development or site alteration will not result in degradation that significantly threatens the health and integrity of the natural features or ecological functions for which the area is identified. The Town's Natural Areas Inventory identifies the key features and functions of LSNA'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 *Locally 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 *Locally Significant Natural Areas* by Schedule "C" are subject to the policies of Subsection 8.3.1.
- II. Development and site alteration within these areas will be subject to an Environmental Impact Study that ensures there will be some retention of the important features and functions identified by the Town's Natural Areas Inventory. A Tree Saving Plan shall be prepared based on the findings of the Environmental Impact Study.
- 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 Locally 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" as a Natural Heritage Feature, and in instances where a development proposal may impact upon this Natural Heritage Feature, an Environmental Impact Study as outlined in Policies 8.1.1.X, 8.1.1.XII and 8.1.1.XIII 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 "CI" of this Plan.

- I. The Town will promote the protection and maintenance of all valley lands and stream corridors as environmental corridors.

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- 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 reveals that some infringement within the setback area on site can be accommodated with mitigative measures that maintains bank stability to the satisfaction of the Niagara Peninsula Conservation Authority. In no case shall development be allowed beyond the top of bank.*
 - (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 C 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 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 has been no harmful destruction to fish habitat. *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.*

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- VII. Where valleylands, stream corridors and fish habitat areas are situated within other natural features with corresponding Environmental Protection or Environmental Conservation designations the more restrictive policies shall apply.
- VIII. 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 And Water Quality



9.0 Air and Water Quality

9.1 AIR QUALITY

- I. The Town shall support energy efficiency and improved air quality through land use and development patterns that:
 - (a) promote compact form and structure of nodes and corridors;
 - (b) promote the use of public transit and alternative transportation modes within and between employment, service and living areas;
 - (c) improve the mix of employment and housing uses to shorten commute journeys;
 - (d) promote designs that maximize the use of alternative or renewable energy sources.
- II. In order to provide support for improved energy efficiency and air quality, opportunities will be provided for *alternative* and *renewable energy systems*. Wind turbines that range in size from 1 to 5 megawatts should preferably be situated in industrial areas, but will also be permitted in Rural and Agricultural designations by zoning by-law amendment and demonstrating that safety issues noise, vibration, television and radio interference, and aesthetic impacts can be appropriately mitigated with respect to sensitive land uses and agricultural operations where relevant.
- III. Wind turbines generating more than 2 megawatts of electricity are subject to the Canadian Environmental Assessment Act and require a Certificate of Approval under section 9 of the Environmental Protection Act.
- IV. The Town's Zoning By-law shall identify which zones small wind energy systems will be permitted in, as well as zoning regulations related to setbacks, height, noise and output.

9.2 WATER QUALITY

- 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 in to Neighbourhood Plans to further delineate the features and establish appropriate policies.

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- 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.
- 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.



**Section 10
POLICIES FOR HUMAN- MADE
HAZARDS**



10.0 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 that do not require remediation or have been remediated and made suitable for the proposed.
- 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. The Town will require development proponents to document previous uses of a property that is subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination. 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.
- 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 application will involve a change of use to a more *sensitive land use*, the Town, in accordance with Ontario Regulation 153/04, as amended, will:

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- (a) require submission by the owner to the Ministry of Environment (MOE) of a Record of Site Condition (RSC) signed by a qualified person, as defined by provincial legislation and/or regulations, with said RSC to the satisfaction of the Town, and submission to the Town of an acknowledgement of receipt of the RSC by the MOE that the property or properties in question do not require remediation in accordance with provincial legislation, regulations and guidelines, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation, regulations and guidelines.
- (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.
 - i. 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.”

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 under-way or have been completed.

10.5 SEPARATION DISTANCES OF SENSITIVE LAND USES FROM INDUSTRIAL OPERATIONS

- 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 to minimize nuisances and possible health impacts. Therefore, when considering amendments to the Official Plan or Zoning By-law to establish either of 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.

