



# Town of Fort Erie

**Final Official Plan for Council Adoption**

**July 2025**

# Land Acknowledgement

The Town of Fort Erie is located on the traditional territory of the Attawandaronk, the Haudenosaunee and the Anishinaabe people. We are the beneficiaries of ancient agreements such as the Dish With One Spoon between the Anishinaabe and the Haudenosaunee, who agreed to share the abundance of the land through peace, friendship and mutual respect; the Two Row Wampum, by which the Haudenosaunee welcomed the settlers and agreed to share the land in mutual respect; and the Treaty of Niagara, considered a fundamental document by First Nations in all future relations and treaties with the British.

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# A. Preamble

## A.1 Our Community

1. The Town of Fort Erie ("Town") is a municipality located on the Niagara Peninsula in southern Ontario. Situated on the shores of Lake Erie and the Niagara River, the Town boasts a strategic location being directly across from Buffalo, New York. This proximity to the United States has positioned Fort Erie as an essential economic trade corridor and facilitates the movement of people and goods.
2. Fort Erie is known for its rich history and natural beauty, offering a unique blend of urban amenities and rural charm. Fort Erie is comprised of several smaller communities which each have a distinct identity and history. They include Bridgeburg, Ridgeway/Thunder Bay, Stevensville, Douglastown, and Crystal Beach, coming together as one community through the amalgamation of Bertie Township and the village of Crystal Beach with Fort Erie in 1970. Tourists are drawn to Fort Erie for its historical sites, such as the Old Fort Erie, and its beautiful beaches along Lake Erie, such as Bay Beach. The Town's picturesque waterfront provides breathtaking views and offers abundant recreational opportunities, including boating, fishing, and hiking along scenic trails like the Niagara River Parkway and Fort Erie Friendship Recreational Trail. These attractions and the Town's commitment to preserving its heritage make Fort Erie a desirable destination for visitors and residents alike.
3. The Peace Bridge is a prominent landmark, stretching across the Niagara River connecting Canada and the United States of America. It serves as a critical transportation link, facilitating trade, commerce and tourism between the two countries. This infrastructure contributes significantly to the Town's economic vitality and prosperity, making Fort Erie a key player in regional and international trade. The Town's diversified economy spans transportation, logistics, advanced manufacturing, and tourism, taking advantage of its proximity to international borders and major highways. Fort Erie's location near major urban centres such as Toronto, and Hamilton, Ontario and Buffalo, New York, further enhances the Town's appeal as both a residential and commercial hub while contributing to its economic resilience and opportunities for future growth.
4. Fort Erie has a diverse and growing population, with a mix of young families, working-age adults, and retirees. People are drawn to Fort Erie for its quality of life, economic prosperity, and natural amenities. Future population growth will primarily be driven by intra-provincial migration, where residents relocate from other areas within Ontario, and international migration, bringing new residents from abroad. This Official Plan (the Plan) for Fort Erie will build on the Town's strengths, aiming to enhance the quality of life for residents, encourage sustainable growth, and preserve the unique heritage and natural environment.

## A.2 Purpose of this Plan

1. This Official Plan establishes a land use planning policy framework in accordance with the Planning Act and other relevant Provincial legislation, policies and guidelines. It

contains policies and schedules that provide the framework for a long-term vision for the Town, establishing a broad strategy to achieve overall community wellbeing through social, economic, cultural and environmental objectives.

2. This Official Plan establishes a strategic decision-making framework to manage growth and **development** to the year 2051, with Fort Erie projected to accommodate 48,050 people and 18,430 jobs by 2051.
3. The policies of this Plan support a strong, livable, and healthy community, by protecting the environment, safeguarding public health and safety, and facilitating **sustainable development**, economic growth, and the responsible fiscal management of **infrastructure**.

## A.3 How to Interpret this Plan

1. The contents of this Plan must be read in their entirety, including the Appendices and Schedules, and any amendments thereto.
2. The language used in this Plan is intentional and used to support interpretation and administration of the policies. More specifically:
  - i. Language such as “will” and “must” indicates an obligation on the subject of the policy to meet the stated requirements; and
  - ii. Language such as “may”, “should” and “encourage” provides guidance, but with some discretion regarding the interpretation of the policy relevant to the context in which it is used.
3. Words that are **bolded** in this Plan are to be interpreted as defined terms as provided for in the glossary. Part F includes a glossary of defined terms.
4. Words that are underlined refer to provincial or federal Acts or other legislation, and it will be interpreted that this is referencing the latest approved version of the documents, unless otherwise specified.
5. Unless otherwise expressly established by the policies of this Plan or provincial direction, where there are inconsistencies between this Plan and Secondary Plans or site specific policy areas, those policies contained in secondary plans and site specific policy areas take precedence.
6. The policies of section F.11 provide further direction regarding the interpretation of this Plan.

## A.4 How this Plan is Organized

### A.4.1 Parts of this Plan

1. This Plan contains a total of seven operative parts, being Parts A through G, as follows:
  - i. **Part A – Introduction**, describes the Plan’s context, purpose and effect, and organization.

- ii. **Part B – Vision and Guiding Principles**, establishes the long-term vision for how the Town manages growth and **development** over the planning horizon, while having specific regard for local priorities that are represented through the Guiding Principles.
- iii. **Part C – Growth Management**, identifies projected population, housing, and employment growth within the Town over the planning horizon, and establishes broad policies to manage this growth in a manner that advances the Vision and Guiding Principles.
- iv. **Part D – Land Use Designations**, establishes various land use designations and associated permitted uses and **development** policies to guide future growth and protect what is valuable to the Town.
- v. **Part E – Town-wide Policies**, contains broad strategies for implementing the Vision, the identification of population and employment forecasts, objectives for growth management and planning for growth in an urban structure.
- vi. **Part F – Implementation and Interpretation**, describes the processes and tools available to the Town to implement the policies of this Plan, as well as establishing certain expectations regarding development applications. Part F also contains a Glossary of Defined Terms.
- vii. **Part G – Site-specific Policy Areas**, establishes policies that apply to specific lands within the Town. The policies of Part G must be read and interpreted with the entirety of this Plan.
- viii. **Part H - Secondary Plans**, which includes Secondary Plans that have been adopted by Council and form an operative part of this Plan, and that may establish more detailed direction on land use planning matters for various areas throughout the Town. The Secondary Plans must be read and interpreted with the policies of this Plan in its entirety.

#### **A.4.2 Appendices and Schedules**

- 1. The Plan also contains the following operative components:
  - i. **Appendices**, which establish additional details regarding certain policies of this Plan.
  - ii. **Schedules**, which show where certain policies of this Plan apply within the Town. Parts A through H of this Plan.



## B. Vision and Guiding Principles

### B.1 Introduction

The Vision and Guiding Principles establish broad direction for desirable land use planning outcomes in the Town of Fort Erie. When interpreting the Vision and Guiding Principles, reference should be made to the detailed policies of this Plan and the Schedules.

### B.2 Vision Statement

Fort Erie will be an inclusive, welcoming and diverse community that balances growth with the natural environment and the agricultural base. The Town will promote walkable communities that support convenient access to retail and parks while enhancing connectivity throughout the Niagara Region (“Region”). This Plan will guide the creation of accessible and safe spaces that promote a sense of community and recognize the Town’s unique history and heritage, while building a prosperous economy and providing a range of housing and employment options.

### B.3 Goals and Objectives

The Goals and Objectives of this Plan reflect the aspirations and priorities of the Fort Erie community and provide general direction for planning and **development** within the Town.

#### B.3.1 Housing

The Town of Fort Erie offers a range and variety of housing options required to meet the current and future needs of its residents. The following objectives support this goal:

1. The Official Plan will create more opportunities for a mix of housing types, forms and tenures, supporting **affordable** housing options and accessible independent living options that address the needs of an aging population.
2. The Official Plan will enable more housing in the existing built-up areas, in order to accommodate future growth while protecting the natural environment and agricultural lands.

#### B.3.2 Heritage and Culture

The Town of Fort Erie celebrates its built heritage resources and **cultural heritage landscapes** and plans for their conservation and long-term preservation. The following objectives support this goal:

1. The Official Plan will encourage cultural heritage activities in the Town to enhance the quality of life for residents.
2. The Official Plan will support the collection, preservation, research and interpretation of cultural heritage through **artifacts**, archives, and intangible resources such as stories and customs connected with the cultural heritage value of a property.

### B.3.3 Employment

The Town of Fort Erie is comprised of a prosperous, and robust economy that provides meaningful employment opportunities while contributing to the quality of life of its residents. The following objectives support this goal:

1. The Official plan will ensure the availability of sufficient land to accommodate forecasted employment growth of 18,430 jobs by 2051.
2. The Official Plan will plan for employment over the long-term and ensure that **employment lands** are protected and preserved for uses that require those locations.

### B.3.4 Natural Environment

The Town of Fort Erie is home to a healthy, diverse, and resilient **natural environment system** that will be safeguarded over the long-term and is recognized as integral to climate change adaptation and mitigation. The following objectives support this goal:

1. The Official Plan will protect and conserve the **natural environment system** for the long term.
2. The Official Plan will maintain, and where possible restore or improve, the diversity and **connectivity** of natural heritage features and water resources to support the integrity of the **natural environment system**.

### B.3.5 Agriculture & Rural

The Town of Fort Erie values the agricultural and rural land base as an economically thriving and sustainable industry, while being integral to the local food network and broader provincial **agricultural system**. The following objectives support this goal:

1. The Official Plan will protect and preserve **prime agricultural land** for long term use by the agricultural industry.
2. The Official Plan will promote diversification of **normal farm practices**, reduce land fragmentation, and protect agricultural land from activities and land uses which could limit their productivity.

### B.3.6 Transportation

The Town of Fort Erie seeks to ensure communities and neighbourhoods are well connected through a **multimodal transportation system** that contributes to the safe and efficient movement of people and goods. The following objectives support this goal:

1. The Official Plan will promote **complete streets** as essential to a balanced, **multimodal transportation** network.
2. The Official Plan will define a hierarchy of roads that recognizes their functional differences and promotes a local street system design that enhances the **settlement areas**.

## C. Growth Management

### C.1 Introduction

The Town of Fort Erie is projected to grow to 48,050 residents and 18,430 jobs by the year 2051. This means the Town will need to accommodate 15,230 new residents, or 508 new residents annually for 30 years between 2021 and 2051. The policies of this Part provide direction to manage projected growth, determine where and how Fort Erie will expand, and define where **intensification** and **redevelopment** is encouraged, while making wise use of existing and planned **infrastructure**, and protecting the natural environment and farmland.

### C.2 Population and Employment Forecasts

1. The Town's projected population, employment, and household forecasts to the year 2051 are shown in Table C-1: Fort Erie Forecasted Population and Employment Growth to 2051:

Table C-1: Fort Erie Forecasted Population and Employment Growth to 2051

	2021	2051
<b>Population</b>	32,901	48,050
<b>Employment</b>	14,080	18,430
<b>Households</b>	14,081	21,510

2. The population and employment forecasts are used to determine Fort Erie's land needs to accommodate projected community growth. Any expansion to Fort Erie's **settlement area** boundary must conform to the policies found in Part F.

### C.3 Town Structure

The Town structure directs growth to appropriate locations, while encouraging broad community benefits. It also ensures that the Town manages growth in a fiscally responsible manner and that **infrastructure** is planned for and built to accommodate this growth.

#### C.3.1.1. Settlement Areas

**Settlement areas** include the communities of Fort Erie, Ridgeway, Crystal Beach, Stevensville, and Douglastown. A majority of growth is planned to occur within the **settlement areas**, which are planned as **complete communities** with a broad range of housing options, employment, everyday amenities, open space, and where planned or existing full municipal servicing is available. The Town promotes built forms, land use patterns, and **infrastructure** within **settlement areas** that minimize land consumption, reduce costs of municipal water and wastewater systems and services, and optimize investments in infrastructure to support the financial well-being of the Region and the Town. These approaches also promote resiliency, sustainability, and protect, conserve, and enhance the **natural environment system**.

### C.3.1.2. Strategic Growth Areas

**Strategic growth areas** are shown on Schedule A and Schedules A1 through A7, and are planned to contain the greatest concentration and mix of land uses and the focus of **redevelopment** and **intensification** as focal points of the community. **Strategic growth areas** will include a range of housing, employment, shopping, open space, and community facilities with appropriate scale and intensity that complement and enhance the surrounding land uses.

More specifically, the Town will:

1. Plan **strategic growth areas** to complement the surrounding community through complementary built form and a safe and efficient transportation network, and function as a focal point of community activity and civic pride.
2. Revitalize and preserve **cultural heritage resources** within historic areas that reflect local heritage, character, and streetscape, with a focus on recognizing and enhancing the historic function historic main street areas through preservation and revitalization.
3. **Development, redevelopment, and intensification** opportunities may include infill, **brownfield** remediation and **redevelopment**, the expansion or conversion of existing buildings, greyfields, or the **development** of new mixed-use buildings.
4. New **development** on full municipal servicing is required for **strategic growth areas** to accommodate the growth management policies of this Plan.
5. To support the growth management policies of this Plan and the planned function of **strategic growth areas**, the Town may undertake the following municipal-led initiatives:
  - i. In partnership with the Region, prepare a comprehensive strategy for municipal **infrastructure** in advance of projected growth and **development**;
  - ii. Explore alternative implementation tools for this Plan, such as a Community Planning Permit System;
  - iii. Update the implementing zoning by-law to implement the planned built form, land uses, and development criteria established by this Plan.
  - iv. Undertake secondary planning processes;
  - v. Financial incentives; or
  - vi. Establishing urban design guidelines.
6. Conform to the policies of the Secondary Plans, comprehensive planning studies, and the implementing zoning by-law.

### C.3.1.3. Designated Growth Areas

**Designated growth areas** are shown on Schedule B: Designated Growth Areas and are planned to accommodate a portion of the Town's long-term projected population and employment growth. These lands are located within the **settlement area** boundary and will be comprehensively planned through future study. Accordingly, they are not planned for

**development** until such time that comprehensive study has been undertaken, providing direction on land use, built form, the **natural environment system**, transportation, and servicing, among other matters to guide future development.

More specifically the Town will:

1. **Designated growth areas** will be subject to comprehensive study in accordance with policy F.4.1 that will be:
  - i. Approved in advance of new **development** proceeding within **designated growth areas**, except where otherwise permitted in accordance with policy F.4.1;
  - ii. Are implemented through an amendment to this Plan;
  - iii. Are consistent with the Provincial Planning Statement and at a minimum, conform to the policies of this Plan.
2. Designated growth areas will be planned as complete communities by:
  - i. Planning for a mix of jobs, housing options, and everyday amenities, including parkland and **public service facilities**;
  - ii. Ensuring the provision of **infrastructure** to accommodated planned growth, including the availability of municipal servicing;
  - iii. Ensuring that **development** is sequential, orderly and contiguous with existing and planned **development**;
  - iv. Utilizing planning tools as established under Part E of this Plan, as applicable;
  - v. Ensuring **infrastructure** capacity is available, and where it is not available, is planned for in accordance with projected growth and phasing of **development**; and
  - vi. Supports multi-modal transportation options, including **active transportation**.
3. Ensure **designated growth areas** include community focal points, planned as vibrant, mixed use, walkable communities that include:
  - i. A diverse mix of land uses, including jobs, housing, shopping, and everyday amenities;
  - ii. Civic uses that may function as local community anchors, including schools, libraries, and community centres;
  - iii. Connections to existing or planned **active transportation** networks, both within and beyond the designated growth area;
  - iv. Public spaces, parks, and open spaces; and
  - v. Elements that promote a **sense of place** within the community.
4. Ensure that the **public realm**, including parks, open spaces, public buildings and streetscapes be appropriate in function and design for the surrounding land use form and function.

5. Until such time that more comprehensive study is undertaken, the following land use are permitted within designation growth area:
  - i. Legally existing uses; and
  - ii. Normal farm practices, as well as agricultural uses, agriculture-related uses and on-farm diversified uses.
6. Ensure that the approval of a Secondary Plan or equivalent comprehensive undertaken in accordance with F.4.1 and/or **development** within a **designated growth area** is contingent on the availability of existing or planned **infrastructure**.

#### C.3.1.4. Countryside

The Countryside is comprised of lands that have been classified by the Province as **prime agricultural areas**, as well as some lands outside of that classification. Together, these lands function to create a continuous, productive land base for agriculture, supporting a broader **agri-food network** and economy. Protecting the long-term viability and integrity of the **agricultural system** is a matter of provincial interest and is a key objective of this Plan.

More specifically, the Town will:

1. Protect the continuity of the agricultural land base and the functional and economic connections to the **agri-food network**.
2. Recognize **agricultural uses** and **agriculture-related uses** as the dominant land use which are supported by large areas of **prime agricultural areas** within the Town.
3. Recognize the agricultural sector and related industries as key economic drivers in the Town.
4. Promote **rural areas** as a focus for agriculture, as well as non-agricultural uses and recreational uses as established by this Plan.

#### C.3.1.5. Natural Environment System

The **natural environment system** and its features are shown on Schedule F: Natural Environment System and Schedule G: Natural Environment System Features and applies to areas within the Town that have an important **ecological function**, and where the protection, conservation, and enhancement of those ecological functions is planned for. The **natural environment system** and its features is also recognized as an important component of **complete communities**, providing clean air, water, and opportunities for low impact recreation and leisure activities, and as an important tool to mitigate the **impacts of a changing climate**. The Town will protect, maintain, and enhance the **natural environment system's** overall integrity while protecting the system from incompatible **development**.

More specifically, the Town will:

1. Protect, enhance, restore, and conserve the **natural environment system** to ensure their long term sustainability.



2. Protect the **natural environment system's** network of **key natural heritage features** and **key hydrologic features**, their associated minimum **vegetation protection zones**, as well as **linkages** to protect and restore the features and their ecological and **hydrologic functions**, which will be enhanced over time.
3. Recognize the **natural environment system** as being inclusive of a wide range of agricultural lands and activities, as well as other **existing uses**. It is the intent of this Plan to continue to support **agricultural uses**, while facilitating the protection and enhancement of the **natural environment system**.

#### C.3.1.6. Hazardous Lands

**Hazardous lands** are shown on Schedule I: Hazardous Lands, and represent areas within the Town where there is imminent risk to public health or safety, or property damage. This may be due to natural conditions, including increasing risks due to **impacts of a changing climate**, or human-made conditions, such as previous land use activities. To protect the overall health and wellbeing of the Town, **development** is generally not permitted on **hazardous lands**, subject to the policies of this Plan.

## C.4 Managing Growth

### C.4.1 Objectives

The following objectives will inform land use planning and **development** decisions within the Town to guide management growth over the planning horizon. The Town's growth management strategy supports the Vision, Goals, and Objectives of this Plan by directing growth to where it can best be accommodated over the long-term. This includes consideration for land use compatibility, broad community benefit, protection of the natural environment, climate change resilience, and making optimal use of **infrastructure** and public assets. More specifically, the Town will:

1. Continue to grow as **complete communities** that provide a mix of jobs and housing to create opportunities for people to live and work in proximity to everyday amenities.
2. Support the continued development of **complete communities** through a **compact built form** to optimize public resources, provide for environmental sustainability, and minimize land consumption and servicing costs.
3. Make efficient use of land and **infrastructure** investment by promoting the development of more compact neighbourhoods that promote compatible **development** and focus growth to strategic areas within the Town.
4. Concentrate **intensification** and **redevelopment** to **strategic growth areas**. These areas are identified as having the greatest potential to achieve the vision and objectives of this Plan, including as **complete communities** that are comprised of a mix and range of land uses, a high quality built form, and incorporating the principles of **universal design**.

5. Protect **employment areas** from incompatible **development** and fragmentation to ensure their long-term viability and to attract future investment from a range of employment sectors and industries.
6. Support and protect agriculture and the agri-food system which requires a robust productive land base for the continued viability of normal-farm practices and diversified farm businesses.
7. Protect and enhance the **natural environment system**, including hydrologic and landform systems, features, and functions.
8. In collaboration with the **conservation authority**, identify **hazardous lands** and **hazardous sites** and manage **development** within these areas to mitigate long-term risk to public health and safety.
9. Implement the monitoring policies of this Plan and work collaboratively with partners to implement various tools for monitoring to guide policy, land use, and **infrastructure** planning.
10. Continue to recognize the role of partners in building communities and to support greater coordination and information exchange across jurisdictions and neighbouring municipalities, the development industry, **conservation authorities**, Indigenous Communities, and other interested groups to ensure a comprehensive, integrated, and collaborative planning process.

## C.4.2 Intensification Targets

Future growth within Settlement Areas is planned to occur through a combination of **intensification** within the built-up area, including within **strategic growth areas**, and future **development** of lands outside of the delineated built-up areas, including **designated growth areas**. Future employment growth is also planned for and will be accommodated within the designated **employment areas**. The following **intensification** targets are established to further guide implementation of the growth management strategy of this Plan within these different land use contexts.

### C.4.2.1. Delineated Built-up Area

The delineated built-up area is shown on Schedule D: Delineated Built-up Area, and will be the focus of a significant portion of the Town's future growth through **intensification**. **Intensification** will facilitate development that is more compact and mixed-use, supports **complete communities**, makes efficient use of land and resources, responds to evolving housing needs, optimizes the use of existing and planned **infrastructure**, and supports multi-modal transportation options, including transit.

The residential **intensification** target for built-up areas is:

1. A minimum of 60-percent of all residential units developed annually will be within the built-up area.

#### C.4.2.2. Designated Growth Areas

Lands located outside of the delineated build-up areas, including **designated growth areas**, are planned to accommodate a portion of the Town's long-term projected population and employment growth. These lands will be comprehensively planned through future study, and will achieve the following **intensification** target:

1. **Designated growth areas** will achieve a minimum density of 50 residents and jobs combined per hectare.
2. All **development** within the built-up area will be identified as **intensification**.
3. Density in the **designated growth areas** will be measured over the entire Town and excludes areas constrained by environmental features, utility corridors, cemeteries, and **employment areas**, or other similar constraints.

#### C.4.2.3. Employment Areas

Table C-1: Minimum Intensification Targets for Employment Areas establishes the minimum density targets for **employment areas** as shown on Schedule C: Employment Areas:

Table C-2: Minimum Intensification Targets for Employment Areas

Employment Area Name	Minimum Overall Density Target (jobs per hectare)
FE-1 Stevensville Industrial Cell	15 jobs / ha
FE-2 International Peace Bridge Trade Hub	15 jobs / ha
FE-3 Bridgeburg Rail Zone	10 jobs / ha

#### C.4.3 Phasing of Growth

The phasing of growth enables the Town to plan for **development** in identified areas in an orderly and coordinated manner, in particular with regards to water, wastewater, and transportation capacity, land use compatibility, community benefit, the provision of **public service facilities**, and other **infrastructure**. More specifically, the Town will:

1. Ensure that the sequence of growth and **development** and the provision of **infrastructure** is phased based on the following principles:
  - i. Supports the development of **complete communities**;
  - ii. Demonstrated progress in achieving the growth management policies of this Plan;
  - iii. Provides for a contiguous and **compact built form** of **development** that is orderly and provides for a logical extension of services;

- iv. Makes efficient use of existing and planned **infrastructure** and **public service facilities**;
  - v. Prioritizes the enhancement of the existing transportation network and municipal servicing; and
  - vi. Facilitates the provision of **infrastructure** and **public service facilities** in a coordinated and financially sustainable manner.
2. Require the phasing of **development**, as may be required, on the basis of the municipal servicing capacity, the **transportation system**, and/or the timing of required regional **infrastructure**. The Town may also require the coordination of development applications to ensure an orderly, coordinated and phased approach to **development** and the provision of municipal **infrastructure**, including servicing and the **transportation system**.
  3. Coordinate with the Region and support investment to enable and prioritize growth, specifically within **strategic growth areas** and new or planned growth areas.
  4. Recognize that the delivery and operation of Region and Town **infrastructure** required to support growth will be phased in a manner which is consistent with the Region's applicable master plans and the Town's master plans and maintains financial sustainability.
  5. Require that the approval of Secondary Plans be aligned with the timing and delivery of regional water and wastewater and transportation **infrastructure** to ensure financial sustainability.
  6. Work with the Region to plan for and protect corridors and rights-of-way for **infrastructure**, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
  7. Work with the Region to ensure that growth is aligned with the timing and delivery of **infrastructure** by:
    - i. Coordinating updates of the Town's land use planning framework, including updates to this Plan, with Region Master Plan processes.
    - ii. Integrating growth-related **infrastructure** phasing plans with asset renewal plans;
    - iii. Monitoring the timing of **infrastructure** delivery in to align with actual growth within the Town;
    - iv. Prioritizing **infrastructure** required to accommodate growth in a manner that promotes implementing the policies of this Plan; and
    - v. Regularly monitoring system performance and capacity utilization, and prioritizing growth in areas where **infrastructure** may be underutilized.
  8. Monitor growth management strategies that implement the policies of this Plan in cooperation with the Region.

#### C.4.4 Housing

The provision of an adequate supply of housing is a key growth management objective of this Plan. Diverse housing options include a range of tenures, sizes, and types to meet the evolving needs of the Town and support the growth management objectives of this Plan. More specifically:

1. The development of a range and mix of housing options, including lot and unit sizes, and housing types, as well as **affordable** and **attainable housing**, will be planned for throughout **settlement areas** to meet the current and future housing needs of the Town for all ages and abilities.
2. The Town will plan to accommodate residential growth for a minimum of 15 years through residential **intensification**, and lands designated and available for residential **development**.
3. Where new **development** is planned to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential **intensification**, and lands in draft approved or registered plans.
4. Coordination with Provincial and Federal governments and agencies, including the Canada Mortgage and Housing Corporation, will be undertaken to advocate for sustained Provincial and Federal funding that:
  - i. Promotes the development of residential **intensification**, **brownfield redevelopment**, and **affordable** and **attainable housing** options, including **community housing** and purpose-built rental units; and
  - ii. Supports energy efficiency and sustainable housing design for new and existing residential units.
5. To encourage the development of **affordable** housing, the following minimum targets will be achieved over the horizon of this Plan on a Town-wide basis, except where local targets may be higher:
  - i. 20-percent of all new rental housing Town-wide will be **affordable**; and
  - ii. 10-percent of all new ownership housing Town-wide will be **affordable**.
6. The following tools will be considered to support the development of **affordable** housing:
  - i. Flexibility in the scale, form, and types of residential **development**, including **additional residential units** and other alternative housing forms;
  - ii. Streamlining of planning approvals for the development of **affordable** housing, **attainable housing**, and **community housing**, with a priority for **developments** receiving time-sensitive funding;
  - iii. Financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote **redevelopment** and **intensification** where **affordable** housing options are proposed, including purpose-built rental housing;

- iv. The inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;
- v. Development standards that facilitate the development of **additional residential units**, such as reduced setbacks, narrower lot sizes, and reduced parking standards; and
- vi. Inclusionary zoning provisions within protected **major transit station areas** and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as prescribed by the province.

#### **C.4.5 Employment Areas**

- 1. **Employment areas** are shown on Schedule C: Employment Areas and are planned to accommodate most of the Town's forecasted employment growth.
- 2. **Employment areas** and are to be protected from incompatible land uses and fragmentation over the long-term, and are to be protected and optimized to ensure the Town remains economically competitive and resilient.
- 3. **Development** on lands within 300 metres of **employment areas**, will avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned **employment areas**, in accordance with provincial guidelines.
- 4. The Town will consider the following when planning for employment growth:
  - i. The availability and suitability of **employment areas**, including land needs, will be monitored and reviewed to ensure long-term employment growth may be accommodated;
  - ii. The focus of employment growth in the Town will continue to be directed to **settlement areas** that have existing or planned **infrastructure** capacity, including servicing;
  - iii. Compatibility with surrounding land uses, opportunities to minimize land use conflicts, and opportunities to protect **employment areas** from incompatible land uses;
  - iv. Protect employment areas from the encroachment of non-compatible land uses which may impact the long-term economic viability and function of employment areas;
  - v. Support the expansion of existing land uses and promote new land uses within the **employment areas**; and
  - vi. Implementing Provincial direction regarding planning for **employment areas**.
- 5. The following policies apply regarding the removal of land from employment areas:
  - i. The long-term protection and viability of **employment areas** is a matter of provincial interest and a key objective of this Plan to ensure the Town's long-term economic prosperity and competitiveness.



- ii. The Town may consider removal of lands from **employment areas** only where it is demonstrated that the policy and criteria of Appendix I to this Plan have been satisfied.

#### **C.4.6 Settlement Area Boundary Expansion**

1. It is not anticipated that the Town requires additional land outside of the identified **settlement area** boundary to accommodate projected growth over the horizon of this Plan.
2. Where the Town may consider an expansion to the **settlement area** boundary, the following criteria will apply:
  - i. The need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
  - ii. The demonstrated need for additional land to accommodate growth, as informed by a Land Needs Assessment, to the satisfaction of the Town;
  - iii. If there is sufficient capacity in existing or planned **infrastructure** and **public service facilities**;
  - iv. The evaluation of alternative locations which avoid **prime agricultural areas** and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in **prime agricultural areas**;
  - v. Whether the new or expanded settlement area complies with the minimum distance separation formulae;
  - vi. Whether impacts on the **agricultural system** are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an **agricultural impact assessment** or equivalent analysis, based on provincial guidance;
  - vii. The impact of the proposed expansion on the **natural environment system**, in accordance with the policies of this Plan and the **conservation authority**; and
  - viii. The new or expanded **settlement area** provides for the phased progression of **development**, in accordance with existing or planned **infrastructure**, including servicing.
3. The establishment of a new **settlement area** within the Town is prohibited.

### **C.5 Built Form**

1. The built form policies of this Plan function to provide further direction regarding the location and organization of **development** within the existing and planned context of the Town. The built form policies ensure that **development** will promote and achieve the overall objectives of this Plan, and in particular the growth management objectives.
2. The range of permitted heights within the **settlement area** recognizes the context of Fort Erie, the Vision, Goals, and Objectives of this Plan.

3. For lands abutting planned or existing roads under the Town's jurisdiction, permitted built form and maximum height are based on the Town's road classification as shown on Schedule L: Road Classifications and identified in Table C-2: Permitted Built Forms and Heights for Town Roads.

Table C-3: Permitted Built Forms and Heights for Town Roads

	<b>Town Road Classification</b>	<b>Permitted Built Form</b>	<b>Maximum Permitted Height</b>
<b>A.</b>	Local and Private Roads	Low-rise	3-storeys
<b>B.</b>	Collector Roads and the Niagara Parkway	Mid-rise	6-storeys
<b>C.</b>	Arterial Roads	High-rise	8-storeys, except in accordance with Policy C.5.5

4. For lands abutting roads under the Region's jurisdiction, permitted built form and maximum height is based on the Region's planned right-of-way width in accordance with Table C-4: Permitted Built Forms and Heights for Region Roads.

Table C-4: Permitted Built Forms and Heights for Region Roads

	<b>Regional Road</b>	<b>Permitted Built Form</b>	<b>Maximum Permitted Height</b>
<b>A.</b>	Regional roads with a planned right-of-way width of 20.0 metres or less	Low-rise	3-storeys
<b>B.</b>	Regional roads with a planned right-of-way width greater than 20.0 metres but less than 26.0 metres	Mid-rise	6-storeys
<b>C.</b>	Regional roads with a planned right-of-way width of 26.0 metres or greater	High-rise	8-storeys, except in accordance with Policy C.5.5 and Policy C.5.6

- i. The planned right-of-way width for Regional Roads is in accordance with policy E.9.3.7 Right-of-Way Widths and Table E-9: Road Allowances for Regional Roads - Preferred Widths.
5. In the Garrison Road Strategic Growth Area, as shown on Schedule A: Town Structure, and the Strategic Economic Area land use designation, as shown on Schedule E: Land Use Plan, the maximum permitted height is 10-storeys where lands

abut an Arterial Road or a road under the Region's jurisdiction with a planned right-of-way of 26.0 metres or greater.

6. The implementing zoning by-law may establish minimum heights within the boundaries of the Garrison Road Strategic Growth Area, in particular where lands have frontage on higher order road classifications
7. Where there is a conflict between Table C-2: Permitted Built Forms and Heights and a secondary plan:
  - i. For a secondary plan adopted on or prior to November 21, 2021, the policies of Table C-2: Permitted Built Forms and Heights prevail; and
  - ii. For a secondary plan adopted on or after November 22, 2021, the policies of that secondary plan prevail.
8. Where a lot has access from two or more road classifications, the greater height permissions apply to the entirety of the lot in accordance with Table C-2: Permitted Built Forms and Heights.
9. Where **development** is accessed by a private road, the maximum permitted height will be based on Table C-2, subject to the road classification that the private road is accessed from and the policies of Section E.8 of this Plan.
10. This Plan establishes development criteria for the permitted built forms to ensure that there is general compatibility and transition between different land use contexts within the Town. It must be demonstrated to the satisfaction of the Town that the development criteria of this Plan are satisfied through the development application process.
11. The massing of new buildings must provide an appropriate transition between areas of different height and scale through the use of setbacks and/or a stepping down of heights, where appropriate, to address matters of privacy and shadowing.
12. Transition between adjacent and surrounding land uses will be guided in accordance with Section E.8 of this Plan.
13. The Town may establish further regulation through the implementing zoning by-law for **development** on interior lots, corner lots, through lots, and larger lots that have been consolidated or assembled, in order to support a high-quality built form and to achieve the community design objectives of this Plan, in accordance with Section E.8.
14. The implementing zoning by-law may establish more detailed regulations regarding the character, location, scale and massing of the permitted built forms as contemplated by this Plan.

## D. Land Use Designations

### D.1 Introduction

#### D.1.1 Town Structure and Land Use Designations

1. The Town's land use structure is shown on Schedule A: Town Structure. The Town structure includes different land use contexts within the Town, including **settlement areas**, the Countryside, the **natural environment system**, and **hazardous lands**.
2. Land use designations are shown on Schedule E: Land Use Plan. The land use designations establish more specific land use planning direction within the various components of the Town's structure, including on matters such as permitted uses and **development** criteria.
3. The land use designations support implementation of the vision, goals, and objectives of this Plan and the generally accepted principles of good land use planning, including responsible growth management.

#### D.1.2 Uses Permitted in All Designations

1. Legally existing uses, buildings and structures.
2. Accessory uses, buildings and structures to a permitted use.
3. Fish, wildlife, conservation management, forestry uses, as well as passive recreational uses.
4. In all designations, except the **natural environment system**, parks, schools, **stormwater management facilities**, public and private **utility** installations, transportation **infrastructure**, including commuter facilities, institutional and quasi-institutional uses and other **public service facilities** which provide services directly to all properties in the Town, or to the immediate neighbourhood, will be permitted, provided that:
  - i. Such use is necessary or essential; and
  - ii. Development and infrastructure is compatible with adjacent properties and surrounding land use contexts.
5. Institutional **uses**, including schools, are encouraged to be located within **settlement areas** where there is full municipal servicing. Where these uses are located outside of **settlement areas**, **development** will be in accordance with the provision of adequate partial, communal, or private servicing, to the satisfaction of the Town and any agency or authority having jurisdiction.

#### D.1.3 Implementation

The Town will support implementation of the land use designations of this Plan through:

1. Coordination and partnership with the Region, Province, the Government of Canada, Indigenous communities, and other relevant agencies and authorities, as applicable.

2. Tools afforded to the Town under the Planning Act, Municipal Act, and other provincial statutes, where deemed necessary or appropriate by the Town.
3. The implementing zoning by-law, or a Community Planning Permit System, which in either case will be used as the principal implementation tool of this Plan.

## D.2 Settlement Areas

**Settlement areas** are planned to accommodate most of the Town's projected growth over the planning horizon. **settlement areas** will evolve to be compact, complete and accessible communities where the greatest concentration and mix of land uses are located. In all designations within the **settlement area**, **development**, **redevelopment**, or **public realm** improvements will incorporate the principles of **universal design** where feasible, to ensure accessibility and ease of mobility people for of all ages and abilities. The Town will work with the Region and relevant agencies and authorities to ensure that planned or existing **infrastructure**, including servicing, is available to support projected growth within **settlement areas** and contribute to these areas evolving as **complete communities**.

### D.2.1 Core Mixed-Use

#### D.2.1.1. Vision

The Core Mixed-Use designation applies to areas within the Town that have historically functioned as traditional downtowns or areas that are planned to evolve into a more urbanized, compact built form. Areas designated Core Mixed-Use are planned to be the focus of **intensification** and **redevelopment** within the Town, comprised of a broad range of land uses to accommodate most of the Town's projected growth. These areas provide residents with a diverse range of housing options, jobs, shopping, cultural experiences, **public service facilities**, and recreational opportunities. The long-term vision for the Core Mixed-Use designation necessarily relies on planning for a concentration of residents, workers, and visitors, with supporting amenities to encourage vibrant, engaging, and **complete communities**.

#### D.2.1.2. Objectives

The following objectives apply to the Core Mixed-Use land use designation:

1. The Core Mixed-Use designation supports **development**, **redevelopment** and **intensification** within the **strategic growth areas** in accordance with the policies of this Plan. The **strategic growth areas** are shown on Schedule A: Town Structure and on Schedules A1 through A7.
2. A balanced mix of residential, commercial, employment, and institutional land uses is envisioned to support Core Mixed-Use to evolve into vibrant, mixed-use communities. Core Mixed-Use is comprised of a broad range of activities, goods and services to meet the diverse needs of the Town's residents, local work force, businesses, and visitors.
3. Require that all **development** within the Core Mixed-Use designation be pedestrian-oriented, incorporating high-quality **universal design** to support **active**

**transportation**, and create a strong **public realm**, which reflects excellence in urban design to reflect the Town's unique **sense of place** and heritage.

4. Encourage opportunities for **major office** uses and **institutional uses** to be located within the Core Mixed-Use designation.
5. Within the Garrison Road Strategic Growth Area, **transit-supportive development** is encouraged to support the provision of a transit corridor, as conceptually shown on Schedule A: Town Structure, and Schedules A.4 and A.5.
6. Land designated Core Mixed-Use have an important role in supporting the Town's economic **development** due to their strategic location, including planned or existing infrastructure, proximity to many cultural heritage assets, historic sites, international gateways, and the Lake Erie shoreline.
7. Council may identify **public realm** improvement priorities and establish incentive programs, such as a community improvement plans, to assist the private sector in improving their properties and to encourage **redevelopment** and **intensification** within the Core Mixed-Use designation.

#### D.2.1.3. Permitted Uses

Permitted uses within the Core Mixed-Use designation are:

1. **Mixed-use development;**
2. Residential;
3. Public service facilities;
4. Office;
5. Long-term care facility;
6. **Additional residential unit;**
7. **Additional needs housing;**
8. **Home occupation;** and
9. Parks and open space.

#### D.2.1.4. General Policies

1. **Development** is encouraged to be of a mixed-use format, including a range of housing options, commercial, office, institutional, **public service facilities**, and recreational opportunities to support the development of **complete communities** that are easily accessible to the surrounding communities through multi-modal transportation options.
2. **Mixed-use development** will either consist of a mixture of a permitted principal use on an individual site, or within individual buildings.
3. Mid-rise and high-rise mixed use buildings are encouraged in order to achieve **intensification** within the Core Mixed-Use designation and to promote a



concentration of people living in these areas to support ongoing economic revitalization and growth.

4. **Development, redevelopment, and intensification** will be compatible with adjacent land uses, where height and massing are appropriately considered, and buffers and/or transitions to adjacent land uses is achieved.
5. **Development, redevelopment, and intensification** will be respectful of built heritage resources, and every effort will be made to incorporate new buildings with the local architecture.
6. **Development** will be pedestrian-oriented and demonstrate excellence in urban design to create a strong, engaging, and vibrant **public realm** that contributes to a unique **sense of place**.
7. Expansive surface parking areas are discouraged and will generally be situated to minimize visibility from the **public realm**. The implementing zoning by-law will establish more detailed direction regarding the location and siting of surface parking areas.
8. Minimum parking requirements may be reduced through the implementing zoning by-law where alternative transportation options such as bicycle parking facilities, car share spaces, or enhanced access to transit exists.
9. **Development** will only proceed where there is existing or planned municipal servicing capacity, including transportation, to adequately accommodate the proposed **development**.
10. The long-term function and continued improvement of the Core Mixed-Use designation will be supported by the Town through the following municipally led initiatives:
  - i. Improvements to the **public realm** that enhance form, function, and visual aesthetic, and are guided by principles of **universal design**;
  - ii. Enhanced connections between land uses, specifically parks, open spaces, waterfront areas, and lands or buildings with cultural heritage significance;
  - iii. Safe, accessible, and efficient movement of people and goods, including **active transportation**; and
  - iv. Provision of municipal **infrastructure** to accommodate long-term growth, including servicing.
11. The Town may prioritize improvements to the **public realm**, including the streetscape, and establish incentive programs, such as through a community improvement plan, to assist with continued revitalization and economic development within the Core Mixed-Use and to support implementing the policies of this Plan.
12. The implementing zoning by-law may permit the full range of uses contemplated under the Core Mixed-Use designation.

#### D.2.1.5. Development Criteria

The following development criteria apply to **mixed-use development**:

1. To support the creation of complete communities, development, redevelopment and intensification will demonstrate:
  - i. Convenient access to the **active transportation** network;
  - ii. Adequate bicycle parking and bicycle storage facilities;
  - iii. Strong pedestrian linkages between the building and the street edge, and throughout the site;
  - iv. Close proximity and access to everyday amenities such as parks, open space, schools, shopping, **active transportation** routes, and other **public service facilities**. Where possible, new **development** should be located within a five-minute walk to these amenities;
  - v. The nature and extent of existing land uses, or designated land uses adjacent to the site with respect to compatibility and transition;
  - vi. The adequate provision of indoor and outdoor amenity space;
  - vii. Pedestrian-scaled street walls, with well defined and articulated street edges through the establishment of minimum and maximum setbacks, with the overarching vision for creating a walkable, animated and activated community; and
  - viii. Substantive landscaping to enhance the visual relationship between the public and private realms, and to support transition between land uses.
2. Variation in site and building design will create visually interesting streetscapes and a strong **sense of place** along street frontages. A high quality and attractive built form and an enhanced **public realm** will be achieved.
3. Active, pedestrian-oriented uses, particularly retail and service commercial uses is located at grade, with any residential or office uses located in upper storeys to maintain a continuous activated streetscape.
4. Existing **development** which contribute to the Core Mixed-Use's identity, aesthetic quality, or historic character, will be **conserved** to support a strong **sense of place**.
5. **Development** will be designed to respect the existing scale and character of building facades or adjacent or nearby buildings, maintaining high-quality, human-scale design to create a welcoming pedestrian environment in the Core Mixed-Use.
6. The following additional **development** criteria applies to **mixed-use development**:
  - i. Be located on a site of suitable size for the proposed **development**;
  - ii. Be compatible with adjacent land uses and built form, particularly with regard to height, massing, and transition;

- iii. Provide adequate landscaping, on-site amenity features and spaces, onsite parking, on-site waste pickup that meets the Regional Waste Collection design requirements and includes support for resource recovery of food and organic waster for residents, buffering and stormwater management features including **low impact development**;
  - iv. Be located in proximity to parks, open space, schools, everyday commercial amenities, **active transportation** routes, and other **public service facilities**;
  - v. Promote multi-modal transportation by having convenient access to the Town's **active transportation** network;
  - vi. Integrate with surrounding land uses, with particular regard for common elements such as access points, driveways, landscaping and parking areas;
  - vii. Not generate a volume of traffic that has potential to be a hazard, unless appropriate mitigation measures are provided to address potential hazards;
  - viii. The volume of traffic generated should be compatible with the surrounding land use context, including the surrounding street network and land uses; and
  - ix. Have regard for Town-wide urban design guidelines.
7. Safe pedestrian access from adjacent roads to a **development** will be provided and pedestrian linkages between buildings and the adjacent road network is encouraged.
  8. **Active transportation** linkages, including those that provide access to parks and open space, will be enhanced and expanded.
  9. Parking areas will generally not be sited between the main wall of a building and a road or situated adjacent to public frontages. All parking areas, loading and service areas will be adequately screened from public view and adjacent roads.
  10. On-site amenity space is provided in a manner that reflects or improves upon the existing patterns of private and public amenity space in the vicinity
  11. That impacts to adjacent or surrounding land uses are minimized, particularly with regard to privacy, traffic generation, shadowing, and reduction of sunlight. The proposed design of the **development** will be carefully considered. Adequate screening, separation distances and noise protection for adjacent residential areas may be required as based upon the conclusions and recommendations of a Town approved noise impact study, air quality study and external lighting study, as may be required.
  12. The Town will encourage urban design excellence within the Core Mixed-Use and may also develop urban design guidelines to establish the Town's built form and design expectations, consistent with the policies outlined in Section E.8 Community Design of this Plan.
  13. The Town may undertake additional planning study for specific land use contexts where the Core Mixed-Use designation applies, providing more detailed direction regarding **development** expectations that address unique planning opportunities and challenges within the Town.

14. **Development** proposals may be evaluated based on submission of information including a conceptual plan and perspective drawings which demonstrate general conformity with the directions of the applicable area specific urban design guidelines.

## **D.2.2 Community Area**

### **D.2.2.1. Vision**

The Community Area designation provides a range of housing options and essential everyday amenities to meet the diverse needs of the Town's residents. **Public service facilities** such as schools, parks, and **additional needs housing**, as well as neighbourhood-scale commercial uses are also planned within the Community Area to support the **development of complete communities**. The Community Area is envisioned to provide residents of all ages and abilities with access to housing, everyday amenities, and recreation as a foundation for overall community wellbeing.

### **D.2.2.2. Objectives**

The following objectives apply to the Community Area land use designation:

1. Community Areas are planned to encourage a mix of housing options to ensure an adequate supply of housing to meet the current and future needs of the Town.
2. Provide for a broad range of housing types with respect to location, size, cost, tenure, design, and accessibility, including **affordable** housing and **additional needs housing**.
3. Encourage residential **intensification** and infill **development** in the Community Area where **development** and **redevelopment** are compatible with surrounding land uses and municipal services and facilities can be efficiently utilized.
4. Plan for non-residential uses that are appropriate for residential areas, support and enhance quality-of-life, community wellbeing, access to everyday amenities, and promote **complete communities**.
5. Public spaces will be designed to offer high quality amenity areas that are safe, accessible, attractive and vibrant.
6. **Public service facilities** will be planned to serve current and future residents, including locally serving commercial uses, parks and open spaces.
7. The promotion of **active transportation** and transit and mitigation of adverse impacts on traffic and the surrounding **transportation system**.
8. Support non-government organizations in developing non-profit and co-operative housing and promote housing initiatives that facilitate revitalization, compact urban form and an increased variety of housing options
9. Maintain and enhance a high quality and accessible open space system to meet the needs of the Town's diverse population, while mitigating **impacts of a changing climate** and protecting the natural environment.

#### D.2.2.3. Permitted Uses

Permitted uses within the Community Area designation are:

1. Residential;
2. **Additional residential unit;**
3. **Home occupation**, including bed and breakfast establishments;
4. **Additional needs housing;**
5. Small-scale commercial uses; and
6. Public service facilities.

#### D.2.2.4. General Policies

1. **Development** will be consistent Section E.8 Community Design Policies of this Plan and any Council endorsed urban design guidelines.
2. The type, size, mix, density and affordability of housing options positively contributes to the area and to meet the current and future needs of the Town.
3. **Development** within the Community Area designation will proceed in an orderly, phased, and efficient manner.
4. **Development, redevelopment, and intensification** will be encouraged where adequate existing or planned **infrastructure** exists.
5. **Development** should generally be integrated and compatible with surrounding existing or planned areas in accordance with the policies of this Plan.

#### D.2.2.5. Development Criteria

##### D.2.2.5.1. General Development Criteria

1. The Town may consider the following criteria when reviewing an application for **development** or **intensification** within the Community Area:
  - i. The type, mix, density and affordability of the housing positively contributes to the area and the provision of a diverse housing stock, including a mix of unit sizes and bedrooms;
  - ii. The adequacy of municipal services available to the area or to the site, including water, wastewater and stormwater management services;
  - iii. The promotion of **active transportation** and mitigation of adverse impacts on traffic and the surrounding **transportation system**;
  - iv. The adequacy of existing and/or proposed amenities within easy access to serve future residents and the existing community, including **public service facilities**, everyday amenities, and open spaces;
  - v. The provision of adequate vehicular and bicycle parking, buffering, and landscaping;
  - vi. The prevention of adverse impacts on cultural heritage features;

- vii. The appropriate protection of and conservation of the **natural environment system**;
  - viii. The incorporation of sustainability features, including **green infrastructure**, green building practices, energy conservation measures and renewable/**alternative energy systems**;
  - ix. The financial viability of life-cycle costs of new and existing **infrastructure** and **public service facilities** required to service the **development**;
  - x. The phasing of **development** is consistent with the availability of municipal services; and,
  - xi. Where applicable, consistency with approved urban design and architectural control guidelines.
- 2. The scale, massing, setback, and orientation of **development** within the Community Area will be determined through the development application process including secondary plans, plans of subdivision, demonstration plans, and/or urban design briefs.
  - 3. Where the Community Area designation abuts the Agriculture or Rural designation the Minimum Separation Distance policies of this Plan will apply.

#### D.2.2.5.2. Small-scale Commercial Uses

- 1. This Plan supports small-scale commercial uses within the Community Area, which are complementary to, and serve the daily needs of residents to support walkable **complete communities**.
- 2. The following criteria will apply to small-scale commercial uses:
  - i. Small-scale commercial uses will only be permitted on corner lots. It is not the intent of this Plan that small-scale commercial uses be located in the interior areas of neighbourhoods;
  - ii. Have frontage on a street with direct access from the **public realm**; and
  - iii. Only be permitted in a mixed-use building, being located at grade and with direct access to the street.
- 3. The implementing zoning by-law will establish an appropriate mix of uses, building types, and scale for small-scale commercial uses that are compatible with the surrounding area.
- 4. Small-scale commercial uses may be permitted as stand-alone buildings or integrated with residential uses in a **mixed-use development**. In a **mixed-use development**, small-scale commercial uses are required to be located at grade, with residential uses located above the ground floor or at the rear of the building.
- 5. Small-scale commercial uses may include uses that serve the daily needs of the community, such as convenience retail, small-scale eating establishments or cafes, personal service shops, day care centres, fitness and wellbeing establishments, or artisan establishments such as studios and shops. The implementing zoning by-law



may provide more detailed direction regarding the range of permitted small-scale commercial uses.

