



**The Municipal Corporation of the
Town of Fort Erie**

BY-LAW NO. 101-10

**BEING A BY-LAW TO ENACT AN AMENDMENT TO THE
OFFICIAL PLAN FOR THE TOWN OF FORT ERIE**

**AMENDMENT NO. 5
BRIDGEBURG SECONDARY PLAN**

File No. 350309

WHEREAS the Council of the Town of Fort Erie adopted the Bridgeburg Neighbourhood Plan on December 8, 2008, and directed Staff to effect the necessary amendments to the Town of Fort Erie Official Plan and Zoning By-law 129-90 in order to implement the land-use recommendations of the Bridgeburg Neighbourhood Plan, and;

WHEREAS a Public Meeting pursuant to Section 17(15) of *The Planning Act R.S.O. 1990, c.P.13* was held on October 5, 2009, and;

WHEREAS As a result of the public circulation of the proposed By-law and the Public Meeting on October 5, 2009 respecting the proposed by-law, changes have been made to the By-law based on the comments from the public, agencies and stakeholders, and from The Regional Municipality of Niagara Planning Department, and Council has determined, by Resolution No. ___ dated September 13, 2010 that in accordance with Section 34(17) of *The Planning Act R.S.O. 1990, c.P.13* no further notice need be given with respect to this By-law, and;

WHEREAS the Council of the Town of Fort Erie deems it desirable to pass an amendment to the new Council-adopted Town of Fort Erie Official Plan;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF FORT ERIE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 17 OF THE PLANNING ACT S.O. 1990 HEREBY ENACTS AS FOLLOWS:

1. Amendment No. 5 to the Official Plan adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area consisting of the attached explanatory text and maps designated as **Schedules “Bridgeburg-1”, “Bridgeburg-2”, “Bridgeburg-3” and “Bridgeburg-4”** is hereby adopted.
2. This by-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF SEPTEMBER 2010.

MAYOR

CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 101-10 of the said Town. Given under my hand and the seal of the said Corporation this ___ day of _____, 2010.

**AMENDMENT NO. 5
TO THE OFFICIAL PLAN
FOR THE TOWN OF FORT ERIE**

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 5 to the Official Plan of the Town of Fort Erie.

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

Part "B", the Amendment, consisting of the following text and maps designated Schedule "Bridgeburg-1", "Bridgeburg-2", "Bridgeburg-3" and "Bridgeburg-4" constitutes Amendment No. 5 to the Official Plan of the Town of Fort Erie.

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

SECTION 2

PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule "Bridgeburg-2", attached hereto, in order to reflect the land use changes approved by Council through the adoption of the Bridgeburg Neighbourhood Plan. As well, the policies contained within this Secondary Plan reflect the various concepts and ideals for neighbourhood revitalization embodied in the Bridgeburg Neighbourhood Plan. The Neighbourhood Plan should be referenced when viewing the policies contained herein.

SECTION 3

LOCATION OF THE AMENDMENT

The lands, which are the subject of this amendment, are located generally north of Gilmore Road, east of Thompson Road, as shown on Schedule "Bridgeburg-1" and "Bridgeburg-2" attached hereto, and known as the "Bridgeburg Neighbourhood".

SECTION 4

BASIS FOR THE AMENDMENT

The basis for permitting this amendment is as follows:

- a) The Secondary Plan is consistent with the Official Plan for the Town of Fort Erie, the Regional Niagara Policy Plan and the Provincial Policy Statement as it accommodates a range of densities and mix of uses to meet residents' long-term needs, it identifies opportunities for intensification and redevelopment, and provides for a full range and equitable distribution of publicly-accessible built and natural settings for recreation.
- b) The Secondary Plan is an effective tool for consolidating and addressing land use related issues in the neighbourhood plans and providing policy guidance for the neighbourhoods in the area.
- c) The Town of Fort Erie Official Plan, Subsection 4 is amended by adding New Subsection 4.15 entitled "**4.15 – Bridgeburg Secondary Plan**" as outlined in this **Secondary Plan**.
- d) The Town of Fort Erie Official Plan is amended by designating lands shown on the attached Schedule "Bridgeburg-1" as "Bridgeburg Secondary Plan Area" on Schedule A to the Official Plan
- e) The Town of Fort Erie Official Plan is further amended by adding Schedule "Bridgeburg-2" Bridgeburg Land Use Plan, Schedule "Bridgeburg-3" - Bridgeburg Open Space/Natural Heritage Plan, and Schedule "Bridgeburg-4" - Bridgeburg Transportation Plan.
- f) The Town of Fort Erie Official Plan is further amended by redesignating certain land within the Bridgeburg Neighbourhood in accordance with Schedule "Bridgeburg-2".
- g) The intent of this Amendment is to establish a detailed land use framework for the Bridgeburg Neighbourhood and to incorporate related land use designation changes into the Town of Fort Erie Official Plan.
- h) Subsections 5, 13.3 and 13.7 (III) of the Official Plan for the Town of Fort Erie provides that Neighbourhood Plans may be adopted for detailed land use planning for certain areas of the municipality, and amendments may be made to the Official Plan to reflect the proposed land use changes. Policies in Subsection 5, 13.3 and 13.7 (III) have been considered in the preparation of this amendment and the following factors have been reviewed in support of this amendment to the Official Plan:

i. The need for the proposed Secondary Plan.

The intent of this Secondary Plan is to stimulate renewal of an existing older urban neighbourhood. The Plan will provide a broad mix of land uses, all designed to compliment each other and contribute to the vibrancy of the Neighbourhood and its commercial core area. The intended result is a walkable, sustainable, rejuvenated Bridgeburg, to provide an ideal location for future growth and development.

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

A variety of land use designation changes are proposed through this amendment, which will enhance the character for the Neighbourhood. For example, the Horton Residential Revitalization Area, which is currently a Brownfield site designated as "Industrial", will be

redesignated to “Residential” in order to accommodate new residential redevelopment, infilling and intensification close to the core commercial area. As well, other key sites are proposed to be redesignated to a “Residential” category in order to accommodate additional population growth.

This document has been prepared in accordance with Town, Regional and Provincial policy with respect to smarter growth, encouraging development within existing urban areas, and wise use of existing municipal infrastructure.

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

Lands containing natural heritage features are shown on Schedule “Bridgeburg-3”, and the policies of the Secondary Plan reflect the existing policies of the Official Plan for the Town of Fort Erie with respect to Natural Heritage.

iv. The location of the area under consideration with respect to:

- i. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
- ii. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
 - iii. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;
- iii. Urban uses within the Secondary Plan area are confined to the existing Urban Area as defined by the Town Official Plan and Regional Policy Plan. Full urban services are available in these areas, and both municipal and Regional core transportation facilities are in place. Schedule “Bridgeburg-4” illustrates the existing and proposed transportation network, which will be refined through a future Master Transportation and Servicing Study.

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

The majority of the lands subject to land-use amendments are located in the urban area. Where major land-use changes are proposed, mitigating measures have been considered in order to address compatibility with adjacent uses. For example, where new residential areas are proposed adjacent to the existing railway operations of CNR and CPR, minimum setbacks and other policies are proposed in order to reduce the land-use conflict.

vi. The effects of such proposed Secondary Plan on the area and the environment in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties.

The land-use amendments proposed through the Secondary Plan are intended to revitalize the neighbourhood and halt or reverse the exiting depreciating and deteriorating conditions. The intent of the Secondary Plan is to position Bridgeburg as an ideal local and Regional location for renewal, redevelopment, intensification and infilling.

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

The Secondary Plan was designed with the intent to promote redevelopment of the existing urban area. The more efficient use of the exiting urban services in the neighbourhood, through residential intensification, should result in a positive financial impact on the municipality. Revitalization of existing neighbourhoods to accommodate growth results in the lessening of urban sprawl, and the extension of urban services.

It is the Town's objective to eliminate industrial uses in the core area over the long term and redevelop these Brownfield sites for residential purposes to create urban renewal, make better use of existing infrastructure, and create opportunities for compact walkable communities that are more compatible with the surrounding residential community. Industrial uses are better suited to areas with more direct access and/or visibility to major transportation corridors such as the Queen Elizabeth Way.

Provincial planning policy requires a comprehensive review of employment lands in order to convert employment lands, such as lands designated Industrial, for other purposes, such as residential. A review of this nature ensures municipalities are making efforts to become more economically sustainable. To address this, the Town of Fort Erie has undertaken the Industrial Business District Master Servicing and Development Strategy Study. This study comprehensively examines the amount of designated Industrial land available for development after considering natural heritage protection, how the land would be serviced, and at what cost. The study was done in concert with Regional Niagara's Growth Management Study, and developable land areas were provided for the Regional Growth Management Strategy from this study.

The Town's study demonstrates the Town has sufficient Industrial employment lands in the Fort Erie Business/Industrial Park beyond the 20-year planning horizon. Therefore, the conversion of Industrial

lands in the Bridgeburg core area will not have a negative on the Town's long-term Industrial employment needs.

viii. The potential effect of the proposed Secondary Plan in relation to the intent and implementing regulations of the Environmental Protection Act.

Certain sites, such as the Horton Residential Revitalization Area are former/exiting industrial sites intended for redevelopment for residential use. Therefore, environmental assessments may be required to ensure the safety of the site for residential development. These assessment requirements are outlined in the Town's Brownfields Community Improvement Plan. No industrial sites within the Bridgeburg Secondary Plan Area slated for future residential development will be developed until the proper environmental assessments have been completed, and any measures deemed necessary to render the lands suitable for residential development have been implemented.

- i) The Bridgeburg Secondary Plan focuses on the renewal and revitalization of existing built up area. To assist in achieving these objectives, revision to existing planning approvals for estate residential growth together with some limited opportunities for new growth and development will be provided through a minor rounding out of the urban boundary in the North Bridgeburg area.
 - i. A minor rounding out of the urban area boundary will provide an injection of new population growth in the Bridgeburg area, which will serve as a catalyst for downtown revitalization.
 - ii. These development opportunities expand the range of housing opportunities available and can be serviced cost effectively.
 - iii. Lands currently designated for Rural Estate development on large one acre lots will be promoted for housing intensification on full municipal services. Updating and revising existing plans of subdivision to reflect contemporary planning goals and smart growth principles is a fundamental objective of this Plan.
 - iv. A significant portion of the North Bridgeburg area is designated for environmental protection and environmental conservation. The protection and enhancement of these important natural heritage features will be "groundtruthed" and will be integral to further planning approvals.
 - v. The proximity of the North Bridgeburg lands to the Niagara River Parkway, recreation trails, parks, golf courses and natural heritage areas make them highly attractive for new housing, "complete communities" development, and resource based recreation development.
 - vi. The development of the North Bridgeburg area will contribute to the variety of housing choices available within the Secondary Plan Area and will help stimulate the local economy, supporting existing downtown businesses, assisting in the revitalization of the Central Business District, and generating new tax revenues.

- vii. Unlike other parts of the community, the Bridgeburg Neighbourhood has been virtually stagnant with respect to new residential construction. Providing opportunities for new development within the immediate area will greatly enhance the municipality's efforts to promote the rejuvenation of the area including downtown.

