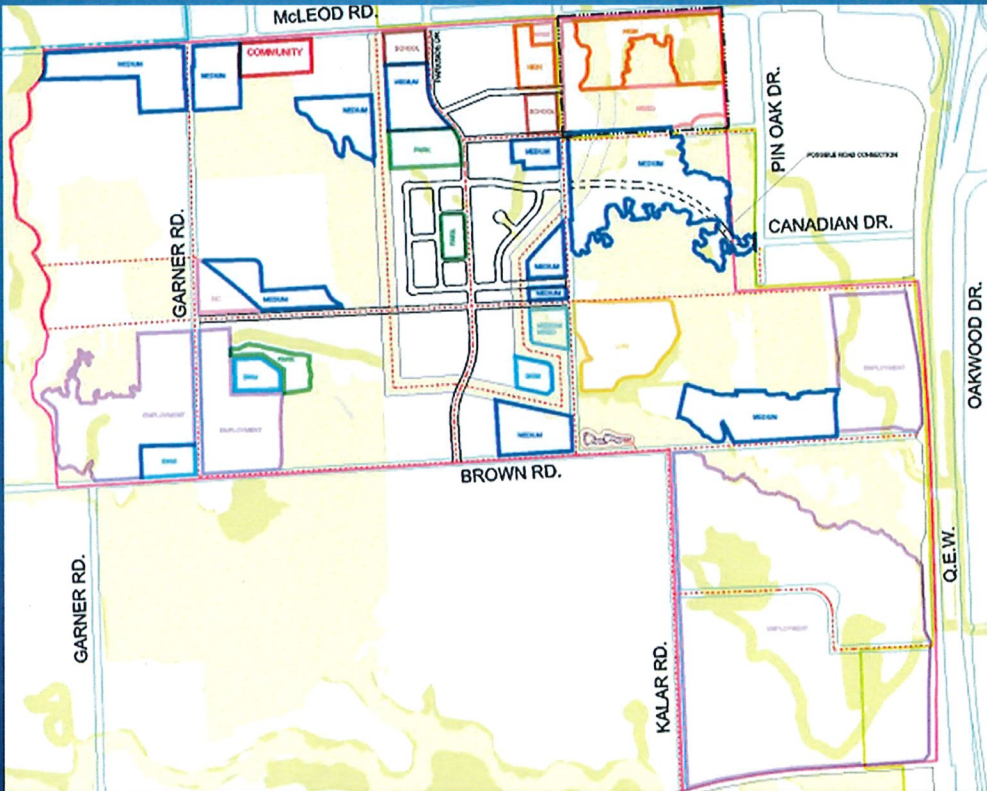
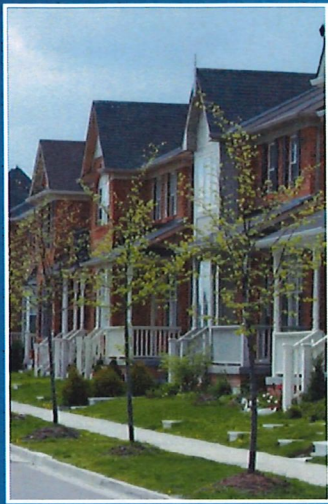




Garner South Secondary Plan

Approved: December 6, 2012



PART 2 - BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached maps, constitute Amendment No. 99 to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. MAP CHANGES

- i) SCHEDULE A - LAND USE PLAN of the Official Plan is amended by identifying the Garner South Secondary Plan Area and referring to Schedule A-3 for land use designations as shown on the map attached entitled "Map 1 to Amendment No. 99".
- ii) A new SCHEDULE A-3 – GARNER SOUTH SECONDARY PLAN is added as shown on the map attached entitled "Map 2 to Amendment No. 99".
- iii) PART 5 - APPENDICES is amended with the addition of APPENDIX VII-A, VII-B, and VII-C, shown on "Maps 3, 4, and 5 to Amendment No. 99".

2. TEXT CHANGES

- i) PART 1 - PREAMBLE, SECTION 4 - FORMAT OF THE PLAN is amended by:
 - a) deleting the sixth and seventh paragraph in their entirety and replacing them with the following:

"Part 5 entitled SECONDARY PLANS contains the policies and plans for specific areas of the City prepared through the secondary plan process and adopted as amendments to this Plan.

SCHEDULES to this Plan illustrate the land use designations, height strategies, roads, districts and special policy areas of this Plan and are to be read in conjunction with its text. There are additional Schedules "A", "A3", "B", "C", "D" and "E" that form part of the Plan.

The APPENDICES contain supplementary and supporting information for the Policies of this Plan but do not form part of

the Plan itself.”

- ii) PART 5 – APPENDICES is renamed “APPENDICES” and is moved in its entirety within the document to follow the whole of PART 6 – SCHEDULES.
- iii) A new PART 5 – SECONDARY PLANS its to be added as follows:

PART 5 – SECONDARY PLANS

SECTION 1 – GARNER SOUTH

Preamble

The purpose of the Garner South Secondary Plan is to provide a detailed land use plan for the development of the lands within the Garner South Secondary Plan Area. The Secondary Plan applies to the lands shown on Schedule A-3 to the Official Plan. The Garner South Secondary Plan Area does not include the Heartland Forest lands or the Cytec lands.

The Garner South Secondary Plan Area encompasses approximately 225 hectares of developable Greenfield land. Two small portions of the Secondary Plan Area in the northeastern quadrant are within the Built-up Area. A substantial amount of the Secondary Plan Area is natural heritage including Provincially Significant Wetlands, Warren Creek and associated wetlands and significant woodlands.

It is intended that the Secondary Plan Area develop as a complete community providing a mix of housing, employment, commercial services and community facilities that serve the residents as well as an integrated open space system. The provision of housing in various forms will assist in meeting the various financial resources of households. Development is to occur in a manner that protects the natural heritage features and utilizes them to enhance the overall design and character of the community.

At build-out the Secondary Plan Area is designed to accommodate, approximately:

- 6,900 people
- 2,700 dwelling units
- 2,000 jobs

These figures are based on a greenfield target density of 53 people and jobs per hectare as established by the Regional Policy Plan.

The following general principles and objectives are the basis from which the policies are derived. As such, development applications are to be consistent with the policies as well as the general principles and objectives.

Principles and Objectives

The following principles and objectives are to be achieved in the Garner South Secondary Plan Area.

1. Principle – Foster a sense of place

Development is to create a community feel and identity through a strong pedestrian realm and integration of the re-channeled Warren Creek as a naturalized open space.

Objectives

- to create an urban form together with an interconnected street system that is transit-supportive, comfortable and engaging for the pedestrian as well as effectively transporting people and vehicles;
- to create a community with a system of paths and walkways that allows for convenient walking and cycling;
- to integrate the re-channeled Warren Creek into the design of open space and residential areas; and
- to include natural heritage features in the community design as aesthetic amenities and provide for vistas and viewsheds in order to assist in the creation of a sense of place.

2. Principle – To create a diverse residential community

The Secondary Plan Area is to provide housing over a 10- to 15-year term and shall be developed with a mix of housing types that allows for a range of affordability levels.

Objectives

- to ensure that a variety of housing types are integrated into the Secondary Plan Area;
- to ensure a compatible arrangement of housing types so as to avoid land use conflicts;
- to provide a range of affordability, consistent with targets established by Regional Niagara; and
- to provide for schools, neighbourhood commercial uses, retirement residences and other community facilities.

3. Principle – Protect natural heritage features.

The Secondary Plan Area has a large number of wetlands, woodlands as well as two creek systems. These natural heritage areas are to be protected and, if possible, enhanced.

Objectives

- to ensure that development does not negatively impact on natural heritage features by providing appropriate separation distances and buffers;
- to contain storm water through a system of storm water management ponds that are integrated with Warren Creek and Thompson Creek;
- to maintain the hydrology of wetlands at a quantity and quality that will ensure the long term preservation of the wetland; and
- to preserve woodlands to the greatest extent possible and to integrate the built environment with them.

4. Principle - Development of an integrated trails and open space system

Recreational trails and open space increase the quality of life for residents. When integrated into a design that functions with the built and natural environments, a trail and open space system provides an amenity for the community.

Objectives

- to utilize Warren Creek and hydro transmission corridor as key lineal open space elements that link to community;
- to integrate schools and parkland with Warren Creek and the hydro transmission corridor;
- to provide public open space close to medium and high density developments; and
- to integrate open space with the natural heritage features.

5. Principle – Create employment opportunities

The creation of employment opportunities within the Secondary Plan Area is essential to the development of a complete community.

Objectives

- to retain lands along the QEW in the eastern part of the Plan Area being the lands west of Montrose Road; and also to retain lands within a 2km radius of the Cytec phosphine plant for employment

designations together with a Neighbourhood Commercial designation located at the north eastern part of the radius as shown on Schedule A-3;

- to achieve an overall density of 30 jobs per hectare on employment lands;
- to provide for live/work land uses within the eastern part of the Plan Area;
- to allow for a variety of employment uses throughout the community in order to provide opportunities for employment close to home; and
- to achieve high quality urban design on employment lands.
- to provide connectivity between employment and residential areas supporting alternative modes of transportation (such as pedestrian, cycling or public transit)

Policies

1. General

- 1.1 The basic pattern of future land use is illustrated on Schedule A-3 and the Concept Plan (Appendix VII-A) to the Official Plan. The Concept Plan provides a physical framework that implements the general principles and objectives. Development is to be consistent with the land use pattern and collector road system. The location of local roads, however, will be determined through individual plans of subdivision.

The general phasing concept for the Secondary Plan Area is shown on the Phasing Concept Plan, Appendix VII-B.

The Concept Plan (Appendix VII-A) and the Phasing Concept Plan (Appendix VII-B) do not constitute part of the Secondary Plan and are included as appendices as supporting documents.