6. Where a proposed small-scale commercial use abuts a residential use, the Town will require that impacts be mitigated through site design including appropriate screening and landscaping.
7. The implementing zoning by-law will provide more detailed direction regarding the location and scale of small-scale commercial uses and provide direction regarding potential nuisance impacts on surrounding residential uses, such as noise and odour.

#### D.2.2.5.3. Home Occupation

**Home occupations**, including bed and breakfast establishments, may be permitted as an accessory use within a principal dwelling or the accessory building subject to the following criteria:

1. **Home occupations** encourage live/work relationships and walkable neighbourhoods.
2. A **home occupation** is a commercial enterprise permitted as an accessory use to a principal residential use and must be operated by a resident of the principal residential use.
3. The implementing zoning by-law will contain regulations regarding the specific activities that are permitted as a **home occupation**, as well as the:
  - i. Scale of the **home occupation** use in regard to the residential character of the dwelling, property, and surrounding land uses;
  - ii. Number of employees;
  - iii. Parking facilities; and
  - iv. Exterior storage or display of goods;
4. **Home occupations** may be prohibited by the implementing zoning by-law in a specific land use context or type of dwelling unit. The implementing zoning by-law may provide more detailed direction regarding the regulation of **home occupations**.

### D.2.3 Strategic Economic Area

#### D.2.3.1. Vision

The Strategic Economic Area applies to areas within the Town where there is significant potential to develop a cluster of heightened economic activity. These areas are envisioned to be comprised of a range of compatible land uses including employment, residential, commercial, entertainment, and office. The Town recognizes existing uses in the Strategic Economic Area may function as a catalyst for stimulating economic activity and growth and are therefore envisioned as a landmark destination. It is generally intended that lands within the Strategic Economic Area will be subject to future planning studies to provide more detailed direction on the planned form and function of these areas.

#### D.2.3.2. Objectives

The following objectives apply to the Strategic Economic Area land use designation:

1. Foster the creation of a vibrant and dynamic district that permits a broad range of employment and employment compatible land uses, supporting a live-work-play environment.
2. Encourage a mix of uses to attract people and businesses, enhancing the Town's economic resilience by providing a range of job opportunities and promoting the Town as a regional destination.
3. Achieve a balanced mix of employment, residential, and mixed-uses to develop as a **complete community**, in a compact, pedestrian oriented built form with safe, accessible and efficient connections to the Town's transportation network, including **active transportation infrastructure**.
4. Provide flexibility through the implementing land use planning framework, recognizing evolving economic and market conditions, to ensure the Strategic Economic Area remains resilient and adaptive over time.

#### D.2.3.3. Permitted Uses

Land uses permitted within the Strategic Economic Area designation are:

1. Legally existing uses;
2. **Mixed-use development**;
3. Residential;
4. Major office;
5. Institutional;
6. Commercial uses, including entertainment, hospitality, and service oriented uses;
7. Public service facilities;
8. Parks and open space; and
9. An existing racetrack for horse racing and non-motorized racing, equine centre, approved gaming activities, and incidental uses;

#### D.2.3.4. General Policies

1. The Strategic Economic Area will evolve into a significant cluster of economic activity that is supported by a range of complementary amenities. New **development** will be planned in a manner that has regard surrounding land use contexts in order to create appropriate scale and transition.
2. **Development** will emphasize high quality placemaking, creating a visually appealing, interesting, and engaging **public realm**, while accommodating a mix of complementary retail, cultural and entertainment uses to promote the area as a destination for investment.

3. Future planning study will engage residents, community groups, organizations, businesses, property owners, and other partners to identify more specific principles, priorities and actions that will support and advance the planned form and function of the Strategic Economic Area.
4. The implementing zoning by-law may apply a Holding (H) Symbol as an interim planning tool to ensure that **development** within the Strategic Economic Area progresses in an orderly and phased manner, until such time that the conditions associated with the Holding (H) Symbol are satisfied.
5. Additional land use planning tools, such as an Interim Control By-law, may be enacted by Council where it is deemed that additional study is required until such time as a secondary plan process or equivalent is undertaken and completed.

#### D.2.3.5. Development Criteria

1. Detailed **development** criteria will be established through a secondary plan process, or equivalent, as adopted by Council.
2. Future land use planning studies may have regard for the following general development criteria:
  - i. The maximum building height will generally be ten-storeys, with the tallest buildings located near higher order road classifications, as determined through future land use planning study.
  - ii. In mixed-use buildings, non-residential uses are encouraged to be located at grade, to foster a more engaging, activated, and vibrant **public realm**.
  - iii. High-quality open spaces, including new parks, plazas, courtyards, greenways, as well as a connected network of open spaces to provide diverse places for enjoyment, leisure, and recreation to enhance amenity and create a **sense of place**.
  - iv. Protect, conserve, and enhance the **natural environment system** in accordance with the policies of this Plan, and where feasible, incorporate these features into the **public realm** as an amenity.
  - v. A fine-grained street system that will ensure a comfortable pedestrian experience and **public realm**, with a pedestrian-oriented street and block network to support movement throughout the area, improve linkages to surrounding communities, and create a safe and welcoming environment.
  - vi. **Development** will result in a high-quality **public realm** and new pedestrian and cycling connections that promotes multi-modal transportation.
  - vii. Principles of **universal design** will support mobility for all ages and abilities.
  - viii. **Development** will demonstrate climate resiliency by integrating green building practices, and the use of **green infrastructure** and **sustainable design**.
3. Within 300.0 metres of lands designated Employment, only compatible land uses are permitted as determined in accordance with the Province's D-Series Guidelines. **Development** will avoid, or where avoidance is not possible, minimize and mitigate

potential impacts on the long term economic viability of lands designated Employment within existing or planned **employment areas**, in accordance with provincial guidelines.

## **D.2.4 Employment**

### **D.2.4.1. Vision**

The Employment designation accommodates clusters of industrial related uses and economic activities that are of strategic importance to the Town's long-term economic resilience and prosperity. The Employment designation directly supports the overall economic wellbeing of the Town, and therefore this Plan has heightened regard for their long-term protection and viability.

### **D.2.4.2. Objectives**

The following objectives apply to the Employment land use designation:

1. Provide opportunities for a diversified economic base which supports a healthy, stable economy and generates employment opportunities within the Town.
2. Ensure that an adequate supply of lands are designated employment to maintain a reasonable vacancy rate and that the necessary **infrastructure** is provided to support current and projected economic development needs.
3. Improve compatibility and connectivity between lands designated Employment and adjacent land uses, including through urban design, landscaping, streetscaping and enhanced multi-modal transportation networks.

### **D.2.4.3. Permitted Uses**

1. Permitted uses within the **Employment** designation are:
  - i. Manufacturing uses;
  - ii. Uses related to research and **development** in connection with manufacturing;
  - iii. Warehousing uses, including uses related to the movement of goods;
  - iv. Office and retail uses, but only where they are normal, incidental, and accessory to the principal employment use; and
  - v. Any facility that may be normal, incidental, and ancillary to the uses permitted within the Employment designation of this Plan.
2. Notwithstanding D.2.4.3.1, uses that were lawfully established before October 20, 2024, and located within an **employment area**, as shown on Schedule C: Employment Areas, may continue to be used for such purposes pursuant to subsections 1 (1.1) and (1.2) of the Planning Act.

### **D.2.4.4. General Policies**

1. The Town will plan for, protect and preserve **employment areas** for current and future uses, and ensure that the necessary **infrastructure** is provided to support current and projected needs.

2. The use of buffering and adequate separation distances may be required to ensure visual compatibility between lands designated Employment and adjacent or surrounding land uses.
3. The Town will designate, protect and plan for all **employment areas** in **settlement areas** by:
  - i. Planning for **employment area** uses over the long-term that require those locations including manufacturing, research and **development** in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
  - ii. Prohibiting residential uses, commercial uses, **public service facilities** and other **institutional uses**;
  - iii. Prohibiting retail and office uses that are not associated with the primary employment use;
  - iv. Prohibiting other **sensitive land uses** that are not ancillary to uses permitted in the **employment area**; and
  - v. Including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and long-term economic viability.
4. The Town will protect **employment areas** that are located in proximity to **major goods movement facilities and corridors**, including facilities and corridors identified in provincial transportation plans, for the **employment area** uses that require those locations.

#### D.2.4.5. Development Criteria

The following **development** criteria apply to the **employment** land use designation:

1. **Development** will be compatible with surrounding uses and promote high quality urban design, landscaping, and screening, to heighten aesthetic appeal and encourage appropriate transition of land uses.
2. **Development** will use the following design standards to promote high quality appearance and function:
  - i. The visual appearance of **development**, in terms of building design and materials, landscaping, signs and accessory structures;
  - ii. Access location and design, parking area screening, and the layout of loading and truck manoeuvring areas;
  - iii. The location and screening of any permitted outside storage areas;
  - iv. The exposure of industrial **developments** and activities to more sensitive abutting land uses;
  - v. Effective integration of any accessory uses, particularly accessory retail components; and

- vi. All industrial activities other than outside storage or display areas will be contained wholly within enclosed buildings.
- 3. Existing natural heritage features will be maintained and, where feasible, enhanced, to function as buffers and visual screens as incorporated into the **development**.
- 4. Outside storage or display areas may only be permitted provided that they are properly screened from public view, and will be subject to the following additional criteria:
  - i. All outside storage areas will be located away from any adjacent existing residential and/or open space uses, or have adequate buffers that will visually screen the outside storage area from **adjacent lands**;
  - ii. All buffers, fencing and screening will visually enhance the site, and will be of permanent construction; and
  - iii. Where natural landscaping is utilized, it will be of adequate size to appropriately screen the outside storage area when it is installed.
- 5. The proposed removal of lands from an **employment area**, as shown on Schedule C: Employment Areas, will only be permitted in accordance with Appendix I of this Plan.

## **D.2.5 Commercial**

### **D.2.5.1. Vision**

The Commercial designation permits a broad range of commercial goods and services to meet the everyday needs of the Town's residents, contributing to **complete communities**. Commercial areas will continue to evolve to meet the everyday needs of both residents and employees within the Town.

### **D.2.5.2. Objectives**

The following objectives apply to the Commercial land use designation:

- 1. Commercial land uses function to meet the diverse everyday needs of the Town's residents, employees and businesses.
- 2. A full range of commercial goods and services are planned for throughout the Town, with emphasis on providing everyday goods and services in close proximity to where people live, work and travel.
- 3. Maintain the economic growth and community value of Town's commercial land uses by encouraging **development, redevelopment** and rehabilitation for a diverse range of uses, and offering an attractive economic environment for new businesses and investors.
- 4. Permit broad range of commercial activities, while also providing flexibility to accommodate future changes as a result of market trends, technology, and community needs.



5. Undertake, by both direct municipal action and private sector incentives, a program of ongoing improvements within the commercial areas of the Town to enhance the efficiency, convenience, safety and appearance commercial lands.

#### D.2.5.3. Permitted Uses

1. The Commercial designation permits a broad range of commercial-oriented land uses including retail, office, and service uses. It is the intent of this Plan that specific commercial land uses will be defined and permitted by the implementing zoning by-law and as based on the policies of this Plan.
2. Residential uses, in accordance with policy D.2.5.6.

#### D.2.5.4. General Policies

1. The planned function of the Commercial designation may vary throughout the Town based on local land use context. This Plan envisions a range of commercial land uses within the Town, as follows:
  - i. General commercial land uses include the widest range of goods and services within the Town, such as retail, restaurants, personal service, professional offices, hotels, motels, theatres, automobile sales, automobile service stations, funeral establishments, places of amusement or recreation, places of worship, and civic or government offices.
  - ii. Highway commercial land uses serve the travelling public and generate increased vehicular traffic that is incidental to the nature of these businesses. Land uses may include land uses such as restaurants, hotels, motels, automobile service stations, automobile repair, places of amusement or recreation, and related accessory uses.
  - iii. Recreational commercial land uses accommodate uses that promote recreation and leisure activities within the Town, such as golf courses, driving ranges, marinas, private clubs, and lodges, as well as accessory uses that may be normal and incidental to those uses including restaurants, retail, and accommodation.
2. Automobile land uses, such as automobile service stations, automobile repair, and car washes, as well as drive-through facilities, will be subject to design guidelines developed by the Town to enhance their appearance and compatibility with surrounding land uses.

#### D.2.5.5. Development Criteria

The following development criteria apply to the Commercial designation:

1. **Development** within the Commercial land use designation will incorporate high quality design, and evolve over time to be pedestrian-oriented, support **active transportation**, and create a strong **public realm**.
2. That the height and massing of surrounding land uses is considered, and appropriate transition in buffers and/or transitions in height and massing between adjacent land uses is achieved, where necessary.

3. Sidewalks, walkways and other pedestrian facilities that may function to link adjacent **development**, and to nearby cycling facilities and public sidewalks, will be provided within and between **developments** to promote and support **active transportation**.
4. The layout and design of a proposed **development** will ensure that the parking area provides for the adequate movement of vehicular traffic.
5. Access to public roads will be limited in number and where possible consolidated, as well as designed to minimize danger to vehicles, pedestrians, cyclists, and other multi-modal transportation.
6. Commercial **development** should be grouped, where possible, to promote joint access arrangements and to reduce the number of access points onto the adjacent public road.
7. Land uses that generate nuisance impacts on surrounding land uses such as noise, vibration, odour, lighting, or traffic, are not permitted.
8. **Development** within the Commercial land use designation will have regard for the following criteria:
  - i. The need for new commercial land uses by evaluating the development potential of the area and the adequacy of existing commercial **development** to meet the everyday needs of the Town;
  - ii. The physical suitability of the site for the proposed use;
  - iii. The adequacy of existing transportation **infrastructure**;
  - iv. The convenience, accessibility and safety of the site for vehicles, pedestrians, and cyclists, particularly where **development** is proposed in vicinity to nearby residential areas;
  - v. The provision of adequate off-street parking facilities and access points that are designed to minimize risks for vehicles, including bicycles, transit and pedestrians;
  - vi. The adequacy of municipal servicing based on technical reports or recommendations from the relevant authorities; and
  - vii. The compatibility of the proposed commercial use with neighbouring areas, ensuring the new commercial area would not negatively impact surrounding land uses.
9. The implementing zoning by-law will establish more detailed direction regarding permitted uses, setbacks, massing, off-street parking, outdoor display and storage, landscaping, and buffering.
10. At the Town's discretion, a development application within the Commercial designation will be supported by information on the economic, physical and servicing impacts of the proposed **development**. A market study may also be required to demonstrate the economic feasibility of the proposed **development** and assess whether it would affect the viability of surrounding commercial land uses.

#### D.2.5.6. Permitted Residential Uses

1. Residential uses are permitted on lands designated commercial where they are located within **strategic growth area** as shown on Schedule A: Town Structure, subject to the following additional criteria:
  - i. Development will be subject to policy D.2.1.5 and policy D.2.1.4.
  - ii. The Town may require a market study to determine the appropriate amount of commercial space to be developed as part of an application for a **mixed-use development** where an existing commercial use is proposed to be **redeveloped**.

#### D.2.5.7. Recreational Commercial Land Uses

The following additional policies will apply to recreational commercial land uses:

1. Residential uses may be permitted only where they are intended to accommodate maintenance and security staff as accessory to the permitted use.
2. Recreational land uses with heightened servicing requirements will be directed to **settlement areas** where this is sufficient existing or planned servicing capacity.
3. Recreational land uses of an open space nature, such as a golf course, may be permitted outside of **settlement areas**, but only where it can be demonstrated to the Town, Region, and applicable authority or agency, that the proposed use can be adequately serviced by private servicing systems.

### D.2.6 Institutional

#### D.2.6.1. Vision

The Institutional land use designation permits a broad range of **institutional uses** that directly support overall community wellbeing. **Institutional uses** are recognized as a fundamental component of **complete communities**, and may include uses related to health care, schools, social service, education, and civic uses, all of which serve to strengthen the community. **Institutional uses** are encouraged to be well-designed, recognizing that these uses may function as important landmarks and as a source of civic pride.

#### D.2.6.2. Objectives

The following objectives apply to the Institutional designation:

1. Foster a sense of community by integrating **institutional uses** with surrounding neighbourhoods, encouraging convenient access to a diverse range of academic, faith based, cultural, or civic engagement opportunities that foster a complete and inclusive community.
2. Plan for a broad range of **institutional uses** that contributes to the unique character of the Town and its desirability as a place to live and invest in.
3. Promote **institutional uses** to be located within a mixed-use format where feasible, or the co-location of **institutional uses** to function as a **community hub**.

4. Plan for the location of institutional lands, particularly in **designated growth areas**, to ensure that current and future needs of residents is accommodated for over the long-term.

#### D.2.6.3. Permitted Uses

Permitted uses within the Institutional designation are:

- i. Health care;
  - ii. Schools, including post-secondary institutions;
  - iii. Places of worship;
  - iv. Long-term care facility; and
  - v. Public uses owned, operated by, or operated on behalf of, the Town, the Region, the Province, Government of Canada or agency thereof, the Buffalo and Fort Erie Public Bridge Authority, or the Niagara Parks Commission.
2. Complementary uses that are normal and incidental to the principal **institutional use** and that serve the intended function of institutional lands may also be permitted by the implementing zoning by-law, including the following uses:
    - i. Administrative offices that directly serve the principal **institutional use**;
    - ii. Convenience retail and personal service uses;
    - iii. Residential uses, where they are intended to provide accommodation for persons associated with the principal use;
    - iv. Research and **development** activities, and/or related educational uses; and
    - v. Public service facilities.
  3. Additional permitted uses may be identified through the implementing zoning by-law without amendment to this Plan, provided they meet the intent of the institutional land use designation.

#### D.2.6.4. General Policies

1. The Town will support and partner with the Province, Government of Canada, and other agencies, authorities, and institutions for the provision of **institutional uses** to meet the current and future needs of the community.
2. Encourage the development of **institutional uses** as important community resources and recognized focal points for civic engagement and community building.
3. Ensure compatibility between **institutional uses** and adjacent land uses, particularly with regards to urban design, transportation, and servicing.

#### D.2.6.5. Development Criteria

1. The following **development** criteria apply to the Institutional land use designation:
  - i. The landscape, built form and functional character of the surrounding community is enhanced;

- ii. The compatibility of the proposed **development** with surrounding land uses;
- iii. The height and massing of nearby buildings is appropriately considered and that **development** transitions to adjacent properties, where necessary;
- iv. The site's location relative to the Town's planned or existing transportation network, including access to **active transportation infrastructure** that enhances connectivity to residential and mix-use areas;
- v. Availability of sufficient off-street parking to meet projected demand;
- vi. On-site amenity space is provided where appropriate and is, at a minimum, reflective of the existing patterns of private and public amenity space in the vicinity
- vii. The proximity of the site to existing or planned public transit routes;
- viii. The planned or existing capacity of municipal services to the proposed area; and
- ix. New **institutional uses** or essential emergency uses are not permitted in **hazardous lands** or **hazardous sites**.

#### **D.2.7 Hamlet of Snyder**

The Hamlet of Snyder is a **rural settlement** consisting of rural residential, commercial and **institutional uses**. The following policies apply to the Hamlet of Snyder:

- 1. It has partial municipal servicing, with connection to a Regional watermain but no municipal wastewater servicing.
- 2. Due to having partial access to municipal servicing, it is not anticipated that significant growth, **development** or **redevelopment** will occur within Snyder over the planning horizon.
- 3. Rural residential, commercial, and industrial **development** and lot creation will only take place in accordance with the policies of this Plan.
- 4. The Town may undertake a more detailed study to direct land use planning matters within the Hamlet of Snyder.

#### **D.2.8 Peace Bridge International Gateway**

##### **D.2.8.1. Vision**

Lands within the Peace Bridge International Gateway designation are owned or leased by the Buffalo and Fort Erie Public Bridge Authority, and function to ensure the continued efficient operation of the Peace Bridge, including international border customs and inspections, as well as accessory or incidental uses thereto.

##### **D.2.8.2. Objectives**

The following objectives apply to Peace Bridge International Gateway designation:

1. As a critical international gateway, the Peace Bridge forms part of an important international trade corridor that facilitates the movement of people and goods between Canada and United States of America, and beyond.
2. The long-term maintenance of the Peace Bridge as an international trade corridor is a priority for the Town, Province, and Federal government. It is the intent of this Plan that the traffic and transportation impact by the operation of the Peace Bridge will be considered by those authorities, including the Ministry of Transportation, the Region, the Niagara Parks Commission, the Town, Province, and Government of Canada in order to facilitate the efficient movement of people and goods on lands within, and adjacent to, the Peace Bridge International Gateway designation.
3. Land use planning within the Peace Bridge International Gateway designation will be undertaken in consultation with the Buffalo and Fort Erie Public Bridge Authority, the Region of Niagara, the Province, and the Niagara Parks Commission, and other relevant agencies or authorities who may have jurisdiction, as deemed necessary.

#### D.2.8.3. General Policies

Where the Buffalo and Fort Erie Public Bridge Authority disposes of or conveys a portion of lands within the Peace Bridge International Gateway, an amendment to this Plan may be deemed necessary by the Town to redesignate the lands affected.

## D.3 Countryside

The Countryside is comprised of many unique natural and cultural heritage features as well as valuable natural resources, including agricultural lands that are integral to the provincial agri-food system and local economy. Agriculture is a key component of the Town's economy and has an important role in the achieving the objectives of this Plan and provincial direction regarding the environment, climate change, cultural heritage and overall community wellbeing. It is the intent of this Plan to support agriculture as the predominant land use in the Countryside and protect these lands from non-compatible **development** that may hinder the long-term viability of the Town's agriculture land base as an important economic and community resource.

### D.3.1 Agriculture

#### D.3.1.1. Vision

The Agriculture designation safeguards the agricultural land base for long-term **agricultural uses** and **normal farm practices** and applies to areas where **prime agricultural lands** predominate. This includes areas of **prime agricultural lands** and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture

#### D.3.1.2. Objectives

The objectives of the Agriculture designation are:



1. Lands designated Agriculture will be protected from incompatible, non-agricultural **development** to ensure the long-term viability and function of the agricultural land base as an important contributor to the Town's economic prosperity and broader agri-food system.
2. Restrict non-compatible **development** in agricultural areas to prevent fragmentation of farmland and preserve the rural character and landscape.
3. This designation will strengthen rural communities by supporting agricultural businesses and ensuring that agricultural lands contribute to overall community wellbeing.

#### D.3.1.3. Permitted Uses

Permitted uses within the Agriculture designation are:

1. Agricultural uses, including normal farm practices;
2. **Agriculture-related uses;**
3. **On-farm diversified uses;**
4. **Home industry;**
5. **Home occupation;**
6. Conservation and forestry;
7. **Mineral aggregate operation;**
8. **Mineral mining operations;**
9. **Petroleum resource operations;**
10. Alternative energy systems and renewable energy systems;
11. Low-intensity recreational uses; and
12. **Additional residential unit.**

#### D.3.1.4. General Policies

1. Land uses will be compatible and complementary to the agricultural area in accordance with provincial direction and the implementing zoning by-law.
2. The following is encouraged to support the long-term viability of the agricultural land base:
  - i. Re-using existing buildings or locating businesses within existing buildings unless an alternative location reduces overall impacts on the agricultural area;
  - ii. Minimizing outdoor storage and lighting for uses that are not defined as **normal farm practices**; and
  - iii. Avoiding adverse impacts to the natural environments system, in accordance with this Plan.

3. Ensuring all new **development** complies with the minimum distance separation formulae.
4. In **prime agricultural areas**, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that:
  - i. Impact to the **prime agricultural areas** are addressed, in accordance with policy D.3.1.4.5; and
  - ii. The site will be rehabilitated back to an **agricultural condition**.
5. Impacts from any new or expanding non-agricultural uses on the **agricultural system** are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an **agricultural impact assessment** or equivalent analysis, based on provincial guidance.
6. Uses that do not support the continued viability of the **agricultural system** will be directed to other areas of the Town such as the **settlement areas**, as appropriate.

#### D.3.1.5. Development Criteria

##### D.3.1.5.1. Lot Creation and Adjustment in the Agriculture Designation

1. The Town is committed to maintaining an **agricultural system** and recognizes that there may be circumstances in which lot creation or lot adjustments may be required to support the long-term economic prosperity and productive capacity of **prime agricultural lands**.
2. Lot creation in the Agriculture designation is generally discouraged and may only be permitted in accordance with the policies of this Plan. Applications for plans of subdivision or condominium are not permitted within the Agriculture designation.
3. The creation of lots and new or expanding livestock facilities will comply with the minimum distance separation formulae as established by the Province, and in accordance with the implementing zoning by-law.
4. Lot creation in the Agriculture designation may only be permitted for:
  - i. **Agricultural uses**, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - ii. **Agriculture-related uses**, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate **sewage and water services**;
  - iii. One new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
    - a. The new lot will be limited to a minimum size needed to accommodate the use and appropriate servicing; and
    - b. The Town ensures that new dwellings and **additional residential units** are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or **additional residential**

**units** are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and

- iv. **Infrastructure**, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- 5. Lot adjustments in **prime agricultural areas** may be permitted for legal or technical reasons.

#### D.3.1.5.2. Residential Lot Creation in the Agriculture Designation

- 1. The creation of a new residential lot in the Agriculture designation will not be permitted, except in accordance with policy D.3.1.4.5.
- 2. Proposed residential lots being considered in the Agriculture designation for a consent within the agricultural land base must meet the following conditions:
  - i. The size of any new lot will be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;
  - ii. Any new lot has adequate groundwater or other water supply, in compliance with Provincial requirements;
  - iii. Any new lot has sufficient frontage on an existing publicly maintained road;
  - iv. Where possible, joint use should be made of the existing road access to the farm operation;
  - v. Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and
  - vi. Proposed lots will be located and configured to minimize impacts on surrounding farming operations.
- 3. The severance of a residence surplus to an agricultural operation within the Agriculture designation may be permitted under the following circumstances:
  - i. The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
  - ii. The size of any new lot will be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of 1.0 hectare;
    - a. proposals that exceed one hectare may be considered subject to an amendment to this Plan; and
    - b. to reduce fragmentation of the agricultural land base, the retained lot will be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel will be zoned to preclude its use for residential purposes.

## D.3.2 Rural

### D.3.2.1. Vision

The Rural land use designation generally applies to lands located outside of **settlement areas** and **prime agricultural areas**. The protection and strengthening of the rural area is intended to be maintained, recognizing its unique character and function, while providing opportunities for **agricultural uses**, resource-based activities, recreation, tourism and other compatible rural land uses.

### D.3.2.2. Objectives

The following objectives apply to the Rural land use designation:

1. Maintain the open, rural landscape character of the Rural Area, with agriculture and natural heritage as compatible and complementary uses.
2. Ensure that permitted land uses are compatible with, and do not adversely impact or hinder, surrounding land uses, including agriculture and the **natural environment system**.
3. Protect, improve or restore the quality and quantity of the **natural environment system**.
4. Conserve **cultural heritage resources** and ensure that **development** does adversely impact the heritage character of the area.
5. Provide opportunities for non-intensive recreational uses compatible with agriculture, natural heritage and the rural community.
6. Ensure that **development**, including **infrastructure** development, is consistent with the protection and strengthening of the rural community.
7. Support the agricultural community by allowing for a range of **agricultural-related uses** that serve the needs of rural residents and agricultural activities.

### D.3.2.3. Permitted Uses

Permitted uses within the Rural designation are:

1. Agricultural uses, including normal farm practices;
2. **Agricultural-related uses**;
3. **On-farm diversified use**;
4. Residential;
5. **Home occupation**;
6. **Home industry**;
7. Low-intensity recreation;
8. Small-scale non-agriculture uses;
9. **Cemetery**;

10. **Wayside pits and quarries**; and
11. **Mineral aggregate operation.**

#### D.3.2.4. Development Criteria

1. Lot creation in the Rural designation is generally discouraged and may only be permitted in accordance with the policies of this Plan. Applications for plans of subdivision or condominium are not permitted.
2. All private servicing will satisfy the requirements of the Town, the Region, the applicable approval agency, or the Province.
3. New land uses, including the creation of lots and new or expanding livestock facilities, will comply with the **minimum distance separation formulae** as established by the Province, and in accordance with the implementing zoning by-law.
4. Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the **adverse effects** on the **ecological integrity** of nearby features will be kept to a minimum by keeping disturbed areas to a minimum, avoiding the most sensitive portions of the site, such as steep slopes and organic soils.

#### D.3.2.4.2. Consent to Sever on Rural Lands

1. Applications for non-agricultural residential **development** on **rural lands** must meet the following criteria and the general consent provisions in Policy D.3.3.7.2, in addition to the other requirements of this Plan:
  - i. A maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006;
  - ii. The minimum size of the proposed and retained lots will each be one hectare unless it is determined through a hydrogeological study, that considers potential cumulative impacts, that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long-term operation but not be less than 0.4 hectares;
  - iii. The **development** will be at a scale and density suitable to the physical characteristics of the site;
  - iv. The soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;
  - v. The proposed **developments** must be appropriately separated and protected from:
    - a. Incompatible land uses such as existing pits and quarries;
    - b. Mineral aggregate resources recognized in this Plan;
    - c. Livestock operations and anaerobic digesters, in accordance with the **minimum distance separation formulae**;

- d. major existing and proposed transportation facilities; and
  - e. employment uses.
- 2. 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 Agriculture designation will be permitted, as well as the following:
  - i. The new lot is to be located in an area where it may be considered as an infilling lot:
    - a. Infilling lot will mean the establishment of one new dwelling on a new lot which fronts on a public road, and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;
    - b. The minimum lot size should be 0.4 hectares with a minimum frontage of 46 metres;
    - c. It does not adversely affect the integrity or efficient management of natural heritage resources; and
    - d. Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply as determined by the Town or relevant approval agency.

### **D.3.3 Rural Residential**

#### **D.3.3.1. Vision**

The Rural Residential land use designation applies to lands within the Town that are outside of **settlement areas** but principally used for low-rise residential uses located on larger format lots. The Rural Residential land use designation applies to existing development that is used for both permanent and seasonal residences, and in some cases are located in close proximity to Lake Erie or located along scenic roadways, such as the Niagara Parkway. To support the overall land use planning objectives of this Plan, new **development** within the Rural Residential designation is not planned for.

#### **D.3.3.2. Objective**

**Development** within the Rural Residential designation will maintain the area's natural landscape, open spaces, and rural character, while having regard for the **natural environment system** policies of this Plan.

#### **D.3.3.3. Permitted Uses**

Permitted uses within the Rural Residential designation are:

- 1. Legally existing development;



2. **Development** on existing lots of record;
3. **Home occupation**; and
4. **Additional residential unit.**

#### D.3.3.4. General Policies

1. New **development** within the Rural Residential designation is not permitted, including lot creation, except as otherwise approved before the date of adoption of this Plan or on an existing lot of record.
2. An amendment to Schedule E: Land Use Plan to redesignate lands Rural Residential is prohibited.
3. The provision or extension of full municipal servicing is not planned for, except where it may currently exist or is required to correct a deficiency in the efficacy of a private system that has been identified as a public health concern by an authority having jurisdiction.

#### D.3.3.5. Development Criteria

1. **Development** on lands designated Rural Residential at the time of this Plan being adopted may be considered provided that such **development**:
  - i. Has regard for the **natural environment system** policies of this Plan;
  - ii. Is compatible with agricultural uses, including compliance with minimum distance separation formulae; and
  - iii. Can demonstrate that the provision of servicing is adequate for the proposed **development** as determined by the agency or authority having jurisdiction.

### D.3.4 Extractive Industrial

#### D.3.4.1. Vision

**Mineral aggregate resources**, such as sand, gravel, stone, and shale, as well as **mineral deposits** and **petroleum resources**, are shown on Schedule J: Mineral Aggregate and Petroleum Resources. These are important natural resources and must be protected from incompatible land uses that may hinder their operation and the long-term viability of their extraction. It is an overall objective of this Plan that the extraction, processing, and transportation of these resources must take place in a manner that minimizes social, economic, and environmental impacts. This includes defining haul routes and managing truck traffic, conserving and recycling **mineral aggregate resources**, and rehabilitating pits and quarries.

#### D.3.4.2. Objectives

The following objectives apply to the Extractive Industrial land use designation:

1. Protect from **development** that would preclude or hinder the expansion or continued use of extractive industrial uses from incompatible **development** for reasons of public health, public safety, or environmental impact.

2. Minimize the **negative impacts** of proposed **mineral aggregate operations** in accordance with the policies of this Plan.
3. Ensure that **mineral aggregate operations** are subject to compatible and sustainable rehabilitation.

#### D.3.4.3. Permitted Uses

1. Permitted uses within Extractive Industrial designation are:
  - i. Natural resource extraction;
  - ii. Secondary processing;
  - iii. Environmental management, including rehabilitation and reclamation;
  - iv. Temporary and supportive uses, including facilities and operations, that are normal and incidental to the principal use.
2. The use of **wayside pits and quarries**, **portable asphalt plants** and **portable concrete plants** on public authority contracts are permitted temporarily without the need for an amendment to this Plan. Such uses are not permitted in areas of existing development or **natural heritage features and areas**, as shown in this Plan which have been determined to be incompatible with resource extraction and associated activities.

#### D.3.4.4. General Policies

1. Conservation of **mineral aggregate resources**, including through the use of recycled aggregates on projects, where performance and life expectancy of assets can be maintained or enhanced while utilizing recycled products will be supported.
2. Existing licensed **mineral aggregate operations** and **petroleum resource operations** will continue to be permitted without an amendment to this Plan, the implementing zoning by-law, or other approval under the Planning Act.
3. When a license for a **mineral aggregate operation** or **petroleum resource operation** ceases to exist, policies which protect **deposits of mineral aggregate resources** will continue to apply where deposits are still present.
4. The wise use of **mineral aggregate resources**, including utilization or extraction of on-site **mineral aggregate resources** prior to other **development** occurring is encouraged.
5. **Mineral aggregate resources** will be protected for long-term use and, where provincial information is available, **deposits of mineral aggregate resources** will be identified. As much of the **mineral aggregate resources** as is realistically possible will be made available as close to markets as possible.
6. Demonstration of need for **mineral aggregate resources**, including any type of supply/demand analysis, will not be required, notwithstanding the availability, designation or licensing for extraction of **mineral aggregate resources** locally or elsewhere.

7. Extraction will be undertaken in a manner which minimizes social, economic and environmental impacts.
8. Progressive and final rehabilitation will be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate **negative impacts** to the extent possible. Final rehabilitation will take surrounding land use and approved land use designations into consideration.

#### D.3.4.5. Development Criteria

##### D.3.4.5.1. Mineral Aggregate Operations

1. Proposed new **development** in areas located on, or within 300 metres (sand and gravel) or 500 metres (bedrock) of known **deposits of mineral aggregate resources**, which would preclude or hinder the establishment of new **mineral aggregate operations** or access to the resources, is not permitted, except where it can be demonstrated that:
  - i. Resource use would not be feasible;
  - ii. The proposed land use or **development** serves a greater long-term public interest; and
  - iii. Issues of public health, public safety and environmental impacts are addressed
2. Proposed new **development** or other activities in areas located within 500 metres (sand and gravel) and 1000 metres (bedrock) of existing **mineral aggregate operations** is not permitted, unless it can be demonstrated by the applicant that satisfactory mitigation measures can be put in place to ensure that the ongoing operation or expansion of the existing **mineral aggregate operation** will not be hindered. The cost and responsibility for any required mitigation measures will be borne by the applicant.
3. **Mineral aggregate operations** will 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, public safety, or environmental impact. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act will address the depth of extraction of new or existing **mineral aggregate operations**.

##### D.3.4.5.2. Petroleum Resources and Mineral Deposits

1. **Petroleum resources, petroleum resource operations**, mineral resources and any future **mineral mining operations** will be identified and will be protected from **development** and activities in these resources or on **adjacent lands** that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
2. **Development** of a residential, institutional, commercial or industrial use is required to be located a minimum of 75 metres from an existing **petroleum resource operation**, unless it has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.

3. New road allowances, **utility** corridors, electrical transmission lines and railways will be located no closer than 50 metres from a **petroleum resource operation**.
4. Suitable access to and space surrounding existing wells will be maintained.
5. Petroleum and **mineral** resource extraction activities will be conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a license from the Ministry of Northern Economic Development and Growth.
6. Any proposal for a new **mineral mining operation** or **petroleum resource operation** will require an amendment to this Plan.

## D.4 Natural Environment and Open Space

### D.4.1 Natural Environment System

#### D.4.1.1. Vision

The Town recognizes the **natural environment system's** importance and broad ecological functions that contribute to creating a vibrant, livable, and healthy community. The **natural environment system** is made up of **wetlands, woodlands, valleylands**, watercourses, **significant wildlife habitat, areas of natural and scientific interest** and the **linkages** between **natural heritage features**. The **natural environment system** contributes to a healthy and resilient natural environment and has an important role in providing clean air and water, climate change mitigation and adaptation, natural habitat for flora and fauna, and compatible recreational and leisure opportunities that contribute to overall community wellbeing. It is an overall objective of this Plan to protect, maintain, and enhance the **natural environment system's** health and biodiversity for long-term sustainability while protecting **development** from **hazardous lands** and **hazardous sites**.

#### D.4.1.2. Objectives

The following objectives apply to the **natural environment system**:

1. Ensure that all features of the **natural environment system** are identified and protected within a comprehensive planning process and that criteria identifying the features are applied transparently and consistently.
2. Maintain, restore, and enhance the health and biodiversity of the Town's **natural environment system** and protect it from incompatible **development**.
3. Recognize the contribution that the **natural environment system** provides to Open Space and recreational activities, tourist opportunities, and the economy of the Town.
4. Manage land uses and **development** to avoid **negative impacts** on water quality and the integrated hydrological/hydrogeological functions of **wetlands**, watercourses, and groundwater resources.
5. Outline the process for **environmental impact studies (EIS)** where they are required to support applications for **development** or **site alteration**. Direct incompatible **development** outside identified constraint areas, thereby protecting them from **hazardous lands** and preserving related Natural Heritage Features.

6. Acknowledge the **impacts of a changing climate** as a potential issue within the Town on ecosystems and communities, strengthening the rationale for protecting the **natural environment system** and thereby providing for the greatest amount of resiliency in the face of such changes.
7. Encourage landscape restoration and enhancement to repair past damage and mitigate the potential **negative impacts of development**. This includes creating partnerships with landowners to expand and enhance the **connectivity** and cohesiveness of the network regardless of jurisdiction.
8. The identification of lands as part of the **natural environment system** will not limit the ability of **agricultural uses** and associated **normal farm practices** to continue as defined in applicable provincial legislation and regulations in conformity with this Plan (Section D.3.1) and the implementing zoning by-law, as well as statutes, policies, and regulations of other government agencies, including agricultural drainage through municipal or agreement drains.

#### D.4.1.3. Permitted Uses

Land uses permitted within the **natural environment system** are:

1. Forest, **fish**, and wildlife management;
2. Conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;
3. Activities that create or maintain **infrastructure** authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the Environmental Assessment Act;
4. Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally **existing uses** that have less of an environmental impact subject to demonstration that the use does not expand into a natural heritage feature or area unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
5. Expansions or alterations to existing buildings and structures for **agricultural uses**, **agriculture-related uses**, or **on-farm diversified uses** and expansions to existing residential dwellings if it is demonstrated that:
  - i. There is no alternative, and the expansion or alteration in the feature is minimized and, in the buffer, is directed away from the feature to the maximum extent possible; and
  - ii. The impact of the expansion or alteration on the feature and its ecological functions is minimized and mitigated to the maximum extent possible; and
  - iii. Small-scale structures for recreational uses, including, but not limited to boardwalks, footbridges, fences, docks, and picnic facilities, subject to measures being taken to minimize the number of such structures and their **negative impacts**.

6. Agriculture, including **normal farm practices**.

**D.4.1.4. General Policies**

1. The **natural environment system** is shown on Schedule E: Land Use Plan, Schedule F: Natural Environment System, and Schedule G: Natural Environment System Features.
2. The **natural environment system** is intended to protect and/or conserve natural features and ecological functions. The **natural environment system** policies are to be implemented in conjunction with the land use designations of this Plan and secondary plans.
3. The Town promotes the protection and/or conservation and, where appropriate, the restoration and enhancement of the **natural environment system** 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 the **natural environment system**:
  - i. The acquisition of lands or use of conservation easements;
  - ii. 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;
  - iii. Entering into agreements with public agencies, private conservation groups or landowners to secure the protection of such lands; and
  - iv. Encouraging landowners to preserve or convey such lands to a public agency or land trust.
4. The features that comprise the **natural environment system** contribute to the conservation of biological diversity and the quality of the air, land, and water. The individual features and components that are mapped include:
  - i. Provincially significant wetlands;
  - ii. Non-provincially Significant Wetlands;
  - iii. Significant Woodlands;
  - iv. Other Woodlands;
  - v. Areas of natural and scientific interest;
  - vi. Dune Protection Areas;
  - vii. Habitat of endangered species and threatened species, and Species of Special Concern
  - viii. Significant wildlife habitat;
  - ix. Significant valleylands, valleylands, and Stream Corridors



- x. Fish habitat;
  - xi. Linkages
5. Not all of the features and components that make up the **natural environment system** can or have been mapped as part of the schedules for this Plan (**habitat of endangered species and threatened species**, Species of Special Concern and **significant wildlife habitat** are not mapped). Detailed area-specific or site-specific studies, such as an **environmental impact study**, **hydrological evaluation**, or **subwatershed study**, are required to identify where features or components are not mapped but may exist.
  6. Where several different Natural Heritage Features are identified on Schedule G: Natural Environment System Features for the same lands, the most restrictive Policy section associated with the Natural Heritage Feature applies.
  7. Minor changes to the limits or classification of individual features or components of the **natural environment system** identified through the criteria of this Plan may be considered through the submission of an **environmental impact study** or similar study based on an approved terms of reference, in accordance with the policies of this Plan, and consultation with the **conservation authority** as appropriate. If the change to the limit or classification of an individual feature or component of the **natural environment system** can be justified to the satisfaction of the Town and the **conservation authority**, an amendment to this Plan may not be required, at the discretion of the Town.
  8. Changes to the limit or classification of individual features of the **natural environment system** identified through provincial criteria require approval from the Province. If the Province has approved the change to the limit or classification of an individual feature, an amendment to this Plan will not be required.
  9. Illegal acts that reduce the form or function of a Natural Heritage Feature, including, but not limited to, tree removal, wetland filling or draining, or the diverting of watercourses, will not be recognized as existing conditions within the development review process. Restoration of the damaged area may be required prior to or as a condition of approval of any development applications.
  10. The removal, destruction, or injury of **woodlands** and/or trees will be regulated through Tree By-laws (Town's Heritage Conservation By-law, as amended or added). Tree By-laws will be administered to complement the natural environment system policies of this Plan by ensuring that tree cutting or removal prior to the approval of applications through the planning process only takes place in accordance with the Town .
  11. Where **development** or **site alteration** is approved in accordance with the policies of this Plan, the applicant will submit a Tree Saving Plan to maintain or enhance the remaining natural features and ecological functions. The Plan will be prepared in accordance with the administrable Tree By-law(s) and related **environmental impact study**, and its implementation will be by an arborist certified by the International Society of Arboriculture or equivalent.

12. Where appropriate and in compliance with the parkland dedication policies of this Plan, portions of protected natural areas may be considered for parkland dedication purposes where sufficient active parkland is provided as determined by the Town.
13. The Town will support efforts to achieve the following targets through voluntary landowner stewardship and restoration:
  - i. 30-percent of the land area in the Region in forest cover or wetland, with at least 10-percent of each **subwatershed** in wetland; and
  - ii. The use of 30 metre wide naturally vegetated buffers along 70-percent of the length of the first to third order stream corridors as per the policies of this Plan. **Agricultural uses** may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.
14. The Town will support landowner stewardship by:
  - i. Encouraging good forestry practices and development of Woodland Management Plans;
  - ii. Encouraging restoration and conservation including the planting of native vegetation; and
  - iii. The Town will maintain a Tree By-law(s) regulating the harvesting, destruction or injuring of trees in **woodlands**.
15. Where any land is delineated as a **natural environment system** on Schedule F: Natural Environment System or Schedule G: Natural Environment System Features, and the land is under private ownership, this Plan does not intend that such land is open to the general public, or that the Town or any other public agency will purchase the lands.
16. Public works and/or private **infrastructure** works and actions will only be undertaken in ways consistent with the protection of **natural environment system** and its features. In instances where public and/or private **infrastructure** works may impinge upon the **natural environment system** and its features, the Town will consider the impacts of its proposed actions, consider alternatives, and implement measures to minimize or avoid impacts where feasible.
17. Where, through the review of a development application, it is found that important environmental features or functions have not been adequately evaluated, the applicant will have an evaluation prepared by a qualified biologist or ecologist in consultation with the Town and, where appropriate, as well as the **conservation authority** and the Province. If the evaluation finds one or more features of the **natural environment system** meet the criteria to be subject to the policies of this Plan, the relevant policies of this Plan will apply.
18. Lands that comprise the **natural environment system** may be subject to modification upon the submission and approval of an **environmental impact study**. An **environmental impact study** must demonstrate that the proposed changes will not result in **negative impacts** and that the proposed **development** or **site alteration** is

consistent with applicable policies. Any modification must be reviewed and approved by the Town or any relevant agency or authority, as applicable.

19. The policies of this Plan also apply where **development** or **site alteration** is proposed on lands within the Town that are adjacent to a significant natural area in an adjoining municipality designated as a natural feature or area or equivalent in that municipality's Official Plan.
20. **Development** and **site alteration** that may result in the fragmentation of natural heritage features that are part of the **natural environment system** is discouraged. Where **development** or **site alteration** is proposed within or adjacent to the natural environment system:
  - i. New lots will not be created which would fragment a natural environment system feature or area, key natural heritage feature, or key hydrologic feature.
  - ii. Applications for a lot boundary adjustment will avoid the fragmentation of **provincially significant wetlands**, **significant woodlands**, and watercourses.
  - iii. Applications for lot boundary adjustment should avoid the fragmentation of other natural environment system features and areas, key natural heritage features or key hydrologic features wherever possible and practical.
  - iv. The lands to be retained in the natural environment system will remain in a natural state.
  - v. The natural environment system feature and any required buffer or vegetation protection zone will be maintained in a single block and zoned to protect the feature and its ecological functions.
  - vi. The Town, in coordination with the Conservation Authority, and other appropriate public and private conservation organizations, may explore opportunities to assume ownership of these lands.
21. The **conservation authority** should be consulted as to whether a permit is required in accordance with Regulations under the Conservation Authorities Act.

#### D.4.1.5. Provincially Significant Wetland Areas

1. **Provincially significant wetlands** (and **coastal 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 the Provincial Planning Statement, 2024. The Town and the **conservation authority** have a role in the protection of **provincially significant wetlands** through accepted land use planning and resource management practices. The Region will only have a role in the protection of **Provincially significant wetlands** with respect to Regional **infrastructure** and Region-owned properties.
2. The Province maintains the digital wetland boundary mapping and wetland status. Wetlands are classified as either **provincially significant wetlands** and Non-provincially significant wetlands in the Town. All **wetlands** currently evaluated are shown on Schedule G: Natural Environment System Features.

3. In instances where **provincially significant wetland** areas are identified , **development** and **site alteration** will not be permitted within the boundary of the **wetlands**.
4. In all instances, the Town will require an **environmental impact study** for new development proposals on lands adjacent to these wetland areas. **Development** and **site alteration** are not permitted unless it has been demonstrated that there will be no **negative impacts** to the **wetland** features and their ecological functions.
5. As part of an **environmental impact study**, the staking of the boundaries of the wetland feature will be completed in accordance with the most recent version of the Ontario Wetland Evaluation System Southern Manual.
6. Boundary changes to **provincially significant wetlands** will be reviewed by the Town and sent to the Province. The following criteria will be applied to determine if an amendment to this Plan is required where a boundary change is proposed:
  - i. Minor refinements to boundaries, being an adjustment of 1 m or less, will be reviewed by the Town but do not require an amendment; or
  - ii. In all other cases, an amendment to this Plan is required for major boundary changes or status changes.
7. The Town may request a water balance for any wetland identified within development or site planning applications. The water balance must evaluate pre-development hydrological conditions and estimate post-development hydrological conditions. The water balance must include a monitoring plan to confirm predictions. Adaptive management measures must also be included should hydrological conditions not meet expectations. This assessment must be prepared by a qualified hydrologist and considered in the **environmental impact study**.
8. The **conservation authority** should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

#### D.4.1.6. Non-provincially Significant Wetlands

1. Non-provincially Significant Wetlands (and non-provincially Significant **coastal wetlands**) are identified on Schedule G: Natural Environment System Features. These features represent other wetland areas evaluated by the Province, the Town, or the **conservation authority**, but are not classified as provincially significant. Non-provincially Significant Wetlands provide important habitat features and functions and important **hydrologic functions**.
2. **Development** or **site alteration** within or adjacent to Non-provincially Significant Wetlands will comply with this Plan's policies and ensure there is no **negative impact** to the **quality and quantity of water**.
3. Any **environmental impact study** completed to assess the impacts of **development** will consider the wetland evaluations, as well as the Town's Natural Areas Inventory.
4. The **conservation authority** should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

5. Where avoidance and minimization of impacts to **wetlands** less than 0.5 hectares is not feasible, wetland compensation may be considered in accordance with the mitigation hierarchy, which prioritizes:
  - i. Avoidance - preventing impacts wherever possible.
  - ii. Minimization - reducing the extent, duration, or intensity of impacts that cannot be avoided.
  - iii. Compensation - as a last resort, offsetting residual impacts through restoration, enhancement, or creation of **wetlands**.