SECTION 5

IMPLEMENTATION

This Implementation Section summarizes the projects, studies and other actions that the Town will carry out to implement this Secondary Plan.

- a) The Town and Region will jointly initiate Servicing and Transportation Plans in order to further refine the recommendations outlined in this Secondary Plan as they relate to the provision of infrastructure. A Municipal Class EA may be required for the provision of new or expanded infrastructure.
- b) The Town will review applications for development, including new construction and renovations, to ensure their compliance with the policies outlined in this Secondary Plan.
- c) The Town will modify zoning categories within the Bridgeburg Neighbourhood to carry out the intent of the Secondary Plan. This will ensure that zoning provisions facilitate the uses and built form intended in this Secondary Plan.
- d) Urban Design
 - The Town will review development applications in the Neighbourhood to ensure that new development reflects the scale, form and other features of existing built form.
 - The Town may consider special design treatments for various gateways to the Neighbourhood.
 - The Town will identify specific views and vistas that are significant within Bridgeburg, to assist in development review.
 - The Town, in association with the local BIA, will continue to promote the existing Façade Improvement Program for the Central Business District.
- e) The Secondary Plan Area is subject to a Pollution Control Plant Study, a Wastewater Master Plan Study and a Stormwater Master Plan Study which are

currently underway. The recommendations of these studies will be implemented as the upgrading of services and the development of land within the Secondary Plan Area progresses.

- f) The Town shall reactivate its request to the Regional Municipality of Niagara for the approval of ROPA 4-2006 (Part 1 deferred) to include the North Bridgeburg area within the urban boundary. These lands are exempt from the Provincial Growth Plan and are in compliance with the Growth Plan transitional regulations (Ontario Reg. 311/06)

PART "B" - THE AMENDMENT

Introductory Statement:

All of this part of the document entitled "Part "B" - "The Amendment" consisting of map and text changes constitute Amendment No. 5 to the Official Plan adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area. The Official Plan for the Town of Fort Erie is hereby amended by adding the map and text changes, as follows:

Map Changes:

1. "Town of Fort Erie Official Plan" being Schedule A to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area as amended is further amended by the attached Schedule "Bridgeburg-1". Schedule "Bridgeburg-1" delineates the area subject of this Amendment as the Bridgeburg Secondary Plan Area.
2. Schedule "Bridgeburg-2" - Land Use Plan;
3. Schedule "Bridgeburg-3" - Open Space/Natural Heritage Plan; and
4. Schedule "Bridgeburg-4" - Transportation Plan.

Text Changes:

4.15 Bridgeburg Secondary Plan

4.15.1 Purpose of the Bridgeburg Secondary Plan

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

Other non-land matters are addressed in the Bridgeburg Neighbourhood Plan, which was approved by the Municipal Council on December 8, 2008 through Resolution No. 11. The Bridgeburg Neighbourhood Plan is a guideline for recommended actions by the Town and other stakeholders, on a wide range of matters including land use, housing, core area revitalization, adaptive reuse of historical structures, brownfield redevelopment, natural and cultural heritage, by-law enforcement, parking and social condition improvement. The Bridgeburg Neighbourhood Plan should be referred to for more detailed information on the goals, objectives and policies surrounding this Amendment.

4.15.2 Vision

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

Bridgeburg is a vibrant neighbourhood with a strong sense of community and a rich history linked to the Canadian railroad industry. The most unique aspects of Bridgeburg include our beautiful riverfront location together with a defined, historic core area encompassing a number of heritage buildings and places. We promote business and tourism related to our riverfront and our railway heritage, while we remain connected to and mindful of our neighbouring residential community. Those elements that make Bridgeburg special for us and reflect our values and aspirations for the future are embodied in our commitments.

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

4.15.3 Goals

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

Central Business District, the Niagara River Waterfront, Brownfield Areas, and along major transportation corridors.

4.15.4 Objectives

The main objectives of the Bridgeburg Secondary Plan are to:

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

recreation development owing to the proximity of these lands to the Niagara River Parkway and related amenities.

- n) New housing development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans featuring large one acre lots on municipal water and private services will be revised to reflect urban development requirements on full municipal services.

4.15.5 Residential – General Policies

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

4.15.6 Low Density Residential Policies

- a) The lands designated on Schedule “Bridgeburg-2” as “Low Density Residential” shall be reserved for single detached, semi-detached and duplex dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7.
- b) An overall target of 70% low density residential use shall be expected in the Neighbourhood.
- c) Schedule “Bridgeburg-2” provides for an additional approximately 560 low density units, bringing the total to 1750 units over the next approximately 20 years.
- d) The residential density associated with lands designated as Low density Residential shall be 10 to 25 units per gross hectare.

4.15.6.1 Policy Area 1 – Crooks/Bowen Development Site

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

4.15.7 Medium to High Density Residential Policies

- a) The lands designated on the Schedule “Bridgeburg-2” as “Medium to High Density Residential” shall be reserved for multiple-unit structures (townhomes and apartment homes), and their accessory uses, and the Residential policies of Section 4.7 shall apply.
- b) An overall target of 30% Medium to High Density Residential use is expected in the Neighbourhood, due to the opportunities that exist for higher density residential development on brownfield sites and infill sites.
- c) Schedule “Bridgeburg-2” provides for an additional approximately 440 Medium to High Density units, bringing the total to 750 units over the next approximately 20 years.
- d) The residential density associated with lands designated as Medium to High Density Residential shall be 25 to 50 units per gross hectare.
- e) Lands designated Medium to High Density Residential, including site-specific Policy Areas, shall not be downzoned for lesser density than permitted by the implementing zoning by-law.
- f) Building heights shall be no greater than five (5) stories, except as otherwise noted through Site-Specific Policy Areas in this Plan and in the implementing zoning by-law. Additional building height may be considered if it is demonstrated through the zoning approval process that additional height is compatible.

4.15.7.1 Policy Area 2 - West Jarvis Brownfield Site

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

4.15.7.2 Policy Area 3 - Horton Residential Revitalization Area

- a) The Subject lands shall be redesignated from Industrial and Commercial to Residential, in accordance with the Bridgeburg Neighbourhood Plan and Council’s stated intention that the subject brownfield areas be redeveloped for a Residential use more compatible with the surrounding neighbourhood.
- b) Lands designated as Policy Area 3 are intended for a mix of low, medium and high density residential uses as well as ancillary uses required to serve the residential area. Commercial uses shall be limited in light of the site’s proximity to the Central Business District. With respect to built form, the subject area shall be developed for a mix of small-lot singles, townhomes and low-to-mid-

rise apartment houses. The maximum height of any building in this area shall be six (6) storeys.

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

4.15.8 Core Mixed-Use Policies

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

4.15.8.1 Policy Area 4 - Bridgeburg Core Mixed-Use Area

- a) The lands designated as Policy Area 4 on Schedule "Bridgeburg-2" shall be reserved for "Core Mixed-Use" as per Section 4.8, including higher density residential use and limited commercial use located on the ground floor only, in order to provide additional housing opportunities in the core area of Bridgeburg.
- b) The Town shall encourage rehabilitation and redevelopment of this area through policies contained in its Brownfields Community Improvement Plan, including possible financial assistance for an environmental assessment of specific sites within the area and site clean-up prior to use for residential purposes.

- c) The maximum height of any building in this area shall be five (5) storeys, and the residential density shall be 25 to 50 units per gross hectare.

4.15.9 Commercial Policies

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

4.15.9.1 Policy Area 5 – Bridgeburg Central Business District

- a) The Town shall initiate an updated Community Improvement Plan and Streetscape Plan for Jarvis Street and those portions of Central Avenue and Niagara River Parkway lying between Jarvis Street and the CNR lands.
- a) The Community Improvement Plan and Streetscape Plan shall refine the key aesthetic and functional integration issues outlined in the Bridgeburg Neighbourhood Plan, in order to create a clean, healthy, livable environment that offers visual and cultural richness.
- c) The Town shall encourage rehabilitation and redevelopment of this area through policies contained in the updated Community Improvement Plan, including financial assistance/tax abatement programs for sites within the designated area.
- d) The Town shall encourage retention of the character of Jarvis Street by restricting the height of buildings to a maximum of three (3) storeys, except those lands east of Klauck Street and west of the Niagara River Parkway where the height of buildings shall be restricted to a maximum of ten (10) storeys.
- e) Financial incentive programs as approved under Section 28 of the Planning Act, as may be revised, will continue to be provided for the Central Business District, within the Town’s financial ability to do so. The addition of any new financial incentive programs will be undertaken only with the proper approval of such programs under the Planning Act or other applicable legislation. Funding programs will be investigated to enhance and upgrade the appearance of the commercial areas and also for residential intensification projects. These may include programs similar to the façade restoration program, or other programs, to encourage property owners to upgrade and / or restore storefronts.
- f) Municipal investment in the infrastructure of the Central Business District, such as improvements to lighting and other amenities, may be proposed through various studies. These will be used to help promote additional private investment and upkeep in these areas. Such improvements and associated costs will require approval by Council, through the budget processes, once specific studies are prepared.

4.15.10 Institutional/Government Policies

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

4.15.10.1 Policy Area 6 - Mentholatum Adaptive Reuse Site

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

4.15.11 Industrial/Business Employment

- a) Lands designated as “Industrial/Business Employment” on Schedule “Bridgeburg-2” shall be reserved for an integrated mix of industrial and manufacturing operations as well as business activities, and the Industrial/Business Employment policies of Section 4.10 shall apply.
- b) All future industrial/manufacturing uses in the Bridgeburg Neighbourhood shall be located within the areas designated for such use on Schedule “Bridgeburg-2”. Other lands currently designated for Industrial use in the Town of Fort Erie Official Plan, particularly within close proximity to residential areas and the Central Business District, shall be redesignated to a more appropriate and compatible use as described on Schedule “Bridgeburg-2”.
- c) Prior to development of the Industrial/Business Employment Area, the Town shall initiate a Master Servicing and Development Study in accordance with Section 4.15.16 c).
- d) This Plan encourages the connectivity between the Industrial/Business Employment Area and the Residential Areas to the north and east through the proposed Transportation Network as shown on Schedule “Bridgeburg-4”, including pedestrian, bicycle, and transit linkages.

4.15.11.1 Policy Area 7 – Special Policy Area: Industrial Drive Floodplain Area

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

4.15.12 Open Space

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

- b) A minimum additional 2.2 ha of land for Neighbourhood Parks shall be reserved in the Neighbourhood in a location as generally shown on Schedule "Bridgeburg-2".
- c) Improvements to, and additional facilities for, parks within the Bridgeburg Neighbourhood shall generally be implemented as per the Parks and Open Space Master Plan, and any amendments thereto as approved by Council.
- e) An aquatic facility shall continue to be a feature of Sugarbowl Park, in recognition of the importance of such a facility to the revitalization of the Neighbourhood, and its importance to the Town as a whole. Staff shall investigate any outside funding sources for the implementation of this project.
- f) Any development of these lands shall only be permitted above the 1-in-100-year flood elevation pursuant to the approval of the Niagara Peninsula Conservation Authority.