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 of 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 300 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 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 City 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



11.0 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

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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 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 Committee's identified in Policy *11.1.III* shall continue to be responsible for their Cultural Heritage mandates;
 - (b) the mentioned Committee's shall work together in a cooperative fashion so as to address cultural heritage in a comprehensive manner and avoid duplication of services.
- IV. 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 it's mandate. The inventory may comprise written and graphic information describing the inventoried features.
- V. 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;
 - (g) any area for which a heritage planning statement has been prepared.
- VI. The Heritage Impact Assessment should demonstrate the heritage attributes will be *conserved* in accordance with the Cultural Heritage Policies of this Plan.
- VII. 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*.
- VIII. 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.
- IX. The Town may acquire the freehold rights or request easements on, or impose covenants on, real property designated under the Ontario Heritage Act.
- X. 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.

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- XI. *The Town and /or Region's Tree Conservation By-laws provide the opportunity to designate Heritage Trees under the 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.*
- XII. 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 Citizenship, Culture and Recreation's Conservation Note, Investing in Heritage: Municipal Tax Back Grants or successors thereof.
- XIII. 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
 - (b) prepare and adopt a conservation district plan containing policies, guidelines and relevant information respecting the protection and enhancement of the district.

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- 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
 - (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.
 - (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.

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- 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.
- VIII. 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

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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 (Planning and Development Department) 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 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:
- IV. The proponent shall carry out an archaeological assessment and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources

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found. 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 Culture confirming that all archaeological resources concerns have met licensing and resource conservation requirements. 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.

- V. The property will be assessed by a consultant archaeologist, licensed by the Ministry of 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.
- VI. 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".
- VII. 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.
- VIII. 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.
- IX. Municipal and Regional projects, whether or not they are subject to the *Environmental Assessment Act*, such as development and/or infrastructure projects that involve construction, erection or placing of a building or structure, other activities such as site grading, excavation, removal of topsoil, or peat and the placing and dumping of fill; drainage works, 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 also exempt from this policy.
- X. 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.
- XI. 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

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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.

XII. Council may, in consultation with the Ministry of 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 (Planning & Development Services Department), the Ontario Ministry of Culture, and the local aboriginal community;
- (b) an investigation and reporting process undertaken by a licensed archaeologist;
- (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.

XIII. 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 its discovery or acquisition, the original owner and use, a chronological history and pertinent facts.
- (d) Development and site alteration shall comply with the archaeological policies of this section.

11.6 INTANGIBLE HERITAGE

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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.
 - (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



12.0 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.

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- 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 Environment 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.*
- XII. *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 shall be in accordance with the policies of the designation indicated subject to necessary environmental clearances.*

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 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/Douglastown 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. Approved development outside the urban areas shall require both private water and sanitary sewage disposal systems and the following policies shall apply:
- II. 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.
- III. 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 subject to the approval of the authority having jurisdiction.
- IV. 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
- V. The natural drainage systems of the surrounding lands shall not be interfered with or detrimentally affected by the development
- VI. Each private sewage disposal system shall require approval by the authority having jurisdiction. If, in its opinion any area appears questionable for the proper operation of a 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.

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* and the Regional Municipality of Niagara to:
 - (a) assess downstream constraints (eg. 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, and
 - (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;
- (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 UTILITIES

- I. *Unless specified by other policies of this Section, the essential public uses including utilities* shall be permitted in all land use designations of this Plan, provided that such use is necessary and can be made compatible with its surroundings by adequate measures. *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* are expressly not permitted by this section of the Plan.
- II. In Agricultural, Environmental Protection or Environmental Conservation Area designations *public uses of a linear nature including utilities* shall be permitted where no other reasonable location is available. The impact of these linear facilities on agriculture and the environment shall be minimized.
- III. *Uses identified in Policy 12.6.II* shall only be permitted if it can be demonstrated that the advantages of any project outweigh its disadvantages. *Where applicable*, this evaluation will be part of an Environmental Assessment that considers:
 - (a) the value and sensitivity of the particular site;
 - (b) the expected impact of the proposed project on the agricultural, natural heritage or hazard lands;
 - (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 areas and residential, 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.