Should compensation be deemed necessary, the following principles apply:

- iv. Like-for-like replacement - compensation must replace the affected **wetland** with one of the same type (e.g., marsh for marsh), maintain ecological function and habitat value.
  - v. Replacement ratio - a minimum compensation ratio of 3:1 (three hectares of replacement wetland for every one hectare lost) will be required.
  - vi. Long-term ownership and responsibility - the proponent will be fully responsible for securing, implementing, monitoring, and maintaining the compensation site.
6. The Town will establish guidelines to support the implementation of Wetland Compensation.

#### D.4.1.7. Significant Woodlands

1. The Town has completed a Natural Areas Inventory that identifies **significant woodlands**.
2. **Significant woodlands** means **woodlands** that are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.
3. **Woodlands** that abut another feature are considered adjacent when located within 20 m of each other. To be identified as significant, one or more of the following criteria must be met:
  - i. 1 hectare or greater in size;
  - ii. Any interior habitat (interior habitat is measured from 100 m from the outside edge as per the Natural Heritage Reference Manual);
  - iii. Overlapping or abutting a Natural Heritage Feature or **fish habitat** and is at least 0.5 ha in size;
  - iv. Located within a defined **natural heritage system** or provide a connecting link between two other significant features;

- v. Located within a **sensitive** or threatened **watershed** or 50 m from a **sensitive** groundwater discharge, **sensitive** recharge, **sensitive** headwater area, watercourse or **fish habitat**;
  - vi. Contains a vegetation community with a provincial ranking of S1, S2 or S3 (ranked by NHIC), or a rare vegetation community, or a naturally occurring composition of native forest species that have declined significantly in the ecoregion, or contains tree species of restricted distribution such as sassafras;
  - vii. Is habitat of a woodland plant species with an S1, S2 or S3 in its ranking or an 8, 9, or 10 in its Southern Ontario Coefficient of Conservatism by the NHIC and consists of 10 or more individual stems or 100 or more sqm of leaf coverage; or
  - viii. 10 or more trees per hectare greater than 100 years old or 50 cm or more in diameter.
- 4. All **significant woodlands** identified on Schedule G: Natural Environment System Features are approximate and may be redefined through a Secondary Plan, Draft Plan of Subdivision or Condominium, or Site Plan in conjunction with an **environmental impact study**.
  - 5. No development or site alteration is permitted within the significant woodland feature. Development or site alteration on lands adjacent to significant woodlands may be considered where an environmental impact study demonstrates that the development or site alteration will not result in degradation that threatens the health or integrity of the natural features or ecological functions.

#### D.4.1.8. Other Woodlands

- 1. The preservation of existing **woodlands** is a priority for the Town. This Plan promotes the retention of these natural areas and the integration of tree cover into the developed and less-developed landscapes.
- 2. **Woodlands** situated within **valleylands** and stream corridors are subject to the policies of this Plan.
- 3. For the purposes of this Plan, **other woodlands** are considered to be areas less than 1 hectares in size that meet the Ecological Land Classification definition of forest, woodland, plantation, or thicket. Vegetation communities comprised of invasive non-native species, proven through an **environmental impact study**, are not protected.
- 4. The configurations of all **woodlands** identified on Schedule G: Natural Environment System Features 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 existing tree canopy, the Town will promote the retention of existing street tree cover and provide for tree planting on an on-going basis.

#### D.4.1.9. Areas of Natural and Scientific Interest

- 1. The Town has unique features that the Province has classified as Life Science and Earth Science, **areas of natural and scientific interest**.



2. Where **areas of natural and scientific interest** are identified within the Town, **development** or **site alteration** will not be permitted within the boundary of the Area of Natural and Scientific Interest.
3. It is intended that the lands shown on Schedule G: Natural Environment System Features as **areas of natural and scientific interest** will be preserved as natural areas.
4. The **natural environment system** includes the identified feature as well as an adjacent area established by the Province.

#### D.4.1.10. Dune Protection Areas

1. Dunes are a unique and sensitive landform of natural and scientific interest that are essential for biodiversity, ecosystem resilience, and the **habitat of endangered species and threatened species**. Dunes are recognized as a local **areas of natural and scientific interest** within the Town.
2. It is a key objective of this Plan that dune formations are preserved and protected. Any activity that has the potential to alter, degrade, or disturb dune ecosystems, including construction, vegetational removal, or recreational overuse, is prohibited unless authorized through an **environmental impact study** and approved by the Town.
3. Dune Protection Areas are delineated on Schedule G: Natural Environment System Features and are those lands that include all the natural sand dune formations in the Point Abino area. Additional Dune Protection Areas may be added with an amendment to this Plan once Niagara Peninsula Conservation Authority dune mapping is completed.
4. 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.
5. The preservation of these landforms is of the utmost importance. No new uses, **development**, or **site alteration** is permitted within the Dune Protection Areas.
6. Minor alterations or additions to existing buildings will only be considered upon the written approval of the Town, Niagara Peninsula Conservation Authority, and Province based on an **environmental impact study**.
7. 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.
8. Where new **development** is proposed on a site, part of which is identified as **hazardous land** or **hazardous sites**, these lands will not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Town will be conveyed in a physical condition satisfactory to the Town.
9. Should **development** be proposed on lands appropriate for **development** adjacent to the **hazardous lands** or **hazardous sites**, the lands within the **hazardous lands** or **hazardous sites** will be dedicated to the Town, including any **water lots**.



10. 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 consider special design and engineering works to ensure slope stability, positive stormwater drainage and public safety. A geotechnical report prepared by a qualified geotechnical engineer may be required. This report may be circulated to the **conservation authority**.
11. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
12. In consultation with the **conservation authority**, the implementing zoning by-law may include mapping of **hazardous lands** and restrictions on the use of lands within **hazardous lands** in accordance with the policies of this Plan.
13. An amendment to this Plan is not required where more up-to-date or accurate mapping of **hazardous lands** becomes available, as determined through consultation with the **conservation authority**.
14. Dune ecosystems serve as **habitat of endangered species and threatened species** (e.g., Fowler's Toad). Any proposed activity within or adjacent to dunes must include an assessment of potential impacts on these species and be completed in compliance with the Endangered Species Act and its regulations (as amended).

#### D.4.1.11. Habitat of Threatened, Endangered Species, and Species of Special Concern

1. The policies of this Plan are intended to protect **habitats of endangered species and threatened species** and Species of Special Concern.
2. In instances where the **habitat of endangered species and threatened species** and Species of Special Concern is identified within the Town by study or agency review of applications, **development** will only be permitted on lands adjacent to the habitat, where an **environmental impact study** demonstrates the **development or site alteration** will have no **negative impact** on the habitat's features or functions. **Development and site alteration** is not permitted within the **habitat of endangered species and threatened species**, except in accordance with Endangered Species Act and its regulations (as amended) and federal requirements.
3. The Town's Natural Areas Inventory considers **habitats of endangered species and threatened species** and Species of Special Concern. These habitats will be identified on a case-by-case basis through an **environmental impact study** and in consultation with the Province. These Habitats are to be identified and mapped through amendments to this Plan and the implementing zoning by-law.

#### D.4.1.12. Significant Wildlife Habitat

1. **Significant wildlife habitat** means **wildlife habitat** that is ecologically important in terms of features, functions, representation, or amount, and contributes to the quality and diversity of an identifiable geographic area or **natural heritage system**. These are to be identified using the Significant Wildlife Habitat Criteria schedules for Ecoregion 7E (MNRF, January 2015) and/or the appropriate provincial guidance document(s) as may be developed or amended from time to time. Where any

disagreements arise with respect to the interpretation of **significant wildlife habitat**, the Town may confer with the Province, however, the Town's interpretation will prevail if it provides equal or greater protection for **wildlife habitat**. **Development** or **site alteration** within or adjacent to **significant wildlife habitat** is only permitted where an **environmental impact study** demonstrates that the **development** or **site alteration** will not result in degradation that threatens the health or integrity of the natural features or ecological functions.

2. The Town's Natural Areas Inventory considers significant wildlife habitat. Significant wildlife habitat will be identified on a case-by-case basis through an environmental impact study. Significant wildlife habitat is to be identified and mapped through future amendments to this Plan and the implementing zoning by-law.

#### D.4.1.13. Significant Valleylands, Valleylands, and Stream Corridors

1. **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 habitat**, **wildlife habitat**, and **linkages** between natural areas and habitat features.
2. **Significant valleylands** are ecologically important in terms of features, functions, representation or amount, and contribute to the quality and diversity of an identifiable geographic area or **natural heritage system**. All **valleylands** are considered significant unless demonstrated as non-significant in an **environmental impact study**. Development and **site alteration** will not be permitted in **significant valleylands** unless it has been demonstrated that there will be no **negative impacts** on the natural features or their ecological functions.
3. The Town will promote the protection and maintenance of all **valleylands** and Stream Corridors as **linkages**.
4. **Valleylands** subject to these policies will be identified by the **conservation authority** in consultation with the Town. These **valleylands** are to be identified and mapped through future amendments to this Plan as well as the implementing zoning by-law.
5. Along **valleylands** where the **valleybank** height is equal to or greater than 3 metres, the following policies apply:
  - i. A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the **conservation authority**, will be required for all new structures and **site alterations**, including swimming pools and private servicing systems, including septic systems;
  - ii. Where the **conservation authority** identifies evidence of slope instability or where the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance), a geotechnical report prepared by a qualified engineer will be submitted with an application for new **development** or **site alteration**. A setback greater than 7.5 metres may be required where the **conservation authority** determined, after considering the report, that an increased setback is necessary to address site specific conditions;

- iii. A reduced setback may be considered where an existing lot has insufficient depth to accommodate the required setback and a geotechnical report demonstrates to the satisfaction of the **conservation authority** that some infringement within the setback area on site can be accommodated with mitigative measures that maintains bank stability, will not create hazards or increase existing ones, and will have no adverse environmental impact in the long term. In no case will **development** be allowed beyond the top of bank; and
  - iv. Where possible, existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope will not be disturbed. New lots created by plan of subdivision, consent or plan of condominium will not extend below the top of the valley slope as determined by the **conservation authority**. Lands below the top of the valley slope will be maintained as one block and the dedication of these lands to the **C conservation authority**, Town or other public body is encouraged.
6. Where **development** is proposed adjacent to a Municipal Drain, a buffer zone a minimum of 15 metres in width will be required for maintenance purposes and the functioning of the drain. A narrower buffer may be considered if determined appropriate by the Town and the **conservation authority**.
  7. The **conservation authority** should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

#### D.4.1.14. Fish Habitat

1. **Fish habitat** areas are identified on Schedule G: Natural Environment System Features of this Plan. **Fish habitat** is regulated under the Fisheries Act as enforced by Fisheries and Oceans Canada (DFO).
2. As defined in the Fisheries Act, **fish habitat** means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which **fish** depend directly or indirectly in order to carry out their life processes.
3. **Development** and **site alteration** is not permitted in **fish habitat** or **adjacent lands** except in accordance with **provincial and federal requirements** and where there is no net loss of productive capacity. The application must also be approved by the Town.
4. A development application will be required to provide an **environmental impact study** for approval by the Town and to consult with Fisheries and Oceans Canada. 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**.
5. 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 **environmental impact study** has demonstrated that there will be no harmful alteration or destruction to **fish habitat**. For critical **fish habitat** a minimum 15 metre setback will be required unless the **development** represents an expansion to an existing use.

#### D.4.1.15. Linkages

1. The Town encourages the connection of features within the **natural environment system** and adjacent to its boundaries using corridors and ecological **linkages**, where feasible.
2. The Town will promote the ecological rehabilitation of **linkages** as they become identified.
3. **Linkages** are encouraged to regenerate to more natural conditions. In this regard, the Town will encourage the implementation of voluntary Conservation Easements or Stewardship Agreements with the owners of lands with these **natural environment system** Features.
4. The Town's Natural Areas Inventory considers **linkages**. Some **linkages** are identified on Schedule G: Natural Environment System Features. **Linkages** will be identified on a case-by-case basis through an **environmental impact study** or further study. Additional **linkages** will be identified and mapped through future amendments to this Plan and the implementing zoning by-law.
5. Where a Linkage area has been identified on Schedule G: Natural Environment System Features or through further study, and in instances where a development proposal may impact upon it, an **environmental impact study** may be required.
6. The Town will require that **linkages**, as identified on Schedule G: Natural Environment System Features or through further study, be incorporated and protected through future land use planning studies, as well as **development** and **redevelopment**.
7. In an effort to provide **linkages** between features, the Town will continue to support a program for the naturalization and revegetation of Parks, Open Space and stormwater management areas, where appropriate.

#### D.4.1.16. Key Hydrologic Areas, Key Hydrologic Features, and Other Important Water Resources

1. **Significant groundwater recharge areas, highly vulnerable aquifers, significant surface water contribution areas**, permanent streams, intermittent streams, headwaters, inland lakes and their littoral zones, sensitive groundwater features, seepage areas and springs, and wetlands are necessary for the ecological and hydrologic integrity of a watershed. This Plan protects these areas, features, and resources.
2. Significant groundwater recharge areas and highly vulnerable aquifers are shown on Schedule H: Key Hydraulic Areas and Intake Protection Zones.
3. The Town and the **Conservation Authority** may require establishing appropriate development conditions and monitoring programs through the development approval process.
4. **Development** or **site alteration** within or adjacent to these areas, features, and resources is only permitted where an appropriate study demonstrates that the **development** or **site alteration** will not result in degradation that threatens:

- i. The quantity and quality of water in key hydrologic areas, **key hydrologic features**, sensitive surface water features, and sensitive ground water features;
  - ii. The hydrologic functions of key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features;
  - iii. The interaction and linkage between **key hydrologic areas, key hydrologic features**, sensitive surface water features, sensitive groundwater features, and other components of the **natural environment system**;
  - iv. The natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;
  - v. Natural drainage systems and **shoreline areas**;
  - vi. Flooding or erosion.
5. Mitigative measures and/or alternative development approaches may be required in order to protect, improve, or enhance **key hydrologic areas, key hydrologic features, sensitive surface water features, sensitive groundwater features**, and their hydrologic functions.
  6. The Town encourages the restoration of natural stream form and flow characteristics through the development approval process where appropriate.
  7. As much of the area adjacent to the shorelines of watercourses, including Lake Erie, will be maintained as a natural vegetated shoreline where new lots are being created, where vacant lots are being developed, and when **redevelopment** on existing lots is proposed. Specifically:
    - i. The vegetated shoreline should span the entire water frontage and be at least 15 metres in depth from the normal high water mark;
    - ii. Where **redevelopment** is proposed, the vegetated shoreline should be achieved through ecological enhancements and the regeneration of natural features to the extent feasible; and
    - iii. On waterfront lots, outside of the vegetated **shoreline area**, every effort will be made to retain existing native vegetation where possible and to augment existing vegetation where needed.
  8. Groundwater is an important resource to the Town and for all residents of the Region, specifically as a resource for potable water.
  9. **Development or site alteration** will not have any **negative impacts** on **key hydrologic areas** or their **hydrological functions**. In areas where **development** and **site alteration** could have **negative impacts** on groundwater quality or quantity the Town may require further review of potential impacts through the completion of a **subwatershed study** or through the completion of a **hydrological evaluation** during the review of an application for **development or site alteration**.
  10. Outside of **settlement areas**, proposals for **development** proceeding by way of secondary plan, plan of subdivision, vacant land plan of condominium or site plan may be permitted within a **key hydrologic area** where it is demonstrated through a

**hydrological evaluation** that **hydrologic functions**, including the **quality of quantity of water**, of these areas will be protected and, where possible, enhanced or restored through:

- i. The identification of planning, design, and constriction practices and techniques;
- ii. Meeting other criteria and direction established in a **Watershed Plan** or **Subwatershed Studies** of application; and
- iii. Meeting any applicable Provincial standards, guidelines, and procedures.

#### D.4.1.17. Minimum Buffer Requirements for Natural Heritage Features

1. Table D-1: Minimum Buffer Requirements for Natural Heritage Features identifies the minimum required **buffer** on lands adjacent to a natural heritage feature:

Table D-1: Minimum Buffer Requirements for Natural Heritage Features

Natural Heritage Feature	Minimum Buffer Width Outside of a Settlement Area	Minimum Buffer Width within a Settlement Area
<b>Provincially Significant Wetlands</b>	120 metres	30 metres
<b>Non-provincially Significant Wetlands</b>	30 metres	30 metres
<b>Significant Woodlands</b>	30 metres beyond the dripline	30 metres
<b>Other Woodlands</b>	10 metres beyond the dripline	10 metres beyond the dripline
<b>Areas of Natural and Scientific Interest</b>	30 metres	30 metres or determined appropriate by an EIS
<b>Dune Protection Areas</b>	30 metres	30 metres or determined appropriate by an EIS
<b>Habitat for Threatened or Endangered Species</b>	To be determined through consultation / permitting with the MECP.	To be determined through consultation / permitting with the MECP.
<b>Significant Wildlife Habitat</b>	<b>Significant wildlife habitat</b> criteria schedule to determine setbacks. Where they are not determined, 100 metres.	<b>Significant wildlife habitat</b> criteria schedule to determine setbacks.
<b>Significant Valleylands, Valleylands, and Stream Corridors</b>	10 metres	10 metres



<b>Fish Habitat: Watercourses (cool and cold water)</b>	50 metres from the high-water mark on both sides, plus 0.5 metres per 1-percent of the slope.	50 metres from the high-water mark on both sides, plus 0.5 metres per 1-percent of the slope.
<b>Fish Habitat: Watercourses (warm water)</b>	30 metres from the high-water mark on both sides.	15 metres from the high-water mark on both sides.
<b>Linkages</b>	30-metre buffer or larger if determined appropriate by an EIS.	Determined appropriate by an EIS.
<b>Floodplains</b>	Determined through hazard land mapping.	Determined through hazard land mapping.
<b>Shoreline</b>	30-metre buffer or larger if determined appropriate by an EIS.	30-metre buffer or larger if determined appropriate by an EIS.

#### D.4.1.17.2. Minimum Buffer Requirements Outside of Settlement Areas

1. Outside of **settlement areas** a minimum **buffer** on all **natural heritage features and areas** is required, as identified in Table D-1: Minimum Buffer Requirements for Natural Heritage Features.
2. Given the variability in the type, form, and function of **significant wildlife habitat** existing on the landscape, the width of the required minimum **buffer** is to be established through the completion of an **environmental impact study** or **subwatershed study**.
3. **Development** or **site alteration** will not be permitted in the minimum **buffer** identified in Table D-1, with the exception of that described in D.4.1.3 or **infrastructure** serving an **agricultural use**, unless it has been demonstrated through the preparation of an **environmental impact study** that there will be no **negative impacts**, and the **buffer** will continue to provide the ecological function for which it was intended.
4. Minimum **buffers** will be recognized as a **vegetation protection zone**, and replanting may be required and subject to an invasive species management plan or restoration plan.

#### D.4.1.17.3. Minimum Buffer Requirements Within Settlement Areas

1. Within **settlement areas**, mandatory **buffers** from **natural heritage features and areas** are required. The width of an ecologically appropriate **buffer** would be determined through an **environmental impact study** and/or **hydrological evaluation** at the time an application for **development** or **site alteration** is made, or through the completion of a **subwatershed study** in support of a secondary plan or other similar scales of **development**. The width of the **buffer** would be based on the sensitivity of the ecological functions from the proposed **development** or **site alteration**, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.



2. **Development** or **site alteration** will not be permitted in the mandatory **buffer**, with the exception of that described in D.4.1.3 or **infrastructure** serving the agricultural sector unless it has been demonstrated through the preparation of an **environmental impact study** that there will be no **negative impacts**, and the **buffer** will continue to provide the ecological function for which it was intended.
3. Notwithstanding any other policy in this Plan, the **conservation authority** has its own **buffer** requirements for watercourses which will apply. Reductions in any **buffer** required by the **conservation authority** may be considered in **settlement areas** where supported by a site-specific study that is approved by the Town and the **conservation authority**.
4. Minimum **buffers** will be recognized as a **vegetation protection zone**, and replanting may be required and subject to an invasive species management plan or restoration plan.

#### D.4.1.18. Subwatershed Planning

A **subwatershed study** is required to inform the identification and refinement of the **natural environment system** and the development of policies to protect the **natural environment system** when secondary plans are prepared for **designated growth areas** and other large undeveloped areas within the Town.

1. A **subwatershed study** should generally include, but is not limited to:
  - i. An inventory of existing ecological and hydrological data and conditions;
  - ii. The identification of existing and proposed land uses, and the modelling of potential development impacts;
  - iii. Eater quality targets in accordance with the Watershed Plan, Provincial guidelines, or other industry standards and best practices;
  - iv. Procedures for monitoring **quality and quantity of water** before, during, and after **development**;
  - v. Completion of a water balance;
  - vi. Consideration of all elements of the **natural environment system** as described this Plan;
  - vii. Refinement to the boundaries of the **natural environment system**;
  - viii. Identification of opportunities for, and constraints to **development**;
  - ix. Guidelines and best management practices for development design, environmental design, construction management, etc.;
  - x. The recommendation of appropriate stormwater management techniques in accordance with Provincial, Regional and Local guidelines and industry best practices;
  - xi. An analysis the cumulative impact of **development**; and
  - xii. implementation and adaptive monitoring plans.

2. Proposed **development** in **designated growth areas**, including the associated water, wastewater and stormwater servicing, will be planned to avoid, or if avoidance is not possible, minimize and mitigate any potential **negative impacts** on **watershed** conditions and the **water resource system**, including the **quality and quantity of water**.
3. The Town, in consultation with the Region, the **conservation authority**, and affected landowners, if appropriate, will determine the terms of reference for the **subwatershed study**.

#### D.4.1.19. Environmental Impact Study

The Town will establish guidelines to support the implementation of **environmental impact studies (EIS)**. The Town may revise the Environmental Impact Study Guidelines from time to time. When a development proposal has the potential to negatively impact a Natural Environmental System's natural features or their ecological functions, the proponent will be required to prepare an EIS to the satisfaction of the Town in consultation with the relevant **conservation authority**.

An EIS inventories and describes the existing **natural environment system** and ecological functions of the site in the context of the surrounding landscape. An EIS also assesses the potential **negative impacts** that proposed **development** may have on the **natural environment system** and provides recommendations on natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions.

1. Any required **environmental impact study** will be completed in accordance with D.4.1.16, and comply with all provisions of this Plan, where applicable.
2. Any **environmental impact study** completed to assess the impacts of **development** will consider Provincial sources and the Town's Natural Areas Inventory.
3. It is encouraged that an **environmental impact study** be initiated early in the development application process to identify features that may be present and areas that need to be protected, as well as to ensure sufficient time to complete surveys in appropriate timing windows. The **environmental impact study** will be submitted with the application.
4. An **environmental impact study** will be carried out by professionals qualified in the field of ecology, as well as from biology, hydrogeology, and other environmental sciences as required.
5. Pre-consultation with the Town and the **conservation authority** is encouraged for consultants in developing a Scoping Checklist and the Terms of Reference for an **environmental impact study**. The Town's Natural Areas Inventories contain important information that can assist in formulating the Terms of Reference and help inform the requirements of an **environmental impact study**. Prior to the commencement of the Study, a Terms of Reference, prepared by the applicant's consultant, will be developed and approved in consultation with applicable agencies, as required.

6. In general, the environmental impact study will:
  - i. Describe and state the rationale for the proposal and alternatives to the proposal;
  - ii. Describe adjacent land use and the existing regulations affecting the proposal and **adjacent lands**;
  - iii. Describe the proposed undertaking, including a surveyed location map showing proposed buildings, existing land uses and buildings, existing vegetation, fauna, site topography, drainage, hydrology, soils and habitat areas;
  - iv. Describe all natural features and functions and the **linkages** among them, on site and on **adjacent lands** that might directly or indirectly be affected including significant hydrologic, surface and groundwater functions such as groundwater discharge or recharge, as well as identification of the setting with respect to surrounding natural features;
  - v. Describe alternate forms that the proposal could take including an assessment of the advantages and disadvantages of each;
  - vi. Identify and evaluate the actions necessary to prevent, change, mitigate or remedy any impacts upon Natural Heritage Features and functions including **significant surface water contribution areas** and **groundwater features** and **hydrologic functions** and the alternative methods of protecting the functions and values of the areas affected;
  - vii. Assess the direct and indirect impacts on the Natural Heritage Features and ecological functions that might reasonably be caused by the proposal, identifying the types and significance of the impacts and including the cumulative effect;
  - viii. Draw a concluding statement on how the policy objectives of the Natural Heritage Section of this Plan are being complied with;
  - ix. Provide any other information required by the Town or the Niagara Peninsula **conservation authority** that is deemed necessary to evaluate the proposal in relation to the particular Natural Area under investigation;
  - x. 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
7. The Town may coordinate and partner with the Region, **conservation authority**, landowners and community groups to ensure watershed plans are prepared for major **watersheds** at the broad landscape level that include:
  - i. An inventory and assessment of ecological features and functions in the **watershed**;
  - ii. Identification of key issues and objectives;
  - iii. A water balance and conservation plan;

- iv. Recommendations to maintain and where feasible enhance ecosystem health; and
- v. Identification of **subwatershed** boundaries and establishment of new guidelines for additional studies where needed.

#### D.4.1.19.2. Applicability of an Environmental Impact Study

1. A proposal for new **development** or **site alteration** which is adjacent to a natural heritage feature or area will require an **environmental impact study** to determine that there will be no **negative impacts** on the feature, ecological function, or **hydrologic function** in accordance with the **adjacent lands** distances outlined in Table D-2: Environmental Study Impact Requirements Based on Natural Heritage Feature.
2. Table D-2: Environmental Study Impact Requirements Based on Natural Heritage Feature identifies the land use permissions within a natural heritage feature or on lands adjacent to a natural heritage feature:

Table D-2: Environmental Study Impact Requirements Based on Natural Heritage Feature

Natural Heritage Feature	Development Permission within Natural Heritage Feature	Development Permission Adjacent to Natural Heritage Feature
<b>Provincially Significant Wetlands</b>	<b>Development</b> is not permitted.	<b>Environmental Impact Study</b> required for <b>development</b> within 120 metres.
<b>Non-provincially Significant Wetlands</b>	Discretionary. An <b>environmental impact study</b> is required. Compensation Required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Significant Woodlands</b>	No <b>development</b> or <b>site alteration</b> is permitted.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres, measured from the dripline.
<b>Other Woodlands</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Areas of Natural and Scientific Interest (ANSI)</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Dune Protection Areas</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Habitat of endangered</b>	Discretionary. An	<b>Environmental Impact</b>

<b>and threatened species (must be defined in consultation with MECP)</b>	<b>environmental impact study</b> is required. <b>Development and site alteration</b> must be in accordance with <b>provincial and federal requirements</b> .	<b>Study</b> required for <b>development</b> within 50 metres.
<b>Significant Wildlife Habitat (SWH)</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Significant Valleylands, Valleylands, and Stream Corridors watercourse, floodplains, shoreline</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres. From stable top of bank.
<b>Fish Habitat (must be discussed with Fisheries and Oceans Canada [DFO])</b>	Discretionary. An <b>environmental impact study</b> is required. <b>Development and site alteration</b> must be in accordance with <b>provincial and federal requirements</b> .	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Linkages</b>	Discretionary. An <b>environmental impact study</b> is required.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.
<b>Key Hydrologic Feature</b>	<b>Development</b> is not permitted.	<b>Environmental Impact Study</b> required for <b>development</b> within 50 metres.

- Notwithstanding Table D-2, the requirement for an **environmental impact study** may be waived if the proposed **development** or **site alteration** is minor and is not anticipated to have a **negative impact** on the **natural environment system** in accordance with the waiving requirements outlined in the **environmental impact study**.
- New buildings and structures for **agricultural uses, agriculture-related uses, or on-farm diversified uses** will not be required to undertake an **environmental impact study** and/or **hydrological evaluation** if a minimum 30 metre **buffer** is provided from a natural heritage feature and area.

#### D.4.1.19.3. Environmental Impact Study Implementation

- The Town is committed to protecting the **natural environment system** in accordance with the Provincial land use planning policy and guidelines.
- The implementation policies regarding **environmental impact study** provides the minimum requirements proponents must satisfy when preparing an **environmental impact study**. The Town will establish guidelines to support the implementation of

**environmental impact studies.** At its discretion, the Town may refine or prescribe more precise guidance on a case-by-case basis.

3. An **environmental impact study** is to be submitted where development or site alteration is proposed wholly or partially within, or adjacent to, a feature of the **natural environment system**, as defined in Provincial and local policies and regulations.
4. At a minimum, an **environmental impact study** must address the following matters:
  - i. A site-specific assessment of the feature(s),
  - ii. A determination of how and the extent to which feature(s) will be impacted by the proposed **development** or **site alteration**, and
  - iii. Appropriate mitigation measures to:
    - a. As a first priority, avoid;
    - b. As a second priority, minimize; or
    - c. As a third priority, compensate for the **negative impacts**, including restoration and enhancement.
5. It is encouraged that an **environmental impact study** be started early in the development application process to identify **natural heritage features and areas** that need to be protected as well as to ensure sufficient time to complete surveys in appropriate timing windows. In this way, potential development constraints (i.e., areas that may not be appropriate for **development**) can be identified and avoided before developing a detailed site plan. To assist with the requirements for an **environmental impact study**, a preliminary screening is to be completed, and, if necessary, it is recommended that a Terms of Reference (TOR) be submitted to Town for approval.
6. The **environmental impact study** is to be submitted by the proponent but is to be prepared by qualified professionals with relevant environmental expertise. The professional preparing the **environmental impact study** must work in conjunction with other professionals in relevant and applicable fields to integrate the information contained in stormwater management plans, lot grading and drainage plans, geotechnical reports, noise studies, traffic studies, and other plans and studies, as may be required. Where those studies and plans may have implications for the environmental impacts of concern in the **environmental impact study**, they will be designed to address those impacts.
7. At a minimum, the following that may require an **environmental impact study** where the proposed **development** involves lands in or adjacent to a Natural Heritage Feature, as identified in Table D-2: Environmental Study Impact Requirements Based on Natural Heritage Feature:
  - i. Amendments to this Plan;
  - ii. Amendments to the implementing zoning by-law;
  - iii. Subdivisions;
  - iv. Condominiums;



- v. Site Plan;
  - vi. Severances and Variances;
  - vii. Municipal Site Alteration Permits;
  - viii. Development Permits;
  - ix. Master Drainage Plans;
  - x. Trails and interpretive areas within **Provincially significant wetlands** and Non-provincially Significant Wetlands;
  - xi. Tree Removal; and
  - xii. Other significant development proposals.
8. An **environmental impact study** will not be required where an Environmental Assessment or alternative environmental review is being undertaken or has been completed in the last five years as part of a comprehensive planning process required under Provincial or Federal Legislation, provided the Environmental Assessment or alternative environmental review fulfills all the requirements for site-specific, and/or landscape level **environmental impact study** that would otherwise be required.
  9. Only one **environmental impact study** is required when a **development** proposal involves two or more applications under the Planning Act.
  10. An environmental impact study will also include the following:
    - i. A scoping checklist to determine the requirements of an **environmental impact study** prior to the **E environmental impact study** being prepared. The scoping checklist should include input from the proponent, their consultants, and the Town. A scoping checklist is required to ensure that the **environmental impact study** provides the required information and analysis that addresses relevant environmental conditions as determined on a case-by-case basis.
    - ii. Terms of Reference must be submitted to and approved by the Town before submitting an **environmental impact study**. The Terms of Reference will clearly outline the proposed report components and establish the study area, characterize the general nature and extent of the development proposal, briefly summarize the scoping exercise, planning context, and known triggers for the **environmental impact study**. The Terms of Reference will also outline the proposed methodology for undertaking the **environmental impact study**.
  11. The Terms of Reference will be prepared in a report template and include the following additional information:
    - i. The name and contact information of the applicant, address of the subject, property, lists the report's principal author, the consulting firm, and the date the report was completed;
    - ii. Description of the subject property (natural features and areas, land cover, existing hard surfaces or buildings), type and scale of the development proposal (including any required servicing, **infrastructure** upgrades or stormwater



facilities, existing or proposed trails), historical and present uses of the subject property, and map(s) of the development location, subject property and study area;

- iii. The land use planning context, including a review of the official plan and zoning for the subject property and for the **adjacent lands** and identify environmental legislative, regulatory, and policy requirements that may affect the development proposal. This may include but is not necessarily limited to the Provincial Planning Statement, this Plan, the implementing zoning by-law, other applicable Town policies and by-laws, **conservation authority** regulations, as well as the Endangered Species Act, Federal Fisheries Act, and Migratory Birds Convention Act, as may be applicable;
- iv. Background review to identify relevant information from existing studies, plans, databases, etc., to be reviewed and considered through the **environmental impact study**;
- v. Description of the approach and methodology, including detailed study methods for studying **natural heritage features and areas**, **wildlife habitat**, and species at risk (including time of year, level of searcher effort, etc.). Including but not limited to Geology and soils, Hydrology and hydrogeology, Wetland Assessments and/or Delineations, Aquatic and **fish habitat**, Terrestrial vegetation (including **wetlands**), Vegetation communities (ecological land classification), Plants, Wildlife, **hazardous lands**, **hazardous sites**, **connectivity**, and ecological **linkages**;
- vi. Evaluation of significance to assess the various **natural heritage features and areas** against the appropriate policies and guidelines to determine significance, **hazardous lands**, **hazardous sites**, and assessment of appropriate **buffers** and/or setbacks;
- vii. Impact assessment to identify that the scope includes direct impacts, indirect impacts, cumulative impacts, etc. and an evaluation of alternative options/measures;
- viii. Mitigation measures including avoidance, enhancement, restoration, compensation, outreach, education, and stewardship;
- ix. Monitoring recommendations to outline of the types of monitoring to be included in the **environmental impact study**; and
- x. Recommendations and a concluding statement.

#### D.4.1.19.4. Linkage Assessment

1. An **Environmental Impact Study** will consider both the linkage within the site and connections with other sites and will evaluate the following:
  - i. identify and assess the linkage including its vegetative, wildlife, and/or landscape features or functions, including:
    - a. the natural areas and habitats/functions linked (number of sites linked and habitat sizes and condition);

- b. linkage type (e.g. anthropogenic railway or **utility** corridor, hedgerow, plantation, or natural community);
- c. vegetation cover type quality (health, condition, maturity, species, and aesthetic value);
- d. width;
- e. length; and,
- f. continuity of vegetation (long gaps greater than 100 metres, gaps containing roads or other barriers, or gaps less than 30 metres wide with no barriers);
- ii. assess the potential impacts on the viability and integrity of the linkage as a result of the development proposal; and,
- iii. make recommendations on how to protect, enhance or mitigate impacts on the linkage(s) and its functions through planning, design and construction practices.

#### D.4.1.20. Environmental Planning Study

1. Where a change in land use is proposed that goes beyond an individual site-specific development proposal, such as at the neighbourhood or community level, an Environmental Planning Study (EPS) will be prepared to ensure the intent of the goals, objectives, and policies of this Plan are achieved. The EPS will provide for an environmental inventory and assessment, an environmental management strategy in concert with a recommended development plan, recommendations for amendments to the planning documents, a Tree Protection Plan, and a monitoring plan to assess environmental health after **development** is initiated.
2. 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.
3. Where **development** or **site alteration** is approved in, or adjacent to, a Natural Heritage Feature, new lots thus created will not extend into the area to be retained in a natural state or the **buffer** zone identified through an **environmental impact study**. The lands to be retained in a natural state and the adjacent **buffer** zone will be maintained as a single block and zoned to protect their natural features and ecological functions. The transfer of these lands to the Town, the **conservation authority** or another appropriate public or private conservation organization will be encouraged. It should not be assumed that these lands will be accepted by the Town as parkland dedication. Additional methods of protecting these lands, such as conservation easements, will be considered.

#### D.4.1.21. Restoration Plans and Monitoring

1. The following detailed site studies and plans will be required, at a minimum, as part of any application for **development** including any application involving **site alteration**:
  - i. **Environmental Impact Study** that defines key natural heritage features and appropriate **vegetation protection zones** and demonstrates that the impacts of **development** are appropriately mitigated and/or compensated, where suitable;

- ii. A Functional Servicing and Stormwater Management Report that provides an appropriate design for servicing, water quality and quantity controls, erosion control and water balance, as applicable;
- iii. Landscape Restoration plans and proposed grading;
- iv. Geotechnical Report; and,
- v. Topographical Survey.

#### D.4.1.22. Invasive Species Management

Invasive species are defined in the Province of Ontario's Invasive Species Strategic Plan (2013) as plants, animals, and micro-organisms introduced by human activity outside their natural or past disturbance. The Town may:

- 1. Partner with neighbouring municipalities, the Region, Conservation Authorities, the Niagara Parks Commission, other Provincial agencies, and conservation organizations in carrying out invasive species management.
- 2. Develop policies and programs that require or promote measures to eliminate and/or manage invasive species and discourage the use of non-native invasive species plantings in new **developments** adjacent to the natural environment system.
- 3. Require all **development** and **site alteration** approvals to include measures that limit the introduction and spread of pests, disease, invasive species, urban wildlife, and other threats to the production of food and health of natural environments. This will include requirements to:
  - i. Minimize disturbances during and following **site alteration** (to minimize suitable habitat for invasive plants);
  - ii. Restore disturbed areas and degraded ecosystems as soon as possible to reduce suitable habitat for invasive plants;
  - iii. Protect and maintain genetic and species diversity and functioning ecosystems, since they are more resilient to invasive species;
  - iv. Establish invasive species management plans as part of the development process to control potentially contaminated materials (e.g., fill, soil, gravel, excavated materials from construction sites, etc.) at the source and requiring measures such as inspecting and cleaning equipment; and
  - v. Encourage native flora as an alternative to invasive species.
- 4. Encourage invasive species management as a component of managing street trees, municipally designated forests and woodlands, public parks and municipally designated natural areas; and
- 5. Consider the use of the following strategies to manage invasive species:
  - a. Directing use of the Weed Control Act to require removal of invasive species on private lands;

- b. Establishing by-laws to prevent invasive plants spread into natural areas through the illegal dumping of green waste in natural areas, parking lots, borders shared by residential neighbourhoods, trails and other public lands;
- c. Encouraging public education programs through which the public can learn to identify common invasive plants and learn about native alternatives to invasive plants that may be available through the horticulture trade; and
- d. Establish programs that provide residents with information and tools to take appropriate action against invasive plants on their own property and which include encouragement to support the work of local stewardship groups and non-profit organizations.

#### D.4.1.23. Aggregate Operations within the Natural Environment System

- 1. Where a new mineral aggregate operation or an expansion to an existing operation is proposed within the **natural environment system**, an **environmental impact study** is required and will include consideration of:
  - i. Whether the following will be maintained or enhanced before, during and after mineral aggregate extraction,
  - ii. **Connectivity** among Natural Heritage Features and **hydrologic features**;
  - iii. Significant **hydrologic features** and functions; and
  - iv. How Significant Natural Heritage Features and ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater **ecological value** that are representative of the natural ecosystem in that particular setting or ecodistrict.

#### D.4.1.24. Source Water Protection

- 1. The **Source Protection Plan** for the Niagara Peninsula Source Protection Area protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the Clean Water Act and associated regulations either never become a significant threat or cease to be a significant threat to drinking water.
- 2. The Rosehill Water Treatment Plant **intake protection zones** are shown on Schedule H: Key Hydraulic Areas and Intake Protection Zones.
- 3. The policies of this Plan in its entirety and in conjunction with the Niagara Peninsula Source Protection Plan, the Niagara Peninsula Source Protection Area Assessment Report and the Explanatory Document. The policies of this section must also be read in conjunction with other applicable plans and legislation.
- 4. New waste disposal sites for the application of untreated septage to land will not be permitted within the Rosehill **Intake Protection Zone 1** and **Intake Protection Zone 2**.
- 5. Any planning or building application made for a land use other than residential in the Rosehill Intake Protection Zone 1 and 2, may require a Section 59 notice from the

**Risk Management Official.** The requirements of the notice will be determined through the application screening process.

6. Future open storage of road salt greater than 5,000 tonnes is not permitted within the Rosehill **Intake Protection Zone 1**.
7. Future storage of snow greater than one hectare in area is not permitted within the Rosehill Intake Protection Zone 1.
8. New combined sewers, wastewater treatment facilities, and industrial effluent systems, as defined in Appendix C of the Niagara Peninsula Source Protection Area Assessment Report (2013), are not permitted where they would be a significant threat within the Rosehill **Intake Protection Zone 1** and **Intake Protection Zone 2**.
9. An application for, or expansion, extension or alteration of commercial or industrial development or storm water management facilities, may be deemed to pose a significant threat to municipal drinking water, within the Rosehill **Intake Protection Zone 1** and **Intake Protection Zone 2**, by the **Risk Management Official** and the Town. In such cases the development application will be accompanied by a stormwater management plan that demonstrates the development does not pose a significant threat to municipal drinking water to the satisfaction of the Town in consultation with the **risk management official**.
10. The storage, and application to land of **agricultural source material**, and the lands used for, are considered significant threats in the Rosehill **Intake Protection Zone 1** and **Intake Protection Zone 2**. New agricultural land uses, such as livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are not permitted within the Rosehill **Intake Protection Zone 1** and **Intake Protection Zone 2**.
11. The Town will monitor and report on the measures taken to implement the significant threat policies annually in accordance with the Niagara Peninsula Source Protection Plan, which will address the following:
  - i. Total number and type of development applications in **intake protection zones**;
  - ii. Pre-consultation meetings related to the Niagara Peninsula Source Protection Plan;
  - iii. Number of Risk Management Plans reviewed and approved;
  - iv. The number and type of development applications in Intake Protection Zones with the potential for the creation or modification of a transport pathway; and
  - v. Steps taken to improve education and research.

## **D.4.2 Open Space**

### **D.4.2.1. Vision**

Open space lands are a valuable resource to the community, providing opportunity for recreation, leisure, social interaction and engagement, and the enjoyment of the natural environment. Open space lands contribute to physical and mental wellbeing and are an important component of a complete community. This Plan promotes a connected system of

open spaces that are comprised of parks, trails, and more naturalized areas, while supporting the objectives of the **natural environment system** policies of this Plan.

#### D.4.2.2. Objectives

The following objectives apply to the Open Space designation:

1. The continued maintenance, enhancement, and expansion of the open space system for the enjoyment and accessibility of the community, including opportunities to support the Town's **active transportation** network.
2. Open spaces will be designed, programmed, and planned to be accessible to people of all ages and abilities.
3. Improve public access and the usability of public parkland along the Lake Erie shoreline.
4. Promote 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.
5. Encourage the preservation of existing **woodlands**, unique natural areas, and areas of archaeological significance.
6. The development of scenic drives, 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.
7. Undertake joint planning of conservation lands to meet both the Region's and Town's needs and objectives. Such planning will, through consultation with **conservation authority**, consider the use of lands owned or operated by the **conservation authority** under the Conservation Authorities Act.

#### D.4.2.3. Permitted Uses

Land uses permitted within the Open Space designation are:

1. Active and passive recreational uses;
2. Conservation, forestry and wildlife management uses, including education, awareness, or research uses that are secondary to the principal use.
3. Community gardens;
4. Cemeteries;
5. Marinas;
6. Legally existing golf courses; and
7. Campgrounds.

#### D.4.2.4. General Policies

1. It is a priority of the Town to develop and implement policies, initiatives, and programs for the acquisition, use, development management and distribution of open space



areas which best meet the current and future needs of residents, while recognizing the objectives of the Open Space designation.

2. The Town's Parks and Open Space Master Plan assesses the community's open space resources, determines where improvements and services are required and creates a long term implementation plan to allow the Town to respond to community needs over the horizon of this Plan. It is the intent of this Plan work in conjunction with the Parks and Open Space Master Plan and support its implementation.
3. 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. Passive recreational uses of such areas will be restricted to lands which have been specifically acquired or developed for such purposes.
4. Where any lands designated for Open Space on Schedule E: 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 Town or the **conservation authority**.
5. The use of lands owned from time to time by the Niagara Parks Commission is governed by the provisions of the Niagara Parks Act. The Niagara Parks Commission, in the use of its lands, will be consistent with the provisions contained in the Provincial Planning Statements and will conform with Provincial plans that are in effect or will not conflict with them, as required from time to time under subsection 3(5) of the Planning Act. Before proceeding with any undertaking that may directly affect the Town of Fort Erie, the Niagara Parks Commission will consult with the Town and have regard for the municipality's established planning policies, as may be required from time to time under subsection 6(2) of the Planning Act.

#### D.4.2.4.2. **Parkland Development**

1. Parklands will be developed in accordance with the Town's Parks and Open Space Master Plan.
2. Parkland will be planned and function to:
  - i. Serve the entire population of Fort Erie;
  - ii. Be accessible from major roads and highways and by public transportation, walking and cycling; and
  - iii. Be designed and developed in concert with identified Town-wide needs.
3. Provide a range of recreational opportunities within walking distance of the surrounding neighbourhood that they are intended to serve;
4. Provide opportunities for both passive and active recreational pursuits; and
5. Provide, where feasible, multiple purpose, year-round activities.



6. Parkland 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.
7. The Town will own, lease, operate, maintain, and administer public parkland to meet the recreational needs of its residents.
8. The Town will acquire public parkland through the processing of development applications, in accordance with the policies of this Plan.

#### D.4.2.4.3. Public Access to the Lake Erie Shoreline

1. The Lake Erie shoreline offers natural heritage, aesthetic and recreational amenities to residents and visitors of the Town and contributes to the local economy. The promotion of recreational opportunities and public access to Lake Erie to allow the utilization of these amenities is an objective of this Plan. The following policies are important tools to implement this objective:
  - i. 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.
  - ii. Wherever desirable or feasible, the Town 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.
  - iii. Lands identified as **hazardous lands** and **hazardous sites**, including any **water lots**, will be encouraged to be dedicated or placed under a restrictive covenant to the Town as a condition of **development** related to Consent, Plan of Subdivision/condominium or Site Plan Control.
  - iv. The Town will consider the strategic acquisition of Lake Erie shoreline lands that complement lands owned by the Town and utilized for parks purposes or public access associated with the waterfront road allowance strategy.
  - v. The Town will identify possible opportunities through secondary plans or other similar land use planning studies.
  - vi. Council will consider land acquisition priorities through annual budgeting exercises.

## E. Complete Community

### E.1 Introduction

The Town will continue to evolve into a complete community as a strategic component of the overall growth management framework of this Plan. A complete community is one that offers the daily needs of the community with convenient access to a mix of uses including housing options, jobs, shopping, **public service facilities**, recreation, leisure, and transportation choices. **Complete communities** are designed to be accessible and walkable places, with a wide variety of housing options and where most amenities are in close proximity. Policies within this Section apply across the entire Town, to ensure that the decision making in the context of this Plan is thoroughly considered in building **complete communities**.

### E.2 Housing

Access to a range of housing options is a fundamental component of **complete communities**, directly benefiting the overall wellbeing of residents. The policies of this Plan support the development of housing options that meet the current and future needs of residents by promoting a greater range of housing options to meet different housing needs over time. These policies will be implemented by working with a range of partners and collaborators, as well as by using various tools and approaches available to the Town that will advance the housing objectives of this Plan and the priorities of the community.

#### E.2.1 General Policies

1. A diverse range and mix of housing options, including **additional needs housing**, will be planned for to accommodate current and future housing needs of the Town.
2. Planning for housing options will be aligned with demographics, affordability, employment opportunities, and other similar needs of the Town.
3. Provide for a mix and range of housing options suitable for all ages, household sizes and abilities, in partnership with the Region, other levels of government, the development industry, community partners and stakeholders, including:
  - i. **Affordable** housing to address needs throughout the income spectrum;
  - ii. Emergency and transitional housing;
  - iii. Co-housing, group rooming, and additional needs housing; and
  - iv. Purpose-built rental housing.
4. Residential **development, redevelopment, and intensification** should incorporate **universal design** standards to provide housing options that are suitable for all stages of life and abilities.
5. Support higher density housing, infill **development, redevelopment**, and non-traditional housing forms by permitting a broad range of dwelling types that:

- i. Minimizes the cost of housing and facilitates more **compact built form**;
  - ii. Maintains appropriate levels of public health and safety; and
  - iii. Considers reduced development costs; and
  - iv. Is compatible with the surrounding neighbourhood.
6. New residential **development** and residential **intensification** are encouraged to be planned and designed to mitigate and adapt to the **impacts of a changing climate** by:
  - i. Facilitating a **compact built form** to minimize land consumption and make efficient use of planned or existing municipal **infrastructure**;
  - ii. Incorporating sustainable housing construction materials or practices, **green infrastructure**, energy conservation standards, water efficient technologies, and **low impact development**; and
  - iii. Locate near everyday amenities.
7. Prioritize and review surplus municipal land and buildings for the development of housing options before otherwise selling, leasing or redeveloping the surplus municipal lands.
8. Work with other levels of government and key stakeholders to explore opportunities to deliver housing in a timely manner.
9. Promote and leverage financial incentives, such as through a community improvement plan, as a tool to support the creation of a wider range of housing options.
10. Review and update the implementing zoning by-law to ensure that zoning regulations do not unintentionally discourage or prevent the development of a full range of housing options within the Town.
11. The down zoning of residential properties, unless otherwise permitted under a Secondary Plan, will only be permitted if it can be demonstrated that the rezoning will not significantly impact the **intensification** targets, supply and mix of residential land, and the range of housing options within the Town.

## **E.2.2 Affordable Housing**

1. The Town will achieve the following minimum targets for **affordable** housing within the Town:
  - i. 20-percent of all new rental housing is to be **affordable**; and
  - ii. 10-percent of all new ownership housing is to be **affordable**.
2. The Town will endeavour to ensure that **affordable** housing is made available to **low and moderate income households**.
3. Encourage **affordable** housing to be located in close proximity to everyday amenities, **public service facilities**, **active transportation** networks, and parks and open space.