4.15.12.1 Policy Area 8 - Riverfront Public Plaza Site

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

4.15.13 Natural Heritage Policies

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

4.15.13.1 General

- a) An Environmental Planning Study shall be undertaken in conjunction with the Master Servicing and Development Study described in Section 4.15.12c, for any development within and/or adjacent to Environmental

Conservation Areas and Environmental Protection Areas. Such study shall also consider recommendations stemming from the Fort Erie Creeks Watershed Plan.

4.15.13.2 Environmental Protection Area

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

4.15.13.3 Environmental Conservation Area

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

4.15.13.4 Natural Heritage Corridors (Regional)

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

4.15.14 Sensitive Uses in Proximity to Railways and Rail Yards Policies

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

4.15.15 Transportation Policies

- a) Improvements to the road system and road reconstruction shall be carried out in accordance with the standards adopted by Council pertaining to municipal roads, and Council will strongly consider the existing character of the neighbourhood when making road improvement decisions.
- b) It is not intended that all road improvement proposals will be undertaken in the immediate future, but the Town shall, in conjunction with the Region, prepare a detailed staging plan for road improvements and establish an order of priorities for such improvements.
- c) The Town shall initiate a Master Servicing and Development Study which includes an Environmental Planning Study for the Bridgeburg Neighbourhood, in order to determine the parameters, costs, impacts and alternatives associated with development of transportation improvements. New roads shown within or adjacent to Environmental Conservation areas are conceptual and their final location shall be determined through the above-noted studies.
- d) Niagara River Parkway - Residential development outside the Urban Area is generally not permitted direct access to the Niagara River Parkway, but rather obtains access through a service road system which is also controlled by the Niagara Parks Commission. Approval of the Niagara Parks Commission shall be required for any Commercial developments fronting along the Parkway. The comments of the Niagara Parks Commission relating to traffic concerns and/or requirements shall be obtained pertaining to large-scale development applications up to 800 metres from Niagara Parks Commission lands.
- e) The development of the road network in Bridgeburg shall be in accordance with Section 12.7 of the Town Official Plan.
- f) The Bridgeburg Neighbourhood Plan identifies several important transportation initiatives essential to the successful comprehensive redevelopment of the Neighbourhood. These initiatives are subject to financing and budgeting considerations of the Town and the Region and may require additional financial assistance from other levels of government and other agencies/partners. In certain cases, the private sector may be required to contribute towards transportation improvements in order to facilitate redevelopment.

4.15.16 Public Transit Policies

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

4.15.17 Bridgeburg Greenways – Open Space Network Policies

- a) The Town shall promote the Bridgeburg Greenways, a trailway system throughout the Bridgeburg Neighbourhood as shown on Schedule “Bridgeburg-3”, in order to link key focal points of the neighbourhood including the Central Business District, Sugarbowl Park, Library, Rail Heritage Interpretive Area, Frenchman’s Creek Natural Area, and also to link the Neighbourhood with the Niagara River Recreational Trail and the Friendship Trail and thereby the Greater Niagara Circle Route and the Trans-Canada Trail System.
- b) Any future transportation and/or leisure studies and ensuing public works in Bridgeburg shall incorporate the Bridgeburg Greenways into its design where appropriate.
- c) The Bridgeburg Greenways shall generally follow the route outlined on Schedule “Bridgeburg-3”, including the routes previously identified by the Regional Niagara Bikeways Master Plan.
- d) The portion of the Bridgeburg Greenways abutting the former CN Rail Yard and remaining buildings, lying west of Lewis Street and north of Warren Street, shall be designated as a “*Rail Heritage Interpretive Area*”, incorporating historical items and themes showcasing the history of Bridgeburg and its historic importance as a major rail centre in Canada.
- e) The various components of the Greenways system will be prioritized and developed in phases, based on the financial ability of the Town to fund

such development, and the involvement of funding partners such as the Region, the Province and the Niagara Parks Commission.

- f) The Town shall strongly encourage the Niagara Parks Commission to complete its Niagara River Recreational Trail through Bridgeburg, from its current terminus in North Bridgeburg southerly to Riverwalk, to provide a complete connection through the Town of Fort Erie and an off-road component of the Greater Niagara Circle Route.
- g) An Environmental Impact Study may be required to address the specific location of trails such that the natural environment is not negatively impacted.

4.15.18 Parking Policies

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

4.15.19 Cultural Heritage Policies

- a) The Policies of Section 2.3.10 shall apply to Cultural Heritage matters within the Bridgeburg Secondary Plan Area.
- b) Town will seek to protect and conserve the character of Bridgeburg, particularly with respect to those buildings and areas representative of formative settlement from the late-eighteenth, nineteenth and twentieth

centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.

4.15.20 Municipal Services Policies

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

4.15.21 Gateway Areas

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

neighbourhood gateway feature areas, intended to enhance the visual quality of the neighbourhood at key entry points into the area.

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

4.15.22 Policy Area 9 – North Bridgeburg/Frenchman’s Creek Area

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

The creation of an attractive, healthy, compact and environmentally progressive community, designed for active adults, will be guided by the following policies:

- i. All new development will be sensitive to surrounding land uses.

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

4.15.23 Interpretation of the Plan

The Bridgeburg Secondary Plan consists of Sections 4.15.1 through 4.15.23, and Schedules “Bridgeburg-1”, “Bridgeburg-2”, “Bridgeburg-3” and “Bridgeburg-4”.

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

PART “C” - THE APPENDICES

Appendix 1 – Location Map (Also shown as Schedule “Bridgeburg-1”)

Appendix 2 - Notice of Public Meeting

Appendix 3 - Public Meeting Minutes

Appendix 4 - Circulation comments

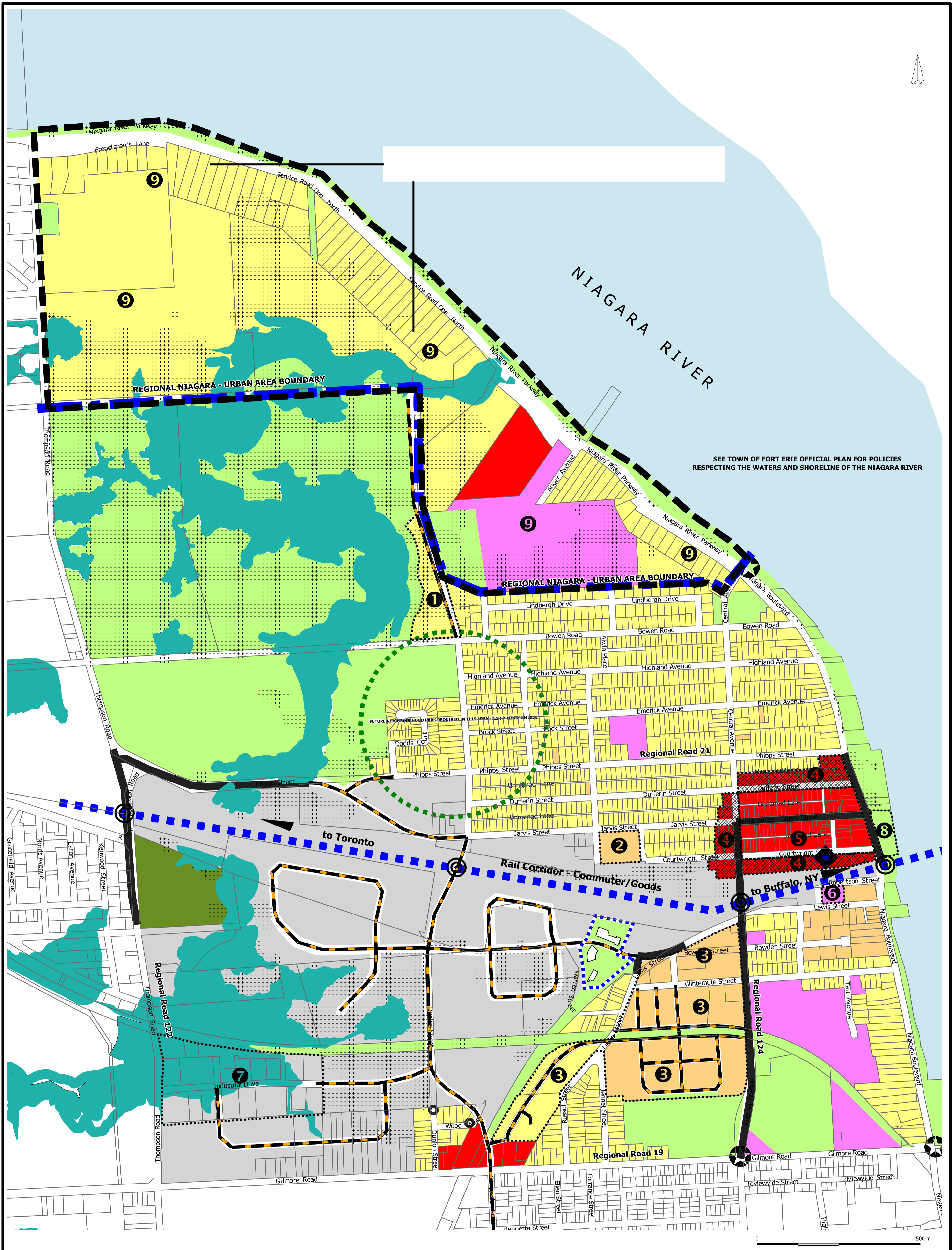
SCHEDULE "BRIDGEBURG-1"