- 1.2 The following land use policies and designations are established for the Secondary Plan Area only and are shown on Schedule A-3. Any changes in land use designation from that shown on Schedule A-3 shall require an amendment to this Plan, save and except for revisions to the boundaries of the limits of the EPA and ECA designations as set out in policy 2.9.2.3.

- Residential, low density;
- Residential, medium density;
- Residential, high density;
- Neighbourhood Commercial;
- Mixed Use;
- Employment;

- Open Space;
- Environmental Protection and Environmental Conservation Areas.

- 1.3 The overall greenfield density target for the Secondary Plan Area shall be 53 people and jobs per hectare. The calculation of greenfield density is provided in Appendix VII-C as supporting data. The density is calculated on the Gross Developable Land Area over all of the lands outside the Built Area Boundary. Gross Developable Land Area is the total Greenfield Area less the area of protected natural heritage features. Protected natural heritage features are those that are designated Environmental Protection Area or Environmental Conservation Area as well as buffers adjacent to Provincially Significant wetlands to a depth of 30 metres. Lands within the Secondary Plan Area and within the Built-up Area are not to be used in any greenfield density calculation. Densities will be monitored by the City to ensure that the target density is achieved, across the Secondary Plan Area.
- 1.4 Notices regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour and air emissions will be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements. In addition for any development of retirement residences and senior citizens residences on the lands located north and east of Warren Creek and south of the hydro corridor and north of Brown Road a provision requiring the approval of an emergency plan and evacuation protocol to the satisfaction of the City shall be required as part of any development approvals granted.
- 1.5 Home occupations shall be permitted in accordance with the regulations contained within the Zoning By-law.
- 1.6 Lands may be developed at densities lower than the minimum prescribed in this Secondary Plan without amendment to this Secondary Plan. Such proposals shall be accompanied by an analysis, based on approved land use, that demonstrates that the overall target density for the Secondary Plan will not be jeopardized.
- 1.7 Second dwelling units are a rental housing alternative that can meet the financial resources and obligations of the City's residents as well as its changing demographics. Accordingly, second dwelling units may be permitted within single detached,

semi-detached and townhouse dwellings or an associated accessory building and will be implemented through appropriate standards in the Zoning By-law. All second dwelling units satisfy any other applicable regulations such as the Ontario Building Code.

1.7.1 Zoning regulations related to second units in residential zones shall prescribe provide for the following:

- only one dwelling and a second unit shall be permitted on one lot;
- the lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas for both units; and
- the following areas are restricted to one dwelling unit per dwelling, being the lands subject to a maximum building height of 2 or 2 ½ storeys under Figure 5, 6 owing to land use compatibility restrictions with employment lands located to the south west, and the lands being developed with adult lifestyle dwellings.
- Second units requiring building additions or substantial alterations to the principal dwelling should be designed to maintain the overall character of the principal dwelling.
- The establishment of a second dwelling unit is deemed to comply with the density requirements of this Plan.

1.8 The target maximum densities set forth in this Secondary Plan are based on ideal site conditions. Accordingly, if such conditions are not present, maximum densities may not be achievable.

1.9 The provision of employment lands is a critical element of this Secondary Plan. Employment lands are an integral part of creating a complete community and will assist in diversifying the City's employment base overall. Moreover, the location of the employment lands adjacent, and/or with ready access to, the QEW, will also assist in the realization of the *Gateway Economic Zone* as envisioned by the *Growth Plan for the Greater Golden Horseshoe*. As such, the conversion of employment lands to non-employment uses is prohibited.

1.10 Any application to amend these Official Plan Policies or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variance or consent application(s)

within the Garner South Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands south of Brown Road and west of Garner Road and north of Chippawa Creek Road within the municipal boundaries, which lands are as the date of adoption of this Official Plan Amendment owned by Cytec Canada Inc.

2. Land Use

2.1 Residential, Low Density

Lands designated Residential, Low Density predominate the Secondary Plan Area as low density housing is the primary housing form in the City. Lands under this designation are to be developed to include a variety of housing forms.

2.1.1 Residential, Low Density areas shall accommodate a mix of low density housing types within each plan of subdivision. These housing types include single detached dwellings, semi-detached dwellings.

2.1.2 Development in Residential, Low Density areas shall proceed by way of plan of subdivision or condominium.

2.1.3 In order to meet the greenfield density target, subdivisions within the Residential, Low Density area shall have a density of not less than 16 units per gross developable hectare with a maximum density of 30 units per hectare.

2.1.4 Building heights shall not exceed 3 storeys, except on lands within the area shown on Figure 6 where building heights shall not exceed 2 or 2 ½ storeys which locations are as detailed on Figure 6.

2.1.5 Reverse lot frontage shall be avoided wherever possible. In addition, garage doors should not dominate the streetscape.

2.2 Residential, Medium Density

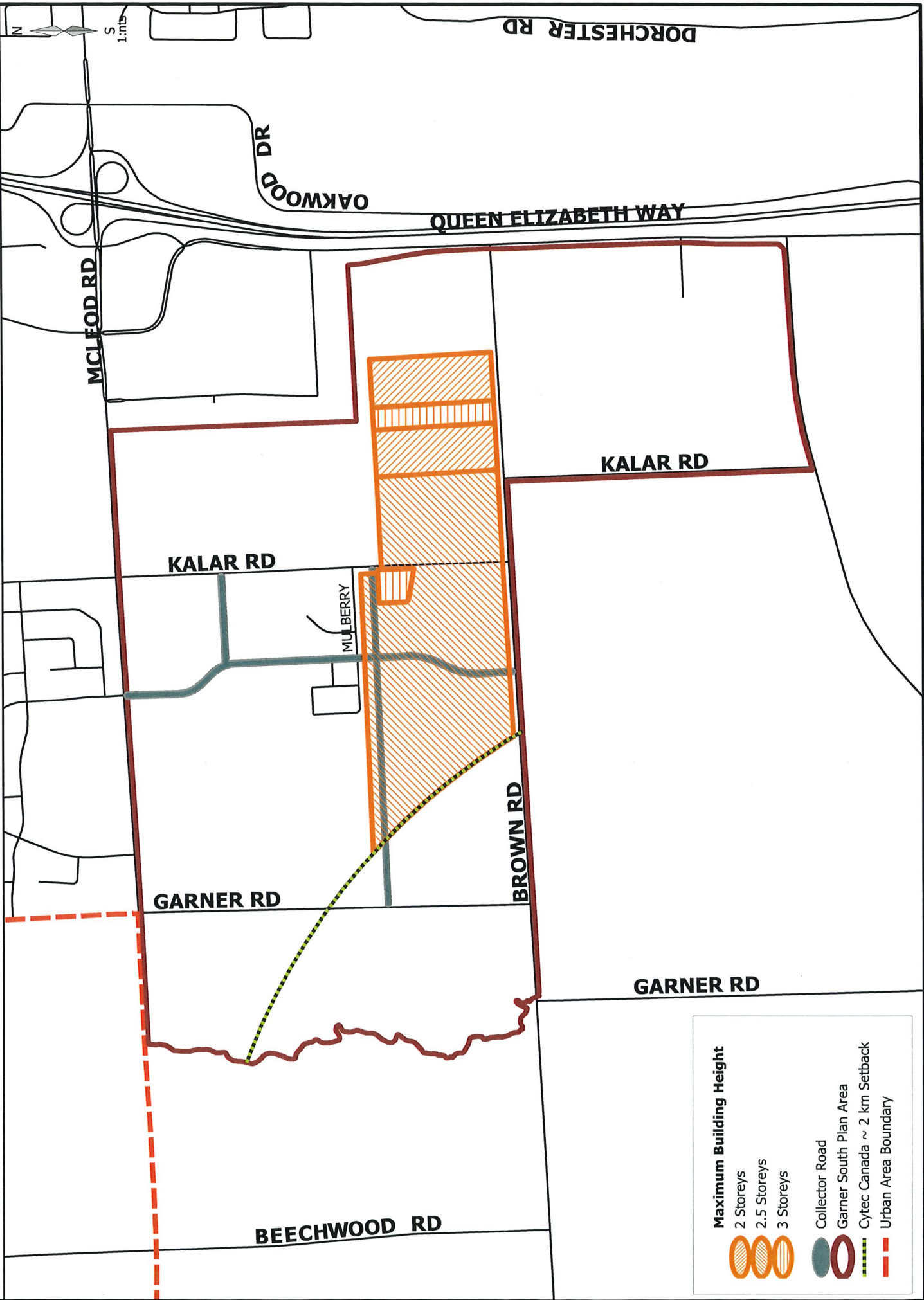
Lands designated Residential, Medium Density are integrated throughout the Secondary Plan Area, as shown on Schedule A-3 and the Concept Plan, so as to allow for a mix of housing

types in the Secondary Plan Area. These lands are generally in proximity to the Open Space System in order to provide residents easy access to this public amenity space and commercial areas.

- 2.2.1 Residential, Medium Density areas shall provide for on-street and block townhouses, including stacked townhouses, and apartment buildings.
- 2.2.2 Retirement homes and senior citizens residences (as those terms are defined in the City's Zoning By-law as of the date of approval of this Official Plan Amendment), are permitted on lands located north and east of Warren Creek and south of the hydro corridor and north of Brown Road. The development of these lands for institutional type uses requiring additional care facilities such as a hospital, homes for the aged or nursing homes is not permitted.
- 2.2.3 In order to meet the greenfield density target, Residential, Medium Density areas shall be developed at a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare.
 - 2.2.3.1 Lands may be developed at densities lower than 50 units per hectare without amendment to this Plan if it is demonstrated that the proposed density will not jeopardize the achievement of the greenfield density target.
 - 2.2.3.2 Brownfield sites may be developed at densities higher than 75 units per hectare, without amendment to this Plan, but should be of a scale and massing that is generally consistent with the Residential, Medium Density designation.
 - 2.2.3.3 Retirement homes and seniors citizens residences may only develop to a maximum density of 80 units per hectare.
- 2.2.4 Building heights shall not exceed 4 storeys, except as follows.