4. The following approaches may be explored to support the development of **affordable** housing:
  - i. Flexibility in the scale, form, and types of housing permitted as-of-right, including **additional residential units** and other alternative housing forms;
  - ii. The timeline approval of development applications for **affordable** housing, with a priority for **developments** that are subject to time-sensitive government funding;
  - iii. The inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;
  - iv. Site standards that facilitate the development of **additional residential units**, such as reduced setbacks, narrower lot sizes, and reduced parking standards;
  - v. Inclusionary zoning provisions within areas with an approved Community Planning Permit System, subject to the preparation of an assessment report in accordance with provincial direction.
  - vi. Demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without demonstrating to the Town's satisfaction that the replacement of the same or higher number of rental units will be developed; and
  - vii. Residential **intensification** by means of conversion of non-residential uses, permitting **additional residential units** within existing dwellings, as well as infilling and **redevelopment**.
5. Coordinate with Town departments, the Region, school boards, not-for-profit and non-profit agencies, **institutional uses**, and Federal and Provincial agencies to create **affordable** housing, including:
  - i. Identify surplus lands and/or buildings that may be suitable for **affordable** housing development;
  - ii. Prioritize the sale or lease of suitable surplus property for the **development of affordable and attainable housing**; and,
  - iii. Identify **brownfield** sites and **greyfield sites**, including underutilized commercial sites or strip plazas, outside **employment areas** for mixed use residential **intensification** and **affordable** housing development.
6. Explore financial and non-financial incentives for **affordable** housing and purpose-built rental units, such as:
  - i. Development charge grants or deferrals;
  - ii. Planning application fees grants or waivers;
  - iii. Parkland dedication fees grants or waivers; and
  - iv. Property tax reduction or deferrals.
7. Negotiate agreements with the public and private sectors to accommodate **affordable** housing through the draft plan of subdivision and condominium approval process.

8. The Town will work in consultation with the Region to establish targets and implement strategies to develop **affordable** housing, including those identified in Niagara's Housing and Homelessness Action Plan.
9. Work with the Region and other local municipalities to advocate to the Federal and Provincial governments to provide economic incentives and funding for housing projects.

### E.2.3 Additional Needs Housing

1. **Additional needs housing** is a residential facility where individuals with similar needs or conditions, beyond economic needs, live together under supervision and receive support services from qualified staff.
2. **Additional needs housing** intends to provide a stable and supportive living environment, tailored to the resident's needs, while integrating into surrounding communities in a manner that promotes social inclusion and supports the provision of community-based care.
3. The Town recognizes the need for **additional needs housing** in the community and supports the integration of these housing types at appropriate locations, subject to the policies of this Plan.
4. Prioritizing the use of public lands for emergency and transitional housing, including areas that are located in close proximity to **public service facilities** and everyday amenities.
5. **Additional needs housing** will be permitted in any land use designation which permits residential uses, subject to regulations of the implementing zoning by-law.
6. **Additional needs housing** will be located on a site of suitable size for the proposed **development**, and will provide adequate landscaping, amenity features, on-site parking, and buffering, as may be deemed appropriate by the Town.

### E.2.4 Additional Residential Units

1. The Town recognizes the importance of **additional residential units** as an important opportunity for contributing to a range and mix of housing options and supporting residential **intensification**.
2. A maximum of two **additional residential units** per lot is permitted in all land use designations, in addition to the principal residential dwelling. Where **additional residential units** are permitted, they may consist of:
  - i. Two residential units within the principal residential dwelling, with one **additional residential unit** in an accessory building or structure;
  - ii. Three residential units within the principal residential dwelling provided there is no **additional residential unit** within an accessory building or structure; and
  - iii. One residential unit in an accessory building or structure, provided the principal residential dwelling contains no more than two residential units.
3. The following development criteria apply to **additional residential units**:

- i. No more than one additional parking space will be provided and maintained for the sole use of the occupant of each **additional residential unit**, in addition to the parking requirements for the principal residential dwelling, unless otherwise established by the implementing zoning by-law
  - ii. Adequate **sewage and water services** are available or can be provided to service the **additional residential unit** to the satisfaction of the Town and the Region;
  - iii. Severances to subdivide an **additional residential unit** from a principal dwelling is not permitted.
4. The Town will encourage the construction of **additional residential units** or building design that allows for future **additional residential units** in all new construction, where appropriate. Construction and design considerations may include, but are not limited to:
  - i. A separate access into the **additional residential unit**;
  - ii. Consideration for future renovations or improvements such as plumbing, electrical and HVAC; and
  - iii. Ensuring the Ontario Building Code provisions related to noise and fire insulation between units are installed when the dwelling is constructed.
5. The implementing zoning by-law may establish more detailed regulations regarding **additional residential units**, including such matters as location, size, scale, setbacks, and parking, as well as other regulations as deemed necessary.

## **E.2.5 Garden Suites**

1. The Town will encourage the provision of **garden suites** as an **additional residential unit**, subject to the following development criteria:
  - i. A **garden suite** will be subject to a temporary use by-law in accordance with the provisions of the Planning Act, and will ensure appropriate buffering and compatibility with adjacent uses;
  - ii. A **garden suite** is not permitted within the front and exterior side yard of a lot;
  - iii. A maximum of one **garden suite** is permitted on a single lot;
  - iv. The total number of **additional residential units** in accordance with Policy E.2.4 will include a **garden suite**;
  - v. An agreement between with the Town may be required to address matters such as installation, maintenance and removal of the **garden suite**, period of occupancy, and any financial or other securities as may be required to address costs to the municipality related to the **garden suite**; and
  - vi. Adequate **sewage and water services** are available to service the **garden suite** to the satisfaction of the Town.
2. A **garden suite** must conform to the requirements of the implementing zoning by-law.

## E.2.6 Short-Term Rental Accommodations

1. The Town recognizes the long history of short-term cottage rentals in the Town while also recognizing the need to balance longer term rental and permanent housing for residents.
2. The Town's goals and objectives related to **short-term rentals** are as follows:
  - i. **Short-term rentals** will be regulated as a commercial use and will generally respect the character, amenity and quality of the neighbourhoods in which they are located;
  - ii. To support tourism uses as well as supporting people with temporary and sometimes unforeseeable temporary accommodation needs; and
  - iii. To mitigate conflicts with neighbouring residential uses and to provide land use controls in addition to the Town's Short-term Rental Licensing By-law.
3. Owner occupied **short-term rentals** are generally permitted in any designation that permits residential uses subject to the provisions of the implementing zoning by-law and may be located within a principal or accessory dwelling unit.
4. Dedicated **short-term rentals** are generally permitted within commercial areas, tourist areas, and select areas of the historic Crystal Beach neighbourhood, and along the waterfront west of Kraft Road to the Town's western extent.
5. The Town may establish, through the implementing zoning by-law and/or a municipal licensing framework, appropriate provisions related to the nature and location of **short-term rentals** appropriate and compatible with surrounding land uses, such as:
  - i. Maximum size and/or maximum number of bedrooms;
  - ii. On-site parking requirements;
  - iii. On-site signage;
  - iv. Landscaping, screening and buffering;
  - v. Appropriate on-site amenity area;
  - vi. Adequate **sewage and water services** capable of handling the demand of the **short-term rentals**;
  - vii. Operational fire and safety plans;
  - viii. Suitable enclosed waste disposal area;
  - ix. Types of buildings which are permitted to accommodate a **short-term rentals**; and,
  - x. Density or concentration requirements.
6. The Town may establish appropriate provisions related to the scale and density of **short-term rentals**, occupancy loads, parking requirements, and buffering, all of which will be considered appropriate and compatible with surrounding uses and may be considered in the licensing framework prior to a license being provided.



7. The Town may, on an area-specific or case-by-case basis, prohibit **short-term rentals** in areas that are not considered to be consistent with this Plan.
8. Where **short-term rentals** are not permitted by the implementing zoning by-law, **short-term rentals** may be considered through a planning application where the following criteria are satisfied:
  - i. There will be minimal or no disruption to neighbouring properties, including any nuisance related impacts such as noise, odour, or traffic.
  - ii. There is a compelling reason to permit a **short-term rental** use, such as it can be demonstrated that the dwelling has a history of use as a vacation cottage rental, or it is part of a unique business opportunity; and,
  - iii. The applicant is eligible to obtain a **short-term rental** licence upon a Planning Act approval.
9. The Town may limit the number of **short-term rental** licenses through the licensing bylaw to ensure that there remains a suitable number of dwelling units available for residents of the Town, providing for a mix of housing types and affordability.
10. In addition to zoning and licensing, and any agreements associated thereto, **short-term rental** uses may be subject to other municipal by-laws including but not limited to parking, noise, property standards and fire and safety regulations.

## E.3 Employment

Fort Erie has a diverse and strong local economy that contributes to overall community wellbeing and prosperity. Planning for employment ensures that businesses can continue to grow, expand, and diversify in Fort Erie, and that appropriate lands are available in the optimal location when new opportunities for investment arises. The policies of this Plan provide an important foundation for other Town initiatives and programs to support economic development and create a favourable context for businesses to succeed. The protection of employment lands for long term growth provides businesses with the stability and assurance needed to make long term investments in the Town that contribute to a prosperous community.

### E.3.1 General Policies

1. Employment land uses within the Town will be promoted by aligning land use planning and economic development strategies to retain and attract investment that supports economic growth and diversification.
2. Support economic development and employment growth within the Town by:
  - i. Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment;
  - ii. Creating high-quality employment opportunities for residents;
  - iii. Adapting to evolving economic conditions; and
  - iv. Supporting access to employment opportunities for Town residents.

3. Support the development of **complete communities** by balancing residential and employment uses throughout the Town, improving the opportunity for working and living in closer proximity.
4. Plan for a connected and **multimodal transportation system** within the Town and Region to support integration and connectivity between **employment areas** and adjacent land uses.
5. Support a diverse workforce by providing a mix and range of housing options and tenures, including **affordable** housing, in alignment with the housing policies of this Plan.
6. Plan for flexible and adaptable **employment areas** that include street patterns, parcel fabrics, and building design and siting that allow for **redevelopment** and **intensification**.
7. Protect **employment areas** located adjacent to, or in proximity of, goods movement facilities and corridors, including existing and future major highways and interchanges, for manufacturing, warehousing, logistics, and related uses.
8. Prioritize the provision of full municipal services in **employment areas** to accommodate more intensive and higher order employment uses.
9. Mitigate land use conflict and incompatibility where necessary to protect public and environmental health and safety.
10. The Town will use tools afforded under the Planning Act and other provincial regulations and guidelines to achieve land use compatibility between **employment areas** and **sensitive land uses**, in accordance with the following:
  - i. **Major facilities** and **sensitive land uses** will be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential **adverse effects** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of **major facilities** in accordance with Provincial guidelines, standards and procedures.
  - ii. Where avoidance is not possible, the Town will protect the long-term viability of existing or planned industrial, manufacturing or other uses that are **vulnerable** to encroachment of incompatible land uses by ensuring that the planning and **development** of proposed adjacent **sensitive land uses** are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:
    - a. There is an identified need for the proposed use;
    - b. Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
    - c. **Adverse effects** to the proposed sensitive land use are minimized and mitigated; and

- d. Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.
11. Develop urban design guidelines as part of Secondary Plans or alternative comprehensive plans for new **employment areas**, including those that are within **designated growth areas**.
12. Require that Secondary Plans and **development** within existing and new **employment areas** address the **interface** between urban and agricultural land uses in order to mitigate any potential impacts to agricultural operations to the extent feasible, through future planning approvals.
13. Collaborate with the Region to implement the Niagara Region 10-Year Economic Development Strategy.

### E.3.2 Employment in Mixed-Use Areas

In addition to designated **employment areas** that are planned for more traditional employment uses such as manufacturing, warehousing, and goods movement, the Town will plan for a range and mix of employment opportunities that can be integrated into mixed-use communities that are located outside of designated **employment areas**, provided that:

1. Employment uses that could be located adjacent to **sensitive land uses** without **adverse effects** are encouraged to locate in **strategic growth areas** and other mixed-use areas. Such uses could include office uses, small-scale warehousing or light manufacturing uses.
2. Major office and **institutional uses** are encouraged to locate in the **strategic growth areas** as identified in Schedule A: Town Structure.

## E.4 Climate Change

The Town recognizes the importance of land use planning in helping to mitigate and adapt to a changing climate. Fort Erie is experiencing the **impacts of a changing climate** through evolving weather patterns, including warmer temperatures, increasingly severe weather events, and rising shorelines, among others. Strong, liveable and healthy communities are resilient to the **impacts of a changing climate**. This Plan recognizes the need to implement climate change mitigation and adaptation measures to enhance the resiliency of its built and natural environments, and the strategic role of land use planning to develop resilient communities.

### E.4.1 General Policies

1. The Town will plan for land use and development patterns that prepare for the **impacts of a changing climate** by promoting a compact form and mix of land uses, in accordance with the growth management framework and land use designations of this Plan.
2. The policies of this Plan support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the **impacts of a changing climate** through land use and development patterns which:

- i. Promote a compact form and a system of multi-modal transportation options, including **active transportation**;
  - ii. Promote the use of **active transportation** and transit in and between residential, employment (including commercial and industrial) and **institutional uses** and other areas;
  - iii. Focus major employment, commercial and other travel-intensive land uses, on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
  - iv. Focus freight-intensive land uses to areas well served by major highways and **rail facilities**;
  - v. Encourage **transit-supportive development** and **intensification** to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
  - vi. Promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and **green infrastructure**; and
  - vii. Maximize native vegetation that supports biodiversity and carbon sequestration within **settlement areas**, where feasible.
3. The Town will maintain and update the Climate Change Action Plan to outline strategic actions and goals that will be pursued to mitigate, reduce, and address the **impacts of a changing climate**.
  4. Assess **infrastructure** risks and vulnerabilities, including those caused by the **impacts of changing climate**, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.
  5. The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture will be encouraged for all matters, including those related to the **impacts of a changing climate**.
  6. The Town will maintain and enhance the existing tree canopy to the greatest extent possible by:
    - i. Implementing, monitoring, and regularly reviewing and updating the Tree, Heritage Conservation, and Forest Conservation By-law(s);
    - ii. Working with Council, the Region and the **conservation authority** to assess and monitor the tree canopy; and
    - iii. Encouraging the planting of trees as **sustainable design** elements in new **development**.
  7. Develop consultation protocols of the First Nations that have traditional territory in this area, including the Anishinaabe, specifically the Mississaugas of the Credit First Nation, and the Haudenosaunee when engaging on planning matters or **public works**

**projects**, as well as consider their interests when identifying, protecting, and managing **cultural heritage resources** and **archaeological resources**, planning for sustainability and the **impacts of a changing climate**, and the **natural environment system**.

8. The Town supports stewardship and partnerships to maintain and enhance the tree canopy. The Town will work with other levels of government, Conservation Authorities, Indigenous Communities and community groups to support education, outreach, and landowner stewardship programs.
9. To encourage energy conservation, energy efficient practices and **sustainable design**, the Town may consider developing Green Development Standards. These Green Development Standards to be consistent with and implement the goals, strategic objectives and policies of this Plan.
10. The Town will encourage the Region to undertake the creation of Green Development Standards that takes a regional approach that reduces complexity for developers who work across the Region. By working together, the intent is to share resources, reduce administrative complexity, and present a coordinated approach to engaging with stakeholders.
11. The Town encourages the development of energy supply-related **infrastructure** and facilities, including electricity generation and transmission distribution systems, energy storage systems, district energy, **renewable energy systems**, and **alternative energy systems**, to accommodate current and projected needs.

#### **E.4.2 Climate Change Projections**

1. Climate modeling and projections will be maintained by the Region to inform climate change adaptation initiatives using the best available science.
2. The Town will work with the Region to assess anticipated climate change risks and vulnerabilities across systems, and develop and implement a Climate Change Adaptation Strategy, informed by Regional climate projections, to prepare for the **impacts of a changing climate**.
3. Climate projections will be considered by the Town in land use policies, strategies and guidance.

#### **E.4.3 Climate Change Adaptation and Mitigation**

1. Work with the Region to address climate change risks and vulnerabilities and resiliency and to reduce greenhouse gas emissions.
2. Growth and **development** within the Town will integrate land use planning and **infrastructure** planning to responsibly manage forecasted growth and to support the mitigation and adaption to the **impacts of a changing climate** by:
  - i. Protecting **natural heritage features and areas**, water resource systems, and other components of the **natural environment system**;

- ii. Where possible, integrating **green infrastructure** and **low impact development** into the design and construction of **public service facilities** and private **development**; and
  - iii. Promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.
3. Work with the Region to update the municipal energy plan in consultation with the **utility** companies and organized interest groups to reduce energy consumption and greenhouse gas emissions, complement land use and **infrastructure** master planning, and support economic development opportunities in the region.
  4. Consider the role of public transit in contributing towards the Provincial and Regional greenhouse gas emissions reduction targets.
  5. Support the integration of electric vehicle charging **infrastructure** in new **developments** and Town facilities to support sustainable transportation and reduce greenhouse gas emissions.

#### **E.4.4 Water Quality and Quantity**

1. 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 Environment Policies* of this will be read in their entirety and all relevant policies applied to each situation.
2. 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 will consider amendments to this Plan and incorporate appropriate findings into Secondary Plans to further delineate the features and establish appropriate policies.
3. Development or **site alteration** will be restricted in or near sensitive surface water features and sensitive groundwater features as identified through Watershed Plans or **Source 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.
4. **Development** and **site alteration** should not negatively impact the **quality and quantity of water**, functions and characteristics of surface or groundwater resources with respect to natural heritage areas, groundwater recharge areas or essential well supplies of landowners.
5. The Town will implement the necessary restrictions on **development** and site alteration in accordance with the Niagara Peninsula Source Protection Plan to:
  - i. Protect all municipal drinking water supplies and **designated vulnerable areas**; and
  - ii. Protect, improve or restore **vulnerable** surface and ground water, and their **hydrologic functions**.



6. Stormwater management **infrastructure** is encouraged to have natural vegetation and where feasible, connection or integration with the **natural environment system** to support water quality and biodiversity.
7. Necessary restrictions will be placed on **development** and **site alteration** to protect all municipal drinking water supplies and designated **vulnerable** areas.
8. A stormwater management plan and sediment and erosion plan, signed by a qualified professional engineer, will be required with a development application. The stormwater management plan will demonstrate that vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services will be minimized.
9. Stormwater management plans will be prepared in accordance with current provincial planning and design standards and where an **environmental impact study** is being prepared for the **development**. The stormwater management plan will be coordinated with and integrate any recommendations of an **environmental impact study**, Environmental planning study or Watershed Plan.
10. Abandoned wells can be conduits for hazardous materials to reach and contaminate groundwater systems. Before allowing any new **development** to occur on lots that contain abandoned wells, such wells will be plugged and decommissioned as a condition of development approval.
11. The Town supports design, construction and maintenance of Requisition and Petition Drains authorized under the Drainage Act in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas, **fish habitat**, and **wildlife habitat**.

#### **E.4.5 Energy Conservation**

1. In order to provide support for improved energy efficiency and air quality, opportunities will be provided for alternative and **renewable energy systems** in accordance with the Provincial legislation, as required.
2. Alternative and/or **renewable energy systems** are permitted within Fort Erie, subject to the development and use of alternative and/or **renewable energy systems** being in accordance with **provincial and federal requirements**, including appropriate separation distances to address land use compatibility and consideration for standard but important site plan matters with respect to drainage, landscaping and access where relevant.
3. The Town will encourage the development of private and public **renewable energy system** projects, where feasible, and where they will not cause harm to public health and safety, or the natural environment.
4. Promote energy conservation in all areas of the Town.
5. Encourage proponents of future **development** and/or **redevelopment** to incorporate energy-saving measures in their proposals through site planning and building design.
6. Promote the reduction of energy consumption and dependency on non-renewable energy sources, particularly in all Town-owned, maintained and/or operated facilities.

7. Cooperate with the appropriate public and private agencies to inform the public of energy concerns and promote energy efficiencies.
8. The Town will encourage and explore opportunities to attract economic growth through the development of environmental industries that produce environmental goods and services, including clean or resource efficient technologies.
9. The Town recognizes the Province's green energy objectives and, in an effort, to support the Provincial goal to build a green economy, and to achieve local goals and objectives for an economically strong and diverse community, the Town will support green energy and creation of green jobs.

## E.5 Agricultural System

The Town is home to an active and vibrant agricultural community, which includes a wide range of agricultural activities, including food production, **agri-tourism uses**, livestock operations, land stewardship, and more. The agricultural land base within the Town will be protected over the long-term to support a healthy community, strong agricultural economy, and resilient agriculture-system.

### E.5.1 General Policies

1. **Prime agricultural lands** are designated by this plan as Agriculture, as shown on Schedule E: Land Use Plan.
2. **Prime agricultural lands** are areas where **prime agricultural lands** predominate. The prioritization of land protection should be Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven (7) lands within the **prime agricultural area**, in this order of priority.
3. The geographic continuity of the agricultural land base and the functional and economic connections to the **agri-food network** will be maintained and enhanced in accordance with the policies of this Plan.
4. Ensure **normal farm practices** and a full range of **agricultural uses, agriculture-related uses** and **on-farm diversified uses** are permitted within the Agricultural Area and Rural Area, in accordance with the applicable land use designations, and Provincial policies and guidelines.
5. To support a thriving, diverse, and resilient **agricultural system**, the Town will:
  - i. Protect the agricultural land base over the long-term;
  - ii. Ensure agriculture is the predominant land use in **prime agricultural areas**;
  - iii. Restrict and control non-agricultural uses to minimize potential conflicts that would otherwise hinder agricultural land uses;
  - iv. Ensure the long-term sustainability and function of uses within the **agricultural system**;
  - v. Protect **prime agricultural areas** from fragmentation;
  - vi. Protect and recognize **rural lands** as part of the **agricultural system**;

- vii. Provide for a limited amount of non-agricultural residential **development** on **rural lands**; and
- viii. Restrict new non-agricultural uses within **prime agricultural areas** that may hinder or prohibit **normal farm practices**.
- 6. Direct uses that are not supportive or complementary of agriculture to the Town's **settlement areas**.
- 7. Work with the farm community, agricultural organizations and the **conservation authority** to promote sustainable agricultural practices and implement best management practices
- 8. Promote agricultural practices that minimize impacts on air quality and climate change.
- 9. Discourage the removal of topsoil and prohibit the placement of fill. The Town may enact a by-law(s) to regulate the placement of fill in this regard.

### E.5.2 Agri-food Network

- 1. The Town will explore opportunities to improve the **agri-food network** through strategies and programs which may include:
  - i. Improving access to healthy, local and affordable food;
  - ii. Supporting food processing activities and demonstrations;
  - iii. Promoting **urban agriculture** and near-urban agriculture;
  - iv. Implementing food systems planning;
  - v. Fostering the sustainability of agriculture, **agri-food network**, agri-food processing and agri-product businesses; protecting agricultural resources while minimizing land use conflicts;
  - vi. Reducing food waste and promoting a circular food economy; and
  - vii. Supporting the development of agri-food innovation network and hubs.
- 2. Maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the **agri-food network**.
- 3. Promote a diverse, innovative and prosperous **agricultural system** and associated activities by enhancing contributions to, and integration with, the local economy.

### E.5.3 Urban Agriculture

- 1. To encourage and support **urban agriculture** through increased flexibility in land use permissions by:
  - i. Permitting community gardens and related uses in the land use designations established in this Plan;
  - ii. Investigating and encouraging the use of parks and public open spaces for gardening and **urban agriculture**, and prioritizing the identification of opportunities for community gardens in park spaces;

- iii. Encouraging the use of Town-owned land, underutilized sites, and long-term development parcels for **urban agriculture**, where feasible, including community gardens, food cooperatives, and local food sourcing programs;
  - iv. Requiring the identification of space for **urban agriculture** through the secondary plan process;
  - v. Requiring the identification of space for **urban agriculture** in new residential **development**;
  - vi. Permitting and encouraging community gardens as part of the private outdoor amenity space requirements for new **development**, including rooftop gardens;
  - vii. Encouraging school boards and other organizations to promote school yards as ideal locations for community gardens due to their educational and community value; and
  - viii. Encouraging places of worship, educational institutions, retirement residences, and healthcare facilities to consider opportunities to integrate **urban agriculture** through new **development** and **redevelopment** projects, subject to the requirements of the implementing zoning by-law.
2. To support and encourage local food production and promotion through programs, education, funding and support.

#### **E.5.4 Specific Use Policies within the Agricultural System**

##### **E.5.4.1. Agriculture-related Uses**

- 1. Applications to establish an **agriculture-related use** is permitted, provided that the proposed use:
  - i. Conforms to all other policies of this Plan and satisfies the requirements of the implementing zoning by-law;
  - ii. Minimizes the amount of land removed from the agricultural land base and is suitable for the site;
  - iii. Where reasonable alternatives have been taken into consideration for the proposed **agriculture-related use**, including other locations within the Town where there are lands that exhibit a lesser capability class, are fragmented, or are located on smaller lots and/or a mix of existing lots that are used for non-agricultural purposes;
  - iv. Are prohibited within the **natural environment system**, except as other permitted in accordance with Section D.5 of this Plan;
  - v. Demonstrates through a Farm Economic Report that a commercially viable farm operation can be maintained with no long-term impacts to the sustainability of the **agricultural system**;
  - vi. Mitigates any potential land use conflicts with surrounding land uses and complies with the Ministry of Environment, Conservation and Parks Guidelines on Land Use Compatibility; and

- vii. Where it can be demonstrated to the satisfaction of the Town and any applicable authority that the proposed use can be serviced by private servicing.
- 2. Development applications to sever lands for **agriculture-related uses** may be permitted subject to the following criteria:
  - i. The severed lands will be limited to a minimum size needed to accommodate the use of private wells and individual wastewater treatment systems; and
  - ii. The severance will not result in an undersized farm that may not be economically viable in the long-term.

#### E.5.4.2. On-farm Diversified Uses

- 1. An on-farm diversified use will be:
  - i. Located on a farm;
  - ii. Secondary to the principal agricultural use of the property;
  - iii. Limited in area, up to a maximum of 2-percent of the total lot area or 1.0 hectare, whichever is less; and
  - iv. Compatible with, and will not hinder, surrounding agricultural operations.
- 2. The following criteria will be considered when reviewing applications for proposed **agriculture-related uses**:
  - i. Whether the proposed activity is more appropriately located in a nearby **settlement area** or on **rural lands**;
  - ii. Whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
  - iii. The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
  - iv. Whether the scale of the activity is appropriate to the site and farming operation;
  - v. Whether the use is consistent with and maintains the character of the agricultural area;
  - vi. The use does not generate potentially conflicting off-site impacts;
  - vii. The activity does not include a new residential use;
  - viii. The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
  - ix. The use does not require significant improvements to **infrastructure**; and
  - x. The use complies with all other applicable provisions of this Plan.

#### E.5.4.3. Additional Residential Units

- 1. An **additional residential unit** may be permitted within the Agriculture designation, subject to the following:

- i. Where a residential dwelling is permitted on a lot in the Agriculture designation, up to two **additional residential units** will be permitted in accordance with provincial guidance, provided that, where two **additional residential units** are proposed, at least one of these **additional residential units** is located within or attached to the principal dwelling, and any **additional residential units**:
  - a. Comply with the minimum distance separation formulae;
  - b. Are compatible with, and would not hinder, surrounding agricultural operations;
  - c. Have appropriate sewage and water services;
  - d. Address any public health and safety concerns;
  - e. Are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
  - f. Minimize land taken out of agricultural production.
- ii. Lots with **additional residential units** may only be severed in accordance with Policy D.3.1.5 and provincial direction.

#### E.5.4.4. Small-scale Non-Agricultural Uses

1. Small-scale non-agricultural industrial uses may only be permitted through an amendment to implementing zoning-by-law and where it can be demonstrated that all other policies of this Plan are satisfied.
2. New small scale non-agricultural uses should be in keeping with the rural character of the area and must comply with **minimum distance separation formulae** as established by the Province, and in accordance with the implementing zoning by-law.
3. The following additional requirements will apply to small-scale non-agricultural uses within the **agricultural system**:
  - i. The proposed use must have frontage on and direct access to a public road and must meet the requirements of the road authority having jurisdiction.
  - ii. Adequate off-street parking will be provided. Access points to parking and loading areas will be limited in number and designed to minimize danger to vehicular and pedestrian traffic.
  - iii. Buffering, screening and any applicable separation distance will be provided in accordance with this Plan and the implementing zoning by-law, to ensure that any **negative impacts** on or from adjoining lands are mitigated.
  - iv. The proposed use will be in keeping with the existing size and type of **development** in the surrounding area. Proposals which conflict with surrounding uses will not be permitted unless the applicant can demonstrate to the satisfaction of the Town that the conflict can be avoided, or satisfactorily mitigated or minimized in accordance with applicable standards.
  - v. No use will be permitted which is an obnoxious trade, business or manufacture under the Health Protection and Promotion Act and the Environmental Protection



Act or which is obnoxious by reason of the emission of odour, dust, smoke, noise or vibrations.

- vi. The use will not be located within the Agriculture designation and should not negatively impact any nearby farm operation. Where deemed necessary, the Town may require an **agricultural impact assessment** to be completed to assess potential impacts from **development** on agriculture and recommend measures to avoid and mitigate impacts on the **agricultural system**. An **agricultural impact assessment** will be completed by a qualified professional and is to be done in accordance with Provincial guidelines.
- vii. Where appropriate, the proponent will be required to prepare a servicing options report in accordance with Section 10.3.3 for the purpose of determining the preferred servicing alternative for the proposed **development**.
- viii. If a private water supply is proposed, an adequate and potable water supply will be available and permitted uses will be limited to those of a dry nature, with water being only necessary for the domestic use of employees. Where higher levels of water usage are anticipated, or where deemed necessary by the Town, a hydrogeological study in accordance may be required which addresses the adequacy of the water supply.
- ix. All private water supply and sewage disposal systems will satisfy the requirements of the Town, the applicable approval agency, or the Province.
- x. All new **development** will meet the requirements of the implementing zoning by-law.
- xi. Small-scale **agricultural uses** may be subject to an amendment to the implementing zoning by-law and/or subject to site plan control.

## E.6 Cultural Heritage

The Town is located on the traditional territory of the Attawandaronk, the Haudenosaunee and the Anishinaabe people on the Treaty Lands of Niagara. Fort Erie has a rich cultural heritage and archaeological heritage. More than just buildings, **cultural heritage resources** include tangible and intangible resources such as structures, scenic roadways, cultural landscapes, **artifacts**, traditions, geography and social ties. The protection and conservation of this cultural heritage contributes to the identify, character, economic and tourism viability, quality of life and sustainability of the Town.

The area was first named Bertie Township in 1793 and boundaries established in 1850 that mirror the current Town of Fort Erie. In 1857 the area around the military fort incorporated as the Village of Fort Erie (this area was also known as Fort Erie Rapids, Fort Erie Mills, and Waterloo). The history of Fort Erie also includes other important historical events that have contributed to this rich history, including: settlement by the United Empire Loyalists; battles during the War of 1812; terminus for the Underground Railroad; and battles during the Fenian Raids of 1866, which served as a catalyst to Canadian Confederation.

In 1895 the area around the railway bridge incorporated as the Village of Bridgeburg (this area was also known as International Bridge and Victoria). In 1895 Crystal Beach incorporated as a Police Village and in 1921 as a Village. In 1931 the Village of Fort Erie and Town of Bridgeburg amalgamated to form the Town of Fort Erie. In 1970, the Town of Fort Erie, Bertie Township, and Village of Crystal Beach amalgamated to become the Town of Fort Erie.

Present day Fort Erie has been shaped by marine and transportation history related to it's location at the mouth of the Niagara River and Lake Erie, the Point Abino Lighthouse, communities that developed as a result of the railway, the third largest railway yard in Canada, and engineering triumphs with two bridges spanning the Niagara River. It has also functioned as a trade and commercial hub related to it's location at an international border crossing and resulting cross-border businesses and summer residents, including a century-long tourism history.

### E.6.1 General Policies

1. In recognition of **cultural heritage resources** and the contribution they make to the character, civic pride, tourism potential, economic benefits and historical appreciation of Fort Erie, the Town will ensure the protection and conservation of **cultural heritage resources**. The protection of built heritage will be a consideration in all development proposals and public works. **Significant** built heritage resources and **cultural heritage landscapes** in the Town will be identified, recognized and **conserved**.
2. The Town encourages the conservation, adaptive reuse, and material salvage of **cultural heritage resources**, where appropriate, as it is viewed as a form of environmental sustainability and contributing toward climate change mitigation.
3. **Cultural heritage resources** and their conservation contribute to the Town's economic development through tourism and restoration trades.
4. Interested Indigenous communities, public and stakeholders will be engaged in the conservation of **cultural heritage resources**.
5. All relevant Provincial legislation and policy will be used to conserve **cultural heritage resources** in the Town, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Provincial Planning Statement, the Environmental Assessment Act, the Municipal Act, and the Funeral, Burials and Cremation Services Act as amended by the Province.
6. Council will appoint the Museum Cultural Heritage Advisory Committee, which will serve as the municipal heritage committee pursuant with the Ontario Heritage Act. Council will consult with the Municipal Museum and Cultural Heritage Committee on matters relating to:
  - i. Advise Council on matters relating to the collection, conservation, research, interpretation, education, and exhibition of moveable heritage;
  - ii. The Town's built heritage inventory and the Municipal Heritage Register;
  - iii. The designation of properties under the Ontario Heritage Act;

- iv. Applications for Heritage Alteration Permits including demolition of properties on the Municipal Heritage Register; and
  - v. Programs and activities to increase public awareness and knowledge of heritage conservation.
7. Pursuant to Provincial regulations, the Town will use the following criteria in determining a property's cultural heritage value or interest:
- i. The property has design value or physical value because it:
    - a. Is a rare, unique, representative, or early example of a style, type, expression, material or construction method;
    - b. Displays a high degree of craftsmanship or artistic merit; or,
    - c. Demonstrates a high degree of technical or scientific achievement.
  - ii. The property has historical value or associative value because it:
    - a. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is **significant** to a community;
    - b. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
    - c. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is **significant** to a community.
  - iii. The property has contextual value because it:
    - a. Is important in defining, maintaining, or supporting the character of an area;
    - b. Is physically, functionally, visually, or historically linked to its surroundings; or,
    - c. Is a landmark.
8. Moveable Heritage consists of artifacts and archives which contribute to an understand of past human behaviour, customs, activities, episodes, institutions or personalities within Fort Erie, and accordingly these objects will be:
- i. Sorted, protected and preserved pursuant to provincial standards for community museums in accordance with this Plan and provincial direction;
  - ii. Accompanied by proper documentation such as circumstances surrounding its discovery or acquisition, the original owners and use, and a chronological history and pertinent artifacts in accordance with this Plan and provincial direction.
9. 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. Intangible heritage will be coordinated and managed in the following manner:
- i. The Municipal Museum and Cultural Heritage Advisory Committee will be responsible for the collection, preservation, research and interpretation of intangible heritage resources; and

- ii. The Town will promote public awareness and enjoyment of 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.

## **E.6.2 Municipal Heritage Register**

1. The Town will maintain a Municipal Heritage Register that lists all properties in the Town that are considered of **significant** cultural heritage value or interest, including those designated under the Ontario Heritage Act and non-designated properties.
2. The Town will regularly review and update the Municipal Heritage Register on a regular basis against provincial criteria and designate those properties that meet the criteria.
3. The Municipal Heritage Register will contain documentation including legal description and description of the **heritage attributes** for each designated and listed cultural heritage resource.
4. Inclusion of a non-designated property on the Municipal Heritage Register means that the Town has an interest in the conservation of the property but has yet to formally to designate the property.
5. Where non-designated properties have been listed on the Municipal Heritage Register for two years or more and do not meet the criteria, will be removed from the Municipal Heritage Register.

### **E.6.2.2. Designation of Cultural Heritage Resources**

1. Council will designate **cultural heritage resources** considered that meet provincial criteria and have heritage value and interest under Parts IV, V or VI or listed under Part IV of the Ontario Heritage Act and may be subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act.
2. The Town will promote retention, integration and adaptive reuse of heritage resources through designation of **cultural heritage resources** in accordance with the Ontario Heritage Act and the use of all financial incentives.
3. The Town will utilize the Ontario Heritage Toolkit and Standards, along with Provincial Guidelines, as part of the evaluation of **cultural heritage resources**.

## **E.6.3 Cultural Plan**

The Town may prepare a cultural plan that will be informed through engagement with Indigenous communities, the public, stakeholders, and elected representatives, providing a comprehensive plan for future initiatives, guidelines and additional policies for the conservation, celebration, and enhancement of **cultural heritage resources**.

#### E.6.4 Built Heritage Resources

1. To ensure **cultural heritage resources** will be **conserved** and maintained, Council will employ standards such as the Standards and Guidelines for the Conservation of Historic Places in Canada as amended and other planning tools.
2. The retention, integration, or adaptive re-use of built heritage resources will be prioritized over demolition or major alteration of built heritage resources.
3. The Town will promote and facilitate the integration of heritage conservation into the development approval process to encourage the retention of heritage resources and to ensure compatibility between the proposed new **development** and the identified heritage resource.
4. The Town recognizes that the conservation of existing buildings can contribute to the Town's sustainability goals and climate change mitigation.
5. All new **development** in the Town will occur in a way that conserves and enhances **cultural heritage resources** and their settings, and wherever feasible incorporates existing built heritage resources into the **development**.
6. The Town will work with other levels of government, authorities and agencies, such as the Niagara Parks Commission and Parks Canada, as they develop and evaluate **infrastructure** activities to conserve **cultural heritage resources**.

#### E.6.5 Heritage Studies and Reports

1. The Town may require heritage studies and/or reports as part of an application to alter non-designated or designated property listed on the Municipal Heritage Register to provide an understanding of the **heritage attributes** of the property and are to be prepared by a qualified heritage conservation professional.
2. A Cultural Heritage Evaluation Report may be required if a property has cultural heritage value or interest to provide an understanding of the **heritage attributes** of the property and to inform future decisions regarding alterations to the property. The Cultural Heritage Evaluation Report may assist in determining whether it is appropriate to proceed to a Heritage Impact Assessment.
3. The Town will require a Heritage Impact Assessment for any proposed alterations, **development**, and/or public works on or adjacent to, any designated and non-designated property on the Municipal Heritage Register pursuant to the Ontario Heritage Act and must be prepared by a heritage conservation professional.
4. A Heritage Impact Assessment is required when:
  - i. Any property listed or designated in the Municipal Heritage Register that is subject to land use planning applications;
  - ii. Any property listed or designated in the Municipal Heritage Register facing demolition; and
  - iii. Any property that is subject to land use planning applications and is adjacent to a property listed or designated on the Municipal Heritage register.

#### E.6.5.2. Heritage Impact Assessment

1. The Heritage Impact Assessment will contain a description and evaluation of the cultural heritage value and description of **heritage attributes** of the property; a description and assessment of the potential impacts of the alterations to the heritage value and **heritage attributes**; and identification of recommended mitigation strategies for the proposed alteration, **development** or public works.
2. The Heritage Impact Assessment will:
  - i. Address all applicable policies of this Plan and the assessment will demonstrate conservation options and mitigation measures;
  - ii. Evaluate the impact of a proposed alteration to a property on the Municipal Heritage Register, and/or to properties adjacent to a property on the Municipal Heritage Register, to the satisfaction of the Town;
  - iii. Demonstrate the conservation of **heritage attributes** in accordance with the Cultural Heritage Policies of this Plan; and, be required for the proposed demolition of a property on the Municipal Heritage Register. Where demolition of a property adjacent to a property on the Municipal Heritage Register is proposed, the Town may require a Heritage Impact Assessment on the implications of the demolition on the structural integrity of the property on the Municipal Heritage Register.
3. The Town will require a Heritage Impact Assessment including a photographic record and drawings prior to any demolition in whole or in part of a cultural heritage resource.
4. Should the aforementioned studies require peer review, the costs for such review will be at the applicant's costs.
5. The adaptive re-use of cultural heritage properties is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
6. When a Town owned property of cultural heritage value and interest is no longer required for its current use, the Town will ensure it adopts an adaptive reuse "first" approach.
7. Designated heritage properties will be protected against deterioration by neglect through the enforcement of property standards by-laws.
8. Council may delegate to staff the power to approve certain classes of alterations of designated properties to facilitate timely processing of such applications. The Town may request heritage easements or other agreements as appropriate for the conservation of **cultural heritage resources**.

#### E.6.5.3. Alterations to Heritage Properties

1. The Town will not permit **development** and **site alteration** on lands that are adjacent to a **protected heritage property** except where the proposed **development** and **site alteration** has been evaluated, and it has been demonstrated that the **heritage attributes** of the protected property will be preserved.



2. Applications to permit alterations to properties listed on the Municipal Heritage Register will require a Heritage Impact Assessment where the **development** or **redevelopment** of lands is deemed by the Town to adversely affect:
  - i. A building or structure designated under the Ontario Heritage Act;
  - ii. Lands contiguous to a protected heritage property;
  - iii. A registered or known **archaeological site**;
  - iv. Building or structure listed on the Municipal Heritage Register;
  - v. Lands adjacent to a known **archaeological site**;
  - vi. Lands that have the potential to contain **archaeological resources**; and
  - vii. Any area for which a heritage planning statement has been prepared.
3. **Development** and/or **site alteration** on, or adjacent to a Municipal Heritage Register property will be designed to conserve the property's cultural heritage values, attributes and character and to mitigate visual and physical impact on it.
4. In carrying out a Secondary Plan the Town will ensure that **cultural heritage resources** are identified, evaluated, **conserved** and enhanced and may prepare detailed policies including but not limited to, **heritage attributes** and their significance, their conservation priorities, acceptable land uses, and the type of **development** considered appropriate. The policies may also identify other requirements such as:
  - i. Improved public access to the area or individual site;
  - ii. The inclusion of areas of open space;
  - iii. The provision of interpretive devices such as plaques and displays; and
  - iv. Ensuring the use of appropriate quality building materials.

#### E.6.5.4. Incentives

1. The Town will offer municipal property tax relief measures for those properties designated under Parts IV or V of the Ontario Heritage Act for conservation.
2. The Town will 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 attributes**, where financial and administrative capacity allow.

#### E.6.6 Cultural Heritage Landscapes

1. **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, main streets, neighbourhoods, cemeteries, trailways and industrial complexes.

2. The Town will identify, evaluate and maintain an inventory of **cultural heritage landscapes** as part of the Municipal Heritage Register.
3. Council will consult with the Municipal Museum and Cultural Heritage Committee and designated **significant cultural heritage landscapes** under the Ontario Heritage Act.
4. The Town will collaborate with neighbouring municipalities, various levels of government, conservation authorities, Indigenous Communities and the private sector to manage and conserve **cultural heritage landscapes** which may extend across multiple geographical jurisdictions.
5. The Town will endeavor to protect significant views of **cultural heritage resources** and **cultural heritage landscapes**.
6. The Town, in consultation with the Municipal Museum and Cultural Heritage Committee, may study and designate areas of unique heritage character pursuant Part V of the Ontario Heritage Act, as Heritage Conservation Districts.
7. The defined area will possess the following attributes to be considered for designation under Part V of the Ontario Heritage Act:
  - i. At least 25-percent of the properties within the defined area satisfies two or more of the following:
    - a. The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method; they display a high degree of craftsmanship or artistic merit; they demonstrate a high degree of technical or scientific achievement.
    - b. The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is **significant** to a community; they provide, or have the potential to provide, information that contributes to an understanding of a community or culture; they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is **significant** to the community.
    - c. The properties have contextual value because they define, maintain or support the character of the district; they are physically, functionally, visually or historically linked to each other; they are defined by, planned around or are themselves a landmark

#### **E.6.7 Heritage Conservation Districts**

1. Before an area is designated as a heritage conservation district, the Town may conduct a study and may by by-law designate the study area as a heritage conservation study area for a period of up to one year. Such by-law may prohibit or set limits to the alterations including new construction, demolition and removal of buildings or structures within the heritage conservation district study.

2. A heritage conservation district study may evaluate:
  - i. Alterations to properties including construction, demolition, or removal; and
  - ii. Properties already designated under Part IV of the Ontario Heritage Act which may be included as part of the Heritage Conservation District.
3. For each Heritage Conservation District, a District Plan will be prepared in accordance with the Ontario Heritage Act and will contain standards, guidelines and procedures for managing change including the requirements for heritage permits. The District Plan will contain a list of minor alterations that do not need a heritage permit.
4. A heritage permit is required for all alterations within Heritage Conservation District except for interior alterations and minor exterior changes as specified in the applicable District Plan.
5. Council may delegate to Town staff the power to grant permits for certain types of alterations, as listed in the applicable District Plan.
6. A Heritage Impact Assessment may be required for development proposals adjacent to a Heritage Conservation District.
7. All cemeteries of cultural heritage significance will be designated under Part IV or V of the Ontario Heritage Act to ensure conservation.
8. The Town will restore and maintain all Town-owned heritage cemeteries and encourage owners of private heritage cemeteries to improve their properties.

#### E.6.7.2. Permit for Alteration in Heritage Conservation Districts

1. A permit will be required for alterations, **development**, demolition or removal of a building located within a heritage conservation district.
2. The Town will refer to the applicable district plan, the policies of this Plan and heritage conservation guides in evaluating applications for permits.
3. The Town will not carry out any public work or pass a by-law that is in conflict with the objectives established by the applicable district plan.

#### E.6.7.3. Rural and Historic Settlements

1. The Town will seek the appropriate conservation of important inventoried rural heritage features including but not limited to: farmhouses, barns, silos, remnant foundations, earthworks, tree lines, fences, walls and woodlots.
2. The Town recognizes that there are historic villages, hamlets and **settlement areas** that are of cultural heritage value within the municipality. The Town will study historic villages, hamlets and **settlement areas** for their cultural heritage value and for inclusion on the Municipal Heritage Register. The character of these areas will be maintained by conserving existing heritage buildings, structures and properties, existing tree stands, grassed boulevards, tree lined streets and roads.
3. The Town will consider the use of former names, Indigenous culture, themes, families or persons associated with the affected area in the naming of parks, streets, roads, **public service facilities** or other public works.

4. 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.

#### E.6.7.4. Heritage and Scenic Roads

1. The Town may identify and develop a strategy for the conservation and tourism opportunities of roads or portions of roads that exhibit **heritage attributes** and scenic character and maintain physical and historical integrity.
2. Heritage and Scenic Roads will exhibit one or more of the following attributes:
  - i. Historical associations representing the development and use of land in the Town and/or represents the life or activities of a person, group or organization of local, regional, provincial or national significance; and
  - ii. 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.
3. The Town may endeavor to retain and protect roads that have historical associations or scenic character, including the:
  - i. Existing paved road widths where they contribute to the heritage character of the road;
  - ii. Existing trees and tree lines within the road right-of-way;
  - iii. Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines; and
  - iv. Transportation related heritage features, such as bridges, where they contribute to the heritage character of the road.
4. Improvements may be made to address road deficiencies as long as they do not negatively impact the overall character or **heritage attributes** of the road. Any **development** that adversely impacts the character should be discouraged.
5. Council may designate roads and their respective road rights-of-way as **cultural heritage landscapes** under the Ontario Heritage Act.
6. In partnership with other stakeholders, the Town will encourage and support the use of rail lines that have been decommissioned or abandoned for **active transportation** and providing connections to historic villages such as Ridgeway.
7. The Town will endeavor to conserve and protect the Onondaga Escarpment, an important physiographic feature in the Town's cultural heritage landscape.
8. When making approval decisions for any proposed **development** near or adjacent to cemetery properties, the Town will consider 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.