BY-LAW 101-10

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

 BRIDGEBURG SECONDARY PLAN AREA



SEE TOWN OF FORT ERIE OFFICIAL PLAN FOR POLICIES RESPECTING THE WATERS AND SHORELINE OF THE NIAGARA RIVER

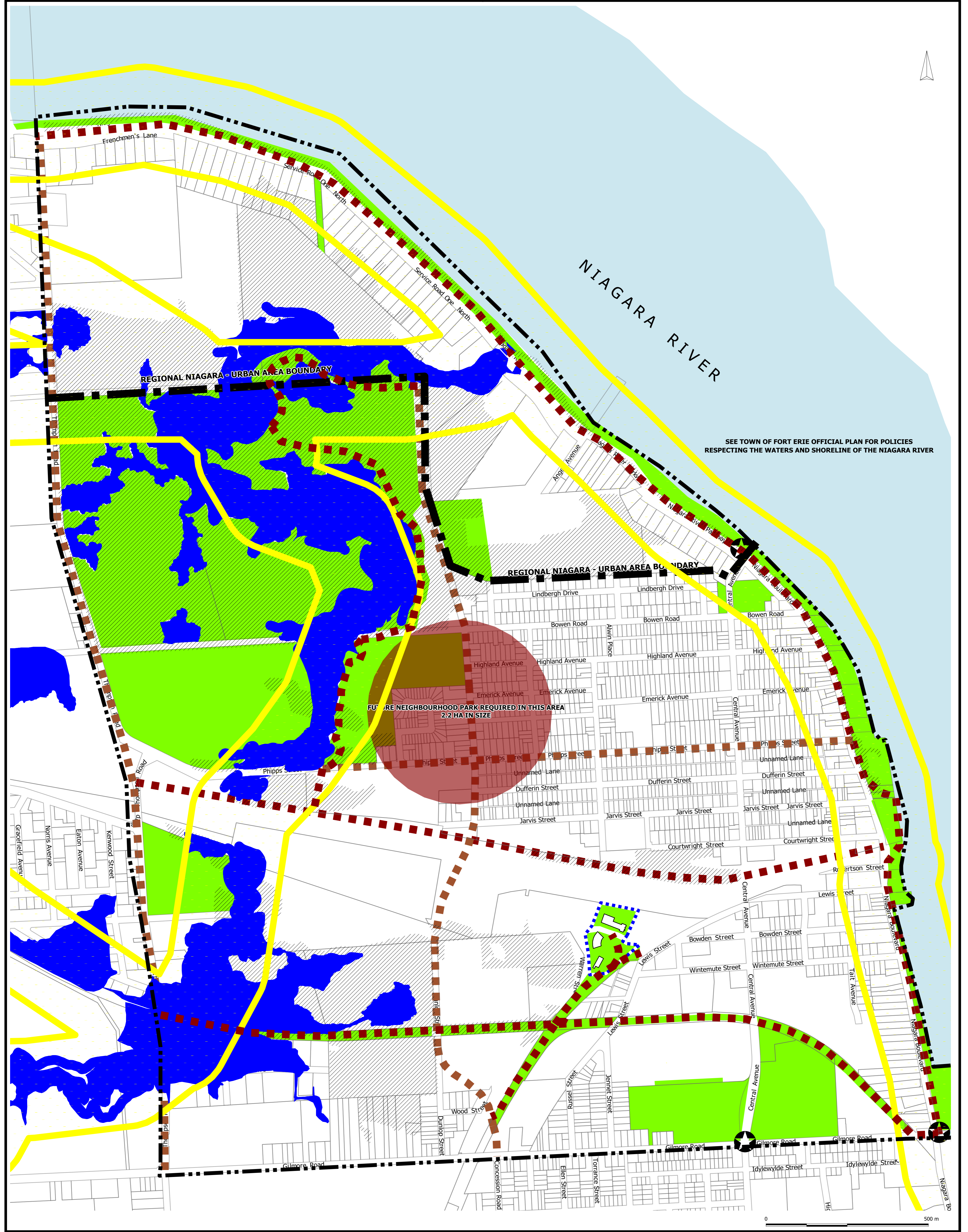
BRIDGEBURG SECONDARY PLAN

Schedule "Bridgeburg-2" - Land Use Plan

- ① Policy Area 1 - Crooks/Bowen Potential Development Site
- ② Policy Area 2 - West Jarvis Brownfield Site
- ③ Policy Area 3 - Horton Residential Revitalization Area
- ④ Policy Area 4 - Bridgeburg Core Mixed-Use Area
- ⑤ Policy Area 5 - Bridgeburg Central Business District
- ⑥ Policy Area 6 - Mentholatum Adaptive Reuse Site
- ⑦ Policy Area 7 - Industrial Drive Floodplain Area
- ⑧ Policy Area 8 - Potential Riverfront Public Plaza Site
- ⑨ Policy Area 9 - North Bridgeburg/Frenchman's Creek Area
- ▭ Secondary Plan Boundary

- Low Density Residential
- Medium to High Density Residential
- Commercial
- Core Mixed-Use Area
- Industrial/Business Employment Area
- Institutional & Government
- Open Space - Public Parks Etc
- Cemeteries
- Environmental Conservation Areas
- Environmental Protection & Wetland Areas

- Niagara River
- ▭ Parcel Fabric
- Rail Corridor - Commuter/Goods
- Priority Road Upgrades
- Potential Future Road Network
- ⊙ Potential Rail Crossing Improvements
- ⊙ Neighbourhood Gateways
- ◆ Commuter Rail/Transfer Station
- ⋯ Future Neighbourhood Park Required
- Railway Heritage Site
- Reg. Niagara Urban Area Boundary



SEE TOWN OF FORT ERIE OFFICIAL PLAN FOR POLICIES RESPECTING THE WATERS AND SHORELINE OF THE NIAGARA RIVER

FUTURE NEIGHBOURHOOD PARK REQUIRED IN THIS AREA
2.2 HA IN SIZE

BRIDGEBURG SECONDARY PLAN

Schedule "Bridgeburg-3" - Open Space/ Natural Heritage Plan

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

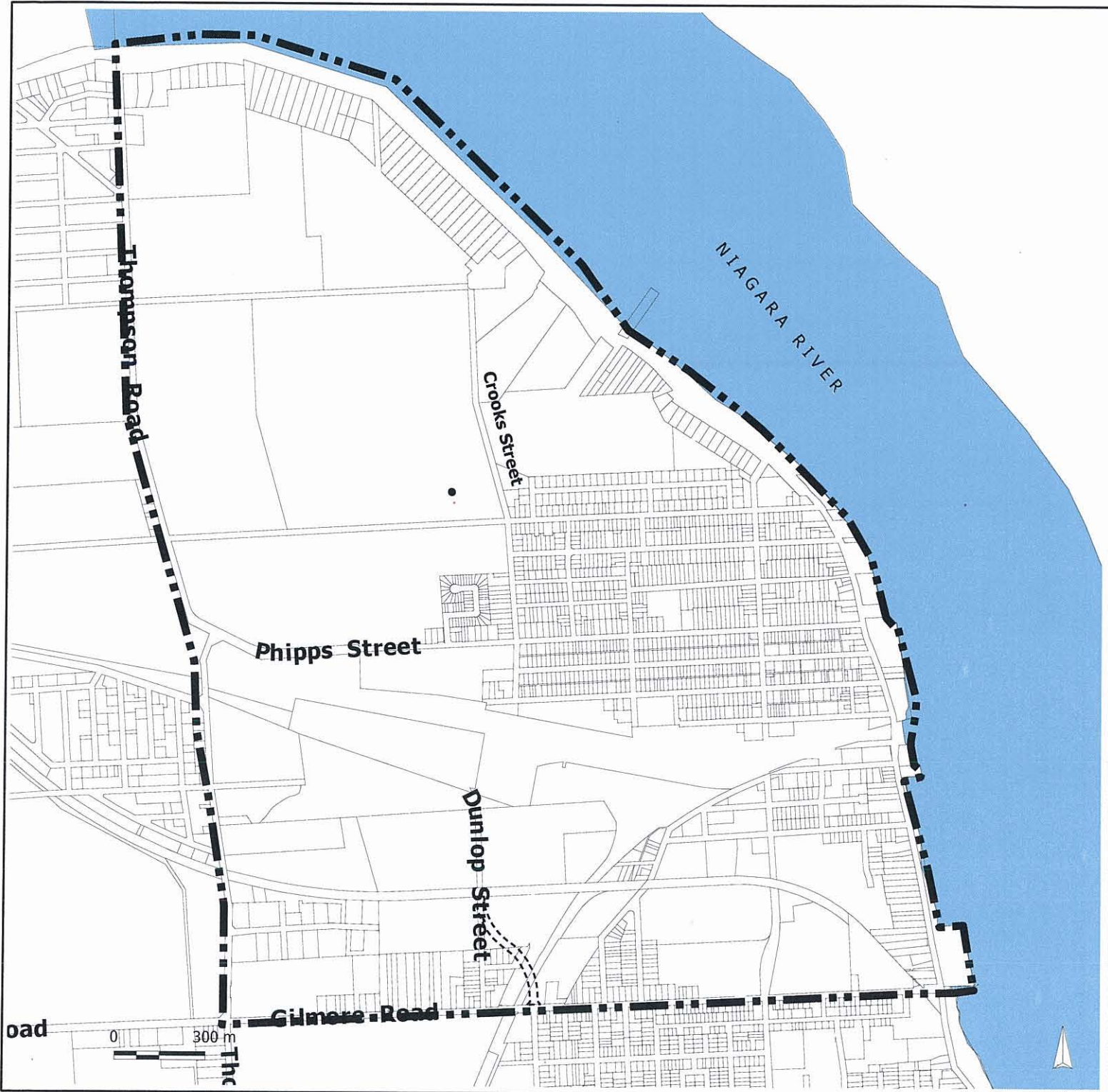


BRIDGEBURG NEIGHBOURHOOD PLAN

Schedule "Bridgeburg-4" - Transportation Plan

- Potential Road Network
- Conceptual Arterial Road Network
- Niagara River Parkway
- Priority Road Upgrades
- Commuter & Freight Rail Corridor
- Potential Extension of Niagara Falls People Mover
- Bridgeburg Greenways - Possible Off-Road Trails (NPCA Approval Required)
- Bridgeburg Greenways - Possible On-Road Trails
- Open Space - Public Parks Etc
- Environmental Protection & Wetland Areas
- Neighbourhood Gateways
- ◆ Commuter Rail/Transfer Station
- Railway Heritage Site
- ⊙ Potential Rail Crossing Improvements
- Regional Niagara Urban Area Boundary
- Secondary Plan Boundary

APPENDIX 1 TO OFFICIAL PLAN AMENDMENT NO. 5



 BRIDGEBURG SECONDARY PLAN AREA

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



Community and Development Services
September 13, 2010

APPENDIX 2 TO OFFICIAL PLAN AMENDMENT NO. 5



PUBLIC MEETING NOTICE
BRIDGEBURG SECONDARY PLAN
MONDAY, OCTOBER 5, 2009 - 6:00 PM
COUNCIL CHAMBERS, TOWN HALL FORT ERIE
1 MUNICIPAL CENTRE DRIVE, FORT ERIE, ONTARIO

PROPOSED CHANGE

In December 2008, Town of Fort Erie Council adopted the Bridgeburg Neighbourhood Plan as a guide for the future planning and development of this important historic area of the Town. The Neighbourhood Plan included a number of recommendations to assist in the revitalization of the neighbourhood, including land-use changes that would assist in transforming Bridgeburg into a choice area for future residential and commercial development, including development on brownfield sites. As an existing historic core area with an authentic industrial heritage linked to the Canadian railroad industry, Bridgeburg is well-positioned to take advantage of development options based upon "Smart Growth" principles. These principles include: compact walkable communities, wise use of existing municipal infrastructure, mix of land uses, curbing of urban sprawl, and fostering predictable and cost-effective development. In order to implement the proposed land-use changes recommended in the Neighbourhood Plan, a **Secondary Plan Amendment** is necessary to amend the Town Official Plan. As well, zoning designation changes are required to bring Zoning By-law 129-90 into conformity with the Secondary Plan. Nine (9) areas of Bridgeburg are proposed to be amended in the Official Plan, and 17 areas are proposed to be amended in Zoning By-law 129-90. A number of properties will be affected by these proposed changes, and detailed information is available by viewing the following documents either in the Community and Development Services Department at Town Hall, or on the Town of Fort Erie website at www.forterie.on.ca

- **Draft Secondary Plan –Schedule A2**
- **Draft Natural Heritage Plan – Schedule A2(a)**
- **Draft Transportation Plan – Schedule A2(b)**
- **Draft Amendment to Zoning By-law 129-90 with Maps**
- **Draft Official Plan Amendment (New Official Plan)**
- **Draft Official Plan Amendment (Existing Official Plan)**

HAVE YOUR SAY

Input on the proposed Official Plan and Zoning By-law Amendments is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

WRITTEN SUBMISSION

To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o the Town Clerk Carolyn Kett, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6

APPENDIX 2 TO OFFICIAL PLAN AMENDMENT NO. 5

MORE INFORMATION

For further information please contact Tom Villella, Neighbourhood Planner at (905) 871-1600 extension 2503. A copy of the Information Report will be available to the public on **OCTOBER 2, 2009**. The information report will be available on the Town's Web Site: www.town.forterie.on.ca or from the Community and Development Services Department.