- 2.2.4.1 On lands within the area shown on Figure 5, building heights shall not exceed 2, 2 ½ or 3 storeys in the locations as detailed on Figure 6.
- 2.2.4.2 Building heights for retirement residences and senior citizens residences located north and east of Warren Creek and south of the hydro corridor and north of Brown Road not exceed the building heights of 2 and 3 storeys as shown on Figure 6.
- 2.2.5 Buildings are encouraged to be designed with a street frontage that is pedestrian-oriented. To achieve this, buildings should be located close to the street. Exterior pedestrian access to individual dwelling units encouraged. Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
- 2.2.6 Block townhouses shall be designed so as to integrate with the streetscape by facing the street. More specifically, reverse lot frontage is discouraged.
- 2.2.7 Vehicular access, where possible, shall be located on a collector road.
- 2.2.8 Neighbourhood commercial uses consistent with section 2.5 may be established as part of a mixed residential/commercial development on the lands located on the west side of Kalar Road, immediately south and adjacent to the hydro corridor, as shown on Schedule A-3 and the Concept Plan, Appendix VII-A.
- 2.2.9 The Zoning By-law shall regulate the siting of buildings in the following manner:
- 2.2.9.1 Any senior citizens residence shall be located as far east as possible on lands on the north side of Brown Road and east of Kalar Road.

Figure 6: Area of Restricted Building Height



2.3 Residential, High Density

Lands designated Residential, High Density are located primarily on the east side of Kalar Road as shown on Schedule A-3 and the Concept Plan.

- 2.3.1 Residential, high density areas shall provide for apartment buildings.
- 2.3.2 Retirement and long term care facilities are also permitted.
- 2.3.3 In order to meet the greenfield density target, Residential, high density areas shall be developed at a minimum density of 75 units per net hectare to a maximum of 125 units per net hectare. Despite Policy 2.3.1, lower density housing types may be permitted on a site specific basis:
 - (a) within a development to provide for a mix of housing if the overall density for the development meets the minimum for this designation; or
 - (b) where justified by market conditions and the overall density target for the Plan Area is not jeopardized.
- 2.3.4 Unless otherwise stated, building heights shall not exceed 8 storeys for apartment buildings and 2 storeys for long term care facilities in the Secondary Plan Area. Despite this, in order to capitalize on this area's proximity to the Niagara Square Retail District, lands east of Kalar Road are intended to develop as a high-rise node. As such, densities may exceed 125 units per net hectare and building heights up to 12 storeys may be considered without amendment to this Plan.
- 2.3.5 In addition to the policies of PART 4, Section 4.5 of this Plan, increases in height and density may be considered in exchange for additional amenity space or parkland, or the provision of on-site or off-site sustainable design elements without amendment to this Secondary Plan.

- 2.3.6 Buildings shall be designed facing the street in order to be pedestrian-oriented. Apartment dwellings should be located such that front and exterior side yards are generously landscaped to complement the streetscape or with podiums set close to the street. Lower density housing forms may be utilized along street frontages in combination with higher density apartment dwellings located internally.
- 2.3.7 Parking areas should be located within rear yards or interior side yards. Landscape buffers along all property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening. Where a rear or exterior lot line or the rear or side building façade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades and servicing areas are attractive and/or appropriately screened from view.
- 2.3.8 Although lands designated as Residential, High Density are shown on Schedule A-3, applications to amend this Secondary Plan to permit high density housing on lands not so designated shall be considered, provided such lands front on McLeod Road, or provided such lands are located adjacent to or in proximity to the Niagara Square Retail District, and provided such lands are not in proximity to employment lands based on the following, in addition to the policies of this section noted above:
- 2.3.8.1 Lands should have frontage on an arterial road.
- 2.3.8.2 Lands should be close to:
- public open space or parkland; or
 - commercial services.
- 2.3.8.3 Lands are to be of sufficient area and frontage to provide appropriate setbacks and landscaping.

2.4 Institutional

2.4.1 Although not shown on Schedule A-3, lands under any of the Residential designations may be used for institutional uses, subject to the following policies:

2.4.1.1 Schools

- (i) Two elementary school sites are to be provided in the Secondary Plan Area. Elementary schools provide a focus to the community and their locations contribute to its walkability. While school sites are illustrated conceptually on the Concept Plan, their ultimate location is to be guided by the following policies:
 - (a) Each school site should be centrally located such that the majority of students are within an 800 metre radius.
 - (b) Each school site shall have an area of between 2 to 3 hectares and be located with at least one frontage on a collector road.
 - (c) School sites should also be integrated with the trails and open space system.
 - (d) School sites shall be required to locate outside and away from the 2 km Cytex Arc, and school sites shall not be located within the lands east of Garner Road, and south of the Hydro Corridor and west of Kalar Road.

2.4.1.2 Places of Worship

- (i) Places of worship are to be located and designed in accordance with the following:
 - (a) Places of worship shall not be located on a local road.
 - (b) Parking areas should be located within rear yards or interior side yards. Landscape buffers along

any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

- (c) Buildings should be located close to the street to provide a street presence.
 - (d) Places of Worship shall be required to locate outside and away from the 2 km Cyttec Arc.
- (ii) Places of worship may be integrated with Residential, Medium Density and Residential, High Density designations as part of an overall development that is primarily residential.

2.4.1.3 Community Centres

- (i) Community centres shall be permitted on lands designated Medium Density and High Density in accordance with the following policies:
 - (a) Community centres may be permitted as either stand alone buildings or integrated within a mixed use building.
 - (b) Community centres are to be located on arterial roads.
 - (c) Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
 - (d) Buildings should be located close to the street to provide a street presence.
 - (e) Community centres shall be required to locate outside and away from the 2 km Cyttec Arc.

2.5 Neighbourhood Commercial

Lands designated Neighbourhood Commercial are shown on Schedule A-3, located on the east side of Garner Road, north of the Hydro Corridor. In addition, the lands designated medium density lands located on the west side of Kalar Road, immediately south and adjacent to the hydro corridor, as shown on Schedule A-3 and the Concept Plan, Appendix VII-A, may establish neighbourhood commercial uses as part of a mixed residential/commercial development. No residential building or residential unit may be sited with the 2 km Cyttec Arc as shown on Schedule A-3.

2.5.1 Recognizing the proximity of the Secondary Plan Area to the Niagara Square Retail District, and that development in the Plan Area should serve to strengthen the Retail District, commercial facilities within the Secondary Plan Area shall be limited to those that serve the day-to-day needs of residents.

2.5.2 The maximum retail gross floor area in the Secondary Plan Area shall not exceed 2,000 square metres. Any requests that will result in an increase beyond 2,000 square metres will require an amendment to this Plan and will be accompanied by an analysis that demonstrates:

- that there is a sufficient population base within the Secondary Plan Area that will support the proposed floor area; and
- that the establishment of the retail will not jeopardize the planned function of the Niagara Square Retail District.

2.5.3 The maximum gross floor area for any retail use shall not exceed 300 square metres.

2.5.4 The uses permitted within the Neighbourhood Commercial designation may include convenience stores, day nurseries, personal services and small scale restaurants, offices, clinics and financial institutions.

2.5.5 Notwithstanding the list of permitted Neighbourhood Commercial uses in policy 2.5.4, the following land uses are specifically prohibited:

- automotive-related uses;

- day nurseries or medical clinics within the 2.0 km Cytec Arc as shown on Schedule A-3 or on any part of the Neighbourhood Commercial designation that is part of that radius; and
- any retail stores or commercial use that requires the outdoor storage of goods.

2.5.6 Building heights shall not exceed 3 storeys, except as prescribed by Figure 6.

2.5.7 Dwelling units are only permitted as part of mixed use buildings on the lands described in section 2.5, above. Within mixed use buildings, dwelling units may be established to a maximum of 75% of the total gross floor area and should be located above the ground floor.

2.5.8 Shared parking arrangements within mixed use buildings may be permitted on a site specific basis, subject to a Parking Demand Analysis being submitted, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services.

2.5.9 Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

2.6 **Mixed Use**

The lands designated Mixed Use, as shown on Schedule A-3, are generally located within the southeast quadrant of Kalar Road and McLeod Road.

2.6.1 The intent of the Mixed Use lands is to provide opportunities for commercial and service commercial uses that benefit from arterial road frontage, recognize the uses that currently exist and to provide a transition to the residential lands by permitting further commercial as well as residential uses.

2.6.2 Buildings may be developed as stand alone commercial or residential uses or in combination. However, it is the intention of this Plan that the lands located on the southwest corner of Kalar Road and

McLeod Road be developed as a mixed commercial/residential use.

- 2.6.3 Building heights shall not exceed 6 storeys.
- 2.6.4 Commercial uses may be developed in the following manner:
 - 2.6.4.1 Retail, offices, day nurseries, clinics and personal and service commercial uses that benefit from arterial road frontage shall be permitted.
 - 2.6.4.2 Parking areas located along Kalar Road should be limited to a single row and drive aisle and should be separated from Kalar Road by a landscape buffer of sufficient depth and intensity such that the parking area is appropriately screened from Kalar Road.
- 2.6.5 Residential uses may be developed in the following manner:
 - 2.6.5.1 Densities for stand-alone residential buildings shall not be less than 50 units per net hectare to a maximum of 75 units per net hectare.
 - 2.6.5.2 Parking areas should be located in the rear or interior side yards. Where a rear or exterior lot line or the rear or side building façade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades and servicing areas are attractive and/or appropriately screened from view.
 - 2.6.5.3 Residential uses should occupy floors above the ground floor in mixed use buildings.
 - 2.6.5.4 Shared parking arrangements within mixed use buildings may be permitted on a site specific basis, subject to a Parking Demand Analysis being submitted, as part of an

application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services.

- 2.6.5.5 Amenity areas should be located adjacent to natural heritage features in order to assist in mitigation of the development and to integrate built and natural environments.