## E.6.8 Archaeological Resources

1. The Town acknowledges the presence of prehistoric or historic archaeological remains and/or archaeological potential within its boundaries, including those of historical and cultural significance to Indigenous Peoples.
2. The Town recognizes the existence of marine archaeological remains from the pre-contact period through to the modern era, up to the last 50 years, which may currently be, or may have been, submerged under water.
3. The Town understands that the archaeological remains of past human activities are fragile and non-renewable, and every effort will be made to identify, protect and otherwise conserve.
4. The Town will work with all interested First Nations and Indigenous Communities to advance working relationships, developing engagement protocols and processes.
5. The identification and evaluation of **archaeological resources** are based on archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.
6. **Areas of archaeological potential** are areas with the likelihood to contain **archaeological resources** and are identified through established provincial criteria under the Ontario Heritage Act and confirmed by a licenced archaeologist.
7. As a condition of land development within the Town, **development** or **site alteration** on lands containing **archaeological resources**, and **areas of archaeological potential** as shown on Schedule K: Cultural Heritage Resources, are to be determined and assessed through an Archaeological Assessment and confirmed by the Province. This assessment is to be conducted by a licenced archaeologist, adhere to Provincial technical standards and guidelines and be consistent with Council endorsed policies. It is the intent of this Plan to determine the presence of **archaeological resources** on site and to establish appropriate mitigation if such resources are found. The Town may require a peer review of the Archaeological Assessment in support of a development application, which will be conducted at the expense of the applicant.
8. Planning applications for lands outside of the **settlement area** boundary and within the **areas of archaeological potential** as shown on Schedule K: Cultural Heritage Resources of this Plan will require an Archaeological Assessment. Where the entire property will not be developed, consideration may be given on a site-specific basis, in consultation with the Province and the Indigenous community, to determine if an Archaeological Assessment is required for the undeveloped portions.
9. Proponents are encouraged to complete the necessary Archaeological Assessment and/or site mitigations prior to submitting their planning application. Where this is not possible the following conditions will be included as part of any approval:
  - i. The proponent will conduct an Archaeological Assessment and mitigate adverse impacts to **archaeological resources** found, either through preservation or resource removal and documentation;

- ii. No demolition, grading or other soil disturbances will take place on the subject property prior to the Town and the applicable provincial Ministry confirming that all **archaeological resources** concerns have met licensing and resource conservation requirements; and
  - iii. 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.
- 10. The property will be assessed by a licensed archaeologist, in accordance with the Ontario Heritage Act.
- 11. Any **significant** site found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances.
- 12. Council will adopt a “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations” as referred to in the Regional Archaeological Masterplan. The Town will require the proponent to adhere to the procedures of the “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations”.
- 13. Planning applications will be reviewed by the Town to determine if an Archaeological Assessment is required.
- 14. Where a new building lot is created on vacant land an Archaeological Assessment may be required if:
  - i. The application is situated within the zone of archaeological potential as indicated on Schedule K: Cultural Heritage Resources; or
  - ii. The application contains or will directly affect a federal, provincial, or municipal historic landmark, monument, site or designated property.
- 15. For applications on lands within the Peace Bridge Zone of Sensitivity or The War of 1812 Zone of Sensitivity as shown on Schedule K: Cultural Heritage Resources, the implementing zoning by-law will require an Archaeological Assessment as a condition of a Holding Symbol or similar, prior to the issuance of a building permit for any building or structure. This policy will be implemented by the implementing
- 16. Municipal **infrastructure** and/or **public works projects**, except for the maintenance of existing municipal facilities, roads and **infrastructure**, and agricultural drains, will be reviewed to determine their impact on potential **archaeological resources**. An Archaeological Assessment will be required if the lands are located within the zone of archaeological potential as indicated on Schedule K: Cultural Heritage Resources.
- 17. Council will together with the Niagara Parks Commission and interested Indigenous communities, co-operatively establish guidelines for sharing archaeological information derived from the application of the archaeological master plan and potential mapping.
- 18. Council will establish guidelines for Town Departments to ensure that in all appropriate circumstances, construction projects that may negatively impact **archaeological resources** on public lands and which are located in **areas of archaeological**



**potential** or zone of sensitivity, are subject to an Archaeological Assessment prior to any land disturbing activity.

19. Council may, in consultation with the appropriate provincial Ministry 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 will address the following:
  - i. A notification process, involving the Town, the Region, the Province, and the interested Indigenous community;
  - ii. An investigation and reporting process undertaken by a licensed archaeologist; and
  - iii. 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.

## E.7 Open Space and Parkland

The Town has many parks and open spaces that are celebrated and enjoyed everyday by residents and visitors alike for recreation, leisure, and social experiences. This includes a scenic waterfront and numerous beaches, recreational facilities, cycling routes, trails, and the many historic sites that each year attract visitors from around the world. Some of these sites are now owned by the Town, while others are owned and operated by the Niagara Parks Commission or by Parks Canada. Parks and open spaces represent an incredible asset to the Town, contributing to a high quality of life and being fundamental to overall community and individual wellbeing.

### E.7.1 General Policies

1. The Town’s parks and open spaces are shown on Schedule N: Parks and Open Space.
2. To implement the parkland objectives and targets of the Town’s Parks and Open Space Master Plan, as amended from time to time, and as endorsed by Council.
3. Fort Erie will develop and undertake updates to park and trail master plans to strategically and equitably plan for the acquisition, use and management of publicly accessible parks, open spaces and trails, including shorelines, to best serve the needs of all local residents. Master plans should clearly identify, plan for and protect these resources.
4. Parks will support healthy communities by encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health.
5. Ensure that residents of the Town have access to a diversity of active and passive open space recreation opportunities.
6. Support the provision of public open space and required parkland in the review of secondary plans to facilitate the creation of healthy, **complete communities**.

7. Work with the Region, **conservation authority**, Niagara Parks Commission, and other interested agencies to:
  - i. Maintain a map of publicly accessible parkland, open space and trails to support the **connectivity** of natural heritage features and the achievement of **complete communities**, and inform the Regional Greening Initiative;
  - ii. Explore opportunities to plan new trails or develop/enhance existing trails on a cross-boundary basis to enhance interconnectivity between the Region and neighbouring Municipalities where practical and feasible; and
  - iii. Promote good stewardship practices for publicly accessible parkland and open spaces, especially when adjacent to the **natural environment system**.
8. The Town will continue acquiring lands to further develop the trail system, which provides significant economic and environmental benefit.
9. The Town will evaluate public lands being disposed of for potential acquisition for recreation and open space uses in concert with other growth needs, including reuse of abandoned **rail facilities**, undeveloped road allowance and **utility** corridors for trail development.
10. Assess park assets on an on-going regular basis, and their condition should be compared against the typical life cycle of the asset and the expected recurrence of life cycle “events” (such as the replacement or repair of important sub-elements).
11. Maintain an up-to-date GIS-based inventory of existing parks and of in-park facilities and features, along with regularly updated population data at the Census Dissemination Block level, to assess the distribution of parks and outdoor facilities and to identify potential areas in need of greater park coverage.
12. Cultivate a closer partnership with the Niagara Parks Commission by supporting and contributing to Niagara Parks Commission initiatives and by amplifying volunteer opportunities among Town residents.
13. Work with the **conservation authority** to identify opportunities to promote outdoor environmental education in local conservation areas and other activities that promote the appreciation of the natural environment.
14. Continue to seek out opportunities to collaborate with neighbouring municipalities and with the Region to expand, improve, and promote the **active transportation** and trails network.
15. Establish more formal partnerships and agreements with local school boards, including agreements regarding the shared use of facilities (both school and municipally owned).
16. To support the seamless integration and connection of all open space types, public and private, into the land use fabric of the Town.
17. Establish an open space system within the Town’s **settlement areas**, which may include opportunities for **urban agriculture**, rooftop gardens, communal courtyards, and public parks.

18. The following policies apply to the shorelines and beaches in Fort Erie:
  - i. Establish and undertake improvements to public access to shorelines and dedication of shorelines to Fort Erie to support a public benefit to the overall open space network and trail system;
  - ii. Existing beaches and major watercourses must remain accessible to the public; and
  - iii. In areas lacking public access to the beach, Fort Erie may consider acquiring lakefront properties as they become available through easements, rights-of-way and parkland dedications, public purchase or management agreements.

### E.7.2 Park Classifications

1. Access to parks and open spaces for recreation and leisure is fundamental for the overall health and wellbeing of the Town's residents. The function of the Town's many parks vary and provide opportunities for both active and passive recreational uses.
2. A variety of park typologies should be established throughout the Town, to allow for a mix of functions and passive or active uses. The classification system for Parks and Open Spaces are identified in Table E-1: Classification System for Parks and Open Space and includes:
  - i. Town Parks and Open Spaces;
  - ii. Waterfront Parks and Open Spaces;
  - iii. Heritage Parks and Open Spaces; and
  - iv. Linear Parks and Open Spaces.
3. The Town's Parks and Open Space Master Plan classifies the Town's existing parks and open spaces in accordance with Table E-1: Classification System for Parks and Open Space:

Table E-1: Classification System for Parks and Open Space

Park Class	Primary Function
<b>Town Parks and Open Spaces</b>	Provide Park and Open Space amenities for residents. (Service standards apply to sub-classes in this park class.)
<b>Destination Parks</b>	Provide space, amenities, and facilities for entire Town (and beyond).
<b>Community Parks</b>	Provide space, amenities, and facilities for residents of a particular <b>settlement area</b> ..
<b>Neighbourhood Parks</b>	Provide space, amenities, and facilities for residents of the local neighbourhood.

<b>Village Greens</b>	Provide passive recreation space and social settings for nearby residents.
<b>Waterfront Parks and Open Spaces</b>	Provide residents and visitors with access to the waterfront.
<b>Anchor Waterfront Parks</b>	Serve as Town-wide and regional focal points for waterfront activities.
<b>Urban Waterfront Parks</b>	Service as community focal points for waterfront activity and support development of urban neighbourhoods.
<b>Waterfront Parks</b>	Provide local access to waterfront spaces and amenities.
<b>Waterfront Windows</b>	Provide short-term waterfront access.
<b>Heritage Parks and Open Spaces</b>	Preserve and promote the Town's natural and cultural heritage.
<b>Nature Parks</b>	Preserve the natural environment and provide access to nature.
<b>Cultural Spaces</b>	Promote the Town's historic sites and cultural heritage.
<b>Linear Parks and Open Spaces</b>	Provide connections between different areas and destinations.
<b>Regional Trails</b>	Provide <b>active transportation</b> connections between destinations in Town and with neighbouring municipalities.
<b>Community Trails</b>	Provide connections within neighbourhoods and to Regional Trails.
<b>Nature Trails</b>	Serve as low-maintenance routes within natural areas.
<b>Open Space Linkages</b>	Provide naturalized corridors for wildlife movement.

#### E.7.2.2. Town Parks and Open Spaces

1. Town Parks & Open Spaces are an outdoor green space with features and facilities that support a range of recreational uses, both active and passive.
2. Town Parks & Open Spaces provide residents throughout the Town with outdoor amenity space and year-round recreation opportunities, with facilities that accommodate a wide range of interests and pursuits.

3. Town Parks & Open Spaces are further classified as the following:
  - i. Destination Parks;
  - ii. Community Parks;
  - iii. Neighbourhood Parks; and
  - iv. Village Greens.
4. Town Parks & Open Space classification is based on factors such as the size of the park, its intended service radius, and the range of features and facilities it offers.

#### E.7.2.3. Waterfront Parks and Open Spaces

1. Waterfront Parks & Open Spaces provide access to the Town's extensive shoreline along both Lake Erie and the Niagara River.
2. Waterfront Parks & Open Spaces are to serve as defining features for the Town and are highly valued by its residents and highly sought-after by visitors.
3. The secondary classifications of Waterfront Parks & Open Spaces include:
  - i. Anchor Waterfront Parks;
  - ii. Urban Waterfront Parks;
  - iii. Waterfront Parks; and
  - iv. Waterfront Windows.

#### E.7.2.4. Heritage Parks and Open Spaces

1. Heritage Parks & Open Spaces highlight, promote, and preserve natural and **cultural heritage resources** that are unique features of the Town and that are important to its residents.
2. Heritage Parks & Open Spaces include:
  - i. Nature Parks which provide an opportunity to experience and enjoy nature while protecting and preserving the natural environment; and
  - ii. Cultural Spaces which promote the Town's unique history and cultural heritage.

#### E.7.2.5. Linear Parks and Open Spaces

1. Linear Parks & Open Spaces provide connections between the different elements of the Town's park and open space network, as well as serving as important recreational facilities in their own right.
2. Linear Parks & Open Spaces accommodate the full range of pedestrian and **active transportation** options from walkers, joggers, and runners to cyclists and cross-country skiers.
3. Linear Parks & Open Spaces have been classified according to their location and function to include the following:
  - i. Regional Trails;

- ii. Community Trails;
  - iii. Nature Trails; and
  - iv. Open Space **Linkages**.
4. Table E-3: Standards for Linear Parks and Open Spaces establishes standards for Linear Parks and Open Spaces. Pathways in this table refer to walkways, trails, and similar facilities found in other classes of park, generally serving as in-park connective features.

Table E-2: Standards for Linear Parks and Open Spaces

Linear Park Classification	Functional Description	Surfacing and Recommend Features
<b>Regional Trails</b>	Primary features of trail network. Provide connections between destinations in Town and with neighbouring municipalities.	Usually paved or hard surfaced to support higher levels of use. Benches at frequent regular intervals.
<b>Community Trails</b>	Secondary features providing connections within neighbourhoods and to Regional Trails	Usually gravel, may be hard-surfaced in higher-traffic areas. Benches at regular intervals.
<b>Nature Trails</b>	Features within Nature Parks and other neutral areas to facilitate access. Designed to be minimally intrusive with low maintenance and requirements.	Minimal surface treatment, generally limited to natural materials (e.g., wood chips). Benches in select locations.
<b>Pathways</b>	In-park connective features.	Surface treatment varies depending on park size, location, and anticipated levels of traffic.
<b>Open Space Linkages</b>	Naturalized corridors for wildlife movement.	Generally left in naturalized state, with little to no human interference.

### E.7.3 Park Standards

1. Park Standards for Town Parks and Open Spaces are included in Table E-4: Park Standards for Town Parks and Open Spaces. These standards guide service levels and provision standards with regards to the amount of parkland per number of residents.

Table E-3: Park Standards for Town Parks and Open Spaces

Park Class	Intended Service Area	Service Radius	Provision Standard	Optimal Size
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<b>Destination Parks</b>	Town	(Entire Town)	1.25 ha/1,000 residents	Varies according to specific features
<b>Community Parks</b>	Settlement Area	1,600m	1.25 ha/1,000 residents	> 2.0 ha
<b>Neighbourhood Parks</b>	Neighbourhood	600m	1.0 ha/1,000 residents	0.5 ha – 2.0 ha
<b>Village Greens</b>	Neighbourhood	300m	0.5 ha/1,000 residents	0.2 ha – 0.5 ha
<b>Anchor Waterfront Parks</b>	Town	(Entire Town)	N/A	Varies
<b>Urban Waterfront Parks</b>	Settlement Area	1,600m	N/A	Varies
<b>Waterfront Parks</b>	Neighbourhood	600m	N/A	Varies
<b>Waterfront Windows</b>	N/A	N/A	N/A	Varies
<b>Nature Parks</b>	Town	(Entire Town)	N/A	Varies
<b>Cultural Spaces</b>	Town	(Entire Town)	N/A	Varies

2. Parks are to contain supportive features that consist of buildings, structures, facilities and **infrastructure** that support both active and passive park users. Table E-5: Park Support Features contains the standards for in-park facilities.
3. Regardless of park classification, the following are requirements for all parks: signage identifying the park by name; and at least one waste receptacle at each defined park entrance.

Table E-4: Park Support Features

Park Class	Basic Facility Requirements	Support Features
<b>Destination Parks</b>	At least one destination feature.	Washrooms (permanent), snack bar/concession stand, parking lot, bleachers/spectator seating, waste receptacles.
<b>Community Parks</b>	At least one primary active feature and multiple	Washrooms (permanent or temporary), pavilions or

	primary passive features.	shade structures, benches, waste receptacles, parking lot.
<b>Neighbourhood Parks</b>	At least one primary active feature or one primary passive feature plus one secondary active feature.	Washrooms (temporary), shade structures, benches, waste receptacles.
<b>Village Greens</b>	At least one primary passive feature.	Shade structures, benches, waste receptacles.
<b>Anchor Waterfront Parks</b>	Based on park's specific focus, as defined in the Town's Waterfront Strategy.	Washrooms (permanent or temporary), snack bar/concession stand, parking lot, waste receptacles.
<b>Urban Waterfront Parks</b>	At least one primary passive feature.	Washrooms (temporary).
<b>Waterfront Parks</b>	Generally, only secondary passive features.	Waste receptacles.
<b>Waterfront Windows</b>	Boat launch (optional).	Minimal
<b>Nature Parks</b>	Natural area (defining feature).	Interpretative signage, waste receptacles, benches
<b>Cultural Spaces</b>	Historic site or other feature of cultural heritage value (defining feature).	Commemorative plaques, interpretative signage, benches, waste receptacles.

## E.7.4 Open Space Alternatives

### E.7.4.1. Connecting Links

1. Connecting Links are outdoor walkways that may be linked with various **public service facilities** and land uses. These spaces are sometimes public spaces but are often privately owned and publicly accessible. Although they enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages, and unique public art
2. Connecting Links are planned to be developed in accordance with the following criteria:
  - i. There are no specific size criteria for connecting links, with each connecting link planned relative to the land use context in which the connecting link is located or intended to connect;
  - ii. There is no specific service area. Connecting Links will be provided where appropriate;
  - iii. Be provided in high pedestrian volume areas, for easy of movement, as well as the creation of unique urban spaces;
  - iv. Be located between pedestrian destinations and may become destinations themselves;

- v. Have opportunities for retail along their length, or alternatively, a green, soft landscape treatment with plantings and lighting;
- vi. Be safe and secure with adequate lighting; and
- vii. Width should consider scale of adjacent buildings and ease of access for all users.

### **E.7.5 Open Space and Parkland Design**

1. Parks and open spaces may include a range of community amenities, including sports facilities, playgrounds, outdoor fitness areas, pavilions and shelters, outdoor amphitheatres and picnic areas. The types of amenities provided should reflect the demographics, per capita ratios, local needs, access, location and the park's functional characteristics, as appropriate to each park type.
2. Parkland and open spaces will ensure that they are designed in accordance with the requirements of the Accessibility of Ontarians with Disabilities Act (AODA) Ontario, under the Design of Public Space Standard of the AODA, as well as the principles of **universal design**.
3. That park, open space, and trail development will prioritize and implement best practices to mitigate and adapt to the **impacts of a changing climate**. Clear guidelines and standards should be developed for park and trail development or redevelopment to specifically address climate related impacts.
4. That all parks and open spaces will be located and oriented to be:
  - i. Within a five to ten minute walk for the community to be served in order to act as an accessible focal point for the community;
  - ii. Uninterrupted by major physical barriers, such as rail lines, arterial, and collector streets, and other physical barriers that restrict access;
  - iii. Accessible on foot, by transit, bicycle and by car;
  - iv. Highly visible with frontage on at least one public street and where possible, two street frontages to enhance accessibility and passive surveillance; and
  - v. Connected to other parks, public spaces, the **active transportation** network, and natural features to create an interconnected network of parks and open spaces.
5. That in addition to the Community Design policies of this Plan the design of parks and public spaces will adhere to the following criteria:
  - i. Accommodate a diverse range of both passive and active recreational uses, and have flexibility to accommodate new uses or interests, contributing to a **sense of place**;
  - ii. Cater to a broad range of users by providing space and facilities that support a range of activities and passive recreational opportunities that respond to the age demographics in the neighbourhood;

- iii. Encourage healthy living, physical activity and mental wellbeing through the provision of a variety of recreational facilities, ranging from sports fields to outdoor fitness areas and playgrounds;
- iv. Reflect the diverse cultures by providing for unique activities and facilities that reflect the needs of various cultural and ethnic groups;
- v. Consider the needs of a diverse and aging population through the provisions of water fountains, seating, shade, cooling amenities such as spray pads, pathways, picnic areas and pavilions;
- vi. Incorporate public art;
- vii. Apply Crime Prevention Through Environmental Design (CPTED) principles;
- viii. Frame view corridors and vistas; and
- ix. Incorporate best practice principles of **sustainable design**, including natural heritage enhancement, naturalized stormwater management features, use of native plant species and drought resistant vegetative features, incorporation of environmental education features and use of low maintenance and energy efficient facilities and landscapes.

#### **E.7.6 Parkland Dedication and Acquisition**

- 1. The Town will require conveyance of lands for park according to provisions of the Parkland Dedication By-Law as may be amended from time to time.
- 2. In preparing the parkland dedication by-law, the Town will consider applying the alternative conveyance rate of one hectare for each 600 net residential units proposed for **development**, as permitted by the Planning Act.
- 3. In accordance with Section 42 of the Planning Act, the Town will require the conveyance of land for park or other public recreational purposes, as a condition of **development** or **redevelopment**.
- 4. Parkland needs will be identified during the development application review process so that opportunities to incorporate new parkland, outdoor recreation facilities or potential connections to the open system are identified and planned for early in the development application review process.
- 5. For the calculation of required parkland dedication, **stormwater management facilities** and lands conveyed for public walkways and greenways will not form any part of the required parkland dedication, as they will be deemed to be public services and public rights of way, as permitted by the Planning Act.
- 6. The conveyance of land for park purposes is the Town's preferred option, however the Town may accept cash-in-lieu of all or part of the required parkland dedication in accordance with the provisions of the Planning Act. The amount paid will be equal to the value of the land to be conveyed and will be determined in accordance with the provisions of the Planning Act. Further:

- i. Any monies acquired through cash in lieu of parkland dedication or the sale of surplus parkland will be placed in a park land development/acquisition fund to be directed to areas deficient in park land or park facilities.
7. Where the Planning Act authority is used to require the dedication of land, that land will be intended for park or trail purposes and be free from any encumbrances such as steep slopes, natural heritage features, cultural heritage features and municipal **infrastructure**, and will be fully accessible to the public.
8. When acquiring parkland, the Town may require that the park be developed by the developer to at least a basic level of landscaping including grassing, tree planting, irrigation and maintenance, including any necessary service connections for public amenities like washrooms, aligning with the policies in Section E.10 of this Plan, as demonstrated through site plan and development agreement. Alternatively, at the Town's discretion all or a portion of the parkland may be retained in a naturalized state to support the natural environment and biodiversity.
9. Encourage the evaluation of public lands being disposed of for potential acquisition for recreation and open space uses in concert with other growth needs, including reuse of abandoned **rail facilities**, undeveloped road allowances and **utility** corridors for trail development.
10. Where new **development** is proposed on a site, part of which is identified as a Hazard Area, such lands will not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Town will be conveyed in a physical condition satisfactory to the Town.
11. Where an open watercourse is involved, adequate space will be provided for maintenance and other similar operations.
12. The following policies will apply to lands identified as **hazardous lands**, as shown on Schedule I: Hazardous Lands and under the regulatory authority of the **conservation authority**:
  - i. Where any land identified as **hazardous lands** 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.
  - ii. Where a portion of a property is identified as **hazardous lands**, the **hazardous lands** may be dedicated to the Town including any **water lots** through a development application process.
13. The Town may consider alternative means for establishing new parkland and parkland improvements, including, but not limited to:
  - i. Land purchases;
  - ii. The provisions of Section 37 of the Planning Act; or
  - iii. Seeking partnerships, conservation easements, and/or joint provision of land, for instance through the privately-owned publicly accessible spaces (POPs) model.

## E.8 Community Design

Designing places for people of all ages and abilities contributes to a **sense of place** while building community capacity and planning to meet the evolving needs of a growing population. Excellence in design fosters a sense of community identity, social and physical interaction, environmental stewardship, social equality and economic viability, all of which are hallmarks of **complete communities**. As the Town continues to grow, it is the objective of this Plan for the built environment to be healthier, more environmentally sustainable, and contribute to overall community wellbeing.

### E.8.1 General Policy

1. The community design policies of this Plan focus on excellence in urban design, enhancement of the **public realm**, promotion of **active transportation**, and to identify and establish tools for urban design implementation.
2. High quality urban design involves careful consideration to the form, function, shape and character of the built environment through functional and attractive buildings, streets and public spaces.

### E.8.2 Community Design Objectives

1. Excellence and innovation will be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional, as well as safe and desirable.
2. The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture will be encouraged.
3. Support excellence in urban design that:
  - i. Ensures appropriate transition to surrounding land uses to support land use compatibility, through variations in built form massing, setbacks and the use of angular planes;
  - ii. Encourages urban design standards in a manner compatible to the distinct character of the Town's various communities and unique neighbourhoods;
  - iii. Promotes features that complement the massing patterns, rhythms, character and context of the existing development, while recognizing that built form evolves over time and that new buildings should not necessarily replicate existing buildings; and
  - iv. Promotes **development** and spaces that showcase the Town's rich cultural heritage and celebrated history.
4. Through this Plan, the Town will promote:
  - i. The creation of liveable and vibrant **public realms** and private realms;
  - ii. Community design that:



- a. Offers a range of transportation options, including public transit and **active transportation**;
  - b. Respects the **complete streets** approach by creating safe and attractive interconnected streets and multi-modal networks; and
  - c. Encourages a mix of land uses, a vibrant **public realm** and **compact built form**.
- iii. A context-specific design approach for areas surrounding strategic institutions, such as post-secondary institutions and hospitals, as well as **public service facilities** to ensure compatibility and connection;
- iv. Well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;
- v. The integration of views of built and cultural heritage features, landmarks, and **significant** natural heritage features to enhance a **sense of place**; and
- vi. The clustering of **public service facilities**, services, and spaces to facilitate access to all modes of transportation and to promote community identity and civic pride.
- 5. The Town encourages new **development** to have frontage and entries facing the street, supporting active street frontages and a vibrant **public realm**.
- 6. The Town will consider placemaking elements at community gateways to foster unique, authentic, memorable and vibrant places.
- 7. The Town's physical relationship to waterfront settings will be enhanced by promoting visual and physical access and by connecting publicly accessible waterfronts to create a continuous waterfront feature.
- 8. **Sustainable design** principles will be applied to the **public realm, infrastructure, public service facilities, development** and streets, aligning with policies in Section E.4 of this Plan.
- 9. Public facilities will be designed to promote:
  - i. Civic pride, diversity and community identity;
  - ii. Integrated open space;
  - iii. Connectivity; and
  - iv. Multi-functional uses and activities throughout the year, as feasible.
- 10. The inclusion of public art throughout the Town is encouraged, including in the design of major **development**, streetscapes, and public spaces.
- 11. The Town will explore opportunities for the implementation of a successful public art program which will contribute to a strong civic identity, including the encouragement of inclusion of Indigenous artwork as part of any public art program, in consultation with local Indigenous Communities.

12. The Town will consider the accessibility needs of persons with disabilities by undertaking the following:
  - i. Review and make recommendations on the accessibility of municipal buildings and current park **infrastructure**;
  - ii. Provide input into the sidewalk rehabilitation program for accessibility design;
  - iii. Participate in the development of transit initiatives;
  - iv. Undertake a review of site plan applications; and
  - v. Review road crossing and intersection improvements including signalization when up for consideration.
13. The development of streetscapes, parks and open spaces, parking lots, and other publicly accessible areas, should consider the following design principles:
  - i. Appropriate landscaping should be provided for buffering and planting strips between the roadway, parking areas, and sidewalks, while avoiding blind spots;
  - ii. Maintenance of sight lines, allowing for clear views from one end of the path to the other;
  - iii. Clear signage to delineate permitted use and speed; and
  - iv. Energy efficient lighting to ensure pedestrian safety while having regard for surrounding uses.
14. In considering **development, redevelopment and intensification**, regard will be given to the following:
  - i. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and to not otherwise adversely impact lower rise uses;
  - ii. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;
  - iii. 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;
  - iv. The design and location of refuse pick-up and service areas that satisfy Regional Waste Collection design requirements, where development relies on regional waste collection service;
  - v. Driveway access, internal roadways and pedestrian walkways that are safe and allow for the efficient movement of pedestrians and other forms of active transportation;
  - vi. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;
  - vii. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and

- viii. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

### E.8.3 Implementing Community Design

1. Council may endorse urban design guidelines that apply best practices in urban design, accessible design and Crime Prevention through Environmental Design principles to the design of **development** within both the private and the **public realm**.
2. At a minimum, Urban Design Standards will provide more detailed guidance on matters related to climate change, sustainability, enhancing the **public realm**, land use transition, such as between **settlement areas** and rural/agricultural areas, and design expectations for **intensification** with respect to compatibility with and transitions to the surrounding community context.
3. Collaborate with the Region, as necessary on both the Region's Model Urban Design Guidelines and the Region's Complete Streets Design Manual and Guidelines.
4. The Town, in collaboration with the local school boards, should consider and encourage innovative approaches in the design of schools and associated childcare facilities, such as schools integrated in high-rise developments, in **strategic growth areas**, and other areas with a **compact built form**.

### E.8.4 Built Form Design Criteria

#### E.8.4.1. Low-rise Residential Development Criteria

1. Low-rise residential uses will generally be located within the interior of existing or planned neighbourhoods, with direct frontage and access from a road.
2. The maximum building height for low-rise residential uses is three (3) storeys.
3. Building elements, including massing, that contribute to compatible **development** will be established through the implementing zoning by-law.
4. Built forms that are considered low-rise residential include:
  - i. Single Detached, duplex, and semi-detached dwellings;
  - ii. Triplexes, quadplexes, and townhouse dwellings;
  - iii. Apartment buildings; and
  - iv. Additional residential units.
5. Low-rise residential built forms that permit multiple dwelling units must provide for adequate on-site amenity spaces, **active transportation** facilities, and on-site waste pickup. Where development relies of regional waste collection, the **development** will satisfy the Regional Waste Collection design requirements and includes support for resource recovery of food and organic waste for their residents.
6. Development of apartment dwellings are subject to the following additional policies:
  - i. An apartment building will only be permitted through an amendment to the implementing zoning by-law.

- ii. Apartment buildings will be located on a site of suitable size for the proposed **development**, and will provide adequate landscaping, amenity features, on-site parking, buffering and stormwater management features including **low impact development**.
  - iii. Be sited so as to minimize their effect on neighbouring low-rise residential land uses particularly with regard to privacy, traffic generation, and reduction of sunlight. The Town may require an urban design brief where an apartment dwelling is adjacent to or located near other low-rise built form typologies.
7. Have regard for the Region's Model Urban Design Guidelines and any Urban Design Guidelines established by the Town.

#### E.8.4.2. Mid-rise Residential Development Criteria

- 1. Mid-rise residential uses will generally be located with frontage on collector road, arterial roads, or the Niagara Parkway.
- 2. Mid-rise residential uses will generally be greater than three (3) storeys, but no higher than six (6) storeys.
- 3. Built forms that are considered mid-rise residential include:
  - i. Townhouse dwellings;
  - ii. Apartment buildings; and,
  - iii. Other cluster or multiple unit dwellings as may be defined by the implementing zoning by-law.
- 4. Mid-rise residential uses are subject to the following additional development criteria:
  - i. Have sufficient space for the safe ingress and egress of motor vehicles, as well as sidewalks to enable residents to directly access a Collector or Arterial Road.
  - ii. Where direct access to a Collector or Arterial Road is not possible, the **development** may gain access to the Collector or Arterial Road from a Local Road, subject to approval from the Town.
  - iii. Be located on a site of suitable size for the proposed **development**.
  - iv. Provide adequate landscaping, on-site amenity features and spaces, onsite parking, and buffering and stormwater management features including **low impact development**;
  - v. Where development relies of regional waste collection, the development will satisfy the Regional Waste Collection design requirements and includes support for resource recovery of food and organic waste for their residents.
  - vi. Be located in proximity to parks, open space, schools, everyday commercial amenities, and **active transportation** routes, and other **public service facilities**;
  - vii. Promote multi-modal transportation by having convenient access to the Town's **active transportation** network;

- viii. Integrate with surrounding land uses, with particular regard for common elements such as access points, driveways, landscaping and parking areas;
  - ix. Not generate a volume of traffic that has potential to be a hazard for the surrounding land use context.
5. Have regard for Town-wide urban design guidelines.

#### E.8.4.3. High-rise Residential Development Criteria

- 1. High-rise residential uses will be greater than six (6) storeys, but no higher than eight (8) storeys, except as otherwise established in Section C.5 of this Plan.
- 2. Built forms that are considered high-rise residential include:
  - i. Apartment buildings; and,
  - ii. Other multiple unit dwellings, as may be defined through the implementing zoning by-law.
- 3. High-rise residential uses are subject to the following additional development criteria:
  - i. Have direct access to an Arterial or Regional road;
  - ii. Be located in close proximity to housing, jobs, public transit, and community amenities in the Town, including connections to the **active transportation** network, as well as sidewalks;
  - iii. Be located within 400.0 metres of schools, commercial uses, parks, open space, or other **public service facilities**;
  - iv. Provide adequate landscaping, on-site amenity features and spaces, onsite parking, and buffering and stormwater management features including **low impact development**;
  - v. Where development relies of regional waste collection, the development will satisfy the Regional Waste Collection design requirements and includes support for resource recovery of food and organic waste for their residents.
  - vi. Integrate with surrounding land uses, with particular regard for common elements such as access points, driveways, landscaping and parking areas; and
  - vii. Not generate a volume of traffic that has potential to be a hazard for the surrounding land use context.
- 4. High-rise uses may be permitted through the implementing zoning by-law or require a zoning by-law amendment.
- 5. Have regard for Town-wide urban design guidelines.

#### E.8.5 Rooftop Terraces

- 1. Rooftop terraces may provide an important private outdoor amenity space for residents.
- 2. Rooftop terraces will be located a distance from the edge of the roof and in no case will a rooftop project beyond a main wall.

3. Rooftop terraces will generally not be visible from the **public realm** through appropriate setbacks, screening, building articulation, or similar treatment, or any combination thereof.
4. Screening will be provided where a rooftop terrace may result in adverse impacts on adjacent or surrounding residential uses, such as a reduction in privacy or nuisance noise.

### **E.8.6 Residential Infill**

The following design criteria apply to infill **development** within existing predominantly residential areas, or adjacent to predominantly residential areas:

1. Infill **development** will be distinguished by variation in the building envelope, as characterised by material, massing, and façade articulation.
2. **Development** must create visual interest and diversity, however within older, more established areas of the Town that are distinguished by their unique heritage and history, design should complement the visual character and architectural design elements of these areas.
3. Have regard for mitigating the impacts to surrounding or adjacent built forms as it relates to access to sunlight or adverse impacts of shadowing.
4. Must create an effective transition between adjacent or surrounding low-rise neighbourhoods and existing or future higher rise **development**.
5. Outdoor space and amenity area is a fundamental site element and must have direct access from the **development**.
6. Buildings must be situated with a consistent setback to provide pedestrian scaled streets and separation between individual buildings or clusters of buildings.
7. Include landscaped setbacks that promote the conditions for mature tree growth and vegetation, while also allowing for direct access to pathways and sidewalks.
8. Locate and design garages and parking to minimize visual impacts on the streetscape.
9. The following additional design criteria apply to townhouses:
  - i. Townhouses will provide appropriate transitions to other buildings, low-rise neighbourhoods, cultural and natural heritage, parks and open spaces, and other sensitive uses. This may be achieved through considerations given to building orientation, setbacks, stepbacks, angular plane, relationship to grade, and land uses.
  - ii. Townhouses with direct access from a street are encouraged to have more generous front yard setbacks to accommodate driveways and outdoor amenity areas such as front yards.
  - iii. Front yard setbacks should be generally consistent with adjacent **development** to create a more visually uniform and consistent built form.



- iv. Townhouse blocks should not exceed a total of eight units to encourage permeability with the surrounding community.
  - v. Where multiple blocks of townhouses are located in a cluster, sufficient separation between the blocks is required to accommodate walkways, landscaping, amenity areas, sunlight, and privacy for individual dwelling units.
  - vi. Townhouses should use the existing natural grade and be designed to complement adjacent **development** where possible.
  - vii. Main building entrances should face the street. On corner units, the main building entrances should face the higher order street. Corner units should also address both streets with a side elevation that includes windows and details consist with the front elevation.
  - viii. The projection of building elements will be limited, such as balconies, stairs, and emergency egresses, into setback areas, streets, mews, and amenity areas to protect access to light and sky view and minimize visual impact from the **public realm**.
  - ix. Are designed to be accessible to all ages, abilities, and life-stages, and will incorporate the principles of **universal design**.
10. For **development** adjacent to employment and commercial uses, additional transitional elements may be required such as landscape screening and building orientation, site design, building material, or architectural control.

### **E.8.7 Height and Scale**

The following policies apply to support transition between land uses and the existing or planned context of the surrounding community to provide appropriate transitions in height and scale:

- 1. Buildings that are four storeys or greater should incorporate a step back between the fourth and fifth floors to ensure the appropriate scale and massing of the building and to secure usable patio space.
- 2. Stepbacks must relate to the existing context, planned use of adjacent properties, and consider transitioning uses.
- 3. Where a mid-rise or high-rise building is proposed to exceed the height of an adjacent building, the Town may require the new building to be stepped back, terraced or set back to reduce adverse impacts on adjacent properties and/or the streetscape, such as reduced sunlight, shadowing, or adverse impacts to the privacy of individual dwelling units.
- 4. Apply angular planes, minimum horizontal separation distances, and other building envelope controls to transition down to lower-scale buildings, parks and open spaces, may be applied to facilitate transition between land uses of differing height and scale.
- 5. Where a mid-rise or high-rise residential or mixed-use building is transitioning to an adjacent low-rise residential or mixed-use building, an angular plane as applied

between uses may be used to minimize the impact of shadow and maximize access to sunlight, sky view, and privacy on neighbouring properties.

6. An angular plane may be applied from the rear lot line or interior lot line of the lot on which the mid-rise or high-rise building is located, and as measured from at grade, or at a distance measured above grade, as deemed appropriate by the Town.

## E.9 Transportation and Mobility

The policies of this Plan ensure that both people and goods can safely and efficiently move throughout the Town and beyond. To achieve more sustainable transportation practices and reduced reliance on single-occupant vehicles in the future, the Town will have a **multimodal transportation system** that is safe, equitable, convenient, economical, and efficient.

### E.9.1 General Policy

The **transportation system** will be well-integrated with the land use policies of this Plan and in coordination with adjacent municipalities and other jurisdictions. An efficient, safe, and equitable **transportation system** is a critical component of a complete and healthy community and contributes to overall community wellbeing.

### E.9.2 Complete Streets

1. The Town has jurisdiction over public roads, and 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 Region and the Province of Ontario, respectively.
2. Design of all streets will have regard for Complete Street Principals and Best Practices with appropriate customization according to the functional classification and local context.
3. **Complete streets** will be designed to:
  - i. Accommodate a variety of transportation modes appropriate for the road corridor and/or the specific site context;
  - ii. Promote multi-modal travel and facilitate accessible site access/egress; and
  - iii. Support the safety of all road users.
4. Traffic calming measures may be provided based on the Town's Neighbourhood Traffic Calming Policy.
5. Street cross-sections will be planned, designed, and constructed or reconstructed with regard for the Region's Complete Streets Guidelines and in accordance with the Town's Engineering Standards and Best Practices.

### E.9.3 Functional Classification

For the purpose of this Plan, and to support the implementation of **complete streets**, a functional classification of roads is established. The classification of each road, including Provincial Highways, Arterial Roads, Collector Roads, and Local Roads is shown in

Schedule L: Road Classifications. Not all local roads are shown on Schedule L: Road Classifications. The Town may develop a Transportation Master Plan to update functional classifications as necessary.

#### E.9.3.1. Provincial Highways

1. A Provincial Highway 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.
2. The following policies apply to Provincial Highways:
  - i. The right-of-way width will be as required by the Ministry of Transportation.
  - ii. Direct access from abutting properties will be strictly controlled to avoid interference with the highway's primary function of carrying through traffic.
  - iii. The comments of the Ministry of Transportation relating to traffic concerns and/or requirements will be obtained pertaining to **development** applications up to 400 metres from Provincial Highways.

#### E.9.3.2. Arterial Roads

1. 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.
2. The following policies apply to Arterial Roads:
  - i. The design of Arterial Roads will consider all roadway transportation modes.
  - ii. Direct access from abutting properties will be strictly controlled and may be directed to a local road where practical and reasonable, as determined by the Director, Infrastructure Services.
  - iii. Building setbacks will be required which are sufficient to provide rights-of-way for future traffic needs while still providing acceptable pedestrian access and achieving the built form outcomes of this Plan.
  - iv. Intersections in developing areas will be spaced to provide optimum traffic movement. Right of way property requirements will include widenings and daylighting triangles for traffic signals, turning lanes and other roadway appurtenances.
  - v. In developing areas steps will be taken to minimize the number of access points.
  - vi. In developed areas, approved widenings will be designed in an attempt to minimize the impact on abutting properties and will occur only after consultation with affected property owners.
  - vii. Road widening dedication requirements for Regional Roads will be based on those identified by the Region.

- viii. Road widening dedication requirements for Town arterial roads will be based on those identified in the Town's Official Plan or as determined by Staff.
- ix. Where deemed appropriate, the Town will advocate for the provision of sidewalks.
- x. **Developments** fronting on Arterial Roads are encouraged to design sites such that access and egress is possible in a forward moving fashion.
- xi. Direct access from abutting properties should be limited particularly near major intersections. Most intersections are at grade. The Region will be consulted through the Development Approval process (Subdivision, Site Plan, Building Permit, etc.) to provide proper protection to Regional Roads.

#### E.9.3.3. Collector Roads

1. Collector Roads are designed to carry moderate volumes of inter-neighbourhood and inter-district traffic and to function as links between Arterial Roads or Provincial Highways and Local Roads. Intersections are at grade. Direct access from abutting properties is normally permitted unless deemed undesirable.
2. The following policies apply to Collector Roads:
  - i. The design of Collector Roads will consider all roadway transportation modes.
  - ii. Collector Road will accommodate the placement of sidewalks on both sides of the right-of-way, where feasible.
  - iii. The right-of-way width will be a minimum of 23 metres to a maximum of 26.2 metres; except for those Collector Roads under Regional jurisdiction which will be determined by the Region, or those shown on a Secondary Plan schedule.
  - iv. Direct access from abutting properties may be permitted where practical and reasonable, as determined by the Director, Infrastructure Services.
  - v. Intersections will 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.

#### E.9.3.4. Niagara Parks Commission Roads

1. 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.
2. 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 **settlement 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.
3. The following policies applies to roads under the jurisdiction of the Niagara Parks Commission:

- i. Approval of the Niagara Parks Commission is required for any **development** access onto the Niagara Boulevard.
- ii. The comments of the Niagara Parks Commission relating to traffic concerns and/or requirements will be obtained pertaining to **development** applications up to 800 metres from Niagara Parks Commission lands.
- iii. The Town will advocate for the placement of sidewalks, paths and bicycle lanes, where appropriate.

#### E.9.3.5. Local Roads

1. 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. Intersections are at grade. Direct access from abutting properties is permitted except near major intersections.
2. The following policies apply to Local Roads:
  - i. The design of Local Roads will consider all roadway transportation modes.
  - ii. Sidewalks should be provided on at least one side of the right-of-way.
  - iii. The basic right-of-way width will be a minimum of 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.
  - iv. On-street parking should be considered on at least one side of the road.
  - v. Direct access to a new local road from abutting properties may be required for low density residential uses abutting Provincial Highways or Arterial Roads.
  - vi. Intersections with Provincial Highways and Arterial Roads maybe discouraged.
  - vii. Through traffic may be discouraged by means of low-speed design and road pattern, as well as the implementation of traffic calming features in line with the Town's Neighbourhood Traffic Calming Policy.

#### E.9.3.5.2. Private and Condominium Roads

1. Private and/or Condominium Roads include road **infrastructure** that is built on private property to facilitate access to a building/s on site, or used to facilitate servicing functions (emergency services, waste collection etc.).
2. The following policies apply to Private and Condominium Roads:
  - i. Direct access to Arterial Roads and Collector Roads will need to be carefully considered through the Development Application process.
  - ii. Pedestrian access should be considered through the implementation of suitably wide walkways at each road access point. A pedestrian access plan should be submitted with each new or changed Private or Condominium Road.
  - iii. Private and Condominium Roads should be a minimum of 6m in width (excluding pedestrian walkways) to facilitate emergency access.

- iv. Private and Condominium Roads will be constructed and maintained by the Property Owner or Condominium Board, at no cost to the Town. The construction and maintenance standards will be prescribed as a condition of approval by the Town.

#### E.9.3.6. Daylighting Triangles

1. Pursuant to the provisions of the Planning Act, the dedication of lands for road allowance widening purposes will be required within the designated future road allowance rights-of-way as specifically established by this Plan and the Region 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.
2. 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.
3. For roads under the Town's jurisdiction, the minimum area of land required to be dedicated for daylighting requirements pursuant to site plan control is identified in Table E-5: Daylighting Requirements for Town Roads:

Table E-5: Daylighting Requirements for Town Roads

Road Classification of Intersecting Streets	Maximum Daylighting Requirements
<b>Local to Local</b>	4.5 m Triangle or Radius
<b>Collector or Local to Collector</b>	7 m x 7 m Triangle
<b>Arterial to Local, Collector or Arterial</b>	12 m x 12 m Triangle

4. For roads under the Region's jurisdiction, the minimum area of land required to be dedicated for daylighting requirements pursuant to site plan control is identified in Table E-6: Daylighting Requirements for Regional Roads:

Table E-6: Daylighting Requirements for Regional Roads

Regional Intersection Type	Maximum Daylighting Requirements
<b>Signaled Intersection in a Settlement Area</b>	10 metres x 10 metres
<b>Non-signaled Intersection within a Settlement Area</b>	6 metres ax 6 metres
<b>Intersection within the Countryside Area</b>	15 metres x 15 metres

### E.9.3.7. Right-of-Way Widths

1. As conditions of the approval of a development application under the Planning Act:
  - i. The Town or the Region may acquire land from the landowner required for the road allowance as identified in Table E-7: Road Allowance for Town Roads - Preferred Widths and Table E-8: Road Allowances for Regional Roads – Preferred Widths, at no cost to the Region or the Town and free of all encumbrances, encroachments, and improvements unless otherwise agreed to by the Region and/or Town; and
  - ii. The Town and/or the Region will be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.
2. The conveyance of land will be required at no cost to the Region or the Town as a condition of the approval of a development application, beyond the designated road allowance widths identified in Table E-7, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, **active transportation**, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.
3. Without amendment to this Plan, the Region or the Town may update the designated road allowance widths in Table E-7 and Table E-8 where an alternate width has been approved through a completed Municipal Class Environmental Assessment.
4. The designated right-of-way widths of roads under the jurisdiction of the Town are identified in Table E-7:

Table E-7: Road Allowance for Town Roads - Preferred Widths

Road	From	To	Road Allowance Preferred Width (metres)
Albany Street	Helena Street	Garrison Road	26.2
Bernard Avenue	Thunder Bay	Highway No. 3	23
Brunswick Avenue	Ridge Road	Ridgeway Road	23
Daytona Drive	Dominion Rd	Garrison Road	23
Derby Road	Erie Road	Farr Avenue	23
Gilmore Road	Sunset Drive	Pettit Road	23
King Street	Albany Street	Garrison Road	23
Main Street East	Winger Road	Ott Road	23



Road	From	To	Road Allowance Preferred Width (metres)
Nigh Road	Highway No. 3	Rose Hill Road	23
Pettit Road	Gilmore Road	Garrison Road	23
Phillips Street	Buffalo Road	Crescent Road	23
Point Abino Road	Erie Road	Brown Road	23
Rebstock Road	Schooley Road	Ridge Road South	23
Ridge Road	Bowen Road	Brunswick Avenue	23
Rose Hill Road	Dominion Road	Highway No. 3	23
Schooley Road	Michener Road	Erie Road	23
Sunset Drive	Highway No. 3	Bowen Road	23
Washington Avenue	Dominion Road	Helena Street	26.2
Winger Road	Bowen Road	Netherby Road	23
Crescent	Dominion Road	Garrison Road	23
Buffalo	Dominion Road	Garrison Road	23
Burleigh	Thunder Bay	Highway No. 3	23
Thunder Bay Rd	Ridge Road	Stone Mill Road	23
Concession	Albany Street	Gilmore Road	23
Baker Rd	Netherby Road	River Trail	23

5. The designated right-of-way widths of roads under the jurisdiction of the Region are identified in Table E-8:

Table E-8: Road Allowances for Regional Roads - Preferred Widths

Road	From	To	Road Allowance Preferred Width (metres)
Dominion Road	Gorham Road	Lakeshore Road	20.1

Road	From	To	Road Allowance Preferred Width (metres)
Garrison Road	Rosehill Road	Central Avenue	30.5
Gilmore Road	QEW	Thomson Road	30.5
	Thomson Road	Concession Road	26.2
	Concession Road	Niagara Boulevard	23.2
Thomson Road	Bowen Road	Phipps Street	26.2
Bowen Road	Stephensville Road	Thomson Road	26.2
Phipps Street	Thomson Road	Niagara Parkway	20.1
Netherby Road	Montrose Road	QEW	30.5
	QEW	Niagara Parkway	26.2
Gorham Road	Dominion Road	Bertie Street	26.2
Stevensville Road	Bertie Street	Bowen Road	26.2
	Bowen Road	Northern Boundary of Stevensville	20.1
	Northern Boundary of Stevensville	Netherby Road	26.2
Sodom Road	Netherby Road	Northern Boundary of Fort Erie	26.2
Helena Street / Thomson Road	Dominion Road	Garrison Road	26.2
	Garrison Road	QEW	26.2
Thomson Road	QEW	Phipps Street / Bowen Road	26.2
Central Avenue	Lakeshore Road	Courtwright Street	26.2
	Courtwright Street	Dufferin Street	20.1
	Dufferin Street	Niagara River Parkway	26.2

6. The rights-of-way for all other roads not listed in Table E-9 are to remain as they presently exist.
7. All proposed **development** located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area under the Public Transportation and Highway Improvement Act will be subject to the Ministry's approval. Any new areas in the municipality identified for future **development** that are located adjacent to or in the vicinity of a provincial highway, interchange or intersection within the Ministry's permit control area will be subject to the Ministry's policies, standards, and requirements.
8. 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, alignment of existing or proposed municipal services, configuration of the road allowances or the location of existing buildings dictate, up to the entire widening may be required entirely on one side of the road.

#### **E.9.4 Accommodating Future Growth**

1. The rights-of-way for the **transportation system, major goods movement facilities and corridors, active transportation** and public transit facilities will be planned and protected to meet current and projected needs, while ensuring that **development** is not permitted in **planned corridors** that could preclude or negatively affect the purposes of the **transportation system**.
2. The Town may conduct a Transportation Master Plan to identify the transportation **infrastructure** and right-of-way widths required to accommodate growth and an order of priorities for improvements.
3. As conditions of the approval of a development application under the Planning Act:
  - i. The dedication of lands for road allowance widening purposes will be required within the designated future road allowance rights-of-way, as established by E.9.2 or as otherwise updated by a Transportation Master Plan.
  - ii. The full costs of road improvements on a roadway established by the public road authority, deemed necessary because of proposed **development**, will be paid for by the developer unless otherwise identified in the Development Charges Background Study.
4. The Region will be consulted through the development approval process including site plan approval to provide proper protection to all Regional roadways.
5. No **development** or **redevelopment** will be permitted that does not front entirely on an improved public road of an acceptable municipal standard of construction, subject to the following exception:
  - i. Council may permit the **development** or **redevelopment** on lands fronting a private roadway that existed on the date of passing of the implementing zoning by-law, however, this will only be permitted through an amendment to the implementing zoning by-law.

6. In future subdivision plans, the number of intersections with major roads will be kept to a minimum.
7. Roads proposed in future subdivision plans will be aligned with existing roads where practical and reasonable.
8. The design, layout and orientation of local roads will be considered through the Secondary Plan and Urban Design process.