PLANNING ACT LEGAL NOTICE REQUIREMENTS

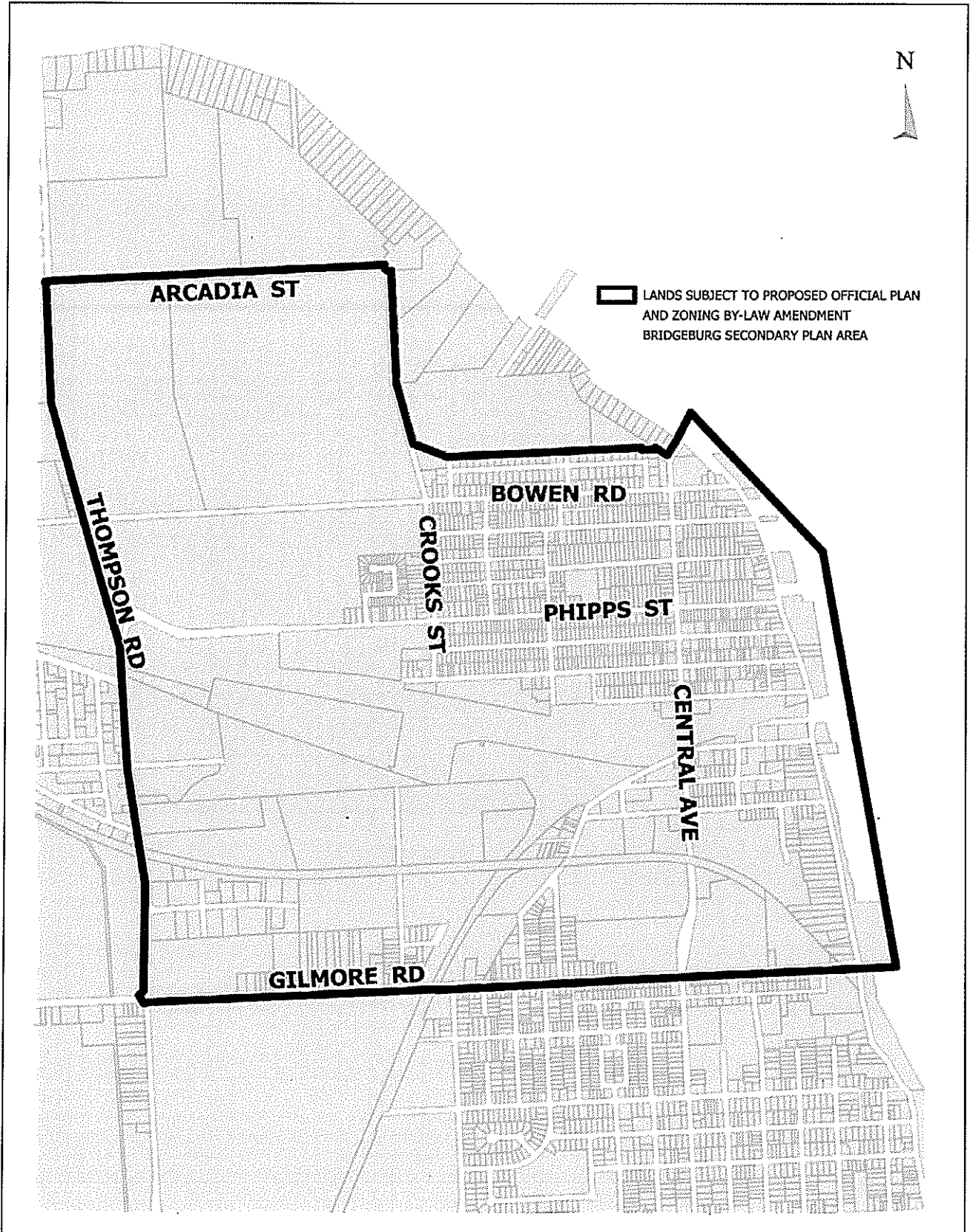
The Town of Fort Erie has not yet made a decision regarding this application. If a person or public body files an appeal of a decision of Council and does not make oral submissions at a public meeting or make written submissions to the Town before the Official Plan and Zoning By-law Amendments are adopted, the Ontario Municipal Board may dismiss all or part of the appeal. If you do not attend the public meeting but wish to be notified of the adoption of the proposed amendments to the Official Plan and Zoning By-law with respect to this application, you are required to make a written request to the Carolyn Kett, Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 26th day of August, 2009

Carolyn Kett, Town Clerk

Rino Mostacci, Director of Community and Development Services

APPENDIX 2 TO OFFICIAL PLAN AMENDMENT NO. 5



APPENDIX 3 TO OFFICIAL PLAN AMENDMENT NO. 5



The Municipal Corporation of the
Town of Fort Erie

COUNCIL-IN-COMMITTEE MEETING

MONDAY, OCTOBER 5, 2009

COUNCIL CHAMBERS

MINUTES

1) CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

PRESENT: Acting Mayor Whitfield, Councillors Annunziata, Lockwood, Noyes, Shular and Steckley

ABSENT: His Worship Mayor Martin (due to family reasons)

ALSO PRESENT:

H. Schlange, Chief Administrative Officer

C.J. Kett, Town Clerk

H. Salter, Director of Legal and Legislative Services/Town Solicitor

H. Chamberlain, Director of Financial Services

R. Mostacci, Director of Community and Development Services

K. Dolch, Senior Development Planner

T. Villella, Neighbourhood Planner

R. Tripp, Director of Infrastructure Services

L. Coplen, Fire Chief

C. Watson, Legislative Assistant (departed at 7:30 p.m.)

J. Mrozek, Manager of Development Approvals

D. Heyworth, Senior Policy Planner

S. Hansen, Manager of Parks and Open Space Development

MEDIA PRESENT: Kris Dube, The Times and Richard Hutton, The Post

MEMBERS OF THE PUBLIC PRESENT: 28

3) REVIEW OF ADDENDUM/ANNOUNCEMENTS

Addendum

Additional delegations under Community and Development Services - Emilie Schneider, 45 John Street re Zoning Amendment – 33 Princess Street, Bernadette Schneider, 45 John Street re Zoning Amendment – 33 Princess Street and under Corporate Services - John Hill, 170 Sunrise Court re Proposed Redivision of Ward Boundaries. Addition of recommendation under Consent to add Other Business Subdivision Matters.

APPENDIX 3 TO OFFICIAL PLAN AMENDMENT NO. 5

COUNCIL-IN-COMMITTEE MINUTES – MONDAY, OCTOBER 5, 2009
PAGE TWO

Announcements

NIL

4) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE

NIL

5) PUBLIC NOTICE

- (A) Notice of Intention to Designate under *Ontario Heritage Act* - 1550 Point Abino Road South (Point Abino Lighthouse Keeper's Dwelling)

Any person may within 30 days after the date of publication of the Notice of Intention to Designate, serve on the Clerk a Notice of Objection setting out the reasons for the objection and all relevant facts. If such notice is received the Town shall refer the matter to the Conservation Review Board for a hearing and report. However any objection may be withdrawn before the conclusion of the hearing into the matter by serving a Notice of Withdrawal on the Clerk and Conservation Review Board. Where no Notice of Objection is served Council shall consider a by-law to designate on October 13, 2009.

6) PUBLIC MEETINGS – PLANNING ACT

- (A) Property Rezoning

Re: Terry William White - for lands located at 1499 House Road. The applicant is proposing to rezone Parcel 1 to a "Site Specific Agricultural A Zone" to recognize a decreased lot area and lot frontage and to rezone Parcel 2 to a "Site Specific Agricultural A Zone" to limit the permitted land uses to agricultural purposes only.

Ms. Dolch delivered a power point presentation which can be accessed in full text by clicking on the presentations link and a paper copy of same is also available in the Clerk's Department.

Acting Mayor Whitfield announced this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed Property Rezoning of lands located at 1499 House Road in the Town of Fort Erie.

Acting Mayor Whitfield advised of the Public Meeting process and enquired as to the manner and date upon which notice of the Public Meeting was given.

APPENDIX 3 TO OFFICIAL PLAN AMENDMENT NO. 5

COUNCIL-IN-COMMITTEE MINUTES – MONDAY, OCTOBER 5, 2009
PAGE THREE

Ms. Dolch, Senior Development Planner, explained that an application had been submitted by Terry White to amend the Zoning By-law for lands known as 1499 House Road.

Ms. Dolch informed notice of the Public Meeting was provided in accordance with the *Planning Act* by placing a notice in the September 12, 2009 edition of The Times newspaper and by mailing notice to each of the property owners within one hundred twenty metres of the subject lands on September 11, 2009.

Ms. Dolch advised the property is located in the Agricultural area and is relatively flat. The existing land uses in the area consist of: Gilmore Road, Agricultural lands and wetlands to the north; Bertie Street, Agricultural lands, residential uses and Beaver Creek to the south; House Road, Agricultural lands, some farm and non-farm related residential uses to the east; Agricultural lands, some farm and non-farm related residential uses and Point Abino Road to the west. Parcel 1 is 1.40 hectares in size and contains a 1½ storey dwelling and Parcel 2 is 29.66 hectares of farmland.

The existing Official Plan designation for the subject site is "Agricultural" which permits agriculture and livestock operations. The agricultural designation also permits the severance of surplus farm dwellings provided the remnant farm parcel is rezoned to preclude any future residential development. The surrounding lands are designated "Agricultural" and "Hazard". The "Hazard" designation to the south of the subject site represents the floodline of the creek. The new Official Plan designation for the subject site is "Agricultural" which permits a variety of agricultural uses such as crop growing, nursery and horticulture crops, raising of livestock, etc. The agricultural designation also permits the severance of surplus farm dwellings provided two or more farms are amalgamated under one ownership and the remnant farm parcel is rezoned to preclude any future residential development. The surrounding lands are designated "Agricultural" and "Environmental Conservation". The "Environmental Conservation" represents the floodline elevation of the creek located to the south and the wetland boundary to the north of the subject site.

Ms. Dolch advised the subject site is currently zoned "Agricultural A Zone" permitting agricultural uses, single detached dwellings, an accessory apartment, home occupations, greenhouses, help houses, kennels and veterinarian establishments, pet day care establishments and the conservation of plant and wildlife. An amendment is required to recognize a reduced lot frontage and lot area on Parcel 1 and to preclude any future residential uses on Parcel 2. The surrounding zones consist of "Agricultural A Zone" and Hazard H Zone". There are no natural heritage features on this site.