2.7 Employment

The lands designated Employment are shown on Schedule A3 and are considered as two distinct precincts.

2.7.1 It is the objective of this Plan to attain an employment density of 30 jobs per hectare, and as such, this density shall be applied to Employment lands when calculating overall densities across the Secondary Plan Area. Densities will be monitored by the City as Employment lands develop.

2.7.2 The principal uses permitted within the Employment designation may include:

- (a) on the lands on the west side of Montrose Road:
- offices, medical clinics;
 - government services, research and, training facilities;
 - facilities for the research, development and production of alternate energy sources;
 - opportunities for live/work environment and form, subject to policy 2.7.7;
 - prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
 - commercial services such as, but not limited to, banks and restaurants, which may only develop once the majority of the

land area designated Employment has been developed with the uses noted above;

- ancillary retail and service uses to the above, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use; and
- medical clinics are limited to 3 storeys in height.

(b) on lands within the southwest quadrant of the Plan Area:

- prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations; and
- ancillary retail and service uses, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use.

2.7.3 Notwithstanding the list of permitted employment uses in policy 2.7.2, the following land uses are specifically prohibited:

- assembly of persons and accommodation uses within the 2.0 km Cytec Arc as shown on Schedule A-3;
- the outdoor display or storage of goods in front or exterior side yards;
- nightclubs or banquet halls;
- places of entertainment;
- adult entertainment parlour;
- body rub parlour; and
- taxi establishments.

2.7.4 The number of access points from individual lots to public roads shall be minimized. Shared access and internal connections between multiple lots is encouraged.

2.7.5 Employment lands shall be developed in accordance with the following design criteria:

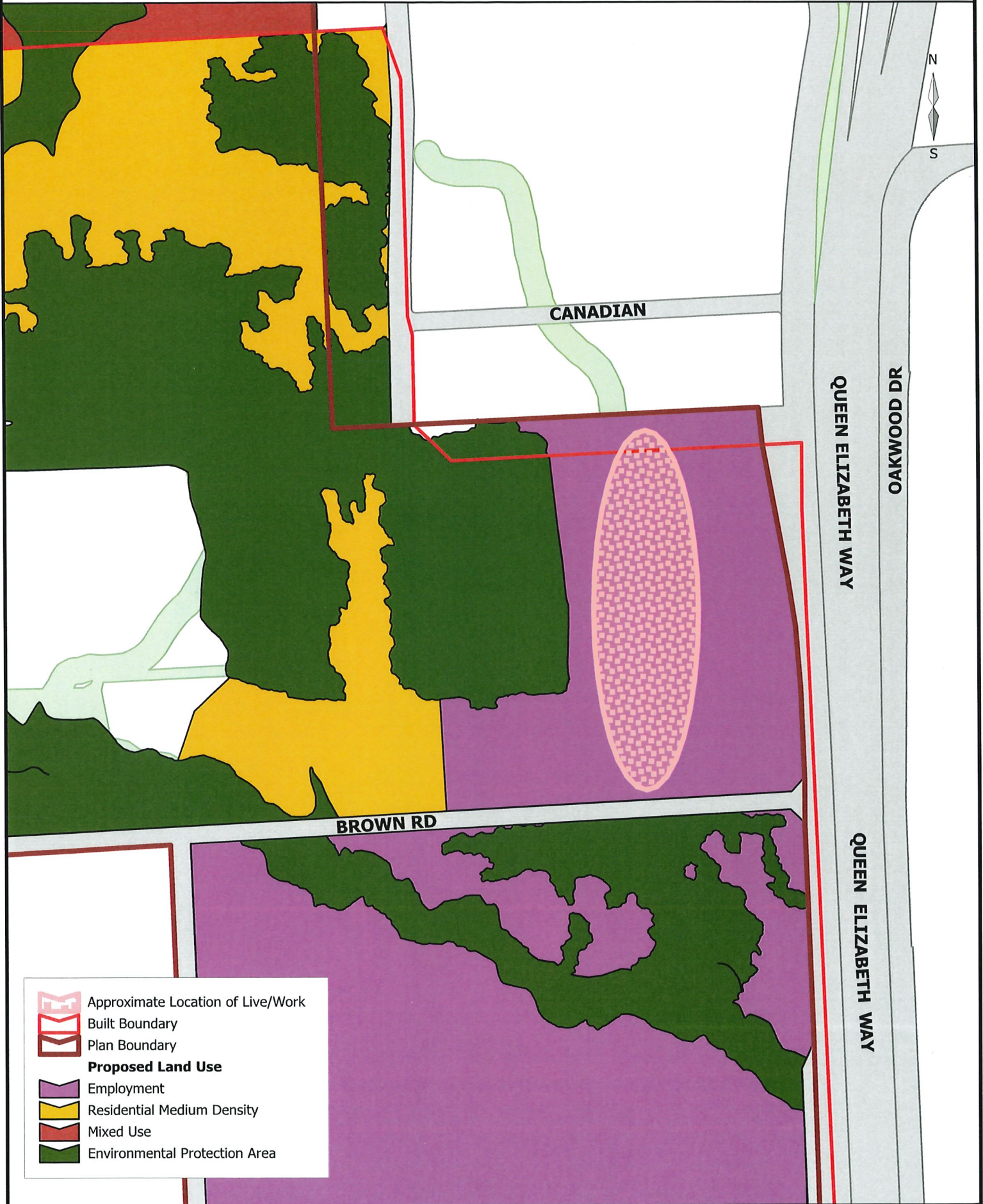
- loading and servicing areas should be located in the rear yard of the lot and be screened from view through built form and landscaping;
- buildings shall front onto, and have a consistent front yard setback;
- buildings should be sited and massed consistently;
- front and exterior side yards should have a minimum landscaped area of 6 metres, except along Montrose Road which should be 12 metres in width; and
- shall have a maximum building height of 3 storeys within a 2.0 km radius of the Cytec phosphine plant.








2.7.6 The City shall participate in discussions with telecommunications providers regarding the feasibility of servicing employment areas with leading edge telecommunications services, including broadband technology, to attract knowledge-based industries and support economic development, technological advancement and growth of existing businesses.

2.7.7 Provision of live/work units within the eastern precinct represents an opportunity to supply a unique lifestyle choice to a segment of society that desire to offer goods and/or services to the marketplace from a small scale production and/or office unit space combined with their principle residence.

Live/work differs from a general Mixed Use designation through the type of use that may be anticipated or conducted on the premise. The supply of live/work units would be limited to the lands identified on Figure 7 and subject to the following:

Figure 7: Location of Live/Work



-  Approximate Location of Live/Work
-  Built Boundary
-  Plan Boundary
- Proposed Land Use**
-  Employment
-  Residential Medium Density
-  Mixed Use
-  Environmental Protection Area

2.7.7.1 Live/work units are intended to serve as a transitional land use between Employment and Residential or Environmental land use designations and as an alternative to traditional employment areas. Identification of the live/work location on the Concept Plan is intended to provide guidance for the adjacent prestige industrial uses fronting onto Montrose Road and to plan for design mitigation measures.

Live/work units shall only be permitted through an amendment to the Zoning By-law and subject to the following policies.

- (a) At least 50% of the land area of the adjacent Employment lands shall be developed prior to the establishment of any live/work use.
- (b) Establishment of live/work uses shall not negatively impact the future development of industrial uses in the Employment lands through impositions of Distance Separation Criteria.
- (c) Proponents of live/work uses shall demonstrate that established industrial uses within the Employment designation will not negatively impact residential occupancy through application of Ministry of Environment Distance Separation Criteria.
- (d) Live/work built form should be restricted to three storey structures with business operations restricted to the ground floor.
- (e) Each live/work unit should be self-contained.
- (f) Adequate outdoor amenity space should be provided for residential units.

(g) Adequate parking is to be provided for both employment and residential uses.

2.7.7.2 The zoning by-law shall detail the uses permitted and regulations. Although a broad range of uses may be permitted, it is anticipated that uses will involve light manufacturing or minor production of goods, such as cabinet making, graphics printing and publishing, clothing customizing and industrial sewing. Uses are not to utilize or emit noxious substances.

2.7.7.3 Employment uses adjacent to live/work uses shall provide generously planted landscaped areas along adjacent property lines and utilize other design measures to buffer these uses from the live/work uses.

2.8 Open Space System

2.8.1 The Trails and Open Space System, comprised of trails, parkland and the rechanneled Warren Creek, is illustrated on the Concept Plan (Appendix VII-A). Parkland is shown on Schedule A3, designated Open Space. Lands under this designation shall include parkland and trails. The locations are conceptual in nature and may be revised during the approval of individual draft plans of subdivision.

2.8.2 Neighbourhood parks should be a minimum of 2 hectares in size and may be for either active or passive recreation.

2.8.3 Individual plans of subdivision or condominium that provide a dedication of land shall design the park such that it has connections, or can be readily connected to, other components of the trails and open space system.

2.8.4 Site specific storm water management facilities and natural heritage features shall not be accepted as parkland dedication.

2.8.5 Trails shall be obtained in accordance with the Planning Act, pursuant to section 51 (25) (b), over and above lands dedicated for parkland. In addition, trails shall be constructed by the developer during the initial construction phase of a plan of subdivision or condominium or site plan, in accordance with the applicable City standards for trail construction.

2.8.6 The trail system is to provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network as well as to the employment areas, neighbourhood commercial uses and mixed use areas.

2.8.7 Trails and bikeways should connect into the Regional Bicycle Network System. This System, part of the Regional Bikeways Master Plan, includes the following arterial roads in the Secondary Plan Area:

- Brown Road;
- Chippawa Creek Road;
- McLeod Road; and
- Montrose Road.

2.8.8 An Environmental Impact Study shall be prepared when requested to the satisfaction of the City, Niagara Region and the Niagara Peninsula Conservation Authority for any trail system that is planned to be extended into or adjacent to an area designated Environmental Protection Area or Environmental Conservation Area.