#### E.9.4.1. Parking

Parking is an important component of the Town's **transportation system** and must be adequately managed in accordance with the Town's transportation goals. The following policies apply:

1. 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 appropriate off-street vehicular and bicycle parking will be provided for all **development** or **redevelopment** pursuant to such standards.
2. Prior to removing or adding on-street parking, the Town will consider the context of the area including walkability and cycling opportunities.
3. The Town may conduct a future parking study to update parking standards in the implementing zoning by-law and other applicable by-laws, policies, and standards.

#### E.9.4.2. Connected Road Network

1. The Town will coordinate with the Region, the Province, and other agencies to plan for, improve, and protect **planned corridors** and facilities, including the Niagara to Greater Toronto Area (NGTA) Corridor.
2. The Town will collaborate with the Region to maintain and improve **linkages** between the elements of the **transportation system** under the jurisdiction of the Town and the elements under the jurisdiction of the Region.
3. The Town will work with the Niagara Parks Commission to improve **linkages** between the Town's **transportation system** and the Niagara Parks Commission's **transportation system**.
4. The Town will coordinate with the Region, the Federal government, and the Province to help strengthen the provision of an efficient and safe Provincial Highway System throughout the region.

#### E.9.5 Goods Movement

The Town recognizes that the movement of goods 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:

1. The Town will work with the Region to develop and implement a Goods Movement Study to identify **major goods movement facilities and corridors**. This includes working with the Region and the Province to plan for and expedite improvements to

**major goods movement facilities and corridors** and **planned corridors** to support **freight-supportive** employment **development** and **redevelopment**, in alignment with the Strategic Goods Movement Network (SGMN), as planned and directed by the Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe.

2. Major goods movement facilities and corridors will be protected.
3. Lands adjacent to or near **major goods movement facilities and corridors** will be protected for the expansion of **infrastructure** and uses ancillary to that of the principal **major goods movement facility and corridor**.
4. 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.
5. Through truck movement will be discouraged on local roads within residential neighbourhoods, where there is an alternate route available on arterial or collector roadway or Provincial Highway.
6. **Development** generating substantial truck traffic will be encouraged to locate near or adjacent to **major goods movement facilities and corridors**.
7. Council may require appropriate building setbacks, screening and buffering along **major goods movement facilities and corridors** to alleviate excessive impacts of noise on adjacent land uses.
8. Trucking along the Niagara River Parkway or other roadways of the Niagara Parks Commission are restricted under the Niagara Parks Act.
9. Appropriate protection of **rail facilities** will be considered in the planning process and the Town will support strategic **infrastructure** improvements such as targeted grade separations.

#### **E.9.6 Active Transportation**

1. Comprehensive **active transportation** networks will be integrated into the **transportation system** to achieve:
  - i. A safe and convenient inter-municipal and intra-municipal travel for **active transportation** users; and
  - ii. To provide continuous **linkages** from neighbourhoods to **strategic growth areas**, **major trip generators**, **employment land**, tourism destinations, **public service facilities**, post-secondary institutions and transit stations, including sidewalks and dedicated lane space for cyclists on the major street network, or other safe and convenient alternatives

##### **E.9.6.1. Active Transportation Network**

1. The Town recognizes the important role **active transportation** plays in a multi-modal transportation network that provides residents with more choices.
2. The following policies apply:

- i. The **active transportation** network will be planned to be connected, continuous, and considered safe and comfortable by users.
- ii. The **active transportation system** will consist of both on-road and off-road facilities, including sidewalks, bike lanes and routes, trails, multi-use paths, and paved shoulders.
- iii. The **active transportation** network will give priority to connecting with frequent destinations and points of interest, including parks, shopping areas, schools, and hospitals. **Active transportation infrastructure** will also be provided within parks and open space areas where appropriate.
- iv. The **active transportation** network is shown on Schedule M: Active Transportation. This network may be updated on a regular basis based on appropriate studies.
- v. The **active transportation** network is shown on Schedule M: Active Transportation includes the Niagara Region Strategic Cycling Network.
- vi. The Fort Erie Active Transportation Master Plan will be considered in all designs and through the implementation of **active transportation infrastructure** within the Town.
- vii. Bicycle supportive facilities, such as secure bicycle parking, will be considered at public buildings and places as a model for the private sector.
- viii. Wherever possible, the Town and Region will work cooperatively in establishing **linkages** to broader regional **active transportation infrastructure** to further promote and extend the range and reach accessible by **active transportation** modes.

#### E.9.6.2. Public Realm and Active Transportation

1. Regional road allowances will be designed in accordance with the Region's Complete Streets Design Manual and Guidelines. The Region's Model Urban Design Guidelines, as amended, will be used to facilitate a continuous pedestrian experience where Regional and Local Road systems **interface**.
2. The mitigation of microclimate impacts, such as wind, shadowing and seasonal factors, should be considered regarding the impact of **development** on the **public realm**.
3. Alternative road designs that balance the needs of pedestrians, cyclists, public transit users, and motorists, and prioritize road safety will be considered to support **complete streets**.
4. The design of road networks should consider walking distances for public transit users, and the use of an interconnected **transportation system** with consideration for applicable standards and guidelines, to minimize travel distances for cyclists and pedestrians.
5. The Town will work with the Region to support the creation of an enriched urban design experience along Regional Roads will be encouraged by supporting:

- i. Consistent wayfinding strategy;
  - ii. Pedestrian and **transit-supportive** facilities, such as street trees and street furniture; and
  - iii. Public art in key locations.
6. The Town will work with the Region to support the design of Regional Roads within downtowns and community cores to:
  - i. A function as flexible spaces to support placemaking, temporary community events and initiatives to support **complete communities**;
  - ii. Encourage the creation of seasonal outdoor patios and seating areas;
  - iii. Improve accessibility;
  - iv. Include pedestrian and cycling **infrastructure**; and
  - v. Give priority to pedestrian and cycling **infrastructure** where sufficient street parking can be provided.
7. In partnership with the Region and/or private entities, the Town may develop and administer, capital projects that implement **complete streets**.
8. In collaboration with the Region, the innovative and **sustainable design** elements are encouraged in the design, construction, and refurbishment of Regional Roads.

#### **E.9.7 Future Development**

1. The policy objective of this Plan regarding the **active transportation** network will be partly implemented through the development approvals process, in accordance with the following policies:
  - i. When reviewing site plans, secondary plans and **development** proposals, the Town will consider the **active transportation** network shown on Schedule M: Active Transportation. Particular attention will be paid to efficient, safe and pleasant pedestrian movement through the **development** or neighbourhood.
  - ii. Pedestrian **infrastructure**, including sidewalks, will be designed and provided as part of all **development**, and can include the surrounding neighbourhood where necessitated in item i above.
  - iii. Arterial and Collector roads will be planned to provide for sidewalks on both sides.
  - iv. Local roads will be planned to provide for sidewalks on, at a minimum, one side of the road, whereas **strategic growth areas** will have a sidewalk on both sides of the road.
  - v. Where a sidewalk is provided on only one side of the road within two adjacent **developments**, that sidewalk will be located on the same side of the road.
  - vi. Where sidewalks are currently not provided, the provision of sidewalks will be considered during major **redevelopment** or substantial reconstruction of the right-of-way.



- vii. Sidewalks may also be required to be constructed outside the limits of the proposed subdivision at the expense of the Developer in order to provide continuity of pedestrian access from the new subdivision to the existing sidewalk systems.
- viii. The Town may consider payment in lieu of sidewalk provision for small development proposals.
- ix. Pedestrian pathways, bike lanes and support facilities, where appropriate, will be designed and provided as a part of new **development**. Such facilities will be dedicated as public rights-of-way.
- x. The Town encourages the protection of abandoned rail corridors and other linear corridors for off-road trail use.
- xi. A **development** that would increase pedestrian crossing volumes at existing intersections may need to install a mid-block pedestrian crossing (in accordance with Ontario Traffic Manual Book 12 and 15).

### E.9.8 Public Transit

- 1. Transit service in Fort Erie is provided by the Niagara Transit Commission and falls under the jurisdiction of the Region.
- 2. The following policies apply:
  - i. The Town will coordinate with the Region, the Niagara Transit Commission, the Province, Metrolinx, and organized interest groups to improve transit **linkages** between Fort Erie and neighbouring municipalities.
  - ii. The Town will work with the Region and the Niagara Transit Commission to maintain and enhance on-demand transit service, particularly to frequent destinations such as hospitals, post-secondary institutions and commercial destinations.
  - iii. Town will work with the Region and the Niagara Transit Commission to plan for Garrison Road to evolve into a frequent transit corridor, as conceptually shown on Schedule A: Town Structure, and Schedules A.4 and A.5.
  - iv. The Town will advocate for improved transit connections to the Niagara Falls GO station, including a GO bus station to be located within Fort Erie.
  - v. The Town will work with the Region, the Province, and Metrolinx, where applicable, to support the integration of **active transportation** and public transit.

## E.10 Infrastructure and Servicing

**Infrastructure** and servicing, including water and wastewater systems, stormwater collection, and other essential public utilities such as electricity and telecommunications, 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.

### E.10.1 General Policies

1. **Infrastructure** planning, **development**, and asset management will be undertaken in support of the growth management policies of the Town and the Region to promote sustainability and the achievement of **complete communities**.
2. The Town will plan for and protect corridors and rights-of-way for **infrastructure**, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs. The Town will not permit **development** in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.
3. Planning for water and wastewater **infrastructure** will:
  - i. Accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing **sewage and water services**;
  - ii. Ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely; and can help mitigate the **impacts of a changing climate**;
  - iii. Is feasible and financially viable over their lifecycle; and protects human health and safety, and the natural environment;
  - iv. Promote water conservation and water use efficiency; and
  - v. Integrate servicing and land use considerations at all stages of the planning process.
4. The Town and the Region will endeavour to:
  - i. Ensure new **development** will not put the Region or Town out of compliance with regulations and consider opportunities to maintain or reduce wet weather overflow and occurrence; and
  - ii. Provide reliability, redundancy and security in its water and wastewater systems with attention to high risk and critical areas.
5. The Region will provide for the **infrastructure** and services within its jurisdiction to accommodate existing development and anticipated growth within the financial capability of the Region.
6. Adequate water and wastewater **infrastructure** will be provided to meet the existing and future **development** needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.
7. **Development** within the **settlement areas** is to be serviced by **municipal sewage services** and **municipal water services**. Existing private services within a **settlement area** are permitted to continue until such time as municipal services are available.
8. Prior to approval of **development**, the municipality will ensure that required **sewage and water services** and servicing capacity are available to support the **development**.

9. Any extensions to the existing water supply or sewage disposal systems must have approval through the current water licenses and sewage disposal system approvals from both the Town and the Region.
10. Coordinate with the Region's Water and Wastewater Servicing Plan on how to operate and plan the delivery of **sewage and water services** throughout the Town.
11. To implement the Town's Assets Management Plans to ensure the sustainable delivery of water and wastewater systems and stormwater **infrastructure**.
12. Planning for water, wastewater, and stormwater **infrastructure** to ensure that decisions on **infrastructure** are integrated with decisions that are designed to protect the **natural environment system**.
13. The extension of **municipal sewage services** and **municipal water services** will be planned, designed and constructed in accordance with a comprehensive water or wastewater master plan or equivalent, informed by **watershed planning**, which:
  - i. Demonstrates that the effluent discharges and water takings associated with the system will not negatively impact the **quality and quantity of water**;
  - ii. Identifies the preferred option for servicing growth and **development** in accordance with the policies of this Plan, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological and other needs;
  - iii. Identifies the full life cycle costs of the system and develops options to pay for these costs over the long term; and
  - iv. Includes a servicing strategy for those lands which are designated for **development** in this Plan, but which are currently beyond the extent of municipal services.
14. All development applications will be evaluated to determine whether the water, wastewater and stormwater **infrastructure** are currently capable or will be capable of supporting the proposed **development** at acceptable levels of service. The Town may require a peer review of any report or study, such as a functional services report, submitted in support of a development application, which will be conducted at the expense of the applicant.
15. The Town will further assign preliminary municipal water and sewer servicing allocation for draft plans of subdivision or condominium at the time of draft plan approval by the Town. If a draft plan of subdivision or condominium is not registered within three years from the date of draft plan approval, or the draft plan has not proceeded to the satisfaction of the Town within the term of draft plan approval, the Town, at the time of considering extension of the draft plan approval, may revoke the preliminary assignment of municipal servicing allocation, in whole or in part. Prior to revoking allocation, the Town will afford the developer an opportunity to address the Town on the matter. Servicing allocation will be formally assigned at the time of the execution of the subdivision agreement and/or condominium agreement.

16. Proposed plans of subdivision will not be granted draft plan approval unless adequate services exist or are planned for within the time frame of draft approval (3 years).
17. 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.
18. 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 in the Town's opinion, not economically feasible to provide, improve or maintain. Where municipal services are to be extended, the Town and Region may consider the phasing of **development**, or the use of front ending agreements as provided for in the Development Charges Act.
19. 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, regional, and provincial circumstances, legislation and guidelines.
20. Planning for new or expanded **infrastructure** will occur in an integrated manner, including land use planning and the inclusion of lands within a **settlement area**. Lands for new **development** will not be considered without ensuring that required **sewage and water services** and servicing capacity are available and supported by both Town and Regional servicing plans.
21. Extensions of municipal services outside of **settlement area** boundaries will comply with the requirements of the Region. Municipal water supply mains or municipal sewers will not be extended outside the urban areas except:
  - i. Where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and
  - ii. Where extensions of the water supply system are for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.
22. The Town may apply a holding provision to a proposed through the implementing zoning by-law pursuant to the Planning Act until such a time as municipal services are available.
23. The Town will 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 **settlement 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.
24. New public water treatment and sewage treatment plants and their facilities will not require an amendment to this Plan if subject to an Environmental Assessment Act process.

25. The comments of **utility** providers regarding the availability of utilities and **infrastructure** will be reviewed with respect to growth areas and major infill, **redevelopment** and **intensification** areas during the planning process.
26. Existing Regional or Town servicing properties associated with landfills, treatment plants, reservoirs and pumping stations will be permitted to operate for their intended service use. Should the use cease operation, future land uses on the property, or within 500 metres of lands used as a **waste disposal site**, will be in accordance with the policies of the designation indicated subject to necessary environmental clearances.
27. Expansions of the existing sewage treatment and water treatment plants operated by the Niagara Region are subject to the Municipal Engineer's Municipal Class Environmental Assessment. No amendment to this Plan is required for expansions of either facility on their current property. However, compliance with policies in this Plan are required.
28. Where an existing use located in the Employment Area, Commercial, or Institutional designations, and do not have access to existing or planning full municipal servicing, the Town will encourage the exploration of new technologies to provide private wastewater solutions on an interim basis, until such time that full municipal servicing becomes available.
29. Private **lateral connections** to Regional water or wastewater mains is discouraged.
30. **Lateral connections** to Regional water or wastewater mains are not permitted outside of **settlement area** boundaries.
31. Where **development** is proposed on lands adjacent to an existing or proposed water pollution control facility, the location and **development** will be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.

#### **E.10.2 Municipal Water Supply**

1. Both the Region and the Town are responsible for municipal water supply, with the Region being responsible for water treatment and transmission, water storage, and trunk watermain facilities and the Town responsible for more localized water distribution.
2. The following policies will apply to the provision of municipal water supply infrastructure:
  - i. The designation of lands for **development** will not be considered a commitment by the Region or the Town to extend water lines to the area until it is determined to be financially feasible to do so.
  - ii. The sizing of water supply **infrastructure** will be based on the monitoring of the planned development pattern, including the potential for infill, **redevelopment** and **intensification**, within the various water supply areas.

### E.10.3 Municipal Sanitary Services

1. Improvements to existing wastewater **infrastructure** and the reduction of extraneous flows is a priority for Council.
2. Existing municipal **combined sewer** and storm drainage systems will be separated, where technically and financially feasible over the long-term.
3. Appropriate wastewater treatment **infrastructure** 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.
4. **Development** will be phased in accordance with improvements to the sewershed area and the reduction of extraneous flows in accordance with the Town's Water and Wastewater Master Plan.
5. The sizing of wastewater **infrastructure** will be based on the monitoring of the planned development pattern, including the potential for infill, **redevelopment** and **intensification**, within the various wastewater collection areas.
6. Where two or more buildings are on one connection to the municipal wastewater **infrastructure**, if any sewer reconstruction or major building reconstruction takes place, such buildings are to be provided with individual sewer connections.
7. In consultation with the Region, all new **development** other than minor infilling **development** which is proposed to be connected to existing combined wastewater **infrastructure** will be served with separated systems within the property limits of the **development**.
8. The Town will collaborate with the Region to reduce wet weather flows infiltrating the wastewater **infrastructure** system.

### E.10.4 Private Sanitary and Water Services

1. Full municipal servicing is the preferred form of servicing within **settlement areas** to support protection of the environment and minimize potential risks to human health and safety. Within **settlement areas** with existing **municipal sewage services** and **municipal water services**, **intensification** and **redevelopment** will be promoted wherever feasible to optimize the use of the services.
2. Where **municipal sewage services** and **municipal water services** are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot **development** to support protection of the environment and minimize potential risks to human health and safety.
3. The Town will not consider nor accept to become a party to a default responsibility agreement for any private communal water supply or sewage treatment system as may be required pursuant to Ministry of the Environment, Conservation and Parks' guidelines whether or not the existing or proposed **development** is permitted by this Plan or the implementing zoning by-law.
4. Where **municipal sewage services** and **municipal water services** or private communal sewage services and private communal water services are not available,



planned or feasible, **individual on-site sewage services** and **individual on-site water services** may be used provided that site conditions are suitable for the long-term provision of such services with no **negative impacts**.

5. Coordinate with the Region to review, update and assess the long-term impacts of **individual on-site sewage services** and **individual on-site water services** on the environmental health and the desired character of **rural settlements** and the feasibility of other forms of servicing.
6. Partial services will only be permitted in the following circumstances:
  - i. Where they are necessary to address failed **individual on-site sewage services** and **individual on-site water services** in existing development; or
  - ii. Where partial services have been provided to address failed services in accordance with the policies of this Plan, infilling on existing lots of record in **rural areas** in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no **negative impacts**. In accordance with this Plan, the extension of partial services into **rural areas** is only permitted to address failed **individual on-site sewage** and **individual on-site water services** for existing development.
7. All new **development** located outside **settlement area** boundaries will provide sustainable private water and sewage services. The landowner is responsible for the maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.
8. All new **development** which is proposed to be connected to existing **combined sewer** facilities will be served with separated systems within the property limits of the **development**. The connection to the **combined sewer** will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing **combined sewer** services has been confirmed.
9. The minimum lot size will 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.
10. The soil and drainage conditions will be suitable for the proper siting of buildings, the supply of potable water and the long-term operation of a waste disposal system.
11. The natural drainage systems of the surrounding lands will not be interfered with or detrimentally affected by the **development**.
12. Each sustainable private sewage disposal system will require approval by the authority having jurisdiction. If, any area appears questionable for the proper operation of a sustainable private sewage disposal system an evaluation of the subject lands by a competent authority will 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.

#### **E.10.5 Stormwater Management**

1. The Town will improve or restore both the **quality and quantity of water** by ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.
2. Ensure stormwater management and **green infrastructure** is integrated into the planning and development process.
3. Planning for stormwater management in the Town will:
  - i. Conform with the **watershed planning** policies established by Section D.4.1.18 of this Plan;
  - ii. Be integrated with planning for **sewage and water services** and ensure that systems are optimized, feasible and financially viable over the long term;
  - iii. Minimize, or, where possible, prevent increases in contaminant loads;
  - iv. Minimize erosion and changes in water balance, and prepare for the **impacts of a changing climate** through the effective management of stormwater, including the use of **green infrastructure**;
  - v. Mitigate risks to human health, safety, property, and the environment;
  - vi. Maximize the extent and function of vegetative and pervious surfaces;
  - vii. Promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and **low impact development**; and
  - viii. Consider green infrastructure and other measures which address the impacts of a changing climate.
4. Develop a stormwater master plan or equivalent for serviced **settlement areas** that:
  - i. Are informed by **watershed planning** or equivalent;
  - ii. Protect the **quality and quantity of water** by assessing existing stormwater facilities and systems;
  - iii. Characterize existing environmental conditions;
  - iv. Examine the cumulative environmental impacts of stormwater from existing and planned **development**, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;
  - v. Incorporate appropriate **low impact development** and green infrastructure;
  - vi. Identify the need for stormwater retrofits, where appropriate;

- vii. Identify the full life-cycle costs of the stormwater **infrastructure**, including maintenance costs, and develop options to pay for these costs over the long-term; and
  - viii. Include an implementation and maintenance plan.
5. All new **development** and **redevelopment** in **settlement areas** must be provided with separate storm drainage systems or separate storm drainage connections.
  6. Proposals for **development** proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
    - i. Conforms with Section D.1.4.1.18 of this Plan;
    - ii. Is informed by a subwatershed study or equivalent;
    - iii. Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate **low impact development** and **green infrastructure**;
    - iv. Establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
    - v. Aligns with the Region's stormwater management design guidelines or the equivalent for the **settlement area**, where applicable.
  7. 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 stormwater runoff.
  8. 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.
  9. Collaborate with the Region on the provision of adequate storm drainage facilities.
  10. Stormwater Management Studies will be carried out in consultation with the Niagara Peninsula Conservation Authority, Niagara Parks Commission, the Region, and the Province to:
    - i. Assess downstream constraints (e.g. flooding, erosion, and environmental) and determine how these constraints will be addressed;
    - ii. Indicate the conveyance of stormwater runoff from the site by the major and minor systems;
    - iii. Indicate adequate erosion and sedimentation control techniques which will be utilized during and after construction, where necessary;
    - iv. Consider identifying areas of constraint regarding **combined sewers** and old or outdated **infrastructure**; and

- v. Storm drainage facilities will be constructed completely separate from sanitary sewer facilities and separation of existing combined systems will be encouraged.

#### **E.10.6 Waste Management**

1. The Region will provide for the disposal and treatment of solid wastes, and in alignment with the Region's Long Term Waste Management Strategic Plan.
2. The Region will provide **waste management** systems that are an appropriate size and type to accommodate present and future requirements, and facilitate, encourage, and promote reduction, reuse, and recycling objectives.

#### **E.10.7 Green Infrastructure**

**Green infrastructure** is both natural and human-made elements that provide ecological and hydrological functions and processes. **Green infrastructure** may include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

1. **Green infrastructure** should be incorporated where appropriate, in a manner that recognizes climate change policy objectives of this Plan.
2. Encourage sustainable practices, such as green infrastructure and **low impact development** to address the **impacts of a changing climate**.
3. Ensure **green infrastructure** and stormwater management is integrated into the planning process.
4. The planning and design of water and wastewater **infrastructure** will consider the potential **impacts of a changing climate**.
5. Promote and provide leadership in sustainable forms of **development**, green building technologies and **green infrastructure** investment to:
  - i. Conserve and protect the quality of water resources;
  - ii. Achieve greater energy efficiency and reduce greenhouse gas emissions;
  - iii. Improve access to local foods;
  - iv. Support walking, cycling, and public transportation; and
  - v. Reduce and better manage waste.
6. Where possible, integrate both **green infrastructure** and **low impact development**, such as green roofs and permeable surfaces into the design and construction of **infrastructure, public works projects, public service facilities**, and private **development**.
7. Promote the use of green infrastructure and low impact development by considering green infrastructure in public works projects.
8. Encourage the use of **green infrastructure** through the review of development applications.

9. Consider through site plan control the development of **green infrastructure**, such as naturalized retention ponds and rain gardens to increase stormwater offset.
10. Minimize erosion and changes in water balance and prepare for the **impacts of a changing climate** through the effective management of stormwater, including the use of **green infrastructure**.
11. Consider **green infrastructure** and climate change when planning for parks, open space and trails.
12. Incorporate appropriate **low impact development** and **green infrastructure** in stormwater master plans for serviced **settlement areas** in the Town. This also includes when undertaking stormwater management planning to assess the impacts of extreme weather events, encouraging the use of landscape-based stormwater management.
13. Promote **green infrastructure** to complement **infrastructure**, including the requirement for innovative **low impact development** opportunities and best practices that minimize the risks associated with **hazardous lands** and **hazardous sites**.

#### **E.10.8 Utilities and Telecommunications**

1. The Town will develop a telecommunications protocol to provide guidance on matters related to the location of telecommunications facilities, as well as the role of public participation. At a minimum, the protocol will:
  - i. Encourage coordination and consultation between telecommunications providers and the Town regarding the co-location of telecommunication **infrastructure** and optimal site-selection.
  - ii. Provide an opportunity for public participation in determining the location of telecommunication **infrastructure**.
  - iii. Promote awareness to telecommunications providers regarding the following matters that are of importance to the Town:
    - a. Compatibility with surrounding land uses;
    - b. Proximity to other public **infrastructure**;
    - c. Protection of the natural environment system; and
    - d. Priority locations for new telecommunication **infrastructure**.
  - iv. Consider opportunities to expedite the review and approval process for new telecommunication **infrastructure** where it can be demonstrated to the Town that the policies of the protocol are satisfied.
  - v. Establish the Town's expectations regarding required material, information, or studies to be prepared by a proponent in support of an application to develop new telecommunications **infrastructure**.
2. Coordinate with both private and public **utility** providers to ensure that utilities are planned and managed in a manner that supports the objectives and policies of this Plan.

3. The joint use of rights-of-way and corridors is encouraged wherever feasible for various facilities in order to:
  - i. Lessen the impact on the environment of uncoordinated alignments of various single purpose authorities; and
  - ii. Avoid land use and **development** conflicts associated with such rights-of-way and alignments.
4. The construction of utilities will comply with the **natural environment system** policies of this Plan.
5. Necessary public utilities will be provided in accordance with the servicing needs of existing and future **development** and with economic, safety and environmental considerations.
6. The Town will confirm, as part of the development review process, that **utility** providers are able to provide services to support the proposed **development** in a timely manner and that, if required, appropriate location for large **utility** equipment and **utility** cluster sites have been determined.
7. Ensure that utilities are planned and managed in a manner that supports the objectives and policies of the Town.
8. The burial of overhead utilities and the co-location of utilities underground is encouraged in areas strategically identified for **intensification** including **strategic growth areas**, and local growth centres and corridors.
9. Consider the impact of existing **utility infrastructure** and opportunities for enhancement or replacement by coordinating with **utility** providers.
10. **Utility** providers proposed to locate, relocate, or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards, and guidelines.
11. Necessary public utilities will be provided in accordance with the servicing needs of existing and future **development** and with economic, safety and environmental considerations.
12. **Utility** providers are encouraged to consult with the Town when new major plant locations or **infrastructure** is required, or existing **infrastructure** is identified for upgrade. The Town will work cooperatively with **utility** providers in effort to facilitate their needs while balancing the interests of the area residents.
13. **Utility** companies are encouraged to work cooperatively with the Town and regulatory authorities in determining suitable locations that are compatible with existing and planned **development**, in effort to reduce or eliminate potential conflicts.
14. **Utility** providers will ensure their respective **utility** has been planned and located in accordance with any relevant safety regulations, separation requirements and/or municipal standards, either through individual **utility** plant location or as part of a combined installation.

15. The municipality will consult with the Region and relevant authority having jurisdiction prior to allowing any **utility** to locate in the **natural environment system** or Agriculture land use designation.
16. Work with the Region on Environmental Assessment Studies and the Environmental Assessment process for major **utility** related projects to ensure that potential impacts on matters of Regional and Provincial interest are addressed.
17. In all commercial, industrial and residential areas, both existing and proposed, and in other areas where visual quality is important, local utilities will be located underground where feasible.
18. 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.
19. 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. The joint use of rights-of-ways and corridors is wherever feasible in order to lessen the impact on the environment of uncoordinated alignments of various single purpose authorities and avoid land use and **development** conflicts associated with such rights-of-way and alignments.
20. 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. The Town will confirm, as part of the development review process, that **utility** providers are able to provide services to support the proposed **development** in a timely manner and that, if required, appropriate locations for large **utility** equipment and **utility** cluster sites have been determined.

## E.11 Public Service Facilities

**Public service facilities** refers to the lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and **affordable** housing.

1. To provide community and **public service facilities** that meet the civic, cultural, educational, recreational, religious, social and emergency services needs of all residents, employees and visitors to the Town, including Indigenous Peoples and equity deserving groups. Community and **public service facilities** are to be responses to the Town's diversity with a range of cultural and age-friendly activities and services.
2. Land use planning objectives will be supported by **infrastructure** and **public service facilities** that:
  - i. Consider the full life-cycle costs of these assets and options to pay for these costs over the long-term;

- ii. Meet the requirements of forecasted growth within **settlement areas**; and
  - iii. Is planned, built, and maintained in accordance with the applicable policies of the Regional and Town.
- 3. Priority will be given to maintaining and adapting existing **public service facilities** as **community hubs** by co-locating services.
- 4. The Town will work with the Region and other levels of government and private and public social services providers to plan for the provision of human and social services.
- 5. The Town will maintain and enhance its community and **public service facilities** and spaces for the benefit of all residents and as amenities for visitors to the Town. For example, measures can include promoting access to a range of recreational facilities, programs and services and **public service facilities** for all current and future residents.
- 6. The Town will coordinate with the Region, school boards and other public agencies to improve the delivery of **infrastructure**, **public service facilities**, and other related programs and services for the creation of **community hubs**.
- 7. **Public service facilities** and public services should be co-located in **community hubs** and integrated to promote cost-effectiveness. The preferred location for **community hubs** is in or near identified **strategic growth areas**.
- 8. The location of a **public service facility** may be considered at the periphery of a **settlement area** boundary, or within the Rural Area, if it supports a well planned and strategic co-location of uses that have benefit to the broader community.
- 9. Review existing community and **public service facilities** to determine the services that are available are appropriate and equitable to the community, supporting the improvement and addition of community and **public service facilities** in areas that are underserved to encourage the creation of **complete communities**.
- 10. The Town is to encourage the reuse of existing municipally owned facilities for new community serving uses, and to encourage the co-location of multiple activities and services, such as recreational buildings, libraries and arts and cultural facilities.
- 11. Support the development of joint and/or shared community and **public service facilities**, such as schools, community centres, libraries, day care centres or other appropriate facilities, on shared sites and, where appropriate, adjacent to public parks.
- 12. Support new and renovated community and **public service facilities** that are:
  - i. Appropriately designed;
  - ii. Conveniently accessible by transit, bicycle and on foot;
  - iii. Centrally located in the area in which they provide service;
  - iv. Supportive of active frontages;
  - v. In proximity to other community services and facilities and places of gathering, where possible; and



- vi. Designed to support universal accessibility and include public art where appropriate.
- 13. Ensure that community and **public service facilities** are designed to a high standard for safety, size, location, orientation and comfort, including schools, as regulated by school boards, in addition to the specific standards in the zoning by-law to regulate the appropriate size, configuration, siting, sunlight exposure, landscaping, setbacks and buffering provisions for the associated open space and parkland areas.
- 14. Secondary and elementary schools and other uses pursuant to the Education Act will be coordinated with the Town and the Region, in accordance with the following policies:
  - i. Secondary and elementary school sites will be provided in accordance with the standards of the appropriate Board of Education, where applicable;
  - ii. Applications for the development of a new secondary or elementary school will address the surrounding neighbourhood with particular regard to common elements such as access points, driveways, landscaping and parking areas;
  - iii. The development of secondary or elementary schools in conjunction with municipal parkland and other **public service facilities** may be considered, so that a complementary integration of lands and facilities may be achieved;
  - iv. The coordinated use of recreational facilities located within secondary or elementary schools, or on school properties will be encouraged; and
  - v. Adequate parking and other required facilities will be provided on site. However, schools may provide a portion of the parking and shared parking off-site with nearby parkland and other **public service facilities**, as determined by the School Board in consultation with the Town.
- 15. **Infrastructure** and **public service facilities** should be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety.
- 16. **Public service facilities**, such as municipal works depots, police stations and fire halls, are strongly encouraged to locate within **settlement areas**. Where considered outside of **settlement areas**, such uses will be compatible with and have minimal impacts on their surroundings.
- 17. The Town will work with the Region and the applicable governments on locating new Provincial or Federal **institutional uses** or facilities.

## E.12 Natural and Human-Made Hazards

In order to ensure a safe community, it is important 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.

### E.12.1 General Policy

1. **Development** will be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

### E.12.2 Hazardous Lands and Sites

1. **Hazardous lands** are identified as lands that could be unsafe for **development** due to naturally occurring processes. **Hazardous lands** may include **flooding hazards**, **erosion hazards** or **dynamic beach hazards**, including dunes.
2. **Development** of **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** are not permitted within **hazardous lands**.
3. **Development** on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former **mineral mining operations**, **mineral aggregate operations** or **petroleum resource operations** may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
4. Sites with contaminants in land or water will be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.
5. Permitted uses within in all areas identified as **hazardous lands** include:
  - i. Passive non-structural conservation and resource management uses, including flood and erosion control works; and
  - ii. Minor additions, enlargements and reconstruction to **existing uses**, provided that all applicable approvals or permits have been obtained, including from the **conservation authority**.
6. Any **development** undertaken within lands identified as **hazardous lands** or **hazardous sites** should ensure that the effects and risks to public safety are minor so as to be mitigated in accordance with provincial standards as determined by the demonstration and achievement of:
  - i. **Floodproofing standards**, protection works standards, and access standards;
  - ii. Safe access during times of flooding erosion or other emergencies; and
  - iii. New hazards are not created, and existing hazards are not aggravated; and
  - iv. No adverse environmental impacts, particularly water quality impacts will result.
7. All development and site alteration must comply with the applicable regulations of the conservation authority.
8. There are **hazardous lands** associated with Lake Erie shoreline as well as river and stream systems. There are also **hazardous sites**, which are property or lands that

could be unsafe for **development** or **site alteration** due to naturally occurring hazards, such as unstable soils or unstable bedrock.

9. **Hazardous lands** 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. The **hazardous lands** associated with the Lake Erie shoreline represent the furthest landward limit of the flooding hazard, **erosion hazard**, **wave uprush** or **dynamic beach hazard** limit.
10. The boundary of **hazardous lands** reflects the definitions of the various hazards and is based on information provided by or prepared for the Niagara Peninsula Conservation Authority, such as **floodplain** mapping and Lake Erie Shoreline Management Plan, respectively.
11. Where **floodplain** mapping is not available from the Niagara Peninsula Conservation Authority, and the **conservation authority** has a flooding concern respecting a development application, the landowner will be required to prepare mapping as part of any Functional Servicing Study or development application.

#### E.12.2.2. Hazardous Forest Types and Wildland Fires

**Development** will generally be directed to areas outside of lands that are unsafe for development due to the presence of **hazardous forest types for wildland fire**.

**Development** may however be permitted in lands with **hazardous forest types for wildland fire** where the risk is mitigated in accordance with **wildland fire assessment and mitigation standards**.

#### E.12.3 Excess Soil

1. The proper management of **excess soil** is critical to protect human health and the environment as our communities continue to grow. **Excess soil** is soil that is not required at a construction or development site and must be moved to a new location. In some cases, **excess soil** may be temporarily stored at another location before being brought to a final receiving site. The Provincial policy framework for **excess soil** management provides a life-cycle management approach, which includes placing greater responsibility on source sites where soil is excavated and recognizing opportunities for **excess soil** re-use.
2. **Excess soil** will be managed in accordance with Ontario Regulation 406/19 under the Environmental Protection Act.
3. Best management practices for **excess soil** generated and fill received during **development, site alteration**, including **infrastructure** development, will be implemented to ensure that:
  - i. **Excess soil** generated is to be reused on-site or locally to the maximum extent possible;
  - ii. Temporary storage sites are encouraged to be permitted close to soil reuse sites to reduce transportation and environmental impacts such as greenhouse gas emissions; and

- iii. **Excess soil** placement at receiving sites are required to demonstrate that the activity will not have a **negative impact** on existing land uses, the natural environment, surrounding land uses and **cultural heritage resources**.
4. **Excess soil** from a **mineral aggregate operation** should be reused on-site or locally to the maximum extent possible. A plan for the reuse of **excess soil**, meeting Provincial requirements will be prepared as part of the Planning Act application process.
5. At the Town's discretion, a **soil management plan**, meeting Provincial best practices, is to be prepared as part of the Planning Act application process for new **development**

#### **E.12.4 Potentially Contaminated Lands**

1. Potentially contaminated properties are properties where the environmental condition of the site may have potential for **adverse effects** on human health, ecological health or the natural environment.
2. **Development** may only be permitted on, abutting or adjacent to lands affected by potentially contaminated lands, such as former **mineral mining operations**, **mineral aggregate operations**, former and active **waste disposal sites**, and oil, gas and salt hazards or **petroleum resource operations** if rehabilitation or other measures to address and mitigate risks associated with the hazard or suspected hazards are underway or have been completed to the satisfaction of the Town. Buildings may not be constructed within the lands adjacent to an active or unplugged **petroleum resource operation** unless in accordance with Provincial policies.
3. The Town requires that **development** take place only on properties where the environmental conditions are suitable for the proposed use.
4. While the identification of potentially contaminated sites is important, the policies of this Plan 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.
5. The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:
  - i. Activities involved with the elimination of waste and other residues;
  - ii. Industrial and commercial activities involving the storage and/or use of **hazardous substances**, including but not limited to fuels, oils, chemicals, paints or solvents.
6. As part of a planning application the Town may require development proponents to document (through a Phase One Environmental Site Assessment) detailing the previous uses of a property or surrounding areas to determine the potential for site contamination. The Chief Building Official may require the same documentation for the issuance of a building permit where a change to a more sensitive use is sought, but no Planning Act approval is required.

7. For properties that have been identified as having historic uses that could render the lands as being potentially contaminated, and the Town determines that the application will involve a change of use to a more sensitive land use, the Town will:
  - i. Require as a condition of planning approval, written verification to the satisfaction of the Town from a qualified person, defined by Provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with Provincial legislation, regulations and standards, including where required by the Town or Provincial legislation and/or regulations, filing of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Registry and submission to the Town of proof that Ministry of the Environment, Conservation and Parks has acknowledged receipt of the RSC.
  - ii. Establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition.
  - iii. 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, and that remediation takes place in accordance with the Record of Site Condition and/or Certificate of property use;
  - iv. The Chief Building Official may require the same documentation for the issuance of a building permit where the change of uses are the same, but no Planning Act approval is required; and
  - v. 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.
8. Require that sites with contaminants in land or water be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

#### **E.12.5 Waste Disposal Sites**

1. Approval for use of lands within an identified **waste disposal site** will be required from the Ministry of the Environment, Conservation and Parks under Section 46 of the Environmental Protection Act. This approval will be obtained prior to the approval of any amendment to this Plan or the implementing zoning by-law.
2. The satisfactory verification of suitable environmental site condition in accordance with 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**.
3. Update the Zoning By-law to restrict **development** of new uses or new or enlarged buildings or structures on lands within the Waste Disposal Area of Influence. As an alternative, all lands within the assessment area will be subject to a Holding provision in the implementing zoning by-law. The removal of a Holding provision permitting the **development** of any new use or new or enlarged buildings or structures within the

assessment area will not occur until the approval authority is satisfied that all of the studies required have been completed and the lands are acceptable to permit the proposed **development**.

4. Proposed **development** within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all **waste management** facilities will demonstrate that the solid **waste disposal site** will not have any unacceptable **adverse effects** on the proposed **development** and will not pose any risks to human health and safety.

#### **E.12.6 Development in Proximity to Rail Facilities**

1. 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.
2. New **sensitive land uses** will generally not be encouraged adjacent to **rail facilities**. **Development** adjacent to or in proximity to railway **infrastructure** will comply with the following policies:
  - i. There are existing established residential neighbourhoods within 300 metres of the Canada National Rail yard in Fort Erie. The 300 metre distance is a Ministry of the Environment, Conservation and Parks guideline for separation distances between heavy industrial uses and **sensitive land uses** which Canada National 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 Bridgeburg Secondary Plan within a 300 metre distance, providing opportunities for the efficient use of urban lands. Given the Provincial 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;
    - a. Residential **intensification** areas will be identified through the Secondary Plan process which Canada National Rail will be provided the opportunity to participate in; and
    - b. Residential **intensification** areas within 300 metres will be subject to a noise study prepared to the satisfaction of the Region and/or the Province in consultation with Canada National Rail; and
    - c. Residential **intensification** areas within 100 metres of a rail yard will require a vibration study to the satisfaction of the Region and/or the Province in consultation with Canada National Rail.
  - ii. All proposed residential or other sensitive use **development** within 500 metres 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 will undertake appropriate measures to mitigate any **adverse effects** from noise that were identified;

- iii. All proposed residential or other sensitive use **development** within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the Town in consultation with the appropriate railway, and will undertake appropriate measures to mitigate any **adverse effects** from vibration that were identified;
- iv. Where applicable, the Town will ensure that sightline requirements of Transport Canada are addressed;
- v. All proposed **development** adjacent to railways will 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; and,
- vi. 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.



## F. Implementation

### F.1 Introduction

Implementing this Plan will be achieved through a number of tools, some of which are provided by Provincial and federal legislation, while others may be through Town by-laws, plans, and supporting guidelines and strategies. Implementation is a shared responsibility with the Region, First Nations and Indigenous communities, agencies and community interest groups, each of whom have a heightened interest and role in the implementation of this Plan.

### F.2 Coordination

A coordinated, integrated and comprehensive approach will be implemented by the Town when dealing with planning matters within municipalities, across municipal boundaries, and with other orders of government, agencies, boards, and Service Managers.

### F.3 Sustainable Finance

The implementation of this Plan must be financially responsible and sustainable, by ensuring that the required capital expenditures to provide services for **development** and **infrastructure** improvements are paid for in an equitable and appropriate manner. The Town will strive to maintain financial sustainability and integrity by managing its financial resources, assessing the fiscal impact of planning decisions and by undertaking **development** in a fiscally responsible manner. Additionally:

1. Where possible, the Town will use financial mechanisms available to it under any legislative authority, including the Municipal Act, Development Charges Act, Planning Act and any other applicable legislation, for the purposes of land use planning and the provision of **infrastructure** and **public service facilities**.
2. The Town may request a Municipal Financial Impact Assessment from the owner/applicant of any development application, including a review of capital costs, the degree to which development charges finances these costs and potential mitigation that could reduce the magnitude of any **negative impacts**. The terms of reference of such a study will be determined by the Town.
3. A Municipal Financial Impact Assessment will be prepared and may be peer reviewed at the owner/applicant's expense. Development proposals may be refused or deferred on the basis of financial impact and burden on the Town, if suitable mitigation measures are not available.

#### F.3.2 Development Charges

Development charges are a tool provided to municipalities under the Development Charges Act to collect fees from developers at the time of a building permit. Development charges

are used by the Town to support growth related **infrastructure** and services, such as roads, transit, water and sewer **infrastructure**, public use facilities, and fire and police facilities.

1. The Town will update, as required, a development charge background study pursuant to the requirements of Section 2 of the Development Charges Act, identifying the services that will be funded with the mechanism, including an asset management plan.
2. Enact a development charges by-law that will establish the capital costs to be funded by development charges and the development charges for residential and non-residential **development**.
3. Consider that the capital costs to be funded by development charges may include, but are not limited to:
  - i. Water, wastewater, and stormwater;
  - ii. Road services;
  - iii. Electrical power;
  - iv. Waste diversion;
  - v. Fire and emergency services;
  - vi. Libraries;
  - vii. Public health and long-term care;
  - viii. Parks and recreation, except where those costs or land needs have been fulfilled through the Town's parkland dedication by-law;
  - ix. Child-care facilities, except where funded by community benefits charges;
  - x. Services related to emergency preparedness; and,
  - xi. By-law enforcement.
4. The Town may exempt some or all of the development charge or exempt certain **development** or **redevelopment** from the development charge as a means to promote specific **development**, **redevelopment** or revitalization objectives in accordance with this plan.

### F.3.3 Community Benefits Charges

Community benefits charges are a tool available to municipalities pursuant to the Planning Act to collect fees to offset the capital costs of public use facilities, services and matters incurred from **development** and population growth. Community benefits charges are used in conjunction with development charges and parkland acquisition policies to ensure that growth occurs in a financially sustainable way and that new **development** is properly serviced.

1. Complete a Community Benefits Charge Strategy pursuant to the requirements of Section 37 of the Planning Act and Ontario Regulation 509/20, identifying the facilities, services and matters that will be funded with community benefits charges.

2. Enact a Community Benefits Charges By-law which establishes a community benefits charge applicable to construction or **redevelopment** of buildings as defined in the By-law in conformity with the Planning Act. Public consultation will be included in the development and approval of such By-law.
3. The following facilities have been identified as being required, in whole or in part, to meet the increased need for service arising from CBC eligible **development** or **redevelopment**:
  - i. **Public realm**, amenities, including public cultural facilities and public art;
  - ii. Active transportation;
  - iii. **Affordable** housing, or cash-in-lieu of affordable housing units or land;
  - iv. Conservation/replacement of rental housing;
  - v. Child-care facilities, except where funded by development charges;
  - vi. Conservation of heritage resources;
  - vii. Other local improvements identified in Secondary Plans, Community Improvement Plans, capital budgets or other implementation plans or studies;
  - viii. Energy conservation and environmental performance measures; and
  - ix. Conservation of existing parks and open space or the creation of new parks and open space, where not already achieved through parkland dedication.

## F.4 Planning Tools

### F.4.1 Secondary Plans

Secondary Plans provide detailed local development policies to guide growth and change in a defined area of the Town. They implement the objectives, policies, and land use designations of this Plan to reflect local contexts while providing more detailed direction for such matters as the desired form and type of physical **development**, detailed targets and allocations for population and job growth, the protection of natural and **cultural heritage resources**, and targets for **sustainable development**, phasing, and the implementation of **infrastructure**. Secondary plans may be prepared to plan for future **development** and to accommodate growth on lands within the Town that are currently undeveloped, or in existing developed areas where it is determined that additional land use policies are needed.

1. Secondary plans will be prepared for **designated growth areas** as shown on Schedule P: Secondary Plans, except where a **designated growth area** is less than 15 hectares or where an alternative process may be appropriate in accordance with policy F.4.3.
2. A secondary plan or similar comprehensive planning study may be undertaken for:
  - i. Large scale **development** in existing **designated growth areas** where direction is required to co-ordinate planning and the efficient use of land and **infrastructure**; and

- ii. Existing built-up areas, including those areas that:
  - a. Have desirable characteristics or functions which should be promoted and enhanced;
  - b. Are identified for intensification, including **strategic growth areas**;
  - c. Areas in need of revitalization, new investment and/or coordinated approach
- 3. Where a designated growth area is added through an expansion of the **settlement area** boundary, and is less than 15 hectares, the Town will determine if development may proceed in advance of a secondary planning process or equivalent based on one or more of the following criteria:
  - i. The area is adjacent to and abutting an existing secondary plan boundary; or
  - ii. The area is adjacent to and abutting a **strategic growth area**; and
  - iii. The policies of this Plan can be satisfied through alternative study and subsequent amendment to this Plan.
- 4. Prior to preparing a secondary plan, the Town may prepare a terms of reference in consultation with the Region, and the **conservation authority**, where applicable, that sets out the project scope and required supporting technical studies.
- 5. Privately initiated secondary plans require a terms of reference approved by the Town, in consultation with the Region and **conservation authority** where applicable, prior to development of the secondary plan.
- 6. Secondary plan policies and schedules will ensure the following for community or **employment areas**, as applicable:
  - i. A diversity and mix of land uses;
  - ii. A mix of built form;
  - iii. High quality urban design and **public realm**;
  - iv. Provision of parks and open space;
  - v. Appropriate refinement and implementation of the **natural environment system**;
  - vi. Adequate provision of **infrastructure**, including transit and active transportation;
  - vii. Planning approaches that support sustainable and resilient communities; and
  - viii. Co-location of **public service facilities** where appropriate and adapting existing **public service facilities** and spaces as a priority.
- 7. A secondary plan will be informed by the following studies:
  - i. **Subwatershed study**, or equivalent, in accordance with this Plan, for the **development of designated growth areas**. The scope and content of the study will be determined through development of a terms of reference in consultation with the **conservation authority**;
  - ii. Functional Servicing Study or **Infrastructure** Review that includes water and wastewater servicing plans, and a stormwater management plan;

- iii. Transportation Study;
  - iv. Development Phasing Plan, if applicable;
  - v. Environmental Impact Study, if applicable; and
  - vi. Any other studies related to the location and context of the secondary plan area, as determined in consultation with the Town, Region, or **conservation authority**
8. Unless directed by more specific policies in this Plan, where an adopted secondary plan is required or has been identified as being required but is not yet in-effect, a development application within a secondary plan area will demonstrate:
- i. Consistency with an adopted secondary plan or how the proposed **development** will be positively integrated with the overall plan area where secondary plan direction is not available;
  - ii. The size and/or location of the proposed **development** will not adversely impact the remaining **development** area, or alternatively, is of a significance that it will assist in creating a positive vision for the **development** of the area;
  - iii. How the **development** contributes to the policies of this Plan, in particular Policies F.4.6 and F.4.7.
9. Secondary plans will be approved in accordance with the policy F.3 of this Plan.

## **F.4.2 Implementing Zoning By-Law**

- 1. An zoning by-law prepared in accordance with the provisions of the Planning Act, will implement the policies of this Plan by regulating the use of land and the character, location and use of buildings and structures.
- 2. The implementing zoning by-law may be more restrictive than the provisions of this Plan. It is not intended that the full range of uses, built forms, or heights permitted by this Plan will be permitted by implementing zoning by-law in all cases.
- 3. Within three years of the adoption of this Plan, the existing zoning by-law will be reviewed and amended, or a new zoning by-law prepared and adopted, to conform to the policies of this Plan, in accordance with the Planning Act.
- 4. Until such time as the zoning by-law is amended, the existing zoning by-law will remain in effect. However, any Amendment to the existing zoning by-law is required to be in conformity with this Plan.
- 5. Council will amend the implementing zoning by-law within three years of a revision to the official plan to ensure they conform with the official plan.