APPENDIX 3 TO OFFICIAL PLAN AMENDMENT NO. 5

COUNCIL-IN-COMMITTEE MINUTES – MONDAY, OCTOBER 5, 2009
PAGE FOUR

In closing, Mrs. Dolch stated the subject application is the result of Consent application B16/09 which severed the surplus farm dwelling Parcel 1 and retained the farm Parcel 2. The surplus farm dwelling is surplus to Mr. White's needs and he has received approval from the Committee of Adjustment conditional on the approval of the Zoning By-law application before Council. The Zoning By-law amendment will rezone Parcel 1, the surplus farm dwelling to recognize a reduced lot frontage and area and will also rezone Parcel 2 to preclude any future residential use on the property.

Acting Mayor Whitfield stated the Committee would now hear from the applicant.

Mr. Gerald Ruch, on behalf of Terry White who was also present to answer any questions, advised his client has met all of the criteria for Council's approval.

Acting Mayor Whitfield stated the Committee would now hear from any individual who wished to speak in favour of the application.

No person(s) came forward.

Acting Mayor Whitfield stated the Committee would now hear from any individual who wished to speak in opposition of the application or to ask questions.

No person(s) came forward.

Acting Mayor Whitfield announced the Public Meeting was now concluded.

(B) Bridgeburg Secondary Plan

Re: Review of the Proposed Plan

Mr. Vilella delivered a power point presentation which can be accessed in full text by clicking on the presentations link and a paper copy of same is also available in the Clerk's Department.

Acting Mayor Whitfield announced this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the Proposed Bridgeburg Secondary Plan.

Acting Mayor Whitfield advised of the Public Meeting process and enquired as to the manner and date upon which notice of the Public Meeting was given.

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Mr. Villella informed notice of the Public Meeting was provided in accordance with the *Planning Act* by placing a notice in the September 5, 19 and October 3, 2009 edition of The Times newspaper. As well, a full-page community information piece was placed in the September 26, 2009 edition of The Times newspaper. As an additional courtesy, all property owners located within Policy Area 6 (Horton Residential Revitalization Area) were mailed a Notice of Public Meeting on September 4, 2009.

Mr. Villella provided a brief overview of the history of Neighbourhood Planning in Bridgeburg beginning in:

- January 2003 Council authorized staff to prepare policy and regulatory plans including a New Official Plan and detailed Neighbourhood Plans for urban communities.
- In 2005 Council authorized staff to begin the Neighbourhood Plan process for Bridgeburg, recognizing the unique opportunities for intensification, brownfield development, commercial area rejuvenation and waterfront development.
- 2005/2006 a SWOT analysis was conducted to determine the needs of the neighbourhood and the goals/objectives for creating a vibrant community.
- January 2006 a Community Focus Group was chosen to represent neighbourhood residents and business persons, to assist staff with the development of the Neighbourhood Plan.
- 2006/2007 Public Open Houses held, background information developed, mapping produced and a Policy Plan developed.
- October 2008 Community Focus Group endorsed final draft of Neighbourhood Plan.
- December 8, 2008 Council adopted Bridgeburg Neighbourhood Plan as the guiding document for land-use planning the neighbourhood.
- Council authorized staff to proceed with Secondary Plan and Zoning By-law amendments in order to incorporate land-use recommendations of the Neighbourhood Plan into Town Official Plan and Comprehensive Zoning By-law No. 129-90.

Mr. Villella explained the Neighbourhood Plan signals Council's intent with respect to land-use planning however, the proposed changes must be incorporated into the regulatory documents in order to have validity. The Secondary Plan achieves this by comprehensively addressing the required amendments to the Town's Official Plan. Secondary Plans, once approved by the Town and the Region of Niagara, are incorporated into the Town's Official Plan as Specific Policy Areas. Secondary Plans provide more detailed guidance and regulation with respect to land-use planning for specific areas of the municipality.

Mr. Villella reviewed the study area of the Bridgeburg Neighbourhood which is approximately 1500 acres of land bounded on the west by Thompson Road, on the south by Gilmore Road, with the Niagara River as its northern and eastern boundary. There is a portion of the neighbourhood that currently lies outside of the Region's and Town's Urban Area Boundary known as the North Bridgeburg Area.

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Mr. Villella provided an overview of the seven key areas of Bridgeburg that are the focal points of revitalization efforts in the neighbourhood. Land use designation changes on these properties together with Council adopted incentive programs and active marketing ensure these sites are "shovel-ready" for development. The Bridgeburg Neighbourhood Plan identified these key sites through an extensive consultation process with the public, the Business Improvement Association and key agencies and staff as follows:

- Specific Policy Area 1 – West Jarvis Brownfield Site (2.9 acre former Pratt and Lambert industrial site) currently zoned "industrial". Potential "brownfield" development which provides an opportunity for "transitional" development, buffering residential areas to the east from heavy industry to the west. Could be investigated as part of the Brownfield Community Improvement Plan.
- Specific Policy Area 2 – Core Mixed-Use Area in the Dufferin Street and Courtwright Street corridors. Encourages compact forms of living in key areas surrounding the Commercial Core, assists business climate of downtown due to influx of residents, waterfront parcels are ideal for condominium development, assists in meeting housing objectives of the municipality.
- Specific Policy Area 3 – Central Business District being lands on both sides of Jarvis Street from the Niagara River Parkway to Central Avenue as well as lands on the north side of Courtwright Street and the south side of Dufferin Street. Ground floor commercial and residential uses above, municipal incentives such as Façade Improvement Program, RRAP, etc., compact form of development for core areas, exemption from municipal development charges to encourage investment, maximum height of 3 storeys along Jarvis Street to protect character of the area, maximum height increases of 10 storeys closer to the Parkway to promote higher density residential development above commercial uses.
- Specific Policy Area 4 – The Coal Docks is a key public focal point in neighbourhood, historic location of first industries on the river in the Bridgeburg area, where the main street of downtown meets the water, under control of the Niagara Parks Commission, proposed for public open space uses. A conceptual plan for the development of a public events plaza on site resulting from the consultation process, includes a multi-use building, ice skating rink, small amphitheatre, events area and waterfront promenade which would be the extension of the Trans-Canada Trail system.
- Specific Policy Area 5 – The Mentholatum Building was constructed in 1905 and housed the Canadian manufacturing and head offices for the Mentholatum Company. Historic industrial building located in close proximity to downtown area, excellent opportunity for adaptive reuse of the structure, Museum and Cultural Heritage Committee to investigate historic designation, site could be used for a variety of community purposes and events, building is now owned by a non-profit agency with the Town as a tenant in a portion of the building.

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- Specific Policy Area 6 – Horton Residential Revitalization Area is the Horton Steel Works property and surrounding area including the former Erie-Niagara Railway and the commercial/industrial lands to the north. The 44 acre site provides an opportunity for “brownfield” redevelopment and intensification and could provide a major population boost to Bridgeburg. Properly designed and implemented could be a showcase site for redevelopment of older core area industrial facilities. Opportunity to interpret railway heritage through urban design guidelines and themed development. Emphasis on residential rather than commercial in order to protect the viability of the commercial core of Bridgeburg. May be included in the Brownfield Community Improvement Plan to be undertaken by the municipality.
- Specific Policy Area 7 – Industrial Drive Area. No new buildings or structures other than those required for flood erosion control or flood management purposes shall be permitted in the “Hazard” area as determined by the Niagara Peninsula Conservation Authority. Extensions, enlargements or reconstruction of existing buildings and structures may be permitted with the 1 in 100 year floodplain provided they are protected up to the 1 in 100 year flood level.

Mr. Villella explained the Proposed Secondary Plan would form part of the Official Plan and the designations shown in the Plan would replace the designations currently described in the Official Plan for the 7 Site-Specific Policy Areas. The North Bridgeburg Area has been excluded as the Region has determined there is no justification for Urban Boundary Expansions in Fort Erie at this time. He reviewed the 17 Site-Specific Areas of the neighbourhood that require rezoning in order to be in compliance with the Proposed Secondary Plan.

Mr. Villella advised the Secondary Plan encourages improvements to municipal transit as population grows. As well, it supports Regional Transit Initiatives, especially in light of the high unemployment rate in Bridgeburg. Go Transit is currently studying the feasibility of extending its rail network into Niagara Falls and the southern route which would include Hamilton, Smithville, Welland and Fort Erie. The Plan positions Bridgeburg as an ideal location for a multi-modal transportation centre due to its location on the main CNR and CPR lines from Niagara to the GTA and potential for crossing into the USA at Buffalo, N.Y.

Mr. Villella explained the North Bridgeburg Area is bounded by the Niagara River on the north and east, north of the current Urban Area Boundary following Arcadia Street and Crooks Street. It was shown in the Bridgeburg Neighbourhood Plan as a Special Policy Area to reflect what was in the New Official Plan at the time of its adoption in December 2008. The wording for the Special Policy Area indicated the lands could not be developed for urban purposes until such time as the Region of Niagara had made a decision on urban boundary expansions throughout Niagara as part of their Growth Management Strategy. The Growth Management

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Strategy is now complete and its recommendations are incorporated into the Regional Policy Plan as Amendment 2-2009 as follows: "Growth Management Strategy indicates there is no justification for Urban Boundary Expansion in Fort Erie based on the projected population and employment levels to 2031."

Mr. Villella showed a video presentation by Peter Earle and Colin Chilvers, The Centre for Advanced Visualization at Niagara College which was a virtual tour of the Future of Bridgeburg. The video was funded by the Regional Municipality of Niagara through their Smarter Niagara Program.

Acting Mayor Whitfield stated the Committee would now hear from any individual who wished to speak in favour of the application.

(a) Dick Bell, 735 Niagara Boulevard

Mr. Bell advised he needed more information about the proposal. He questioned if it will be phased in and what part will be first. He would be opposed to the coal docks property as it would cost a lot of money for reconstruction. He stated there is not enough parking.

(b) John Hill, 170 Sunrise Court

Mr. Hill stated it is an ambitious plan and looks outstanding for the future. He questioned how the revitalization of the downtown core and waterfront would be funded and if it is based on future residential development or will there be further implications of tax increases spread across the Town.

(c) Dave Morgan, 2491 Thompson Road

Mr. Hogan referred to the off-road and on-road trails that travel through the protected Frenchman's Creek area and Rio Vista Golf Course and questioned how trails are developed on private property.

Acting Mayor Whitfield stated the Committee would now hear from any individual who wished to speak in opposition of the application or to ask questions.

(a) Mike Longval representative for 469 Central Avenue

Mr. Longval stated he is opposed to the rezoning.

(b) Doug Darbyson, 5045 Michener Road

A copy of Mr. Darbyson's written presentation can be accessed in full text by clicking on the presentations link and a paper copy of same is also available in the Clerk's Department.