2.9 **Environmental Protection (EPA) and Environmental Conservation (ECA) Areas**

2.9.1 **General Natural Heritage System Policies**

2.9.1.1 The City supports an ecosystem approach to the identification, protection and enhancement of our natural heritage resources that addresses:

- a) the interrelationships between air, land, water, plant and animal life, and human activities;

- b) the health and integrity of the overall landscape; and
- c) the long term and cumulative impacts on the ecosystem.

2.9.1.2 The City shall encourage and support the efforts of the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Region of Niagara to protect, maintain, rehabilitate or improve the quality of the natural heritage features resources within this Plan area in accordance with environmental and natural resource management legislation.

2.9.1.3 Land owners shall be encouraged to consult with the Ministry of Natural Resources, Niagara Peninsula Conservation Authority and the Region of Niagara prior to commencing work of any kind on or adjacent to an area containing natural heritage resources in order to determine the means by which to avoid or minimize negative impacts.

2.9.1.4 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.

2.9.1.5 A permit from the Niagara Peninsula Conservation Authority may be required for any works within areas regulated by the Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 155/06).

2.9.1.6 The policies of the Natural Heritage System shall apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact

Study regardless of the land use designation applying to such feature in this Plan.

- 2.9.1.7 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.
- 2.9.1.8 Applications for draft plan of subdivision/ condominium or site plan approval shall demonstrate, through required studies such as an environmental impact study, drainage plan or a subwatershed plan, how the proposed development will comply with the objectives, targets and recommendations of the Warren Creek watershed plan or any subsequent subwatershed plans.
- 2.9.1.9 An Environmental Impact Study (EIS) shall be required as part of a complete application under the Planning Act for site alteration or development on lands:
 - a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A-3; or
 - b) that contain or are adjacent to a natural heritage feature.
- 2.9.1.10 An EIS required under this Plan shall be prepared in accordance with the EIS Guidelines adopted by Regional Council and:
 - a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;

- b) be prepared and signed by a qualified professional;
- c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA; and
- d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to EPA.

2.9.1.11 The City, in consultation with the Region and the Niagara Peninsula Conservation Authority, may require a scoped EIS in place of a full EIS for developments to address specific issues such as encroachment into a natural area, potential impact on a natural heritage feature or the degree of sensitivity of the natural area. A scoped environmental impact study is an area specific study that addresses issues of particular concern.

2.9.1.12 The required content of an EIS may be reduced, in consultation with the appropriate authorities, where:

- a) the environmental impacts of a development are thought to be limited; or
- b) other environmental studies fulfilling some or all requirements of an EIS has been accepted by the appropriate authority.

2.9.1.13 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. New development should not interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or

rehabilitation of natural heritage resource connections. Where specifically defined through an EIS or other natural heritage study or plan linkages and corridors shall be protected through use of an appropriate zone in the City's Zoning By-law.

- 2.9.1.14 Development or site alteration shall not have adverse impacts on ground or surface water quality or quantity. The City, in consultation with the appropriate agencies, may require a hydrogeological study or an environmental impact assessment for development or site alteration for any proposal that may impact, either locally or cross-jurisdictionally, on:
- a) the quantity and quality of surface and ground water;
 - b) the functions of ground water recharge and discharge areas, aquifers and headwaters;
 - c) the natural hydrologic characteristics of watercourse such as base flow;
 - d) surface and ground water such that other natural heritage features are negatively affected;
 - e) natural drainage systems and stream forms; and
 - f) flooding or erosion.
- 2.9.1.15 Development or site alteration adjacent to any hydrologic feature such as valleylands, stream corridors or Municipal Drains shall be setback from the stable top of slope in accordance with the Regulations of the Niagara Peninsula Conservation Authority. The required setback shall be protected through the implementing zoning by-law.
- 2.9.1.16 All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:

- i) The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance.
- ii) Ensuring efficient harvesting and use of trees that must be removed to accommodate the placement of buildings, structures and roads.
- iii) The incorporation of land with existing tree cover into the urban area park system, if appropriate.
- iv) The maintenance and possible enhancement of tree cover along watercourses and on steep slopes, in order to reduce soil erosion and improve water quality.
- v) Permitting the continued management and selective harvesting of forest resources, where appropriate.
- vi) The use of native trees in development design.

2.9.1.17 The City supports the protection of woodlands greater than 0.2 hectares in size and individual trees or small stands of trees on private lands that are deemed by Council to be of significance to the City because of species, quality, age or cultural association from injury and destruction through such means as the Region's Tree and Forest Conservation By-law or any similar municipal by-law.

2.9.1.18 The City shall encourage the retention of individual trees or stands of trees wherever possible through development applications including site plan control, plan of subdivision or vacant land condominiums. A Tree Savings Plan may be requested as a condition of development.

2.1.9.19 The City shall regulate the fill, topsoil Removal or site alteration through a by-law and consider the approval of additional regulatory measures, as specified under the

Topsoil Preservation Act. Site alteration or development which may result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas the dumping or placing of fill, and the grading of land shall not be permitted unless in compliance with the City's Fill, Topsoil Removal or Site Alteration By-law and where the site alteration/development is proposed through a planning application under the Planning Act, no site alteration shall occur until all required studies under Part 4, Section 14 of this Plan have been approved.

2.9.2 **General EPA and ECA Policies**

2.9.2.1 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 2.9.1.

2.9.2.2 In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 2.9.1.9 to 2.9.1.12. Adjacent lands include:

15m	from NPCA Regulated Wetlands less than 2ha in size and creeks outside the flood plain
30m	from Non-Provincially Significant Wetlands
50m	from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands
120m	from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2 ha.

2.9.2.3 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

Where an Environmental Impact Study has concluded that an expansion to the EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.

2.9.2.4 A holding provision may be utilized through the City's Zoning By law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions.

2.9.2.5 Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning By law.

2.9.2.6 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted to extend through an EPA or ECA designation, or within adjacent lands, where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

2.9.2.7 Where development is permitted within an ECA or on adjacent lands existing natural linkages between the lands designated ECA and EPA lands, other designated or non-designated natural heritage features shall be maintained. The exact limits of such linkages shall be assessed and approved through an Environmental Impact Study through development applications or natural area inventories. New linkages, where needed, should form part of applications for development through a land use designation or easement.

2.9.3 **Environmental Protection Areas (EPA)**

2.9.3.1 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

2.9.3.2 Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:

- a) forest, fish and wildlife management;
- b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;

- c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions.

2.9.3.3 Minor expansions to an existing legal non-conforming use within the EPA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or increase in footprint shall require an Environmental Impact Study as part of a complete application.

2.9.3.4 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- a) the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- b) the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.

2.9.3.5 Endangered and Threatened species are identified through lists prepared by the

Ministry of Natural Resources. The Significant habitat of threatened and endangered species are identified, mapped and protected through management plans prepared by the Ministry of Natural Resources and the Committee on the Status of Endangered Wildlife in Canada and all applications made pursuant to the Planning Act within or adjacent to the EPA designation will be circulated to the Ministry of Natural Resources for review.

2.9.3.6 Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By-law. Development or site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.

2.9.4 Environmental Conservation Area (ECA)

2.9.4.1 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

2.9.4.2 Permitted uses within the ECA designation shall include:

- a) forest, fish and wildlife management;
- b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;

- c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions;
- d) uses ancillary to the uses listed above including: parking areas, interpretive centres, conservation area shelters, essential utility structures and other related uses that are compatible with the ECA designation;

where such works have been approved by the Niagara Peninsula Conservation Authority or other appropriate authority.

2.9.4.3 Minor expansions to an existing legal non-conforming use within the ECA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or an increase in footprint shall require an Environmental Impact Study as part of a complete application.

2.9.4.4 Notwithstanding the above policies, development and site alteration may be permitted within fish habitat in accordance with Provincial and Federal requirements. The buffer areas for fish habitat have been designated ECA in this Plan with the intention of providing a vegetative buffer and riparian areas along the water channel for protection from soil or chemical runoff and to stabilize water temperature.

Where a site specific study has identified a setback for a protective buffer for fish habitat, this setback shall be reflected in any implementing zoning by-law.

Not all fish habitat have been evaluated and mapped and may, therefore, not be reflected on Schedules A-3 to this Plan. Fish habitat may be identified by the Niagara Peninsula Conservation Authority through preconsultation. Where this is the case, the fish habitat policies of this Plan apply.

2.9.4.5 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By-law.

2.9.4.6 Valleylands are identified through mapping of the Niagara Peninsula Conservation Authority. A minimum vegetated setback from the top of bank shall be established through the implementing zoning by-law based on site specific conditions in accordance with the Niagara Peninsula Conservation Authority Regulations. Where development or site alteration is proposed within or adjacent to a significant valleyland and ownership of the valleyland or flood plain is not assumed by the City or other public agency, the City may require the submission of a detailed site grading plan for any new lot prior to the issuance of a Building Permit as a condition of development.

2.10 **Infrastructure**

2.10.1 **Storm Water Management**

- 2.10.1.1 A combination of piped storm sewers and overland drainage systems will be employed due to the generally flat topography of, and the shallow drainage courses that flow through, the Secondary Plan Area.
- 2.10.1.2 Overland and piped storm water flows will not be directed outside of the respective watershed.
- 2.10.1.3 Storm drainage for the lands within the Warren Creek Watershed will be conveyed to the re-channeled Warren Creek in accordance with the provisions of the Warren Creek Watershed Plan and Implementation Plan.
- 2.10.1.4 The location of storm water management facilities are shown on the Concept Plan. Such facilities are not shown on Schedule A-3 and may be located under any land use designation, including the facility within the northeast quadrant of Kalar Road and Brown Road, which is designated Environmental Protection Area.
- 2.10.1.5 Private, individual or temporary storm water management facilities are discouraged. Such installations shall be undertaken at the cost of the developer.
- 2.10.1.6 Storm water management facilities will be constructed as naturalized features, utilizing native plant species and grading techniques to create a natural area. If required, public access will be precluded through the use of vegetation and not fencing. Such facilities will be integrated with the Open Space System of the Secondary Plan Area.