### **F.4.2.2. Minor Zoning By-law Amendments**

- 1. Council may, by by-law, delegate the authority to enact an amendment to the implementing zoning by-law that are of a minor nature. Such a by-law can identify any or all of the following types of zoning by-law amendment applications as minor with delegated authority:
  - i. Removing a holding symbol where the provision has been met;

- ii. To amend an existing Holding Provision or establish a new Holding Provision;
  - iii. Correcting of minor errors and omissions;
  - iv. Housekeeping updates to reflect changes to job titles, Town departments, external agencies and organizations, or other policy documents and legislation;
  - v. To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;
  - vi. To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application;
  - vii. To amend an existing Holding Provision;
  - viii. To establish a new Holding Provision;
  - ix. To add a use permitted by the Official Plan;
  - x. To remove lands from an environmental protection oriented zone, as per the findings of an **environmental impact study**, or equivalent; and
  - xi. To remove an existing Site Specific Zoning Bylaw where the effect would be to revert to the parent zoning in force and effect.
2. A public meeting is not required for a minor zoning by-law amendment application described above unless concerns have been identified by written submission during the commenting period identified in the Notice of Application, if required.

#### F.4.2.3. Minor Variance

- 1. That the Committee of Adjustment will consider applications for minor variances to the use and/or regulation provisions of the implementing zoning by-law in accordance with the provisions of the Planning Act;
- 2. That when considering an application, the Committee of Adjustment will consider the professional advice provided by the Town staff, including legal, planning, engineering, etc., and the Committee will provide an explanation as to what effect the written and oral submissions it received had on the decision, if any; and
- 3. The Committee of Adjustment will be satisfied that the general intent and purpose of this Plan and the implementing zoning by-law would be maintained, and that the variance would be minor in nature and desirable for the appropriate **development** or use of the land, building, or structure.

#### F.4.2.4. Holding Provision

A holding provision is an implementation tool pursuant to the Planning Act that can be included to an amending by-law to ensure local municipal services and **infrastructure** are in place.

- 1. A holding provision may be applied to ensure that specific criteria or conditions are met before permitting **development** to proceed, subject to conditions that must be

satisfied before the final use of the land is permitted, which may include any of the following:

- i. Adequate **infrastructure** is available, as required to service the proposed **development**;
  - ii. Completion of transportation and **infrastructure** improvements
  - iii. Fulfillment of financial obligations related to open space, recreational and community services and facilities;
  - iv. Environmental remediation or mitigation measures;
  - v. Natural environmental hazard management;
  - vi. Protection of the natural environment including tree preservation;
  - vii. Professional or technical studies to assess potential development impacts;
  - viii. Phasing of **development**;
  - ix. Draft plan of subdivision and/or site plan control approval;
  - x. Approval of a Secondary Plan and/or Block Plan encompassing one or more parcels of land;
  - xi. Provision of affordable and attainable housing, where appropriate;
  - xii. Measures to protect cultural heritage and archaeological resources;
  - xiii. Additional technical studies as may be required; and,
  - xiv. Entering into legal agreements, including a subdivision agreement, and other agreements pursuant to the Planning Act, to secure any of the matters required to satisfy the conditions of removal of the holding provision.
2. 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.
  3. If in the opinion of the Council the criteria for removing the holding have been met, the holding may be removed by amendment to the zoning by-law.

#### **F.4.3 Community Planning Permit System**

The community planning permit system is a land use planning tool that the Town use to plan for the future of the community. This tool supports the streamlining of development review and approval processes.

1. The Community Planning Permit System is an additional implementation tool that may be used by the Town to ensure the goals, objectives and policies of this Plan are implemented.
2. The Town may identify one or more areas, including the entire Town, as a community planning permit system area to assist in streamlining the planning processes by



combining zoning, site plan and minor variance(s) into one development application. Council may enact a by-law to establish a community planning permit system for any area within the Town, or the Town in its entirety, based on the following criteria:

- i. There is an opportunity to establish a more streamlined and simplified process for Council, staff, landowners, applicants, and the public in regard to achieving the broad land use planning goals and objectives of this Plan;
  - ii. The housing objectives of this Plan, including creating a greater range and mix of housing options, are best advanced in consideration of the growth management objectives of this Plan;
  - iii. Encourages a more compact, mixed-use built form that contributes to **complete communities** of high-quality design and contributes to an engaging and activated private realm and public realm; and
  - iv. Supports implementation of the **natural environment system** policies of this Plan, encourages **sustainable design** and **low impact development** practices, and safeguards against natural and human-made hazards.
3. A by-law enacted by Council to establish a Community Planning Permit System will:
- i. Delineate the area to which the by-law applies;
  - ii. Contain more specific goals, objectives and policies for a Community Planning Permit System for the area to which it applies;
  - iii. Specify complete application requirements;
  - iv. Identify classes of **development** or **redevelopment** that may be exempt from the by-law;
  - v. Identify the statutory notice procedures, including notices of decision;
  - vi. Establish permitted land uses and discretionary land uses;
  - vii. Establish development standards;
  - viii. Establish the process through which applications are reviewed, and permit decisions are made;
  - ix. Provide that a community planning permit may be amended as described in the by-law;
  - x. Provide that an agreement entered into under the by-law may be amended as described in the by-law;
  - xi. Outline the conditions, if any, that Council may choose to impose conditions in making a decision on an application under the by-law;
  - xii. Sets out the scope of the authority that may be delegated and any limitations on the delegation, where Council may intend to delegate any authority under the by-law; and
  - xiii. State that the placement of a portable classroom on a school site of a district school board is exempt from the requirement for a community planning permit if

the school site was in existence on January 1, 2007, in accordance with section 16. O. Reg. 173/16, s. 4 (2); O. Reg. 234/18, s. 1 (1).

4. That the implementation of a Community Planning Permit System will be undertaken with input from Council and members of the public, as well as relevant agencies and authorities.

#### **F.4.4 Community Improvement Planning**

The purpose of a Community Improvement Plan is to help revitalize areas within a community by designating a Community Improvement Plan area and providing programs, such as grants, in order to encourage implementation of the goals identified by the Town.

##### **F.4.4.1. General**

1. Community improvement will be accomplished through:
  - i. The ongoing revitalization of communities and areas characterized by one or more of the following:
    - a. Inadequate physical, social, community or recreational **infrastructure**;
    - b. Obsolete/dilapidated buildings; and
    - c. Conflicting land uses.
2. 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.
3. 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.
4. It is the intent of Council that the entirety of the Town may be designated by by-law as a Community Improvement Project Area.

##### **F.4.4.1.2. Community Improvement Project Areas**

1. Community Improvement Project Areas will be designated based on one or more of the following conditions being present:
  - i. Buildings and/or property in need of repair, rehabilitation, or **redevelopment**;
  - ii. **Brownfields**, underutilized lands or unused or abandoned buildings;
  - iii. Non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - iv. 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;
  - v. Poor road access and/or traffic circulation;

- vi. 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;
- vii. Inadequate mix of housing types;
- viii. Buildings, structures and lands of heritage and/or architectural significance;
- ix. Known or perceived environmental contamination;
- x. Poor overall visual quality, including but not limited to, streetscapes and urban design;
- xi. Existing designated Business Improvement Areas, potential for inclusion in a designated Business Improvement Area, and/or existing designated commercial area;
- xii. High commercial vacancy rates;
- xiii. Shortage of land to accommodate building expansion, parking and/or loading facilities;
- xiv. Other barriers to the repair, rehabilitation or **redevelopment** of underutilized land and/or buildings; and
- xv. Provisions for energy efficiency and any other environmental, social or community economic development reasons.

#### F.4.4.2. Community Improvement Plans

This Plan designates the entire Town as a Community Improvement Project Area under the provisions of Section 28 of the Planning Act. The purpose of a Community Improvement Plan is to help revitalize areas within a community by designating a Community Improvement Plan area and providing programs, such as grants, in order to encourage implementation of the goals identified by the Town.

- 1. Identify areas that may benefit from community improvement by adopting Community Improvement Project Areas and Community Improvement Plans for specific areas of the Town or Town-wide.
- 2. Support projects and programs that encourage placemaking, including improvements to the built, natural and social environments.
- 3. Maintain, enhance or facilitate the viability of mixed use, commercial, residential and **employment areas** within the Town.
- 4. Address housing issues that may be particular to one community or Town-wide, including the promotion of affordable home ownership and rental housing.
- 5. Promote private initiatives to rehabilitate, restore, or redevelop property, while encouraging the conservation, restoration, adaptive re-use and improvement of **cultural heritage resources**.

6. Encourage and support carbon reduction measures in **development, redevelopment** and built form that align with the climate change goals, objectives and priorities of the Town and this Plan.
7. Promote **on-farm diversified uses**, agriculture-related uses or other measures to promote revitalization and economic activity in the **rural areas** of the Town, in accordance with the permitted uses in this Plan.
8. Continue to improve the Town's physical, social and recreational facilities and services in a co-ordinated manner that may reflect localized or Townwide issues, while recognizing the Town's priorities and financial resources.
9. Prioritize the improvement and make efficient use of public **infrastructure**, public services and utilities.
10. Consider implementing the community improvement objectives of this Plan by:
  - i. Participating in available provincial, regional or other funding programs or opportunities to assist in the implementation of a Community Improvement Plan;
  - ii. Encouraging participation of the private sector in the implementation of a Community Improvement Plan, including infilling and **redevelopment** policies;
  - iii. Supporting and encouraging the participation of local community groups, service clubs and other public organizations in the implementation of the Community Improvement Plan;
  - iv. Improving, acquiring or disposing of land and buildings in a designated Community Improvement Project Area;
  - v. Applying the Ontario Heritage Act to support the preservation of historic or architectural **significant** buildings and the use of funding programs under the Ontario Heritage Act; and
  - vi. Undertaking regular performance review and monitoring of Community Improvement Plans and update the Community Improvement Project Areas or Community Improvement Plans.
  - vii. Prior to adopting a Community Improvement Plan, be satisfied that the Town can reasonably finance the Town's share of costs in its implementation.
  - viii. Collaborate, participate, and consult with the Region to combine financial incentives to assist in the implementation of Community Improvement Plans.

#### **F.4.5 Site Plan Control**

Site plan control is a planning tool that the Town can use to evaluate certain site elements on a parcel of land where **development** is proposed. Site Plan control is also a component of the Community Planning Permit System, and the applicable policies in relation to site plan control apply to a Community Planning Permit.

1. All lands within the municipal jurisdiction of the Town is designated as a Site Plan Control area, pursuant to the Planning Act.

2. The following uses will not be subject to Site Plan Control unless such control will assist in managing grading and drainage impacts and locating **development**:
  - i. Agricultural and farm related buildings or structures which are utilized in farming operations, except for building and structures used for indoor cannabis cultivation, outdoor cannabis cultivation, and cannabis processing;
  - ii. Electric power facilities;
  - iii. Regional or municipal facilities; and
  - iv. **Development** consisting of the construction of a building or structure for residential purposes if the parcel of land will contain no more than 10 residential units, unless the **development** relates to a land lease community home, except where such **development** meets any of the following criteria, in which case it is subject to site plan control:
    - a. Any area that is within 300 metres of a railway line;
    - b. Any area that is within 120 metres of:
      1. A wetland;
      2. The shoreline of a Great Lakes-St. Lawrence River System;
      3. An inland lake; or
      4. A river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.
3. The following matters relating to buildings will not be subject to Site Plan Control:
  - i. Interior design;
  - ii. Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain **affordable** housing units or to any part of such a building;
  - iii. The layout of interior areas, excluding interior walkways, stairs, elevators, and escalators; and
  - iv. The manner of construction and standards for construction.
4. Require development proponents to execute a site plan agreement under circumstances where there is construction of one or more buildings or structures, where the size of a building is to be substantially increased, where the intensity of a use is to increase, where there is the development of a parking lot, and/or in other circumstances deemed appropriate in accordance with the Town's Site Plan Control By-law.
5. Consider applying certain conditions to site plan approval, and to require that a certain standard of design be applied that is consistent with the urban design policies of this Plan and any applicable design guidelines, and in accordance with the matters related to exterior design as specified in the Planning Act, to the extent that the appearance

impacts matters of health, safety, accessibility, **sustainable design** or the protection of adjoining lands.

#### **F.4.6 Interim Control By-law**

Interim control by-laws temporarily prohibit **development** or the certain use of lands to allow for more detailed study or review policies related to the Town or a specific area, or areas thereof.

1. In accordance with Section 38 of the Planning Act, pass an interim control by-law to restrict the use of land, buildings or structures within a defined area until a review or study of land use policies has been completed.
2. Following completion of the study or policy review, the Town may amend this Plan and implementing zoning by-law to implement the recommendations determined by the study.

#### **F.4.7 Temporary Use By-law**

Council may enact s temporary use by-laws in accordance with the Planning Act, to allow land and buildings to be zoned for uses which are permitted by this Plan but may not confirm to the implementing zoning by-law.

1. In accordance with Section 39 of the Planning Act, a temporary use by-law may be passed to authorize the temporary use of land, buildings or structures for any purpose established therein that is otherwise prohibited by the zoning by-law provided that:
  - i. The development proponent demonstrates that the use is temporary in nature and appropriate for a limited time span;
  - ii. Maintain the long-term viability of the lands for the uses permitted in this Plan;
  - iii. Be compatible with the adjacent land uses;
  - iv. Be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services;
  - v. Have no adverse impacts on key natural heritage features and key hydrologic features;
  - vi. Have no adverse impact on traffic, transportation or parking facilities in the area;
  - vii. Provide adequate on-site parking facilities;
  - viii. Provide sufficient services (e.g., sewage and water supply, etc.) to accommodate the proposed temporary use;
  - ix. Not entail any major construction or investment on the part of the owner and no new buildings or expansions of buildings, except for temporary or moveable structures, will be permitted; and
  - x. An agreement be entered into to terminate the use upon expiry of the temporary use by-law. The agreement will include a clause that the applicant cannot advance claim of undue hardship and that the Town will require securities for any

work. A temporary use by-law may be extended where the original criteria provided for above are met, and in accordance with the Planning Act requirements.

2. Council may, by by-law, delegate the authority to pass a by-law to authorize the temporary use of land, buildings, or structures to a committee of Council or an individual who is an officer, employee or agent of the Town.

#### **F.4.8 Delegation of Authority**

The Town may: Enact a by-law to delegate the authority to pass by-laws under Section 34 of the Planning Act, that are minor in nature, to a committee of Council or an individual who is an officer or employee of the Town, provided that all notice and public meeting requirements of this Section are satisfied.

1. Delegation of authority to pass by-laws under Section 34 of the Planning Act will be limited to:
  - i. A by-law to remove a holding “H” symbol;
  - ii. A housekeeping by-law for the purpose of making clerical or other changes
  - iii. To assist in the interpretation of the Zoning By-law;
  - iv. An amendment to the Zoning By-law that is deemed to be minor in nature and conforms to the policies of this Plan; and
  - v. A by-law to authorize the use of land, a building, or a structure on a temporary basis.
  - vi. The delegation of authority authorized under this Section may be subject to conditions of Council.

#### **F.4.9 Demolition Control**

1. Demolition Control enables the Town to:
  - i. Support the development and conservation of **affordable** and **attainable housing**;
  - ii. Prevent the premature loss of housing stock;
  - iii. Avoid the creation of vacant parcels of land in stable neighbourhoods; and
  - iv. Retain existing residential units until new uses have been considered and **redevelopment** plans have been approved.
2. The Town may, by by-law, designate all lands within the Town as a Demolition Control Area.
3. A Demolition Control By-law may be used as a tool to:
  - i. Preserve and enhance the character of an area;
  - ii. Protect existing housing stock;
  - iii. Protect and support the **affordable** and **attainable housing**; or



- iv. Preserve other buildings, structures or features which the Town deems appropriate.
- 4. No person will demolish or otherwise remove the whole or any part of a residential property in a Demolition Control Area, unless that person is the holder of a demolition permit for that residential property issued by the Town.
- 5. The By-law will not apply where:
  - i. The demolition of part of the residential property does not reduce the number of dwelling units on the residential property;
  - ii. The residential property is exempted from under Federal or Provincial regulations; or
  - iii. The residential property is deemed unsafe in accordance with the Building Code Act, and an order for demolition has been issued by the Chief Building Official.
- 6. Under Section 33 of the Planning Act, the Town may delegate authority to the Chief Building Official to issue demolition permits where;
  - i. No Town concerns have been raised regarding the proposed demolition; or
  - ii. The property is not designated or listed under the Ontario Heritage Act.
- 7. Where a building permit has been issued by the Chief Building Official, the Town may impose conditions related to the timing of completion of replacement buildings, and impose a fee for non-compliance, in accordance with Sections 33(6), 33(7), and 33(11) of the Planning Act.
- 8. Applications to demolish designated cultural heritage buildings or structures will be considered in accordance with the provisions of the Ontario Heritage Act and all other applicable policies of this Plan.

## **F.4.10 Other Planning Tools**

### **F.4.10.1. Property Standards**

This policy is intended to secure the health, safety, convenience and welfare of the present and future inhabitants of the Town. To this end Council has enacted a By-law 186-08, passed under the authority of Section 15.1.3 of the Building Code Act, to prescribe standards for the maintenance and occupancy of property. This By-law and any amendments thereto, will help to maintain a reasonable standard of building and property maintenance within the Town, and as a result, should assist in maintaining a satisfactory level of assessment and property taxes.

### **F.4.10.2. Content of the By-law**

The Town will enact and administer a Property Standards By-law law.

- 1. The Property Standard By-law may establish standards to address the following:
  - i. The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;

- ii. The adequacy of sanitation including drainage, waste disposal, garbage and pest control;
  - iii. The physical condition of accessory buildings;
  - iv. The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties;
  - v. The protection of cultural heritage resources;
  - vi. The temporary storage of refuse, materials or equipment as it relates to **development** or construction or other standards pertaining to lands under **development**; and
  - vii. The requirement that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.
2. Require financial security through bonding letters of credit or other financial arrangement prior to **development**.

#### F.4.10.3. Brownfield Remediation

- 1. The **development** or **redevelopment** of potentially contaminated sites will be assessed and remediated in a manner consistent with the Environmental Protection Act and all other relevant Provincial regulations, guidelines and procedures.
- 2. Proposed **development** on any known or suspected contaminated site will be the subject of a study by a qualified professional, in accordance with any applicable senior government guidelines, which will investigate and provide a remedial plan as required.
- 3. Where the need for remediation is confirmed, the proposed restoration works will be completed or implemented prior to **development** taking place or as a secured condition of the required development agreement.

#### F.4.10.4. Land Acquisition

- 1. In accordance with the Planning Act, and the Municipal Act, it is deemed that this Plan contains provisions relating to the acquisition of land for the purpose of developing any feature of this Plan, and in particular the Council may acquire and hold such land, or sell, lease or otherwise dispose of such land when it is no longer required, as follows:
  - i. Land comprising a lot that is substandard in lot frontage and/or area according to the regulations in the implementing zoning by-law;
  - ii. Land within a Community Improvement Project area in accordance with the provisions of the Planning Act;
  - iii. Land proposed for industrial **development**; and
  - iv. Land for open space, parks, or other public recreational purposes, or conservation purposes.

#### F.4.10.5. Land Use Compatibility

1. **Major facilities** and **sensitive land uses** will be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential **adverse effects** from odour, noise, and other contaminants, minimize risk to public health and safety and to ensure the long-term operational and economic viability of **major facilities** in accordance with provincial guidelines, standards and procedures.
2. To minimize risk to public health and safety, it is important for **sensitive land uses** to be appropriately separated and buffered from **major facilities**. When considering amendments to this Plan and the implementing zoning by-law to establish either a new sensitive land use or industrial operation in proximity to the other, Council will have regard for provincial direction, including the Province's D-Series Guidelines, as amended or other applicable guidelines in determining appropriate separation distances and necessity of more detailed compatibility studies.

#### F.4.10.6. Parkland Dedication

1. Public Open Space will generally be acquired through dedication, grants or the use of funds for park or other public recreational purposes pursuant to the Planning Act based on the following criteria:
  - i. As a condition of residential **development** or **redevelopment**, conveyance of land to the Town for park purposes will be required at a rate of:
    - a. 5-percent of the land proposed for **development**; or
    - b. One hectare of land for each 600 dwelling units proposed.
2. With respect to **development** that will include **affordable** or **attainable housing**, as defined in the Development Charges Act, the amount of land required to be dedicated will be multiplied by the ratio of the number of residential units that are not **affordable** or **attainable** residential units divided by the total number of residential units.
3. 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**.
4. In lieu of requiring the conveyance of land required by Part 2 of this by-law, the Town may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the Town's Parkland Dedication By-law, as follows:
  - i. For all other **development** or **redevelopment**, the payment-in-lieu will be calculated as the equivalent value of the land required based on a property appraisal provided by the applicant, as follows:
    - a. In the case of lands proposed for a residential use, the greater of the following:
      1. If the density of the **development** is 50 units per hectare or less, at a rate of 5-percent of the value of land being developed or redeveloped, or

2. If the density of the **development** is greater than 50 units per hectares, at a rate of the value of one (1) hectare of land for each one thousand (1,000) net residential units proposed.
5. Land to be dedicated for park purposes will only be accepted when minimum site and location standards and site preparation are deemed acceptable by the Town.
6. Council will use the lands conveyed to the Town for public park or recreational uses but may sell such lands at any time.
7. All monies received under provisions of policies this Section will be used for the sole purpose of public park or recreational uses in accordance with the Planning Act.
8. Council may utilize any monies identified to acquire or develop public park or recreational uses in any area of the Town it considers necessary.
9. The Town will endeavor to encourage the availability of land and facilities of other agencies and groups for the general use of all residents.
10. 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.
11. 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.
12. The Parks and Open Space Master Plan, prepared by the Town and as updated from time to time, will be used as a guide to Council in its decisions regarding parks and recreational facilities.
13. Land uses will be exempt from the obligations to convey parkland or make a payment in lieu in accordance with the Town's Parkland Dedication By-law. Exempt uses are identified in the Parkland Dedication By-law, which may be updated from time to time.

#### F.4.10.7. Cash-in-Lieu of Parking

1. In accordance with the Planning Act, 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.
2. The agreement will be registered in the Registry Office.
3. 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.
4. The parking requirements for residential uses located in the **strategic growth areas** can be achieved through the provision of dedicated parking spaces or permit parking in a public parking lot or dedicated spaces in private parking lots located within a reasonable walking distance of the residential use. Long term access to the parking spaces on private property must be secured through an easement in favour of the residential property owner.

## **F.4.11 Plans of Subdivision and Condominium**

### **F.4.11.1. Plans of Subdivision**

1. The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 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.
2. The plan of subdivision process is required for lot creation where four or more new lots result from the application or where a service extension is required except where lot frontages for the new lots currently exist on a public road. Notwithstanding, in existing registered plans of subdivision, relotting can occur through the use of deeming by-laws in conjunction with the consent process.
3. Council may approve Plans of Subdivision which satisfy the following:
  - i. The Plan of Subdivision conforms with the policies of this Plan;
  - ii. The plan will not impose an unacceptable financial burden on the Town;
  - iii. The plan of Subdivision can be supplied with adequate services and **public service facilities** such as water supply, sewage disposal facilities, stormwater drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection;
  - iv. The plan will not adversely impact upon the **transportation system** and will support public transit, cycling and walking;
  - v. The plan will not adversely impact the natural environment;
  - vi. The plan will be integrated with surrounding lands, subdivisions and streets; and
  - vii. The plan meets the urban design criteria contained in this Plan and any current or future Urban Design Guidelines.

### **F.4.11.2. Plans of Condominium**

1. Only those development proposals submitted under the Condominium Act that conform to the policies of this Plan will be considered for approval.
2. The Town, when considering applications for plans of condominium, will have regard for the provisions of the Planning Act and related Provincial policies and plans, along with applicable **conservation authority** policies and procedures. In addition, the Town will approve only those plans of condominium that meet the following criteria:
  - i. The plan conforms to the policies of this Plan;
  - ii. The plan will not impose an unacceptable financial burden on the Town;
  - iii. The plan of condominium can be supplied with adequate services and **public service facilities**;
  - iv. The plan will not adversely impact upon the **transportation system** and will support public transit, cycling and walking;

- v. The plan will not adversely impact the natural environment;
  - vi. The plan will be integrated with surrounding lands, subdivisions and streets; and
  - vii. The plan meets the urban design criteria contained in this Plan and any current or future Urban Design Guidelines.
3. The Condominium Act allows the approval authority to exempt a plan of condominium from the relevant provisions of the Planning Act, which deal with the draft plan approval with conditions and parkland dedication. The Town may consider granting an exemption for plans of condominium where:
- i. Site Plan Approval has been granted; and
  - ii. All municipal issues are addressed.

## F.5 Public Works

All works undertaken within the Town, including any by-law enacted by Council, will 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.

## F.6 Consultation and Public Participation

The Planning Act requires that municipalities allow for sufficient opportunity for the public, stakeholders, and Indigenous communities to participate and provide feedback. The following policies establish requirements for consultation with First Nations and Indigenous communities, as well as public engagement and notification for all applications made under the Planning Act.

### F.6.1 Duty to Consult

1. The Town is located on the traditional territories of the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, and also treaty lands, including Treaty #381, the Niagara Purchase (May 9, 1781) signed by representatives of the Crown and certain Anishinaabe peoples, and Treaty 3, the Between the Lakes Purchase, (December 7, 1792) signed by representatives of the Crown and certain Mississauga peoples.
2. In the spirit of reconciliation, in acknowledging the “free, prior and informed consent” as set out in the United Nations Declaration on the Right of Indigenous Peoples as applied and interpreted by Courts of competent jurisdiction, and the right to carry out traditional pursuits in a respectful and unrestricted manner, the Town will continue its work on building a new relationship with Indigenous Communities prior to **development** and gaining consent before moving forward, where appropriate.
3. The Town will consider the consultation of the First Nations that have traditional territory in this area, including the Anishinaabe, the Mississaugas of the Credit First Nation, and the Haudenosaunee when engaging on planning matters or **public works projects**.

4. The Town will engage with and consider First Nations and Indigenous communities when identifying, protecting, and managing **cultural heritage resources** and **archaeological resources**, planning for sustainability and climate change, and the **natural environment system**. This may include circulating certain studies to First Nations.
5. Archaeological Assessments that identify sites and archaeologies resources of Indigenous interest will be provided to the community of closest cultural affiliation to the site and/or resources. The Town will:
  - i. Direct the proponent to the appropriate First Nations and Indigenous communities and facilitate communication by providing contact names and numbers, and a list of those agencies that can assist with the engagement process;
  - ii. Require proponents to engage with First Nations and Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing **cultural heritage resources** and **archaeological resources**;
  - iii. Require documentation that the licensed archaeologist has engaged with First Nations and Indigenous communities in accordance with the Standards and Guidelines for Consulting Archaeologists of the Region's Archaeological Management Plan (AMP); and
  - iv. Require documentation that the proponent has provided a copy of the Archaeological Assessment report to those communities with the closest cultural affiliation to identified **archaeological resources** and in whose traditional territories the **archaeological resources** were found.
6. Proponents are encouraged to engage with the First Nations and Indigenous communities with the closest cultural affiliation to the site and/or **archaeological resources** and in whose traditional territories the **archaeological resources** were found, to address their interest in the resource, when planning for sustainability and the **impacts of a changing climate**, and relative to **natural environment system**. Proponents should confirm whether the First Nation or Indigenous community would like to repatriate the **archaeological resources**, and if not, define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location.
7. The Town will seek to develop, in partnership with Indigenous communities, consultation and engagement protocols that:
  - i. Identifies who will be responsible for consultation/engagement, including municipally initiated policy and **development** initiatives and for private **developments**,
  - ii. Indicates when consultation and engagement is warranted and in what scenarios;
  - iii. Determines how consultation and engagement will be undertaken;
  - iv. Outlines how often consultation/engagement is undertaken and how often the protocols are updated; and



- v. If the protocols are developed with and agreed to by the partnered Indigenous community, they may take precedence over the other policies of this Plan, but only for matters related to that Indigenous community. For matters related to Indigenous communities without an agreed protocol, the policies of this Plan continue to apply until such time that alternative protocols are agreed upon.

## **F.6.2 Public Participation**

1. The Planning Act establishes the statutory requirements regarding public meetings, notification requirements, and processing timelines for the consideration of development applications. The Town will adhere to the public notification procedures and regulations on planning matters in accordance with the provisions of the Planning Act.
2. Council will ensure the consultation and engagement process or procedures is accessible, inclusive, and is undertaken pursuant to the minimum requirements under the Planning Act.
3. The Town will ensure sufficient opportunity for the public to review and discuss the proposed plan amendments, by-laws or by-law amendments and to prepare their comments, with the notice of any public meeting required for amendments to this Plan or the implementing zoning by-law will be given at least twenty (20) days prior to the date of the meeting.
4. The Town will hold at least one public meeting prior to the adoption of an amendment to this Plan or the implementing zoning by-law, at which the public may make representations in respect of the matter being considered.
5. A new public meeting for a planning application(s) will be required when any of the following circumstances occur:
  - i. Any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting; and/or,
  - ii. An application(s) has been significantly amended, at the discretion of the Town, such as an increase to the proposed density and/or building height, beyond what was proposed and considered by Council at a previous public meeting.
6. Council may consider or request additional public meetings, beyond the minimum requirements of the Planning Act as determined from time-to-time. An applicant may be requested to conduct additional public engagement that goes beyond the minimum statutory requirements of the Planning Act.
7. Where there are changes to a proposed amendment as a result of a public meeting, Council may decide to hold additional meetings to obtain further public input.
8. Where amendments to this Plan or the implementing zoning by-law are related to technical matters do not otherwise change the intent of this Plan, or require a formal amendment to this Plan in accordance with Policy F.3, no public meeting or public notice is required.

## F.7 Planning Act Applications

**Development** within the Town may be subject to approvals pursuant to the Planning Act, including amendments to this Plan, the implementing zoning by-law, site plan control, plans of subdivision, and consents. Proponents of Planning Act applications are subject to a process in accordance with the policies of this Plan.

### F.7.1 Pre-Consultation, Complete Application Requirements and Supporting Studies

Preconsultation with the Town is highly encouraged and is recognized as an important opportunity for a more streamlined development application review process. The following policies establish the Town's expectations for pre-consultation and complete application requirements for all development applications:

1. A pre-application consultation meeting with the Town is highly encouraged prior to the submission of an application for an Official Plan Amendment, a Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and/or Site Plan Approval, and Consents and is recommended for Minor Variance applications.
2. The purpose of the pre-application consultation meeting will be to:
  - i. Allow the Town to review a draft development proposal for the lands affected by the proposed application(s);
  - ii. Determine the required information and submission materials for the application(s); and
  - iii. Identify external review agencies that an applicant may be required to consult with in addition to the Town.
3. For the purposes of deeming an application complete, the following information is required:
  - i. Completed application form for the applicable development approval;
  - ii. The prescribed application fee in accordance with the Town's Fees and Charges By-law in effect on the date the application is submitted to the Town;
  - iii. A draft of the amendment to this Plan or the implementing zoning by-law, including the proposed text and all proposed schedules;
  - iv. All other information, studies and material(s) as may be identified through the pre-application consultation meetings(s), including the requirements set by external review agencies, in a form satisfactory to the Town.
4. The Town will, in consultation with affected external review agencies, evaluate a submitted application for completeness, and if the submission does not contain the information, material and studies required by the Province or through the pre-application consultation process, or does not address technical and policy issues identified through pre-application consultation, the Town may refuse to accept or further consider the application.
5. Appendix II of this Plan establishes information, studies and materials, or other information, that may be required to be submitted in support of a complete application. The required studies and plans will comply with the applicable Terms of Reference,

Standards and Guidelines prepared by the Town and/or Region, as amended and deemed to be applicable.

6. That through the review process for a development application that has been deemed complete, the Town or other review agency may require additional reports, studies and information. The request for additional information, however, will not affect the date the original application was deemed complete.
7. That where a study has been submitted in support of a development application, and it is determined by the Town that a peer review is required, the peer review will be coordinated by the Town but at the expense of the applicant.
8. The Town will require that approvals of Draft Plan of Subdivision include a lapsing date in accordance with Section 51(32) of the Planning Act.

### F.7.2 Official Plan and Zoning By-law Amendments

It is recognized that this Plan or the implementing zoning by-law may not anticipate all forms of **development** that is appropriate and desirable in the community over the planning horizon. As such, Amendments to this Plan and the implementing zoning by-law may be initiated or considered by the Town at any time, subject to the following policies:

1. The Town will Consider requests for amendments to this Plan or the implementing zoning by-law upon a complete application, and will evaluate such requests, in consideration of the overall intent, vision, goals, principles and policies of this Plan, and on the basis of the following criteria:
  - i. Suitability of the location of the site for the proposed land use;
  - ii. Compatibility of the proposed land use with surrounding uses;
  - iii. The need for and feasibility of the use, where considered appropriate;
  - iv. The impact of the proposal on municipal services, **infrastructure**, and community services and facilities;
  - v. The economic benefits and financial implications to the Town; and,
  - vi. Regard for the Provincial Planning Statement.
2. The statutory procedure for amending this Plan and the implementing zoning by-law will be undertaken pursuant to the Planning Act.
3. Amendments to this Plan will not be required for office consolidations, changes such as typographical, editorial, or formatting corrections to text or Schedules, none of which are deemed to alter or otherwise modify the intent of the Plan, its policies, or its interpretation.

### F.7.3 Consents

1. Consents in **settlement areas** will only be granted where it can be satisfactorily demonstrated that registering a plan of subdivision is not in the public interest. If a plan of subdivision is not deemed necessary, regard will be had to other policies of the Official Plan, matters pursuant to the Planning Act and to the following criteria when considering an application for consent:
  - i. The proposed **development** should generally be infilling in nature and/or assist with, but not hinder, the efficient **development** of the area;

- ii. 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;
  - iii. The proposed **development** will be serviced by municipal water and sanitary sewer services; and
  - iv. 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.
2. 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.
  3. In no case should any parcel be created which does not conform with the provisions of the implementing zoning by-law. If a rezoning is required to permit a proposed use, it will be a condition of approval that the By-law to amend the implementing zoning by-law may be passed by council and granted approval by the Ontario Land Tribunal if required, in accordance with the provisions of the Planning Act prior to consent being given.
  4. Consents to land severances may be permitted outside of the Town's **settlement areas** where, in the opinion of the municipality, a plan of subdivision is not required, and provided that the consent complies with the other relevant policies of this plan.
  5. Consents will not sever through Natural Heritage features, including watercourses, **provincially significant wetlands**, Non-Provincially Significant Wetlands, **significant woodlands**, **significant valleylands**, or **areas of natural and scientific interest**.

## F.8 Legal Non-conforming Uses, Buildings, and Structures

1. The use of land, buildings or structures which do not conform to the implementing zoning by-law, but which lawfully existed prior to the approval of the implementing zoning by-law, are considered to be legal non-conforming. When a legal non-conforming use ceases, then the rights derived from the legal non-conforming use shall terminate.
2. It is the intention and expectation that legal non-conforming uses, buildings or structures will eventually cease to exist and be replaced by uses, buildings or structures that conform with the intent of this Plan and comply with the implementing
3. The Town may recognize uses that exist at the time of the approval of this Plan and which do not have a **negative impact** on the environment and do not pose a significant threat to health and safety. This will be done by means of a site-specific zoning by-law. Such zoning will not be considered to be in contravention of the policies of this Plan and will:

- i. Only be accomplished by the adoption of a site-specific zoning by-law which will incorporate specific and appropriate regulations relative to the existing specific use and site; and
- ii. Be restricted to the property boundaries of the land owned at the time of the approval of this Plan.

#### F.8.1.2. General Policies Relating to Expansion or Enlargement of Non-Conforming Uses

1. Subject to the policies of this Plan it is Council's intent that any land use existing at the date of approval of this Plan which does not conform with the land use designation shown on Schedule E, 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 will be dealt with pursuant to the Planning Act.
2. Council will 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. 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.
3. 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.
4. Before passing such a by-law, Council will 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:
  - i. 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 implementing zoning by-law applying to the specific area;
  - ii. 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;
  - iii. 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;
  - iv. 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 implementing zoning by-law will 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;

- v. 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;
  - vi. 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;
  - vii. That adequate provisions have been or will be made for off-street parking and loading facilities;
  - viii. Those municipal services such as water supply, sanitary and storm sewers and roads are adequate or can be made adequate;
  - ix. That the proposed expansion will not increase the burden on public agencies and public health and safety because of the non-conforming use's location in a Hazard Land area;
  - x. Compliance with the Natural Heritage, Agricultural, Rural and other policies of this plan; and
  - xi. Compliance with any applicable regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act and requirements of the Niagara Parks Commission.
5. The Town will 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.

#### F.8.1.3. Existing Undersized Lots

- 1. The Town recognizes that there are vacant lands in the Agricultural, Rural, and particularly the Rural Residential designation. Many of these vacant lots are under 0.4 hectare in size and in areas where there is a concentration of lots, being three or more lots that could result in long term drainage and groundwater impacts. The Town aims to direct residential **development** into **settlement areas** where it can be serviced in an efficient manner and where natural features and resources in the rural area can be conserved. The construction of a dwelling on a vacant lot will be permitted provided:
  - i. The zoning by-law will require a minimum lot size of that can adequately accommodate private water and wastewater facilities, unless the lot is created by consent or plan of subdivision in accordance with the Planning Act, in which case the lot will comply with the applicable policies of this Plan and the implementing zoning by-law requirements;



- ii. The plot 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;
  - iii. The lot fronts on an improved public road;
  - iv. Should the lot be situated within an area regulated under the Conservation Authorities Act, all requirements of the Niagara Peninsula Conservation Authority will be met prior to the issuance of a building permit; and
  - v. Any **development** will comply with the **natural environment system** policies of this Plan.
2. The construction of a dwelling may be permitted on an existing undersized lot provided the hydrogeological study demonstrates there will be no groundwater impacts and that all other relevant policies of this Plan are conformed with.
  3. 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.

#### F.8.1.4. Public Participation

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.

## F.9 Official Plan Review and Monitoring

The Town will continue to monitor the implementation of this Plan, and as required pursuant to the Planning Act or otherwise, undertake a review and update of its policies.

The following will be used to inform a review and update of this Plan:

1. Collaborate and develop, with the Region, Province, **conservation authority**, and neighbouring municipalities, other government agencies, and the community, to identify and monitor appropriate indicators to assess the effectiveness of this Plan.
2. Monitor **development** within the Town on a regular basis to ensure that the Vision, Guiding Principles, and policies of this Plan are being achieved
3. Monitor appropriate financial indicators, such as tax rates and user fees, service levels, capital contribution levels, debt levels, assessment base composition, vacancy rates, and overall growth rates, to assess the financial performance of the municipality.
4. Develop and implement a monitoring program to assess the effectiveness of the policies, decisions, and programs in meeting the objectives of the total tree canopy within the Town. Potential metrics that may be evaluated include total forest cover, total hectares of lands protected, and an inventory of species at risk.
5. Housekeeping amendments will 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 will be incorporated into this Plan pursuant to the Planning Act.



## F.10 Interpretation

### F.10.1 Conflict

Where this Plan may conflict with any Provincial Plan policies, the following apply:

1. In very general terms, a conflict arises if the application of one policy prevents another policy from being implemented. Municipalities are, however, permitted to have policies that are different from, more detailed or more restrictive, without this being considered a conflict, except under very specific, prescribed circumstances.
2. Given the overlapping nature of the Provincial Planning Statement, the policies of the Provincial Planning Statement take precedence in the case of a conflict.
3. Where there is a conflict between a provision of a Protection Plan, under the Clean Water Act, the provisions of the **Source Protection Plan** prevail.

### F.10.2 Land Use Boundaries

1. The boundaries between land use areas designated as shown in Schedule E: Land Use Plan will be considered as general only and are not intended to define the exact limits of such areas. Except in the case of the **settlement 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 will be created that do not conform with this Plan in respect to Land Use.
  - i. When determining the boundary of any designation as shown on any schedule forming part of this Official Plan, the following provisions will apply:
  - ii. A boundary indicated as following a highway, street or lane will 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 will be construed as the former centre line of the said closed street or lane;
  - iii. A boundary indicated as following a right-of-way of a railway or any electrical, gas or oil transmission line will be the centre line of such right-of-way;
  - iv. A boundary associated with a feature within the **natural environment system** can be more accurately identified in the field through an **environmental impact study** and/or through confirmation by the appropriate agency. Provided the general intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan. Where boundaries are reduced, the corresponding adjacent designation will apply unless there is no other natural heritage feature present. The relevant policies will apply based on the significance of the natural heritage feature as identified by the Town's Natural Areas Inventories;
  - v. A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines will follow such lines;
  - vi. A boundary indicated as following a closed road, lane or railway will imply that the property formerly in the said road, lane or railway will 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 will be the former centre line of the said closed road, lane or railway;

- vii. Where a boundary is indicated as approximately parallel to a street line or other similar feature indicated, and the distance from such street line or other feature is not indicated, and policies (d) or (e) above is not applicable, the boundary will be interpreted as parallel to that feature and its location will be determined using the scale shown on Schedule E: Land Use Plan; and
- viii. A boundary indicated as following the limits of the Municipality will follow such limits.

### **F.10.3 Road Location**

The location of roads as indicated on Schedule L: Road Classifications, will be considered as approximate only. Amendments to this Plan 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.

### **F.10.4 Secondary Plan Boundaries**

Secondary plan boundaries shown in Schedule P: Secondary Plans will be considered as approximate only, and amendments to this Plan will not be required in order to make minor adjustments to such boundaries, or where a secondary plan is adopted by Council.

### **F.10.5 Plan Intent**

The Plan is designed to express the general intent of the municipality, Interpretation of the intent of this Plan, or any part thereof, will be made by Council after receiving the advice of staff.

### **F.10.6 Office Consolidation**

This Plan, including the appendices and schedules, may be updated from time to time to reflect and consolidate amendments approved under the Planning Act, in which case the Town may undertake an administrative process to consolidate the contents of this Plan, referred to as an “office consolidation”.

### **F.10.7 Policy Interpretation**

1. This Plan is intended to be read in its entirety and existing and proposed land uses may be subject to policies within different sections of the Plan.
2. Where multiple policies apply, these are to be applied in either a cumulative or integrated manner, such that all of the policies that relate to a matter are addressed, with the more restrictive policy applies where there may be conflicts.

## F.11 Glossary of Defined Terms

### A

#### Active Transportation

Any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices at a comparable speed (PPS, 2024).

#### Additional Needs Housing

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons (PPS, 2024).

#### Additional Residential Units

Self-contained dwelling units with a private kitchen, bathroom facilities, and sleeping areas within a dwelling and ancillary to the primary residential use, or within a building ancillary to a dwelling. The self contained apartment may be created through converting of or adding onto an existing single detached, semi-detached or townhouse dwelling (By-law 118-2013).

#### Adjacent Lands

- e. For the purposes of lands contiguous to existing or planned corridors and transportation facilities where **development** would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives;
- f. For the purposes of those lands surrounding a key natural heritage feature, natural heritage feature and area and/or key hydrologic feature where it is likely that **development** or **site alteration** would have a negative impact on the feature;
- g. For the purposes of those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that **development** would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- h. For the purposes of those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan (PPS, 2024).

#### Adverse Effects

As defined in the *Environmental Protection Act*, means one or more of:

- a. Impairment of the quality of the natural environment for any use that can be made of it;
- b. Injury or damage to property or plant or animal life;
- c. Harm or material discomfort to any person;
- d. An adverse effect on the health of any person;
- e. Impairment of the safety of any person;
- f. Rendering any property or plant or animal life unfit for human use;
- g. Loss of enjoyment of normal use of property; and
- h. Interference with normal conduct of business (PPS, 2024).

### **Affordable**

In the case of ownership housing, the least expensive of:

- a. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
- b. Housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

- a. A unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
- b. A unit for which the rent is at or below the average market rent of a unit in the regional market area (PPS, 2024).

### **Agricultural Impact Assessment**

A study that evaluates the potential impacts of non-agricultural **development** on agricultural operations and the agriculture system and recommends ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts (PPS, 2024).

### **Agricultural System**

The system mapped and issued by the Province, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous, productive land base for agriculture; and
- b. An agri-food network, which includes infrastructure, services and assets important to the viability of the agri-food sector (PPS, 2024).

### **Agricultural Uses**

The growing of crops, including nursery, biomass, 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, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment (PPS, 2024).

### **Agriculture-Related Uses**

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity (PPS, 2024).

### **Agricultural Source Material**

Treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.

### **Agri-food Network**

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as Regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities (PPS, 2024).

### **Agri-Tourism Uses**

Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation (PPS, 2024).

### **Alternative Energy Systems**

A system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems (PPS, 2024).

### **Archaeological Resources**

Includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act (PPS, 2024).

### **Archaeological Site**

Any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.

### **Areas of Archaeological Potential**

Areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

### **Areas of Natural and Scientific Interest (ANSI)**

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education (PPS, 2024).

- a. Life Science ANSI means an area identified as being high quality example(s) of ecological form and function in each Eco-district in the province (provincially significant) and the region (regionally significant) and are generally defined by natural heritage features (e.g., a woodland, valley top of bank, etc.) and generally exclude anthropogenic land uses (e.g., residential areas / properties). Life Science ANSIs include areas identified as provincially significant and regionally significant by the Province using evaluation procedures established by the Province, as amended from time to time.
- b. Earth Science ANSI means an area that represent the best examples of geologic and geomorphic landforms and areas (e.g., a moraine) in each Ecodistrict in the province (provincially significant) and the region (regionally significant). They may encompass a single feature or a group of related features (e.g., a drumlin field). As geologic / geomorphic landforms, the overlying land use may include a composite of natural and anthropogenic uses (e.g., woodland, agricultural, rural residential, etc.). Earth Science ANSIs include areas identified as provincially significant and regionally significant by the Province using evaluation procedures established by the Province, as amended from time to time.

### **Artifact**

Any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest.

### **Attainable Housing**

Rental or ownership housing provided by the market for moderate income households that are generally within the fifth and sixth income decile of the regional market area. Attainable housing can include dwelling types of various sizes, densities, and built forms, and is intended to provide individuals with the opportunity to access housing more suitable to their needs.

## **B**

## **Brownfields**

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant (PPS, 2024).

## **Buffer**

An area of land located adjacent to natural heritage features and areas and watercourses and usually bordering lands that are subject to **development** or **site alteration**. The purpose of a buffer is to protect the features and areas and their ecological functions by mitigating impacts of the proposed **development** or **site alteration**. Buffers will consist of natural self-sustaining vegetation as a condition of **development** (except where certain agricultural uses are exempt from the requirement of a buffer).

## **Built Form**

The function, shape, and configuration of buildings, as well as their relationship to streets and open spaces.

## **C**

## **Cemetery**

Religious or commercial enterprises that include the in-ground and above-ground interment of human remains, including, but not limited to, associated death care uses and interment services such as a funeral home, mausoleum, crematorium, columbarium, places of worship and chapels, and related uses including service buildings, administrative offices and parking.

## **Coastal Wetlands**

In the Town, a **wetland** located on Lake Erie or the Niagara River or a **wetland** on a tributary to Lake Erie or the Niagara River and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

## **Combined Sewers**

A sewer designed to convey both sanitary sewage and stormwater through a single pipe to a sewage treatment plant.

## **Community Housing**

Housing owned and operated by non-profit housing corporations, housing co-operatives and municipal governments, or district social services administration boards. Community housing providers offer subsidized or low-end-of market rents.

## **Community Hubs**



Locations that serve as central access points, which offer services, in collaboration with different community agencies and service providers, reduce administrative duplication, and improve services for residents and are responsive to the needs of their communities.

### **Compact Built Form**

A land-use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional) all within one neighbourhood, active transportation, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation (PPS, 2024).

### **Compatible**

A **development**, building and/or land use that can co-exist or occur without conflict with surrounding land uses and activities in terms of its uses, scale, height, massing and relative location.

### **Complete Communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

### **Complete Streets**

Streets that are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists, and are designed for the safety of people of all ages and abilities.

### **Connectivity**

The degree to which key natural heritage features, natural heritage features and areas and/or key hydrologic features are connected to one another by links such as plant and animal movement corridors, hydrologic and nutrient cycling, genetic transfer and energy flow through food webs.

### **Conservation Authority**

Refers to the Niagara Peninsula Conservation Authority and its authority under the *Conservation Authorities Act*.

### **Conserved**

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations established by a conservation plan, archaeological assessment, and/or cultural heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative **development** approaches can be included in these plans and assessments (PPS, 2024).

### **Cultural Heritage Landscapes**

A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association (PPS, 2024). Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

### **Cultural Heritage Resources**

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

## **D**

### **Deposits of Mineral Aggregate Resources**

An area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

### **Designated Growth Areas**

Lands within settlement areas designated in an official plan for growth over the long-term planning horizon, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth, as well as lands required for employment and other uses. Designated Growth Areas are shown on Schedule A: Town Structure, and Schedule A.1 through A.7.

## **Development**

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act but does not include:

- a. Activities that create or maintain infrastructure authorized under an environmental assessment process, including a Class Environmental Assessment, with the exception of lands designated as being within an Area of Development Control under the Niagara Escarpment Planning and Development Act; or
- b. Works subject to the Drainage Act (PPS, 2024).

## **Dynamic Beach Hazard**

Areas of inherently unstable accumulations of shoreline sediments along large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance (PPS, 2024).

## **E**

### **Ecological Function**

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

### **Ecological Integrity**

Includes hydrological integrity and means a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.

### **Ecological Value**

The value of ecological functions performed by natural heritage features and areas, key natural heritage features, key hydrologic features and key hydrologic areas to the native biodiversity and wildlife habitats. These functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances habitat for wildlife and biodiversity.