Mr. Darbyson stated he represents Bill Miller who owns two properties in the Bridgeburg Neighbourhood Plan, one property is a 32 acre parcel located north of the Arcadia Road Allowance to

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the rear of lots fronting on the Niagara River Parkway and east of Thompson Road. The property is currently designated "Estate Residential" in the Town's Official Plan and has been granted Draft Plan Approval for a 28 lot estate residential subdivision to be serviced by municipal water and private septic tanks. Each lot is approximately one acre in size. A Regional Official Plan amendment was approved in May 1990 to permit a water line extension to this estate subdivision. Notwithstanding the development approvals currently in place, the lands have not been recognized in the proposed Bridgeburg Secondary Plan as a future development area.

Mr. Darbyson stated the second property is comprised of 61 acres and is located north of the Arcadia Road Allowance, east of Thompson Road directly adjacent to the urban boundary. These lands were included in the Town's newly adopted Official Plan as a future urban residential area with portions designated for Environmental Protection and/or Environmental Conservation.

Mr. Darbyson advised both properties are owned by Mr. Miller along with other smaller ownerships in the general vicinity and are depicted in the newly adopted Official Plan as Special Policy Area #6. The urban development of these lands requires an expansion to the urban area boundary. The Region's policies for urban boundary expansions are currently under appeal. Should the Town adopt the Bridgeburg Secondary Plan as presently proposed, Mr. Miller would lose the Town's support at any future Ontario Municipal Board hearing. Mr. Miller respectfully requests the Town to continue their support for the future urban development of the lands depicted in the Fort Erie Official Plan as Special Policy Area #6. In this regard, the Bridgeburg Secondary Plan should be modified accordingly.

Mr. Darbyson read from the report he submitted on Mr. Miller's behalf and provided the history of the planning process.

(c) John Palumbo, 933 Ferndale Avenue

Mr. Palumbo stated the plan looks great. There is a plaza at 469 Central Avenue worth \$3.5 million with four tenants and the owner. To rezone the area residential makes no sense to them.

(d) Vaughn Bukator, 1075 Niagara River Parkway

Mr. Bukator stated he is opposed to excluding the Frenchman's Creek area from the plan. His property fronts 455 ft. on the Niagara River Parkway comprised of 14 acres, extending to Crooks Street. He is a long time resident of Fort Erie. His property was up for sale last year and a developer wanted to buy it but because it was not included in the urban boundary the sale fell through and the Town lost out on a potential tax base increase.

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Mr. Bukator remarked there is a lot of the project that he approves.

Acting Mayor Whitfield announced the Public Meeting was now concluded.

7) COMMUNITY AND DEVELOPMENT SERVICES

(A) DELEGATIONS

- (a) Stephen Passero, Chair, Fort Erie Skatepark Committee

Re: Award of Contract for Consulting Services for the Fort Erie Skate Park

Mr. Passero, on behalf of the Fort Erie Skate Park Committee, conveyed their excitement to be discussing the design and construction of Fort Erie's newest recreation facility, the Skate Park. The Committee began in November 2004 and he thanked Town staff representative Signe Hansen for her support of the project along with Committee members Brian and Sheree Benner, Mark and Sandy Spencer, Randy Janzen, Marco Giannico and Mischele Boutin. As participants in the RFP evaluation process, they endorse the contract being awarded to LANDinc Sport and Spectrum Skatepark Creations that brings to conclusion many bottle drives, community BBQ's, awareness exhibitions and grant applications. The awarding of the contract also allows the Committee to move from what was Mischele Boutin's dream in 2004, a concerned parent whose son and friends were frustrated at the lack of safe, secure locations to practice their favourite sport, to what will be the pride of the community in a year from now.

Mr. Passero advised in August 2007 Council approved the Leisureplex site as the preferred location for the Skate Park however, through further community consultation and a staff site review, three specific site locations within the Leisureplex grounds have been highlighted as possibilities. The consulting team will work with the Committee to identify the functional, aesthetic and social opportunities and constraints associated with each site and they will appear before Council with a recommendation.

Mr. Passero explained the design of the Skate Park is integral to its success. A comprehensive public consultation phase is paramount as it provides the opportunity to ensure the design reflects the wants and desires of the end users and provides a park that is site appropriate and integration into its surroundings. They are confident the consulting firm will also incorporate a holistic approach to the park which also considers the comfort, safety and enjoyment of non-users or passive participants.

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Mr. Passero advised the Skate Park will provide a safe, controlled and accessible facility for skateboarding, inline skating and BMX biking. The Skate Park will be approximately 15,000 sq. ft. properly designed and built, a safe place of recreation, creativity, athleticism and community building playing a positive, formative role in the development of the surrounding community and nurturing a sense of belonging, identity and pride amongst its users.

In closing, Mr. Passero asked Council to award the contract to LANDinc Sport and Spectrum Skatepark Creations to start the next phase of this exciting community facility.

(b) Emilie Schneider, 39 Stanton Street

A copy of Ms. Schneider's written presentation can be accessed in full text by clicking on the presentations link and a paper copy of same is also available in the Clerk's Department.

Re: Zoning Amendment - 33 Princess Street

Ms. Schneider advised the property at 33 Princess Street is too small for a three storey 30 unit building. She and her sister oppose the present configuration and size of the project. They have no objections for approximately 15 units without reductions to setbacks. She suggested the new development does not add to the mixture of residential uses and is not physically compatible to the surrounding area. She expressed concern it will decrease property value and will not assist in revitalizing the area.

Ms. Schneider suggested the vacancy rate for apartment dwellers is high. The report fails to mention this project will be low income subsidized housing. She indicated the waiting list for subsidized housing is 3.25 years and is a funded government program. She suggested it is unfair competition for her rental business since her expenses keep rising each year.

Ms. Schneider stated the garbage bins relocated adjacent to Robo's on the east side of the project is acceptable. She questioned where will the snow be put when the parking lot is plowed since John Street is too narrow. She suggested the property's green space at 20.67% when the by-law requires 25% is not sufficient for 30 units. She questioned what guarantee is there the complete building will be demolished. She expressed concern the increased traffic will cause a lot of noise, pollution and congestion. She further questioned how John Street, a one-way, narrow street is the only access to the project and suggested it is unacceptable and unsafe. She expressed concern in the case of an emergency and suggested other accesses off of Princess Street and Archange Street should be considered.

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In closing, Ms. Schneider urged Council to reconsider approving such a big complex in this neighbourhood. She is concerned about the noise and mess from the construction and referred to an earlier submitted petition signed by eleven surrounding residents in opposition to this development. She reiterated they are not against development but the surrounding properties and neighbours need to be taken into consideration. Council's decision will leave a lasting legacy on the neighbourhood.

(c) Bernadette Schneider, 43 Catherine Street

Re: Zoning Amendment – 33 Princess Street

Ms. Schneider advised her sister Emilie also spoke on her behalf, she concurs with the concerns raised by her sister and has nothing more to add.

Recommendation No. 1
Moved by: Councillor Annunziata

THAT: The order of the Agenda be changed to consider Report Nos. CDS-59-09, CDS-61-09 and CDS-60-09 first. (CARRIED)

(B) REPORTS

(A) **REPORT NO. CDS-59-09 - PROPOSED ZONING BY-LAW AMENDMENT - TERRY WILLIAM WHITE - 1499 HOUSE ROAD**

Recommendation No. 2
Moved by: Councillor Shular

THAT: Report No. CDS-59-09 regarding Zoning By-law Amendment located at 1499 House Road be received for information purposes, and further

THAT: A report on the Zoning By-law Amendment be presented to a future Council-in-Committee meeting with the recommendations subsequent to the Public Meeting. (CARRIED)

(B) **REPORT NO. CDS-61-09 - PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT - BRIDGEBURG SECONDARY PLAN**

Recommendation No. 3
Moved by: Councillor Annunziata

THAT: Report No. CDS-61-09 regarding Official Plan and Zoning By-law Amendments to implement the Bridgeburg Secondary Plan be received for information purposes, and further

THAT: A Report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee meeting with the recommendations subsequent to the Public Meeting.

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Recommendation No. 4

Moved by: Councillor Annunziata

THAT:The Draft Secondary Plan be and it is hereby amended by including therein the Frenchman's Creek (North Bridgeburg) Area as per the Council-adopted Bridgeburg Neighbourhood Plan, and that the following wording be included in the Policy document:

"FRENCHMAN'S CREEK (NORTH BRIDGEBURG) AREA – Site Specific Policy Area

- I. The Frenchman's Creek (North Bridgeburg) Site Specific Policy Area applies to those lands identified as such on Schedule "A2". These lands north of Arcadia Street Road Allowance are designated in part as Urban Residential, Open Space, Commercial, Institutional, Environmental Conservation Overlay and Environmental Protection. Development shall be in accordance with the policies associated with these designations. Development may proceed upon inclusion of these lands in the Urban Area Boundary of the Regional Niagara Policy Plan.
- II. Given the significant natural heritage features on site, an Environmental Planning Study (EPS) completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the Natural Heritage Section of this plan. The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan." (CARRIED)

Recommendation No. 5

Moved by: Councillor Annunziata

THAT:Report No. CDS-61-09 regarding Official Plan and Zoning By-law Amendments to implement the Bridgeburg Secondary Plan, as amended, be received for information purposes, and further

THAT:A Report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee meeting with the recommendations subsequent to the Public Meeting. (CARRIED)

At 7:58 p.m. the Members recessed and resumed the meeting at 8:04 p.m.

(C) REPORT NO. CDS-60-09 - NEW OFFICIAL PLAN MODIFICATIONS - CONSOLIDATED SUGGESTED MODIFICATIONS TO THE NEW OFFICIAL PLAN FOR COUNCIL ENDORSEMENT

Recommendation No. 6

Moved by: Acting Mayor Whitfield

THAT:Council hereby support the modifications of the new Official Plan outlined in Report No. CDS-60-09, and further

THAT:The Town request the Region to finalize its review process and forward the new Official Plan with modifications to Regional Council for approval, and further

THAT:Council hereby commit to ensuring further mandated policy amendments to address population and intensification targets are made to the Official Plan by June 16, 2010.