2.10.1.7 The lands shown Figure 8 are located within the Thompsons Creek Watershed. In the absence of a watershed plan for Thompsons Creek Watershed, a Scoped Watershed and Master Drainage Plan is required to be completed prior to development. It is anticipated that the Scoped Watershed and Master Drainage Plan will be prepared by the City as a Development Charges study. Alternatively, the Plan may be prepared by an individual or group of individual landowners within the affected area. The Plan shall be developed in consultation with the owner of Thompsons Creek and completed to the satisfaction of, in the case of a landowner-initiated study the City and, the Niagara Peninsula Conservation Authority, and will:

- assess pre-development surface and subsurface hydrological conditions;
- model post-development conditions to identify storm water management requirements to ensure that the hydrology of the natural heritage features is not negatively impacted;
- provide a hydrogeological analysis to identify storm water management requirements in order to ensure that pre-development infiltration conditions into Thompsons Creek remain unaffected;
- develop a storm drainage and storm water management plan for this portion of the watershed that manages storm water on a communal scale and provides for buffers to natural heritage features;
- assess the natural heritage features in this portion of the watershed in accordance with the Environmental Impact Study requirements of the Niagara Peninsula Conservation Authority and the Natural Heritage policies of this Plan;

- identify the natural heritage constraints to development;
- characterize surface and subsurface hydrological conditions of the natural heritage areas and requirements of the storm management plan to meet these conditions; and
- identify any impacts on the natural heritage system from the proposed storm water management plan and any methods that may be necessary to mitigate these impacts.

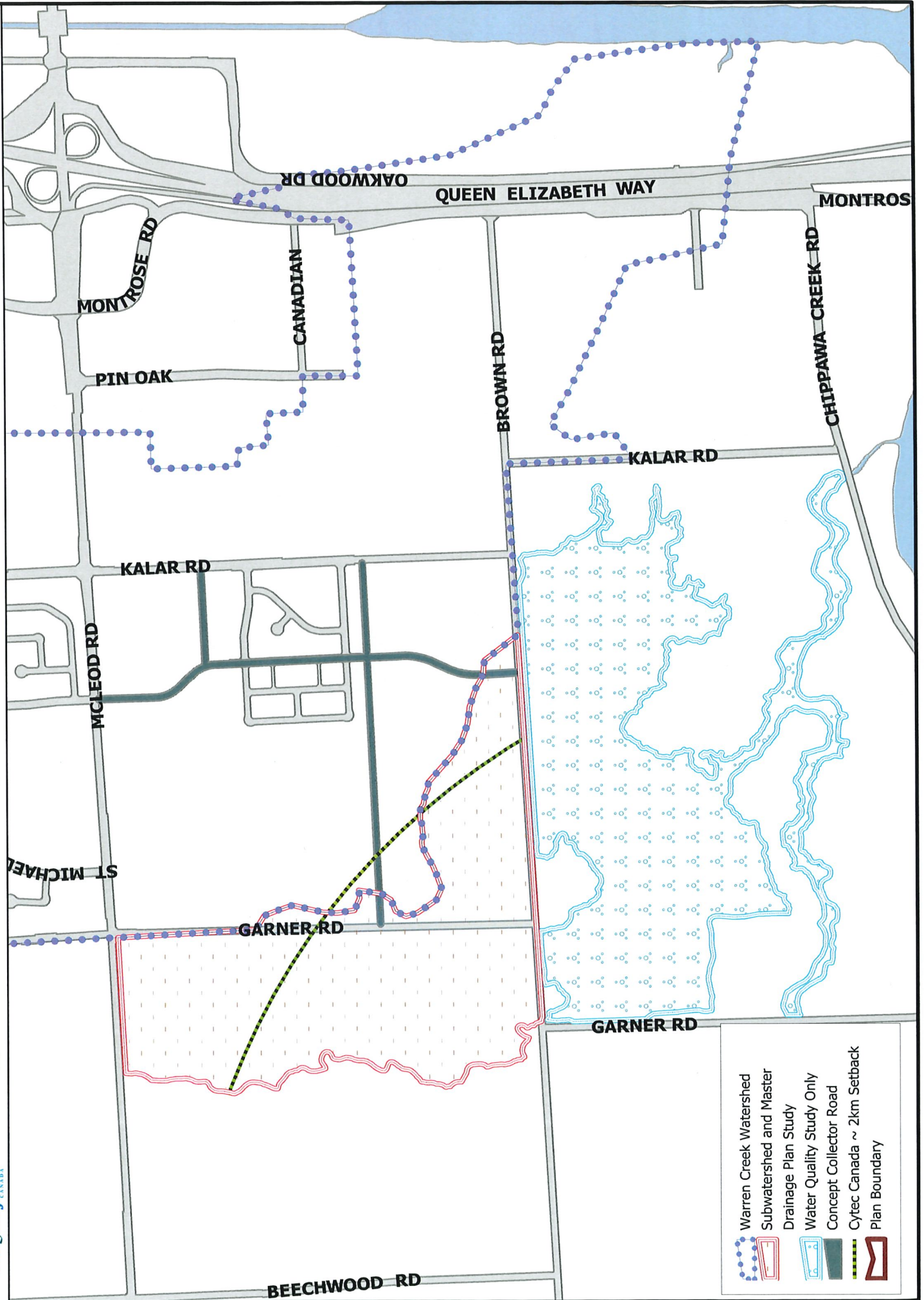
2.10.1.8 No development shall occur within the Thompsons Creek Watershed area in advance of any municipal storm water management works required by the Scoped Watershed and Master Drainage Plan. Any applications to amend the Zoning By-law to permit development prior to the completion of these works shall be have a Holding provision attached to the zone classification.

2.10.1.9 Should development impact upon or alter existing conditions of Thompsons Creek, developers shall obtain consent of the owner of Thompsons Creek and the Niagara Peninsula Conservation Authority to permit these impacts or alterations, or in the alternative shall redesign its development so as to maintain the existing conditions. These impacts or alterations include impacts on flood potential, erosion, water quality and quantity and fish habitat.

2.10.2 Sanitary and Water Services

2.10.2.1 Sanitary services will be constructed in accordance with the recommendations of the Garner/Southwest Sanitary Service Area Municipal Class EA. This shall not preclude the extension of sanitary and water services through private lands to

Figure 8: Thompson's Creek Subwatershed



- Warren Creek Watershed
- Subwatershed and Master Drainage Plan Study
- Water Quality Study Only
- Concept Collector Road
- Cytex Canada ~ 2km Setback
- Plan Boundary

service lands within the northwest quadrant of the Secondary Plan Area.

2.10.2.2 Water services may be constructed in concert with sanitary services.

2.10.2.3 Lands served by private septic systems shall connect to municipal sanitary sewers and water services when available.

2.10.3 Utilities

2.10.3.1 The City shall participate in discussions with utility providers such as hydro electric power, communications/telecommunications, pipelines and natural gas to ensure that sufficient infrastructure is or will be in place to serve the Secondary Plan Area.

2.10.3.2 Through the Environmental Assessment and subdivision processes, appropriate locations for large utility equipment and cluster sites will be determined. Consideration will be given to the locational requirements for larger infrastructure within public rights of way, as well as easements on private property.

2.10.3.3 Utilities will be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and to minimize disruption.

2.11 Growth Strategy

2.11.1 Phasing of Development

2.11.1.1 Development shall progress in an orderly, efficient and fiscally responsible manner. The phasing strategy for the Secondary Plan Area is shown on Appendix VII-B to the Official Plan. The servicing of lands, including the upgrading and widening of roads, within this Secondary Plan Area shall be undertaken as is required by demand.

2.11.1.2 In order to ensure that development occurs in an orderly manner Council may use holding provisions in the zoning of lands. Holding provisions can be lifted only after the following matters have been satisfied:

- that sufficient revenue has been, or will be, generated through Development Charges to finance the servicing of the proposed stage of Secondary Plan development;
- that any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- that the extent of the short term (serviced) land supply within the Secondary Plan Area is not more than 10 years;
- whether the extent of intensification occurring within the City's Built-up Area over the previous 5 years has been at the targeted rate;
- completion of the Thompsons Creek Scoped Watershed and Master Drainage Plan to the satisfaction of the City and the Niagara Peninsula Conservation Authority for the lands located on the west side of Garner Road; and
- execution of any front-ending agreement by the owner of lands subject to a holding provision, all in accordance with requirements of the Development Charges Act.

2.11.1.3 The timing of subsequent phases of the Secondary Plan Area will be determined based on the following:

- (a) an evaluation of infrastructure investments, including Development Charge revenue;

- (b) the extent of short term supply, not only within the Secondary Plan Area, but within the City's Greenfield Area; and
- (c) the extent of intensification occurring within the City's Built-up Area over the current phase of development.

2.11.1.4 Development of lands within the Thompsons Creek Watershed area shall not proceed until the completion of the Scoped Watershed and Master Drainage Plan to the satisfaction of the City and the Niagara Peninsula Conservation Authority. In the case of lands on the west side of Garner Road, development shall also not proceed until a municipal sanitary sewer and watermain are extended along Garner Road. The timing of the Scoped Watershed and Master Drainage Plan and the extension of the municipal sanitary sewers and watermains will be dependant on the financial resources of the City and/or any front-ending agreements between benefiting landowners in the Thompsons Creek Watershed Area.

2.11.1.4.1 Notwithstanding the above the lands within the southwest quadrant of Garner Road and McLeod Road may be serviced by way of extension of municipal sanitary sewers and watermains internally through the Secondary Plan Area. Such a servicing alternative is subject to negotiation and mutual consent of the applicable landowners as detailed in Section ~~2.12~~ 2.11.2.