### **Employment Areas**

Areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are

excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above (PPS, 2024).

### **Employment Land**

Lands that are designated in this Official Plan or the Town's zoning by-law for employment uses. Employment lands may be within and outside of employment areas.

### **Endangered Species**

A species that is classified as "Endangered Species" on the Species at Risk in Ontario List, as updated and amended from time to time (PPS, 2024).

### **Environmental Impact Study**

A science-based study of ecological features and functions and impacts to those features and functions resulting from **development** and/or **site alteration**, prepared in accordance with the Region's environmental impact study guidelines. The purpose of an environmental impact study is to:

- a. Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes, and functions of components of the Natural Environment System;
- b. Determine whether there are any additional components;
- c. Undertake a comprehensive impact analysis;
- d. Propose appropriate mitigation measures;
- e. Clearly articulate any impacts that cannot be avoided or mitigated;
- f. Where appropriate, recommend monitoring provisions;
- g. Consider climate change, cumulative and/or watershed impacts where possible; and
- h. Demonstrate that ecological enhancement to the Natural Environment System is achieved.

### **Erosion Hazard**

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance (PPS, 2024).

### **Essential Emergency Services**

Services that would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

### **Excess Lands**

Vacant, unbuilt but developable lands within settlement areas but outside of built-up areas that have been designated in an official plan for **development** but are in excess of what is needed to accommodate forecasted growth.

### **Excess Soil**

Soil, or soil mixed with rock that has been excavated as part of a project and removed from the project area for the project as defined under O.Reg. 406/19 under the Environmental Protection Act.

### **Existing Uses**

Existing Uses (Greenbelt Plan Area only): uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established.

## **F**

### **Fish**

As defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

### **Fish Habitat**

As defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which 'fish' depend directly or indirectly in order to carry out their life processes.

### **Flood Fringe**

For river, stream and small inland lake systems, means the outer portion of the floodplain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

### **Flooding Hazards**

The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a. Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the **one hundred year flood level** plus an allowance for wave uprush and other water-related hazards;
- b. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
- c. The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a

specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

- d. The one hundred year flood; and
- e. A flood which is greater than one or two. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the **one hundred year flood** or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

### **Floodplains**

For river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

### **Floodproofing Standard**

The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of large inland lakes, and flooding hazards along river, stream and small inland lake systems.

### **Floodway**

For river, stream and small inland lake systems, means the portion of the floodplain where **development** and **site alteration** would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous floodplain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the floodplain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the floodplain is called the flood fringe.

### **Food Systems Planning**

### **Freight-Supportive**

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

### **Frequent Transit Service**

A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

### **Fringe Lands**

The area between the agricultural/rural countryside and the built-up settlement area/suburbs. It can further be described as the edge of the urban region where patterns of building **development** and non-development interweave. The urban fringe is often an area with contrasting land uses and compatibility conflicts.

## **G**

### **Garden Suite**

A temporary self-contained detached building containing a single residential unit that is accessory to a single detached dwelling unit and that is designed to be portable.

### **Green Infrastructure**

Natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

### **Greyfield Sites**

Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant.

### **Groundwater Feature**

Water-related features in the earth's subsurface including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeological investigations.

## **H**

### **Habitat of Endangered Species and Threatened Species**

Habitat within the meaning of Section 2 of the *Endangered Species Act*, 2007.

### **Hazardous Forest Types for Wildland Fire**

Forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.

### **Hazardous Lands**



Property or lands that could be unsafe for **development** due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

### **Hazardous Sites**

Property or lands that could be unsafe for **development** and **site alteration** due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

### **Hazardous Substances**

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

### **Heritage Attributes**

The principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

### **Higher Order Transit**

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way.

### **Highly Vulnerable Aquifers**

Aquifers, including lands above the aquifers, on which external sources have or are likely to have a significant adverse effect.

### **Home Industry**

An industry that is carried out in the home or in a building that is accessory to the home or if the home is located on a farm, to the agricultural operation and:

- a. If the home is not located on a farm, the use is carried on as a small-scale use that is secondary to the principal use of the home as a single dwelling; provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community; and does not include uses such as auto repair or paint shop or furniture stripping; or
- b. If the home is located on a farm, the use is carried on as a small-scale use that is secondary to the principal use of the farm as an agricultural operation and may include but is not limited to a sawmill, welding or woodworking shop, manufacturing or fabrication shop, equipment repair and seasonal storage of boats or trailers.

### **Home Occupation**

An occupation for profit or gain conducted entirely within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the dwelling unit.

### **Hydrological Evaluation**

A science-based study of hydrologic features and areas and impacts to those features and hydrologic functions resulting from **development** and/or **site alteration**. The purpose of a hydrologic evaluation is to:

- a. Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes of permanent and intermittent streams, inland lakes and their littoral zones, seepage areas and springs, wetlands, groundwater features, surface water features, floodplains, flooding hazards, floodways, shoreline areas, and related hydrologic functions;
- b. Determine whether there are any additional hydrologic features and areas;
- c. Assess the significance and sensitivity of hydrologic features and their hydrologic functions;
- d. Undertake a comprehensive impact analysis;
- e. Propose appropriate mitigation measures;
- f. Identify planning, design and construction practices that will maintain and, where possible, enhance or restore the health, diversity and size of the hydrologic feature and functions and its connectivity with other hydrologic features, natural heritage features and areas and key natural heritage features;
- g. Clearly articulate any impacts that cannot be avoided or mitigated;
- h. Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures; and
- i. Consider climate change, cumulative and/or watershed impacts where possible

### **Hydrologic Functions**

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and

underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

I

## **Impacts of a changing climate**

The present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability (PPS, 2024).

## **Individual On-Site Sewage Service**

Sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, that are owned, operated and managed by the owner of the property upon which the system is located.

## **Individual On-Site Water Service**

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

## **Industrial Effluent System**

Systems which convey and discharge the by-product from an industrial process that can contain contaminants from non-domestic wastes.

## **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for **development**. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

## **Inland Lakes and their Littoral Zones**

Any inland body of permanently standing water larger than a pool or pond or a body of water filling a depression in the earth's surface, where their water levels and hydrologic functions are not directly influenced by either Lake Erie or Lake Ontario. Inland lakes do not include stormwater management ponds, ponds constructed for irrigation purposes, such as those on a golf course or used for agriculture, lakes that have been constructed and managed with the sole purpose of supporting essential infrastructure, and where their ecological function is not a consideration in their management.

## **Institutional Use**

Include uses such as government buildings, hospital, schools, churches, cemetery uses. For the purposes of this Plan, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

### **Intensification**

The **development** of a property, site or area at a higher density than currently exists through:

- a. **Redevelopment**, including the reuse of brownfields;
- b. The **development** of vacant and/or underutilized lots within previously developed areas;
- c. Infill **development**; and
- d. The expansion or conversion of existing buildings.

### **Intake Protection Zone**

An area delineated by this Plan and in the Source Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats. Where a conflict in mapping arises, the Source Protection Plan will prevail.

### **Interface**

The physical relationship between two or more uses, such as, a building and street. It is the intent of urban design to reinforce this relationship and increase its impacts positively on the public realm.

### **Intermittent Stream**

Stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year.

## **K**

### **Key Hydrologic Areas**

Significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas that are necessary for the ecological and hydrologic integrity of a watershed.

### **Key Hydrologic Features**

Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.

## **Key Natural Heritage Features**

Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.

## **L**

### **Lateral Connection**

The point at which a sewer or water line coming out from homes and businesses connects to the municipal sewer or water line.

### **Legal or Technical Reasons**

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

### **Linkages**

An area, that may or may not be associated with the presence of existing natural features and areas, that provides and maintains ecological connectivity between core areas consisting of natural features and areas, and supports a range of community and ecosystem processes enabling plants and animals to move among natural heritage features, in some cases over multiple generations, thereby supporting the long-term sustainability of the overall natural environment system.

### **Low and Moderate Income Households**

In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.

### **Low Impact Development**

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case and the specific form may vary considering local conditions and community character.

## **M**

## **Major Facilities**

Facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

## **Major Goods Movement Facilities and Corridors**

Transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

## **Major Transit Station Areas**

The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk, and include protected major transit station areas.

## **Major Trip Generators**

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., urban growth centres and other downtowns, major office and office parks, major retail / major commercial, employment areas, community hubs, large parks and recreational destinations, post-secondary institutions and other public service facilities, and other mixed-use areas).

## **Minerals**

Metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

## **Mineral Aggregate Operation**

- a. Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### **Mineral Aggregate Resources**

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

### **Mineral Deposits**

Areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

### **Mineral Mining Operation**

Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

### **Minimum Distance Separation Formulae**

The formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

### **Mixed-Use Development**

The development of land or building(s) with two or more different uses, such as residential, office and retail. Mixed-use may occur within a single building, or multiple buildings on a single site.

### **Multimodal Transportation**

A transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

### **Municipal Sewage Services**



A sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

### **Municipal Water Services**

A municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002.

## **N**

### **Natural Environment System**

An ecologically integrated system made up of the natural heritage features and areas, other wetlands, key natural heritage features, key hydrologic features, key hydrologic areas, shoreline areas, hydrologic functions, supporting features and areas, hazardous lands, and linkages intended to provide connectivity and support natural processes which are necessary to maintain biological and hydrological diversity, ecological functions, ecosystem services, viable populations of indigenous species, and ecosystems.

### **Natural Heritage Features and Areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands, significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an areas. For the purposes of this definition, natural heritage features and areas includes other woodlands, earth science areas of natural and scientific interest (provincial and regional), and life science areas of natural and scientific interest (provincial and regional).

### **Natural Heritage System**

A system made up of natural heritage features and areas, wetlands, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include key natural heritage features, key hydrologic features, federal and provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.

### **Negative Impacts**

- a. In regard to water, degradation to the quality or quantity of surface or groundwater, key hydrologic features or vulnerable areas and their related hydrologic functions, due to single, multiple or successive **development** or **site alteration** activities;

- b. In regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- c. In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive **development** or **site alteration** activities.

### **Normal Farm Practices**

A practice, as defined in the Farming and Food Production Protection Act, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices will be consistent with the *Nutrient Management Act*, 2002 and regulations made under that Act.

## **O**

### **One Hundred Year Flood**

For river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a one percent chance of occurring or being exceeded in any given year.

### **One Hundred Year Flood Level**

- a. For the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a one per cent chance of being equalled or exceeded in any given year;
- b. In the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a one per cent chance of being equalled or exceeded in any given year; and
- c. For large inland lakes, lake levels and wind setups that have a one per cent chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

### **On-Farm Diversified Uses**

On a farm; secondary use; limited in area; includes, but is not limited to, **home occupations**, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations.

### **Other Water-Related Hazards**

Water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

### **Other Woodlands**

Woodlands determined to be ecologically important in terms of features, functions, representation, or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Other woodlands include all terrestrial treed vegetation communities where the percent tree cover is greater than 25 per cent. Other woodlands would not include woodlands meeting the criteria as significant woodlands.

## **P**

### **Permanent Streams**

Watercourses that contain water during all times of the year.

### **Petroleum Resource Operation**

Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

### **Petroleum Resources**

Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

### **Planned Corridors**

Corridors or future corridors which are required to meet projected needs, and are identified through this Plan, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ministry of Transportation, Ministry of Energy and Mines, Metrolinx, or Independent Electricity System Operator (IESO) or any successor to those Ministries or entities, is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the Province.

### **Portable Asphalt Plant**

A facility:

- a. With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and

- b. Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

### **Portable Concrete Plant**

A building or structure:

- a. With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

### **Prime Agricultural Area**

Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture, Food, Agriculture and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

### **Prime Agricultural Land**

Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

### **Protected Heritage Property**

Property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

### **Provincial and Federal Requirements**

- a. Legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b. Legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

### **Provincially Significant Wetlands**

Those wetlands identified as provincially significant by the Province using evaluation procedures established by the Province, as amended from time to time. Includes Significant Coastal Wetlands.

### **Public Realm**

The publicly owned places and spaces that are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

### **Public Service Facilities**

Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure.

### **Public Works Projects**

Construction projects, such as roads, highways or dams, bridges and waterworks financed by public funds and constructed by or under contract with the Region or Local municipality for the benefit or use of the public.

## **Q**

### **Quality and Quantity of Water**

Measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime

## **R**

### **Rail Facilities**

Rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

### **Redevelopment**

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

### **Regional Market Area**

An area that has a high degree of social and economic interaction. The boundaries of the Region will serve as the regional market area for the purposes of assessing housing market conditions.

## **Renewable Energy System**

A system that generates electricity, heat and/or cooling from a renewable energy source. For the purposes of this definition: A renewable energy source is an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

## **Residence Surplus to an Agricultural Operation**

An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

## **Risk Management Official**

A person A person appointed under Part IV of the Clean Water Act, 2006, by the Council of a municipality that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001 (Source Protection Plan for the Niagara Source Protection Area).

## **River, Stream and Small Inland Lake Systems**

All watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

## **Rural Areas**

A system of lands within local municipalities that may include rural settlements, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

## **Rural Lands**

Lands which are located outside settlement areas, and which are outside prime agricultural areas.

## **Rural Settlements**

Communities located in rural areas, as shown on Schedule A: Town Structure, that are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for **development**, and are to accommodate limited growth. All settlement areas that are identified as hamlets in the Greenbelt Plan, or as minor urban centres in the Niagara Escarpment Plan are considered rural settlements for the purposes of this Plan, including those that would not otherwise meet this definition.

## **S**

## **Seepage Areas and Springs**

Sites of emergence of groundwater where the water table is present at the ground surface.

### **Sense of Place**

The emotional attachments, meanings and identities people develop or experience in particular locations and environments. It is also used to describe the distinctiveness or unique character of a place.

### **Sensitive**

In regard to surface water features and groundwater features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

### **Sensitive Land Uses**

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

### **Settlement Area**

Urban areas and rural settlements within local municipalities (such as cities, towns, villages and hamlets) that are:

- a. Built up areas where **development** is concentrated and which have a mix of land uses; and
- b. Lands which have been designated in an Official Plan for **development** in accordance with the policies of this Plan. Where there are no lands that have been designated for **development**, the settlement area may be no larger than the area where **development** is concentrated.

### **Sewage and Water Services**

Includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

### **Shoreline Areas**

The interface between terrestrial and aquatic environments, allowing for interactions between them, providing: specialized habitats (e.g., natural beach, overhanging cover, bird stopover or nesting, etc.), natural cover, areas of shoreline erosion or accretion, nutrient and sediment filtration / buffering, shading, foraging opportunities.

### **Short-Term Rental (STR)**



Means all or part of a dwelling unit, either dedicated or owner-occupied as defined below, subject to licencing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses.

### **Short Term Rental, Dedicated**

Means a STR that is located on a property where the Owner is not a full-time resident.

### **Short Term Rental, Owner-Occupied**

Means a STR that is located on a property where the Owner is a full-time resident occupying the property on a full-time basis, including the duration of the rental term.

### **Significant**

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

### **Significant Areas of Natural and Scientific Interest**

Those areas of natural and scientific interest identified as provincially significant and regionally significant by the Province using evaluation procedures established by the Province, as amended from time to time.

### **Significant Groundwater Recharge Area**

An area that has been identified as:

- a. A significant groundwater recharge area by any public body for the purposes of implementing the PPS;
- b. Significant groundwater recharge area in the assessment report required under the *Clean Water Act*, 2006; or
- c. An ecologically significant groundwater recharge area delineated in a subwatershed study or equivalent in accordance with provincial guidelines. For the purposes of this definition, ecologically significant groundwater recharge areas are areas of land that are responsible for replenishing groundwater systems that directly support **sensitive** areas like cold water streams and wetlands.

Groundwater recharge areas are also classified as “significant” where they supply more water to an aquifer than the surrounding area (NPCA, 2013). In other words, a recharge area is considered significant when it helps to maintain the water level in an aquifer that supplies a community with drinking water, or supplies groundwater recharge to a coldwater ecosystem that is dependent on this recharge to maintain its ecological function (N.V.C.A., 2015b).

### **Significant Surface Water Contribution Areas**

Areas, generally associated with headwater catchments that contribute to baseflow volumes which are significant to the overall surface water flow volumes within a watershed.

Significant surface water contribution areas include headwater drainage features classified as protection, conservation and mitigation.

### **Significant Valleylands**

Valleyland which is ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. These are to be identified using criteria established by the Province.

### **Significant Wildlife Habitat**

Wildlife habitat that is ecologically important in terms of features, functions, representation, or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. These are to be identified using criteria established by the Province.

### **Significant Woodlands**

Woodlands that are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

### **Site Alteration**

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

### **Soil Management Plan**

A plan completed by a professional engineer or geoscientist that outlines the condition of soil at a source site where soil is excavated (Best Management Practices for Excess Soil and modified for this Plan).

### **Source Protection Plan**

A drinking water source protection plan prepared under of the *Clean Water Act*, 2006 (Niagara Peninsula Source Protection Plan).

### **Special Policy Area**

An area within a community that has historically existed in the floodplain and where site specific policies, approved by both the Ministers of Natural Resources and Forestry and

Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning **development**. The criteria and procedures for approval are established by the Province. A Special Policy Area is not intended to allow for new or intensified **development** and **site alteration**, if a community has feasible opportunities for **development** outside the floodplain.

### **Specialty Crop Area**

Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a. Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b. Farmers skilled in the production of specialty crops; and
- c. A long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

### **Stormwater Management Facility**

A facility for the treatment, retention, infiltration or control of stormwater.

### **Strategic Growth Areas**

Within settlement areas, nodes, corridors, and other areas that have been identified in Schedule A: Town Structure to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, regional growth centres, major transit station areas, and other major opportunities that may include infill, **redevelopment**, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas).

### **Subwatershed**

An area that is drained by a tributary or some defined portion of a stream. A subwatershed is smaller nested drainage area within a quaternary watershed. There are over 200 subwatersheds in the Region.

### **Subwatershed Study**

The plan or outcome from a subwatershed planning exercise.

### **Surface Water Feature**

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation, or topographic characteristics.

## **Sustainable Development**

The integration of environmental, social, economic and cultural considerations in decision-making. Applying this framework to policy formulation and analysis favours an integrated approach in which these elements are brought together as a forethought in planning and decision making.

## **T**

### **Threatened Species**

A species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

### **Transit-Supportive**

Relating to **development** that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, **mixed-use development** that has a high level of employment and residential densities. Transit-supportive **development** will be consistent with Ontario's Transit Supportive Guidelines.

### **Transportation System**

A system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park-and-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

### **Two Zone Concept**

An approach to floodplain management where the floodplain is differentiated in two parts: the floodway and the flood fringe.

## **U**

### **Universal Design**

The design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

### **Urban Agriculture**

Food protection in settlement areas, whether it is for personal consumption, commercial sale, education, or therapy. Examples include, but are not limited to, vertical agriculture facilities, community gardens, greenhouses, and rooftop gardens.

### **Utility**

Any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.

## **V**

### **Valleylands**

A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

### **Vegetation Protection Zone**

A vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature.

### **Vulnerable**

Surface and/or groundwater that can be easily changed or impacted.

## **W**

### **Waste Disposal Sites**

The application of untreated septage, the storage, treatment, and discharge of tailings from mines and waste disposal sites as defined under Part V of the *Ontario Environmental Protection Act*, 1990 with respect to Source Water Protection.

### **Waste Management**

The activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment, and disposal of waste, together with monitoring and regulation of the waste management process.

### **Water Budget**

An accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit.

### **Water Lot**

A legally defined area of land covered by water which may be either contiguous or attached to dry land, or may be separated entirely from dry land, - may be filled, partially filled or not filled – or a piece of land normally covered with water at high tide.

### **Water Resource System**

A system consisting of groundwater features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The water resource system comprises of key hydrologic features and key hydrologic areas.

### **Water Services**

Any works provided by the municipality for the distribution, lateral connection, transmission, and treatment of drinking water.

### **Watershed**

An area that is drained by a river and its tributaries.

### **Watershed Planning**

Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of the impacts of a changing climate and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.

### **Wave Uprush**

The rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

### **Wayside Pits and Quarries**

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

### **Wetlands**

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### **Wildland Fire Assessment and Mitigation Standards**

The combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

### **Wildlife Habitat**

Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

### **Woodlands**

Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands will be delineated according to the Province's Ecological Land Classification system definition for forest. For the purposes of this definition, forests include terrestrial vegetation communities as defined in accordance with the Ecological Land Classification (ELC) system, where the tree cover is greater than 60 per cent.



## G. Site Specific Policy Areas

Site Specific Policy Areas are created through amendments to this Plan. Area-specific policies may apply to a single site or area containing multiple properties. They are meant to provide a further direction on land use planning matters. The following policies provide direction regarding the interpretation of the Site Specific Policy Areas:

1. The location of site specific policy areas are shown on Schedule O.
2. Where there is a conflict between the policies of this Plan and the policies of Part G, the policies of Part G as they apply to lands shown on Schedule O will prevail.
3. Unless otherwise established by the policy of a Site Specific Policy Area, all other policies of this Plan, including any applicable Secondary Plan, will apply.

### G.1 Crystal Beach Public School Lands

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas, and labelled G.1 Crystal Beach Public School Lands:

1. Only the following residential uses are permitted:
  - i. Apartment dwelling;
  - ii. Semi-detached dwelling;
  - iii. Single detached dwelling;
  - iv. Townhome; and
  - v. Uses accessory to residential uses are also permitted.
2. A density ranging between 25 to 75 units per hectare is required.
3. The maximum permitted building height is four-storeys.
4. A building height greater than four storeys may be permitted, subject to an amendment to the implementing zoning by-law and where it can be demonstrated to the satisfaction of the Town that the proposed height is compatible with surrounding land uses, such as through a visual impact assessment or shadow study.
5. Institutional uses are permitted.
6. Any removal of the existing building and the overall **redevelopment** of the site should contain at a minimum, an apartment/condominium block with a minimum of 32 units.

### G.2 Bertile Public School Lands

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.2 Bertile Public School Lands:

1. The maximum permitted building height is four-storeys.

1. A building height greater than four storeys may be permitted, subject to an amendment to the implementing zoning by-law and where it can be demonstrated to the satisfaction of the Town that the proposed height is compatible with surrounding land uses, such as through a visual impact assessment or shadow study.
2. **Institutional uses** are also permitted, subject to Policy X.
3. Permit **institutional uses** subject to the policies contained in 4.18.10.
4. Any removal of the existing building and the overall **redevelopment** of the site should contain at a minimum, an apartment/condominium block with a minimum of 45 units.

## G.3 Harbourtown Village

The following policies apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.3 Harbourtown Village:

1. The following additional uses are permitted on lands designated Open Space:
  - i. Active recreational uses;
  - ii. Passive recreational uses;
  - iii. Surface parking; and
  - iv. Stormwater management facilities.

## G.4 2651 Nigh Road

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.4 2651 Nigh Road:

1. **Development** will be limited to three dwelling units or lots having a minimum lot area of 1 hectare. No further **development** will be permitted without an amendment to this Plan

## G.5 615 Burleigh Road North

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.5 615 Burleigh Road North:

1. **Development** will be limited to four dwelling units or lots having a minimum lot area of 1 hectare. No further **development** will be permitted without an amendment to this Plan

## G.6 0-6489 Nigh Road

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.6 0-6489 Nigh Road:

1. **Development** will be limited to a total three lots, subject to the following additional policies:
  - i. One lot will have lot area 2.6 hectares; and

- ii. The remaining two will have a lot area 1.1 hectare and minimum lot frontage of 90 metres each.

## **G.7 Lions Douglas Heights Senior Residence**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.7 Lions Douglas Heights Senior Residence:

1. The maximum permitted density is 108 units per hectare.
2. An apartment dwelling with a maximum of 8-storey (10-storeys at the rear) is permitted.

## **G.8 4197 Niagara River Parkway**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled 4197 Niagara River Parkway:

1. The Subject Lands are permitted to be serviced by partial municipal services, which includes municipal sanitary services and private water services.

## **G.9 1640 Garrison Road High School**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled 1640 Garrison Road High School:

1. A public school and ancillary uses are permitted on existing municipal services to be located outside of the **settlement area** boundary.

## **G.10 Helena Street Industrial Lands**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.10 Helena Street Industrial Lands:

1. The Subject Lands are intended to be used for low intensive industrial uses on private sanitary services.
2. The low intensive industrial uses are identified in the implementing zoning by-law.
3. Additional uses as permitted by the implementing zoning by-law may also be permitted without an amendment to this Plan provided they adhere to the Ministry's D6 separation distances

## **G.11 Royal Ridge Subdivision**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled Royal Right Subdivision:

1. Only the following uses are permitted on the Subject Lands:
  - i. Semi-detached dwelling;
  - ii. Townhouse dwelling; and

- iii. Stormwater management facility.
- 2. A minimum density of 16 units per net hectare is required.

## G.12 Fort Erie Hills

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.12 Fort Erie Hills:

- 1. The following policies apply to lands designated “Core Mixed-Use”:
  - i. Commercial uses are only be permitted on the ground floor and will not occupy more than 50-percent of the total ground floor area.
  - ii. Residential uses are permitted on the ground floor and will not occupy more than 50-percent of the total ground floor area.
- 2. Maximum height will be established by Zoning By-law 129-90.
- 3. The following policies apply to lands designated “Community Area”:
  - i. The minimum density is 50 units per hectare;
  - ii. The maximum density is 85 units per hectare;
  - iii. **Stormwater management facilities** and any necessary pumping stations are permitted as additional uses.
- 4. Active recreational uses and passive recreational uses are permitted.

## G.13 Miller Lands

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.13 Miller Lands:

- 1. The following policies apply to lands designated “Community Area”:
  - i. The minimum density is 50 people and jobs per hectare.
  - ii. The maximum density is 85 people and jobs per hectare.
  - iii. Prepare a Secondary Plan concept to be approved by the Town, demonstrating how the site will integrate with the entire Bridgeburg North Neighbourhood.
  - iv. The developable area will be determined following approval of a Environmental Impact Assessment (EIS).
- 2. The following policy applies to lands labelled designated Natural Environment System:
  - i. Pedestrian paths are permitted, subject to an approved **environmental impact study**.
- 3. The following additional policies apply:
  - i. An approved environmental impact study will address the following matters to the satisfaction of the Town and conservation authority:

- a. Terms of Reference to be developed in consultation with and approved by the **conservation authority**;
- b. Environmental surveys to address the Endangered Species Act, including but not limited to Bat Habitat surveys, etc;
- c. Further refinement to the Environmental Conservation Areas to demonstrate “No **negative impact**”; and
- d. Upon final approval of an **environmental impact study** or alternatively approval of an Overall Benefit Permit by applicable agencies, those areas identified for protection will be appropriately zoned through the implementing zoning by-law.

## G.14 613 Ridge Road North

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.14 613 Ridge Road North:

1. An apartment dwelling with a maximum density of 122 units per net hectare is permitted.

## G.15 Compass Heights Development

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.15 Compass Heights Development:

1. The maximum density is 349 units per hectare.

## G.16 Safari Niagara

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.16 Safari Niagara:

1. A theme park is permitted on approximately 116 hectares (288 acres) of land located on the west side of Regional Road 116 (Stevensville Road), north of the former CP rail line east of House Road and south of College Road in the Town of Fort Erie.
2. **Development** on these lands may connect into existing municipal sewer and water systems subject to the approval of the Region and the Town of Fort Erie.
3. No **development** will be permitted within the environmental areas to be protected as shown on the Protected Area Map, as shown on Figure G-x.

## G.17 Niagara Parks Marina at Millers Creek

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.17 Niagara Parks Marina at Millers Creek:

1. The marina use, the marina **redevelopment**, and the ancillary uses are considered to be a resource based rural recreational use that is consistent with the Provincial Planning Statement, 2024 and conforms to this Plan.

2. The rejuvenation and **redevelopment** of the marina is encouraged to support the tourism and boating economy on the Niagara River.
3. The following uses are permitted to facilitate the **development** and **redevelopment** of the marina:
  - i. A marina is permitted as the principal land use;
  - ii. Hotel Accommodation;
  - iii. Ancillary uses including, the management or use of resources, resource-based recreational uses (including recreational dwellings), **home occupations** and home industries, limited residential **development**, cemeteries, and other rural land uses are permitted;
  - iv. With regard to recreational dwellings and residential **development**, all forms of tenure will be permitted for new, expanded or **redevelopment** of the marina property; and
  - v. Accommodation catering to the travelling public and providing ongoing services and recreational facilities normal and incidental to a commercial setting.
4. **Development** and **redevelopment** will be subject to the following being satisfactorily addressed:
  - i. The scale, size and density of **development**;
  - ii. Compatibility of use;
  - iii. Site characteristics;
  - iv. Water quality;
  - v. Protection of shoreline;
  - vi. Approved environmental impact study;
  - vii. Navigability of the Niagara River;
  - viii. Servicing;
  - ix. Transportation; and
  - x. Details of the **development** and **redevelopment** will be addressed through the Town of Fort Erie Official Plan and Zoning By-law and in accordance with the provisions of this Plan.

## G.18 Michener Road and Schooley Road

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.18 Michener Road and Schooley Road:

1. The urban area identified on the map below in the community of Crystal Beach, is located outside of the current Crystal Beach Secondary Plan. **Development** pursuant to the Planning Act will not be able to proceed until such time as the Region's Transportation Master Plan is updated to 2051 and any land use related transportation recommendations are considered by amendment to the local Official Plan.

## G.19 Fort Erie Industrial Park

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.19 Fort Erie Industrial Park:

1. This Plan recognizes that the Subject Land are susceptible to flooding in a Regional flood event. This Site Specific Policy Area is in accordance with the Natural Hazard Policies of the Provincial Planning Statement.
2. Provincial **floodplain** policy normally does not permit **development** in the **floodplain** as determined by the **conservation authority**. However, a **Special Policy Area** designation can be granted in areas where economic and social conditions warrant some new **development** or **redevelopment**. **Special Policy Areas** may be exempted by the Province from the minimum levels of protection specified in Provincial policy provided alternate **floodplain** management policies are included in the Official Plan in a manner acceptable to the Town, the **conservation authority** and the Province.
3. The "Fort Erie Industrial Park" is identified as a **Special Policy Area** approved by the Province in recognition of:
  - i. The integral role of this area in achieving the industrial **development** objectives of the Town;
  - ii. Investments made by the Town to provide full municipal services to the site;
  - iii. The long term commitments made to industrial **development** through both the Official Plan and implementing zoning by-law;
  - iv. The impracticality of flood proofing as determined by the **conservation authority** for economic, technical and aesthetic reasons, and;
  - v. 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.
4. 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 Subject Lands. Accordingly, the following **floodplain** management provisions will apply to this area:
  - i. No new buildings or structures other than those required for flood erosion control or flood management purposes will be permitted in the **hazardous lands** as determined by the **conservation authority**;
  - ii. 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;
  - iii. Prior to the issuance of any building permit within the 1 in 100 year **floodplain**, the Town will consult with the **conservation authority** regarding the administration of the Authority's fill and construction regulations to address any proposed flood damage reduction measures which may include such matters as building setbacks, basement elevations, the strength of foundation walls, the placement of fill and control of building opening elevations; and



- iv. Any amendment to the implementing zoning affecting the Subject Lands will conform to the provisions of this subsection. In this regard the Town may, in consultation with the **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.

## G.20 Mobile Home Park

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.20 Mobile Home Park:

1. The continued use of a mobile home park is permitted on the Subject Lands.

## G.21 Waste Disposal Sites

The Subject Lands are owned and / or operated by the Regional Municipality of Niagara.

1. The Bridge Street landfill is currently active whereas the Winger Road landfill site is closed. The designations identified on Schedule E: Land Use Plan within the Site Specific Policy Area, reflects the ultimate intended land use of the site after closure of the landfill operation.
2. The existing Bridge Street landfill operation will be permitted to continue to operate in accordance with applicable Certificate of Approvals, regulations and/or guidelines of the Ministry of the Environment, Conservation and Parks.

## G.22 Flintlock Hazard Lands

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled Flintlock Hazard Lands:

1. The Subject Lands may be used for boat docks or a marina, without buildings, provided applicable regulations of the **conservation authority** and all other policies of this Plan are complied with.

## G.23 Frenchman's Creek

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled Frenchman's Creek:

1. Given the significant natural heritage features on the Subject Lands, a **subwatershed study**, completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with this Plan. The SWS should be completed in association with a Secondary Plan outlining how the lands will be developed and serviced in accordance with the policies of this Plan.
2. A Comprehensive Servicing Study and overall Storm Water Management Plan will also be required and will form important components of the Secondary Plan.

## G.24 209 Jarvis Street

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.24 209 Jarvis Street:

1. Apartment dwellings may be located on the ground storey of a commercial building, provided they remain ancillary to the commercial uses on the property and do not occupy in excess of 50-percent of the ground floor area
2. 255 Emerick Avenue

## G.25 209 Ridge Road North

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.25 209 Ridge Road North:

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

## G.26 255 Emerick Avenue

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.26 255 Emerick Avenue:

1. Uses permitted in the Institutional land use designation may also be permitted.

## G.27 5179 Albino Hills Road

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.27 5179 Albino Hills Road:

1. The **development** of an accessory structure with a 71.31square metre (768 +/- square foot) footprint and 33.63 (362 +/- square foot) square metres of living space on the second floor is permitted as an additional use.

## G.28 Bowen Road Industrial Lands

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.28 Bowen Road Industrial Lands:

1. Low intensive industrial area on private sanitary services is permitted.
2. The low intensive industrial uses are identified in the implementing zoning by-law, and other uses may be permitted without an amendment to this plan provided they can adhere to Provincial guidelines regarding land use computability.

## **G.29 0 Petit Road, 1011 Gilmore Road, and 0-13130 Thomson Road**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.29 0 Petit Road, 1011 Gilmore Road, and 0-13130 Thomson Road:

1. An Environmental Impact Assessment, Buffer and/or Edge Management plans, as necessary, is required prior to any **development** of the Subject Lands.

## **G.30 80-84 and 94 Jarvis Street**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.30 80-84 and 94 Jarvis Street:

1. The maximum building height is 5 storeys.

## **G.31 Kraft Drain Area**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.31 Kraft Drain Area:

1. Given the significant natural heritage features on site, a **subwatershed study**, completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the **natural environment system** of this Plan. The SWS should be completed in association with a Secondary Plan outlining how the lands will be developed and serviced in accordance with the policies of this Plan.
2. A Comprehensive Servicing Study and Storm Water Management Plan will form important components of the Secondary Plan.

## **G.32 Waterline Outside of Urban Areas**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.32 Waterline Outside of Urban Areas:

1. The following waterlines have been reviewed in accordance with Niagara Regions policies regarding Municipal Water and Wastewater Servicing Outside of Urban Areas and are deemed to comply with these policies:
  - i. A waterline to provide services to the Ridge View Estates Subdivision located in the community of Ridgeway in the Town of Fort Erie;
  - ii. A 150 millimetre (6 inch) waterline extension of about 100 metres (300 feet) along Stonemill Road from the existing municipal waterline on MacDonald Drive to the Windmill Point Park and Campground in the Town of Fort Erie; and
  - iii. A waterline extension of approximately 1280 metres (4200 feet) to a local watermain outside the urban area boundary of the Town of Fort Erie.

## G.33 Private Services Blackcreek

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.33 Private Services Blackcreek:

1. The existing lot of record located south of Townline Road, on the east side and at the extreme southerly limit within the urban area boundary, a single residential dwelling will be permitted on private services, subject to satisfying regional private septic system criteria and **conservation authority** regulatory requirements.
2. Vacant lots of record south of Townline Road between Black Creek Trail and the Queen Elizabeth Expressway may develop with single detached residential dwellings on private septic systems provided regional private septic system criteria can be met and Niagara Peninsula **conservation authority** approval can be obtained.
3. Lands located on the north side of the Queen Elizabeth Expressway between Black Creek and Switch Road within the identified urban area boundary have partial servicing (sanitary only). Feasibility of water connection is unlikely during the planning period and there has not been any capital planning set out to provide municipal water to these lands. These lands are regarded as having a relatively high degree of environmental constraint. Despite such conditions, if any further residential **development** potential can be identified with frontage on Switch Road that is capable of meeting zoning criteria, while also having satisfied the Town and any other regulatory approval authority in respect of a potable water supply, the consent process may be considered for creating a new lot. Should there be any new lot creation, connection to existing sanitary services will be mandatory and connection to municipal water supply will also be required should a municipal water supply become available in future as the result of a local improvement initiative by property owners.

## G.34 0-17644 Baker Road

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.34 0-17644 Baker Road:

1. The commercial lands located on the southeast corner of Netherby Road and Baker Road will serve in the capacity of a local convenience commercial centre. These lands are encouraged to include residential rental apartments above commercial units to assist in supplying the community with a form of housing that meets with age in-place objectives. More specifically, providing opportunities for young families and mature youth to find accommodation within the community with a longer term goal of retaining their residence in Douglastown Black Creek as they transition through adulthood.
2. Commercial uses will be defined in the zoning and are intended to service the community on a whole in addition to “pass-by” traffic.
3. Should any future market demand demonstrated through landowner study result in only a portion of this site being viable for convenience commercial uses, a remnant southern portion may be used for medium density residential, provided access to the lands via public road allowance can be secured. Not more than 50-percent of the

designated lands would be eligible and a zoning by-law amendment would be required without further amendment to this Plan.

4. This location is of significance with respect to this intersection being the primary point of entry into the northern community. Design of the site and building will have regard to such matters as:
  - i. High quality architectural design and materials to serve in a capacity of a landmark or gateway level building;
  - ii. Enhancement of landscaping on the Baker Road frontage to soften appearance and provide a level of visual screening from headlights from on-site traffic to the residential on the north side of the street.
  - iii. Use lighting treatments to enhance the building and parking areas while limiting impacts on area residential, including residential that may be provided for on upper levels.
  - iv. Provide clearly defined pedestrian passage from the site frontage and potentially from adjacent properties (community centre, church and medium density block) in the form of sidewalks or hard surface trail linkage, where such pedestrian movement is likely to occur
  - v. Design for fully enclosed waste management either internal to the building or in an accessory structure in a less prominent location on site.
  - vi. Site should consider being designed to accommodate (potential/future) transit vehicle turning in the event that local and/or regional transit services become feasible in providing a level of service to Douglastown-Black Creek.

## **G.35 4301 Niagara River Parkway**

The following policies will apply to lands shown on Schedule O: Site Specific Policy Areas and labelled G.35 4301 Niagara River Parkway:

1. This site has operated commercially for a number years, including instances of at-grade retail and upper floor residential. Commercial viability has negatively impacted this site in the past decade, rendering it vacant for extended periods.
2. Consideration will be given to allowing rezoning of this property, without need to amend this Plan, for multi-residential uses while maintaining sensitive built form and massing to adjacent dwellings. Design considerations should include and may be found in a site specific by-law containing additional regulation on:
  - i. Building height should not exceed 3 storeys (or 11m);
  - ii. Design and building placement/addition should be sensitive to proximity to the Niagara River Parkway with setbacks being considered maximized where possible;
  - iii. Parking in rear lot area will be a consideration where it can be balanced with Parkway setback and maintain quality site design;
  - iv. Minimum of 5 units and maximum of 9 units;

- v. Site access will be from Black Creek Road unless otherwise permitted by Niagara Parks Commission; and
- 3. Site Plan Control will be used to ensure compliance with all other zoning or municipal requirements.
- 4. If through consolidation with adjacent property on Black Creek Road, the site increases in total lot area, general policies of medium density will apply. Should modification to the provisions of multi-unit residential zoning be required to address such matters as height, density, setbacks or building placement, a site specific zoning by-law amendment will need to be undertaken but will not require an amendment to this Plan.'

## G.36 Fort Erie Waterfront Area

The following policies apply to lands shown on Schedule O: Site Specific Policy Area and labelled G.36 Fort Erie Waterfront Area:

- 1. The Fort Erie Waterfront Area is generally located on lands abutting Lake Erie between Point Abino Road South and Helena Street and are more precisely shown on Schedule O.36.
- 2. Land uses within the Fort Erie Waterfront Areas are generally comprised of low-rise, detached dwellings of differing scales and architecture that have been developed on historic lotting patterns that vary in area and configuration, generally comprised of single detached dwelling, developed along the water with deeper lots with moderate street frontage.
- 3. The existing lots of record have generally been established through historic severance activity in the absence of comprehensive and detailed planning direction or **infrastructure** planning regarding matters such as municipal servicing, transportation, and stormwater management.
- 4. This area has evolved over time into a desirable location for both permanent and seasonal residents due to its proximity to Lake Erie, the Lake Erie shoreline, as well as the surrounding community and the many amenities that are offered as a destination for residents and visitors alike who are afforded both public and private direct access to the shoreline.
- 5. The Town recognizes that the Fort Erie Waterfront Areas contribute to the vision, goals, and objectives of this Plan, including local economic development, provision of housing options, **sense of place**, character and a vibrant, engaging community.
- 6. Based on the historical **development** patterns and evolution of the applicable land use planning framework, the Fort Erie Waterfront Areas has not been comprehensively planned for **development, redevelopment**, or intensification.
- 7. More specifically, **development, redevelopment** and **intensification** of the broader Fort Erie Waterfront Area is not planned for in the absence of comprehensive study that addresses matters related to land use, functional servicing, transportation, **hydrologic function**, archaeological potential, cultural heritage, as well as the **natural environment system**, including the **water resource system**.



8. It is further established that the **redevelopment** and/or **intensification** of lands within the Fort Erie Waterfront Areas is not required to accommodate the forecasted population or employment growth of this Plan, and that there are more strategic areas of the Town where growth may be accommodated, including **strategic growth areas**.
9. The following uses are permitted within the Lake Erie Waterfront Area:
  - i. Legally existing uses;
  - ii. **Home occupation**;
  - iii. **Additional residential units**, in accordance with policy E.2.4 of this Plan and the implementing zoning by-law; and
  - iv. **Short-term rentals**, in accordance with policy E.2.6 of this Plan and the implementing zoning by-law.
10. The following minimum **development** criteria apply to the Lake Erie Waterfront Area:
  - i. The maximum building height, massing, orientation, and setbacks will be harmonious and complementary to adjacent and surrounding land uses;
  - ii. The minimum lot frontage is the existing lot frontage;
  - iii. The minimum lot depth is the existing lot depth;
  - iv. Landscaped open space contributes to and is harmonious with adjacent land uses to create a more visually consistent and complementary built form;
  - v. Notwithstanding that legally existing uses are permitted, a maximum 25-percent increase in the lot coverage of the principal dwelling is permitted to the total area of an existing **development**.
11. An amendment to this Plan will be required where there is an application made pursuant to the Planning Act for a proposed change to the existing lot frontage or lot depth.
12. The implementing zoning by-law will establish more detailed direction regarding the size, scale, orientation, and character of lots and buildings within the Lake Erie Waterfront Area.
13. The implementing zoning may establish regulations that are more restrictive than the policies of G.36 Fort Erie Waterfront Area. Where that may occur, it is deemed that the regulations of the implementing zoning by-law conform to Policy G.36 Fort Erie Waterfront Area.
14. The Town, in consultation with Indigenous communities, landowners, the **conservation authority**, and relevant agencies including the Region, may initiate a more detailed process that comprehensively studies the entirety of lands subject to Site Specific Policy Area 36 to inform land use planning direction within the Fort Erie Waterfront Area. An amendment to this Plan is required to implement any direction resulting from said comprehensive study.
15. Lands with municipal address 4239 Erie Road located in Crystal Beach are not subject to the policies of G.36.10 and G.36.11, provided that an application pursuant to Planning Act Section 53 is submitted to the Town and deemed complete on or before



December 31, 2025, after which date the policies of G.36.10 and G.36.11 will apply.  
An amendment to this Plan is not required for this policy to take effect.

## H. Secondary Plans

1. Part H is reserved for Secondary Plans, which form an operative part of this Plan.
2. Secondary Plans will be consolidated into this Plan through future initiative(s) undertaken by the Town.
3. The following Secondary Plans are in full force and effect, and must be read and interpreted in conjunction with the policies of this Plan:
  - i. Bridgeburg Secondary Plan
  - ii. Gateway Secondary Plan
  - iii. Speares / High Point Secondary Plan
  - iv. Ridgeway – Thunder Bay Secondary Plan
  - v. Stevensville Secondary Plan
  - vi. Douglastown – Black Creek Secondary Plan
  - vii. Southend Secondary Plan
  - viii. Crystal Beach Secondary Plan
4. Interpretation of Secondary Plans are subject to the interpretation policies of this Plan, and where there is an inconsistency between this Plan and a Secondary Plan, specific reference will be made to policy A.3.5.

# Appendix I

## Removal of Land from Employment Areas

It must be demonstrated that the following policies are satisfied to remove lands from a delineated Employment Area, as shown on Schedule C:

1. There is an identified need for the removal and the land is not required for uses permitted in an **employment area** over the long-term.
2. The proposed uses would not negatively impact the overall viability of the employment area by:
  - i. Avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned **employment area** uses in accordance with this Plan and provincial direction; and
  - ii. Maintaining access to major goods movement facilities and corridors.
3. Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.
4. The Town has sufficient employment lands to accommodate projected employment growth to the horizon of this Plan.
5. Alternative locations for the proposed land uses have been evaluated and there are no reasonable alternative locations.
6. Potential impacts to uses permitted within **employment areas** are minimized and mitigated.
7. The land is not identified as provincially significant through a Provincial plan exercise or as regionally significant by an affiliated economic development corporation.
8. All or part of the site is restricted from **development** or **redevelopment** by natural heritage feature(s).
9. All or part of the site is restricted from **development** or **redevelopment** by physical man-made features or other hazardous conditions.
10. The site has qualities or characteristics that makes it less desirable / marketable for uses permitted within an **employment area**.
11. The proposed uses are compatible with existing and planned surrounding land uses located within and adjacent to the **employment area**, including land uses located outside of the settlement area boundary, as applicable.
12. The application is consistent with municipal strategic interests and policies.

# Appendix II

## List of Required Studies

The following list identifies studies, reports, information, materials, or any combination thereof that the Town which may deem to be required through an application made pursuant to the Planning Act:

1. Affordable Housing Report/Rental Conversion Assessment
2. Aggregate Resource Assessment
3. Aggregate/Mineral Resource Analysis
4. Agricultural Impact Assessment
5. Air Quality Study
6. Archaeological Assessment
7. Channel Design And Geofluvial Assessment
8. Chloride Impact Study
9. Concept Plan
10. Construction Management Plan
11. Contaminant Management Plan
12. Cost Recover Agreement
13. Cultural Heritage Assessment – Documentation And Salvage Plan
14. Cultural Heritage Impact Assessment
15. Cut And Fill Analysis
16. Cycling Route Analysis
17. Draft Official Plan Amendment/Draft Zoning By-Law Amendment
18. Dust Impact Analysis
19. Energy And Environmental Assessment Report
20. Environmental Impact Statement (EIS) And Summary Of Environmentally Significant Areas Impact Evaluation Group Comments (Where Applicable)
21. Environmental Site Assessment and/or Record Of Site Condition
22. Erosion And Sediment Control Plan
23. Erosion Hazard Assessment
24. Farm Economics Report
25. Financial Impact Analysis

26. Fish Habitat Assessment
27. Floodline Delineation Study/Hydraulic Analysis
28. Full Disclosure Report
29. Functional Servicing Feasibility Report
30. General Vegetation Inventory
31. Grading Plan
32. Housing Report
33. Hydrogeological Study
34. Impact Assessment For New Private Waste Disposal Sites
35. Karst Assessment/Karst Contingency Plan
36. Land Use Compatibility Study
37. Land Use In The Vicinity Of Existing Pipelines Study
38. Land Use/Commercial Needs And Impact Assessment
39. Landfill Impact Assessment
40. Landscape Plan
41. Limit Of Environmentally Significant Area, Or Limit Of Conservation Authority Regulated Area
42. Linkage Assessment
43. Market Impact Study
44. Master Drainage Plan
45. Materials Palette Or Imagery
46. Meander Belt Assessment
47. Minimum Distance Separation Calculation
48. Ministry of the Environment, Conservation and Parks – Environmental Compliance Approval
49. Modern Roundabout And Neighbourhood Roundabout Analysis
50. Neighbourhood Traffic Calming Options Report
51. Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)
52. Nutrient Management Study
53. Odour Impact Assessment
54. Odour, Dust and/or Light Impact Assessment
55. Parking Analysis/Study
56. Pedestrian Route And Sidewalk Analysis

57. Planning Justification Report
58. Pre-Technical Conservation Authority Review
59. Public Consultation Summary And Comment Response Report
60. Recreation Feasibility Study
61. Recreation Needs Assessment
62. Restoration Plan
63. Right Of Way Impact Assessment
64. Roadway/Development Safety Audit
65. School Accommodation Issues Assessment
66. School And City Recreation Facility And Outdoor Recreation/Parks Issues Assessment
67. Servicing Options Report
68. Shoreline Assessment Study/Coastal Engineer's Study
69. Site Lighting Plan
70. Site Plan And Building Elevations
71. Slope Stability Study And Report
72. Soil Management Plan
73. Soils/Geotechnical Study
74. Species Habitat Assessment
75. Storm Water Management Report/Plan and/or Update To An Existing Storm Water Management Plan
76. Sub-Watershed Plan and/or Update To An Existing Sub-Watershed Plan
77. Summary Response To Formal Consultation Comments
78. Sun/Shady Study
79. Survey Plan
80. Traffic Impact Assessment
81. Transit Assessment
82. Transportation Demand Management Options Report
83. Transportation Impact Study
84. Tree Management Plan/Study
85. Tree Protection Plan
86. Urban Design And Architectural Guidelines
87. Urban Design Report And Design Review Panel Summary Of Advice And Response (Where Applicable)

88. Vibration Study
89. Visual Impact Assessment
90. Water And Wastewater Servicing Study
91. Watermain Hydraulic Analysis
92. Water Well Survey And Contingency Plan
93. Wildland Fire Assessment
94. Wind Study
95. Zoning Compliance Review
96. 3D Modelling, Visualization, or Demonstration Plan