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Recommendation No. 7

Moved by: Councillor Annunziata

THAT:The modifications to the new Official Plan be and they are hereby amended to provide that the Frenchman's Creek (North Bridgeburg) Area remain as a Site Specific Policy Area in the new Official Plan as adopted by Council in September 2006 with the following wording for the Site Specific Policy Area to be included in the said Official Plan:

"FRENCHMAN'S CREEK (NORTH BRIDGEBURG) AREA – Site Specific Policy Area

- I. The Frenchman's Creek (North Bridgeburg) Site Specific Policy Area applies to those lands identified as such on Schedule "A". These lands north of Arcadia Street Road Allowance are designated in part as Urban Residential, Open Space, Commercial, Institutional, Environmental Conservation Overlay and Environmental Protection. Development shall be in accordance with the policies associated with these designations. Development may proceed upon inclusion of these lands in the Urban Area Boundary of the Regional Niagara Policy Plan.
- II. Given the significant natural heritage features on site, an Environmental Planning Study (EPS), completed by a qualified consultant on behalf of the developer(s) or property owner(s), will be required in accordance with the Natural Heritage Section of this plan. The EPS should be completed in association with a Neighbourhood Plan outlining how the lands will be developed and serviced in accordance with the policies of this plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan." (CARRIED)

Recommendation No. 8

Moved by: Councillor Annunziata

THAT:The modifications to the new Official Plan be and they are hereby further amended to include the following provisions in the Commercial section of the new Official Plan:

"The property known as part of Lot 1, Concession 3 (Lake Erie), Bertie Township in the Town of Fort Erie, Regional Municipality of Niagara, comprising 4.95 hectares and situated on the south side of Garrison Road, west of Helena Street is strategically located within the Town's major commercial corridor, and further

A span bridge crossing of the watercourse and associated wetlands is supported to ensure the viable, efficient and cohesive development of this important commercial property. The Environmental Conservation Area policies of the Plan shall not apply to the subject property based on the Environmental Impact Study that has been submitted." (CARRIED)

Recommendation No. 9

Moved by: Councillor Annunziata

THAT:The modifications to the new Official Plan be and they are hereby further amended to include lands on the south side of Michener Road, west of Schooley Road (Fieretag property) as Urban Residential under a Special Policy Area. (CARRIED)

Recommendation No. 10

Moved by: Acting Mayor Whitfield

THAT:Council hereby supports the modifications to the new Official Plan, as amended, and outlined in Report No. CDS-60-09, and further

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THAT:The Town request the Region to finalize its review process and forward the new Official Plan with modifications to Regional Council for approval, and further

THAT:Council hereby commit to ensuring further mandated policy amendments to address population and intensification targets are made to the Official Plan by June 16, 2010. (CARRIED)

(D) REPORT NO. CDS-62-09 - PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT - KAREN MINHAS - 33 PRINCESS STREET

Recommendation No. 11
Moved by: Acting Mayor Whitfield

THAT: The application to amend the Official Plan and Zoning By-law No. 129-90 at 33 Princess Street be approved, and further

THAT:An Official Plan Amendment be submitted to Council changing the Official Plan designation of the subject lands from "General Commercial" to "Urban Residential", and further

THAT:The change in the proposal from a 2 storey 29 unit apartment building to a 3 storey 30 unit apartment building is considered minor, and further

THAT:Pursuant to Subsection 34(17) of the *Planning Act*, Council determine that no further notices of the change be given, and further

THAT:A Zoning By-law Amendment be submitted to Council changing the zoning of the subject lands from "General Commercial C-2-372(H) Zone" to a "Site Specific Residential Multiple Holding 2 RM2(H) Zone" to construct a new 30 unit apartment complex, and further

THAT:The holding provision not be removed until the Site Plan Agreement and Archaeological Assessment has been completed to the satisfaction of the Town. (LOST)

(E) REPORT NO. CDS-63-09 - FORT ERIE SKATE PARK - AWARD OF CONTRACT FOR CONSULTING SERVICES

Recommendation No. 12
Moved by: Acting Mayor Whitfield

THAT:Council hereby award the "Fort Erie Skate Park - Design Services" contract to LANDinc Sport for an upset limit of \$54,985.00, excluding g.s.t., and further

THAT:A by-law be submitted to Council authorizing the Mayor and Clerk to execute the Contract Agreement. (CARRIED)

(F) REPORT NO. CDS-64-09 - EXTENSION OF DRAFT PLAN APPROVAL - HIGH POINTE SUBDIVISION - NORTH SIDE OF GARRISON ROAD, EAST OF SUNSET DRIVE - MOUNTAINVIEW DEVELOPMENTS INC.

Recommendation No. 13
Moved by: Councillor Shular

THAT:Council hereby support the extension of Draft Plan Approval for the High Pointe Draft Plan of Subdivision to December 24, 2011, and further

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THAT:The Owner and the Development Service Division of the Regional Niagara Public Works Department be so advised. (CARRIED)

(G) **REPORT NO. CDS-65-09 - EXTENSION OF DRAFT PLAN APPROVAL - SPEARS ROAD - WEST SIDE OF SPEARS ROAD - ASHTON HOMES (WESTERN) LIMITED**

Recommendation No. 14
Moved by: Councillor Shular

THAT:Council hereby supports the extension of Draft Plan Approval for the Spears Road Draft Plan of Subdivision to August 11, 2011, and further

THAT:The Owner and the Development Service Division of the Regional Niagara Public Works Department be so advised. (CARRIED)

(H) **REPORT NO. CDS-66-09 - DEVELOPMENT AGREEMENT FOR CONSENT APPLICATIONS - 1729654 ONTARIO LTD. (MIKE D'ANTINI) SCHOOLEY ROAD, SOUTH OF REBSTOCK ROAD**

Recommendation No. 15
Moved by: Acting Mayor Whitfield

THAT:The Town hereby enter into a Development Agreement with 1729654 Ontario Ltd., subject to receipt of the final drawings to Town's satisfaction, and further

THAT:The Mayor and Clerk be authorized to execute the Development Agreement and requisite documents. (CARRIED)

(C) **NEW BUSINESS/ENQUIRIES**

(a) Councillor Annunziata

Councillor Annunziata questioned how Council would go about putting Report No. CDS-62-09 back before Council since he did not think it was fair to Ms. Minhas. The Clerk explained Council has the option of returning the matter by a motion for reconsideration to be presented by a Member of Council who voted on the prevailing side.

Councillor Annunziata believed the matter of snow plowing and access issues could be mitigated. Mr. Mostacci added he didn't see Council's grounds as being sustainable before the OMB. Councillor Shular agreed to bring the matter back if he could be guaranteed work would be done to consider Princess Street as an access.

Recommendation No. 16
Moved by: Councillor Shular

THAT:Council Rules of Procedure By-law No. 145-06, as amended be waived to permit a motion for reconsideration without notice and that the matter of Report No. CDS-62-09 be reconsidered. (CARRIED)

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Recommendation No. 17

Moved by: Councillor Whitfield

THAT: The application to amend the Official Plan and Zoning By-law No. 129-90 at 33 Princess Street be approved, and further

THAT: An Official Plan Amendment be submitted to Council changing the Official Plan designation of the subject lands from "General Commercial" to "Urban Residential", and further

THAT: The change in the proposal from a 2 storey 29 unit apartment building to a 3 storey 30 unit apartment building is considered minor, and further

THAT: Pursuant to Subsection 34(17) of the *Planning Act*, Council determine that no further notices of the change be given, and further

THAT: A Zoning By-law Amendment be submitted to Council changing the zoning of the subject lands from "General Commercial C-2-372(H) Zone" to a "Site Specific Residential Multiple Holding 2 RM2(H) Zone" to construct a new 30 unit apartment complex, and further

THAT: The holding provision not be removed until the Site Plan Agreement and Archaeological Assessment has been completed to the satisfaction of the Town.
(CARRIED)

(b) Councillor Noyes

Councillor Noyes requested clarification with respect to legal and non-conforming uses of properties that may be rezoned under the Bridgeburg Secondary Plan. Whether or not people can still use the property and sell it for the same use, and the Town and the EDTC cannot dissuade anyone from using the property as currently zoned.

Mr. Mostacci responded in the affirmative. If the zoning changed and the use continues of that which existed on the date of the passing of the by-law, it continues infinitely unless there is an interruption in use.

Councillor Noyes suggested there is a disconnect with the NPCA and they should be included early in the process for the Bridgeburg Secondary Plan. She added it takes a lot of resources to get to this point and perhaps there will be more changes. This matter unfolded with the property owner on Gorham Road and they asked that the Town of Fort Erie not speak on their behalf. She suggested there needs to be better communication between the Town's Planning Department and the NPCA.

(c) Councillor Annunziata

Councillor Annunziata informed Members of Council tomorrow night at 7:00 p.m. there will be a presentation by the architect and superintendents for the new school proposed for Our Lady of Victory. He suggested someone from staff should attend who could bring the vision back to Council since he is unable to attend.

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COUNCIL-IN-COMMITTEE MINUTES – MONDAY, OCTOBER 5, 2009
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(D) BUSINESS STATUS REPORT

(a) Councillor Steckley

Councillor Steckley enquired about the Garrison Road Public Meeting to which Mr. Mostacci advised he would have to look into the matter and advise the Councillor accordingly.

Councillor Steckley enquired about the status of the Bay Beach Rezoning issue. Mr. Mostacci advised there will not be a report until November but information meetings are expected in October.

8) CONSENT TO ADD OTHER BUSINESS SUBDIVISION MATTERS

Recommendation No. 18
Moved by: Councillor Lockwood

THAT:Consent is hereby granted to consider a Corporate Services report under due to extra-ordinary circumstances. (CARRIED)

9) CORPORATE SERVICES

(A) DELEGATION

(a) John Hill, 170 Sunrise Court

Re: Proposed Redivision of Ward Boundaries

Mr. Hill addressed Council in support of redividing the ward boundaries as recommended in the report. He explained how he initiated the request by contacting Councillor Whitfield. Mr. Hill spoke of the need to include the Ridgeway-by-the-Lake Subdivision area in Ward 4 rather than Ward 5 due to its historical affinity with Ridgeway, the neighbourhood and downtown.

(B) REPORT

(A) REPORT NO. CS-37-09 - PROPOSED REDIVISION OF WARD BOUNDARIES

Recommendation No. 19
Moved by: Councillor Shular

THAT:The redivision of the ward boundaries in accordance with Appendix "2" annexed to the report be and it is hereby approved, and further

THAT:The Clerk be directed to publish notice in accordance with the requirements of the *Municipal Act, 2001* and the Town's Public Notice Policy advising the public of Council's intention to consider a by-law at a Special Meeting of Council to be held October 19, 2009 to redivide the ward boundaries effective with the 2010 Municipal Election, and further

THAT:A Special Meeting of Council shall be scheduled for October 19, 2009 at 6:00 p.m. to hear any person who may wish to speak to the matter and to consider a by-law to redivide the ward boundaries, and further

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THAT: Council Rules of Procedure By-law No. 145-06, as amended be suspended in order to commence the Regular Council-in-Committee Meeting of October 19, 2009 immediately following the Special Meeting of Council.

(LOST)

10) SCHEDULING OF MEETINGS

- (a) Corporate Services Business Sub-Committee – October 8, 2009 at 8:00 a.m. – Conference Room No. 2
- (b) Bridges-Fort Erie Wellness Advisory Committee – October 6, 2009 at 6:00 p.m. – Bridges Community Health Centre
- (c) Bridgeburg Station Downtown BIA Board Meeting – October 7, 2009 at 6:00 p.m.

11) ADJOURNMENT

Recommendation No. 20
Moved by: Councillor Steckley

THAT: Council-in-Committee does now hereby adjourn at 9:05 p.m. (CARRIED)

MAYOR

CLERK

APPENDIX 4 TO OFFICIAL PLAN AMENDMENT NO. 5

CIRCULATION COMMENTS – OPA 5

ALL CIRCULATION COMMENTS WERE PROVIDED TO COUNCIL ON SEPTEMBER 7, 2010 AS APPENDICES 5-8 TO REPORT CDS-050-2010. A COPY IS AVAILABLE IN THE CLERK'S DEPARTMENT, AND WILL BE ATTACHED TO THE FINAL BY-LAW TO BE SIGNED BY THE MAYOR AND CLERK.