2.11.1.5 The City, through future Development Charge By-law Reviews, may consider an

area specific Development Charge By-law for the Secondary Plan Area.

2.11.1.6 The development of employment lands is encouraged to proceed concurrently with residential development in order to create a live/work community. Retail and service commercial uses are also encouraged to develop concurrently with residential development so as to provide residents with neighbourhood shopping and services.

2.11.1.7 Medium and high density housing forms are to develop concurrently with lower density forms. Applications for draft plan approval of plans of subdivision on lands designated Residential, Low Density should contain a land area of not less than 20 gross developable hectares or 300 housing units. Notwithstanding, the staging of registration of lands within draft approved plans of lesser land area or number of housing units is permitted. Applications should include a mix of the housing types noted in Policy 2.1.1 and provide an indication of the phasing in of each dwelling type.

2.11.2 **Front-ending Agreements**

2.11.2.1 For the purposes of this Secondary Plan, a front-ending agreement, pursuant to the *Development Charges Act*, is a financial contract entered into with the City whereby an individual or individuals agree to pay for the installation of infrastructure identified in the Secondary Plan in order to permit development to proceed within the Secondary Plan Area in advance of other benefiting developments paying its share of costs.

2.11.2.2 Where an application has been made for a development in advance of the installation of infrastructure identified

within this Secondary Plan as required to support the subject development, including both on-site and off-site services as well as upstream and downstream system requirements, Council may consider entering into a front-ending agreement with a developer, as a condition of approval, in accordance with City's policies and procedures respecting such agreements.

2.12 **Transportation**

- 2.12.1 The Concept Plan illustrates the conceptual design for the Secondary Plan Area. The design employs a modified grid system of streets with the aim to allow for walking, cycling and access to transit. Individual plans of subdivision will be consistent with this grid system.
- 2.12.2 Right-of-way widths for all roads shall be in accordance with PART 3, Section 1.5.18 of this Plan.
- 2.12.3 As part an application to amend the Zoning By-law application, a traffic impact study may be required to be submitted. The study will assess the impacts on the existing road network, intersections and recommend any improvements to the road network that will be needed. Any improvements to the existing road network or to intersections shall be constructed at the cost of the applicant unless such improvements have been identified in the Development Charges By-law.
- 2.12.4 The arterial road system currently exists in the Secondary Plan Area. The following policies shall apply to arterial roads:
 - 2.12.4.1 Expansion of arterial roads from their current width shall generally proceed in phase with development, subject to the Development Charge revenue generated at the time being sufficient.
 - 2.12.4.2 Driveways access to arterial roads shall be minimized. On corner lots, driveway

access shall only be provided on the lesser order road frontage.

2.12.4.3 Reverse lot frontage shall be avoided where at all possible.

2.12.4.4 Developments along any arterial road, shall provide generously landscaped open space adjacent to the arterial frontage, save and except for any driveway or sidewalk access.

2.12.5 The collector network is shown on Schedule A-3 and on the Concept Plan. Collector roads are to provide for the conveyance of traffic into and out of the community and to provide for transit routes. Accordingly the following policies shall apply:

2.12.5.1 Parkside Drive shall be extended south of McLeod Road so as to provide for a continuous north-south collector road. Parkside Drive will function as a transit route.

2.12.5.2 An east-west collector road connection may be made between Kalar Road and Pin Oak Drive and designed to serve as a transit route.

2.12.5.3 An east-west collector, in the vicinity of the Hydro corridor, shall extend across Warren Creek in order to provide for a connection to the lands on the west side of the Creek.

2.12.5.4 Bicycle lanes should be provided on all collector roads.

2.12.6 Traffic circles will be encouraged to be used at the intersection of any two collector roads.

2.12.7 The specific configuration of local roads, laneways and the resultant lot patterns are to be established through individual plans of subdivision.

2.13 **Implementation**

- 2.13.1 The Secondary Plan shall be implemented in accordance with the requirements of the Planning Act, Development Charges Act and other applicable legislation.
- 2.13.2 The lands that are subject to future development shall be zoned Development Holding. Development shall proceed by way of amendment to the Zoning By-law. Applications made shall comply with the policies regarding complete applications in PART 4 of this Plan.
- 2.13.3 Lot creation shall proceed primarily by way of plan of subdivision or condominium. Applications for consent that do not impact on the integrity of the Secondary Plan may be considered:
- for lands where plans of subdivision or condominium are not appropriate;
 - for lands that have not been included in a plan of subdivision or condominium;
 - for technical or purposes; or
 - in the case of part lot control.

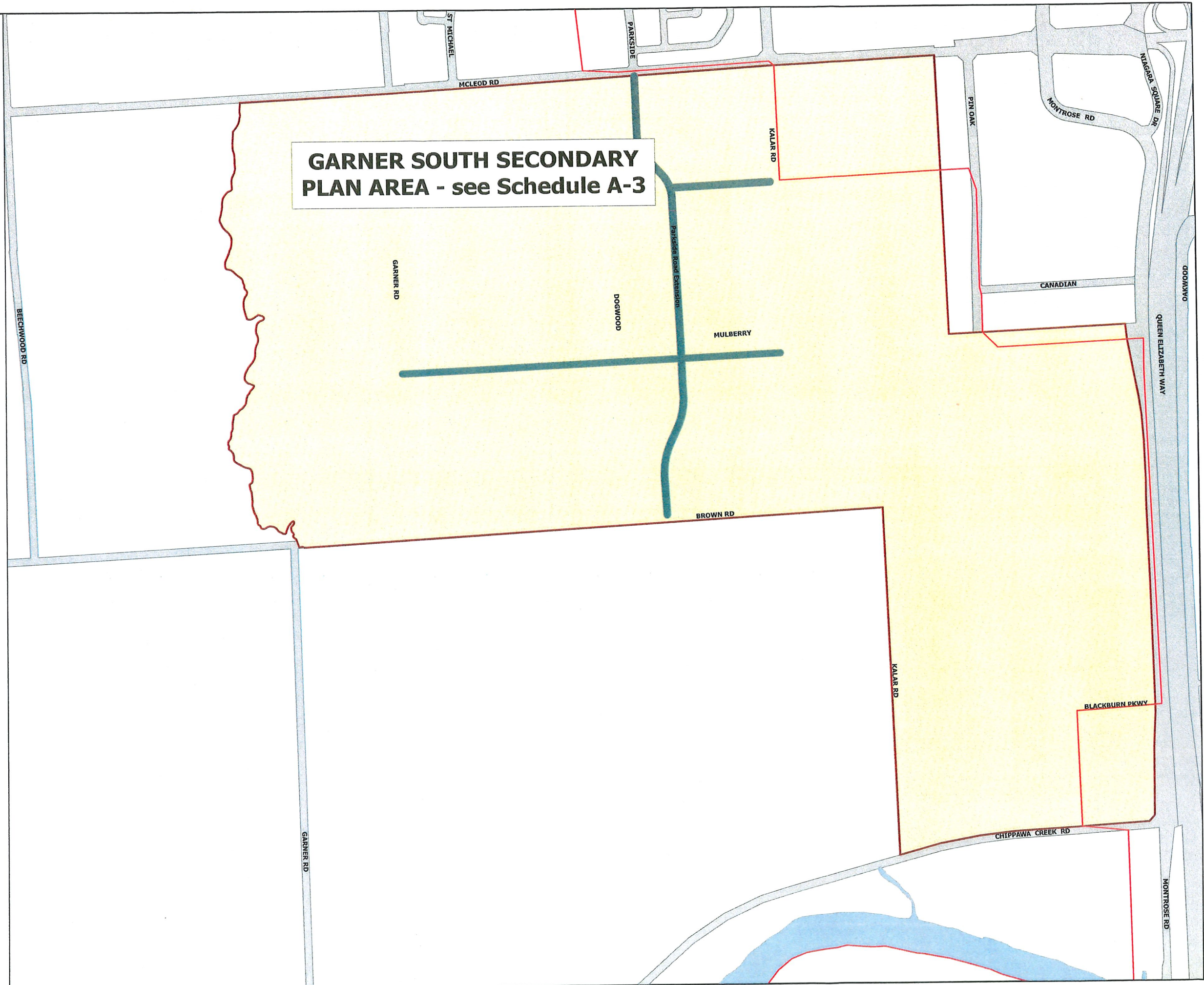
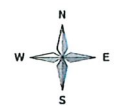
An air quality, noise and vibration study is required for any development for a sensitive land use that is located near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility, pumping station or a landfill operation.