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- 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 enroute 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 Commercial developments fronting along 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. 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 a consent to severance, or as a condition of approval of a draft plan of subdivision or through the site plan control process. Widenings 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.***
- II. 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.
- III. 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.

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- IV. 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.*
- V. 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.
- VI. The design, layout and orientation of local roads will be considered through the Neighbourhood Plan and Urban Design process.
- VII. 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.
- VIII. 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 Communications, 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 widening purposes will be required within the designated future road allowance rights-of-way as specifically set out in this Section 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:

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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 Sub-sections 12.7.3 of this Section, 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 Road	Highway No. 3	23
Brunswick Avenue	Ridge Road South	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 West	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 Road	Highway No. 3	23
Thunder Bay Rd	Ridge Road South	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.

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 parking shall be provided for all development or redevelopment pursuant to such standards.
- II. On-street parking shall be limited to reduce hazards and improve traffic flow characteristics. Council will encourage the replacement of on-street parking with sufficient off-street parking facilities.
- 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. 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. Pedestrian paths will also be provided in parks and open space areas where appropriate. Sidewalks will be provided within public road rights-of-way where deemed necessary.

12.11 BICYCLE PATHS

- I. Bicycle path 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
- II. will be dedicated as public rights-of-way. The bicycle path 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. Bicycle Paths identified under the Regional Municipality of Niagara's Bikeways Master Plan will be reflected on Appendix E of this Plan.

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; and,
 - (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.



Section 13

Implementation



13.0 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 shall be “consistent with” Provincial Policy Statements.
- 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.

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- 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.
- 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 in to 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.

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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 Site Plan Control will assist in managing grading and drainage impacts and locating development 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) agricultural buildings and structures except greenhouses, 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.
- V. In certain cases pursuant to the Planning Act, 1990, highway widenings may be required to the extent shown on Schedule 'E', Transportation Plan, as a condition of development of any lands within a designated site plan control area and abutting the highways or roads indicated on Schedule 'E', Transportation Plan.

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;

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(d) The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

13.6 CONSENTS TO SEVERANCES

- 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:
- II. The proposed development should generally be infilling in nature and/or assist with, but not hinder, the efficient development of the area.
- III. 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.
- IV. The proposed development should be serviced by municipal water and sanitary sewer services;
- V. 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.
- VI. 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.
- VII. 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.
- VIII. 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 new parcel and retained parcel comply 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 which could include an amendment to the Regional Policy Plan.

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- 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 those 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 Policy Statements and Regional Policy Plan 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.

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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 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.
 - (c) Notice of the public meeting to inform and obtain input from the public shall be given at least 20 days prior to the date of the meeting. 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 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 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 input from the public regarding an application to amend the Zoning By-law.
 - (c) Notice of the public meeting shall be given at least 20 days prior to the date of the meeting. 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.
 - (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

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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 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 endeavour 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.

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- 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:

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- (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.
- II. 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 affected 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 unless such use is 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.

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- 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. Council may enter into agreements with landowners exempting the owner, to the extent specified in the agreement, from the requirements of providing or maintaining parking facilities.
- II. 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.
- III. The agreement shall be registered in the Registry Office.
- IV. 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.

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 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.

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13.12 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.

13.13 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:

- (a) Land comprising a lot that is substandard in lot frontage and/or area according to the regulations in the implementing Zoning By-law;
- (b) Land within a Community Improvement Project area in accordance with the provisions of the Planning Act R.S.O. 1990;
- (c) Land proposed for industrial development; and
- (d) Land for open space, parks, or other public recreational purposes, or conservation purposes.

13.14 OFFICIAL PLAN REVIEW

- I. Council will determine the need to carry out a comprehensive review of this Plan at intervals of approximately 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 Statements or Planning Act. As a result of this review process, this Plan may be amended from time to time.
- II. House keeping 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



14.0 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 could include 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 Natural Heritage feature can be more accurately confirmed 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.
 - (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 therefrom shall be determined according to the scale shown on Schedule "A".
- (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 could include 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.



Section 15 Schedules



**Section 16
Appendices**