Map 1 to Amendment No. 99 - Schedule A to the Official Plan

GARNER SOUTH SECONDARY PLAN

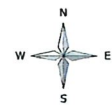
- Built Boundary
 - Collector Road System
 - Garner South Secondary Plan Boundary
 - River
 - Road Allowance
- NOTE: Outside Plan Area see
Schedule A for Land Use Designations





Schedule A3 to the Official Plan GARNER SOUTH SECONDARY PLAN

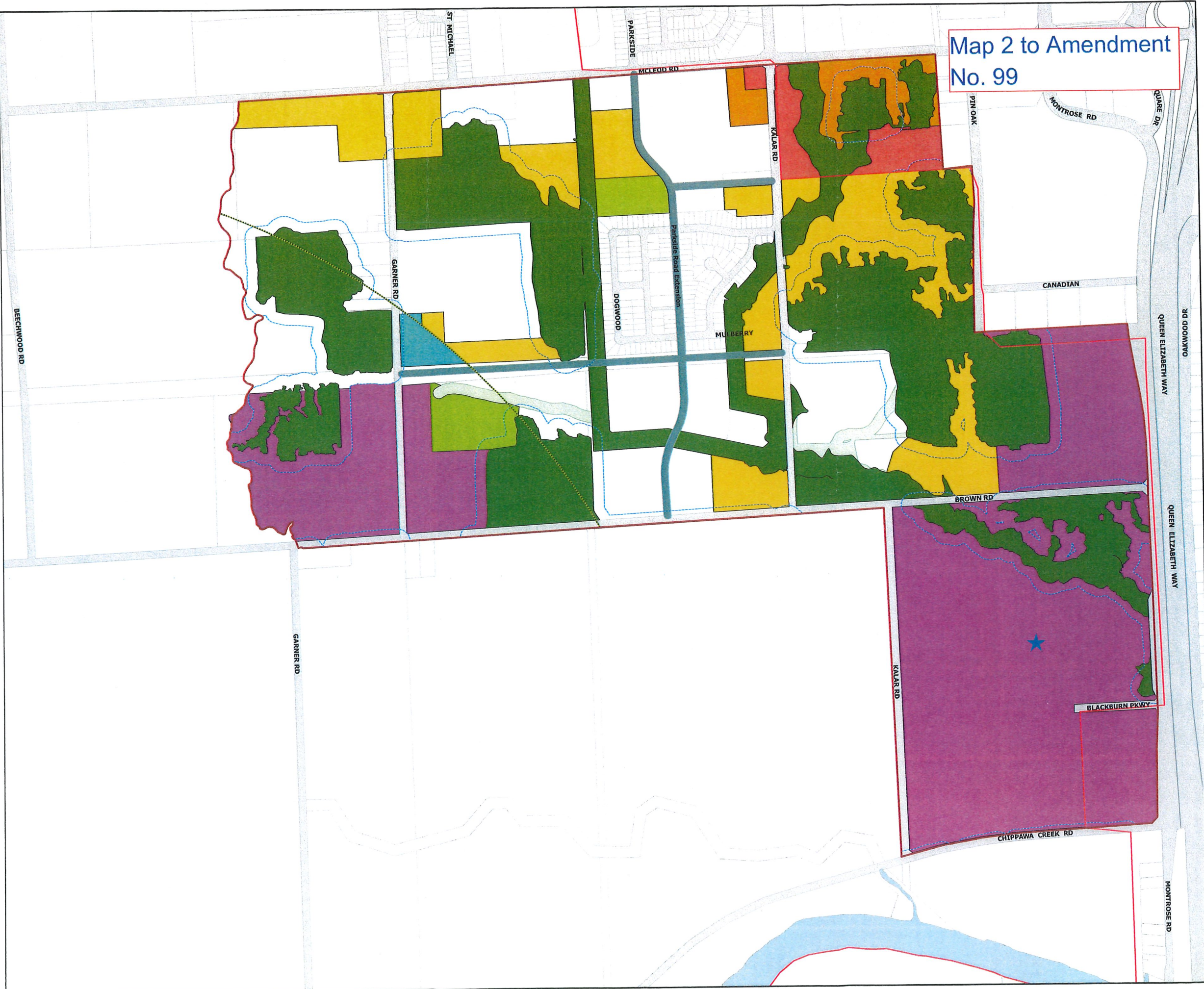
- Collector Road System
 - Employment
 - Environmental Conservation Area
 - Environmental Protection Area
 - Mixed Use
 - Neighbourhood Commercial
 - Open Space
 - Residential Low Density
 - Residential Medium Density
 - Residential High Density
 - Provincially Significant Wetland - 30m Buffer
 - Cytec Canada Inc - 2km Setback
 - An EIS and woodlot assessment has been completed for this property;
Tree preservation analysis to be part of site plan approval.
 - Road
 - Built Boundary
 - Property Parcel
 - River
 - Garner South Secondary Plan Boundary
- NOTE: Outside Plan Area see
Schedule A for Land Use Designations



Scale 1:5,000

0 500 m

Map 2 to Amendment
No. 99



MAP 4 TO OFFICIAL PLAN AMENDMENT #99

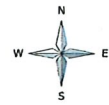


GARNER SOUTH SECONDARY PLAN Phasing Concept Appendix VII-B

Phasing

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5

Property Parcel
River
Garner South Secondary Plan Boundary
Road

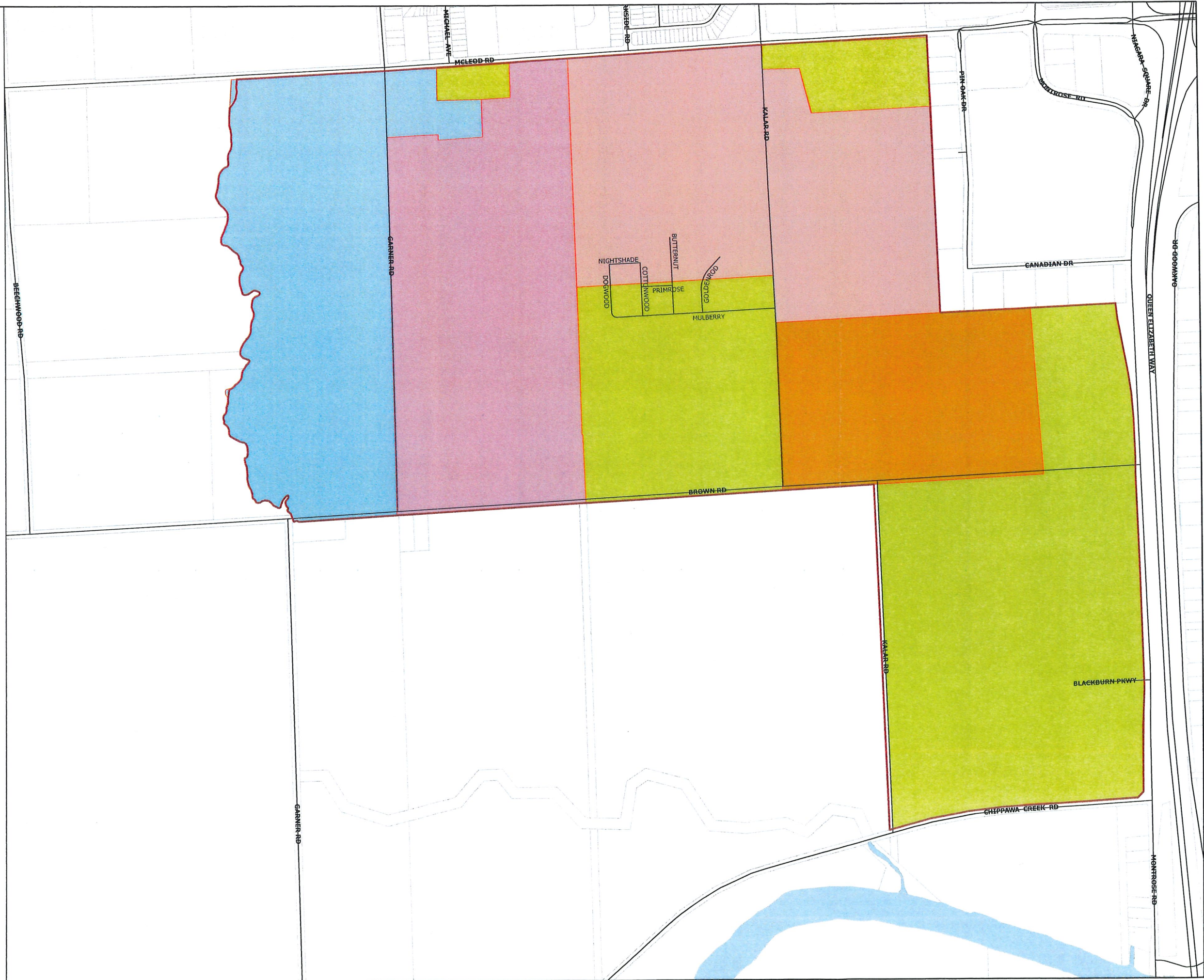


Scale 1:5,000

0 500 m

August 2012

K:\Projects\GSSP\WW_Secondary.map



APPENDIX VII-C DENSITY CALCULATION

Density Calculation

Density Range (uph)		Area	Number of Units
Low	16	71.24*	1,140
	30		2,137
Medium	50	31.57*	1,579
	75		2,368
High	75	1.31	98
	125		164

* areas subject to change; to be based on adopted Schedule A-3

Employment Density	30 jobs/ha	58.34 ha	1,750 jobs on employment lands
Population-based employment			302 jobs
Total employment in Plan Area			2,052 jobs

Total number of units
 1. Using minimum densities = 2,817
 2. Using maximum densities = 4,669

Target: 53 people and jobs per hectare

Assumed employment density: 30 jobs per hectare

Total Greenfield Gross Developable Area = 169.07 ha

Total Employment GDA = 58.34 ha

Total Residential GDA = 104.12 ha

1. Employment Calculation

Employment Gross Developable Area = 58.34 ha
 30 jobs per hectare x 58.34 ha = 1,750 jobs
Total employment = 1,750 employment jobs + 302 population-based jobs = 2,052 jobs

2. Residential calculation

53 people and jobs per hectare x 169.07 ha
 = 8,961 people and jobs
 8,961 people and jobs – 2,052 jobs = **6,909 people**
 Assume an average household size of 2.57 people per unit. (Average of the household size from Regional Policy Plan Amendment 2-2009 over the timeframe for the build-out of the secondary plan.)
 6,909 people/2.57 people per unit = **2,688 units**
 2,688 units/104.12 ha = **25.8 uph – minimum overall target residential density.**

Housing Split assuming a low density target of 16 uph	
Low density GDA = 71.24 ha	
16 uph x 71.24 ha = 1,140 units	
Scenario 'A': medium and high density lands develop at their minimum target densities	Scenario 'B': medium and high density lands develop at their maximum target densities
2,817 units - 1,140 units = 1,677 medium and high density units	4,669 units - 1,140 units = 3,529 medium and high density units
1,677 units/32.9 ha = 51.0 uph - minimum overall density for medium/high density housing.	3,529 units/32.9 ha = 107.3 uph - maximum overall density for medium/high density housing.
Housing split = 41% low density; 59% medium/high density	Housing split = 24% low density; 76% medium/high density