



Official Plan

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Final Draft for Consultation

December 18, 2018

Town of Niagara-on-the-Lake
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- Appendix 3 – Queenston Secondary Plan
- Appendix 4 – St. Davids Secondary Plan
- Appendix 5 – Glendale Secondary Plan
- Appendix 6 – Dock Area Secondary Plan

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Niagara-on-the-lake

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December 14, 2018

BACKGROUND – Purpose and Organization of the Plan

This Official Plan for the Town of Niagara-on-the-Lake replaces the previous Official Plan, which was adopted in 1994. It reflects the many local, regional and provincial planning initiatives that recognize and enhance the unique character of the Town and its quality of life.

Pursuant to the provisions of the Planning Act, R.S.O. 1990, c. P.13, as amended (the “Planning Act”), the Official Plan recognizes the planning responsibilities of the Town to guide *development* within the broader Provincial policy-led planning system. It is not intended to replace any federal or provincial policy, the Regional Official Plan or the Niagara Escarpment Plan. It is intended to implement and apply those documents as they pertain to Niagara-on-the-Lake.

Provincial planning documents that impact planning in the Town include:

- Provincial Policy Statement (2014) (the “PPS”);
- Growth Plan for the Greater Golden Horseshoe (2017) (the “Growth Plan”);
- Greenbelt Plan (2017) (the “Greenbelt Plan”);
- Niagara Escarpment Plan (2017) (the “NEP”);
- Various amendments to the Planning Act and related Regulations; and
- Various Provincial Guidelines that interpret and implement the above policy documents.

The Niagara-on-the-Lake Official Plan is required to conform with the Region of Niagara Official Plan. The Regional Official Plan is also under review, and the Region is conducting a *Municipal Comprehensive Review* in accordance with the Growth Plan. While the Growth Plan provides a planning horizon to 2041, until the Regional *Municipal Comprehensive Review* is completed, the previous targets established in the approved Regional Official Plan continue to apply. As such, the Niagara-on-the-Lake Official Plan establishes a planning program to guide *development* to 2031, with some guidance to 2041. Upon completion of the Regional *Municipal Comprehensive Review* and approval

of its updated Official Plan, this Plan will be amended to reflect the planning horizon to 2041.

The focus of this Plan is to encourage a sustainable model of *development*, going back to the Town's historic roots by supporting a prosperous specialty agricultural sector and planning for compact walkable communities with convenient access to a mix of jobs, shopping, services, community facilities and open space. The Plan manages the interface between rural and settlement areas and protects the unique *working landscape* that defines Niagara-on-the-Lake.

The Plan consists of text and Schedules, as follows:

- Section 1 Toward a Sustainable Future for Niagara-on-the-Lake: highlighting the local, Provincial and Regional Planning Context.
- Section 2 Framework for a Sustainable Community: the long-term vision for planning in the Town, including identifying the Town's community structure and growth management strategy.
- Section 3 Protected Countryside: the policies for *development* within the protected countryside.
- Section 4 Settlement Areas: the policies for *development* within the five (5) settlements in the Town.
- Section 5 Niagara Escarpment Plan Area: the policies for *development* within the limits of the Niagara Escarpment Plan.
- Section 6 Niagara District Airport: the policies for *development* within the Airport lands.
- Section 7 Heritage, Archaeology and Culture: the policies for conservation and management of cultural heritage and *archaeological resources*.
- Section 8 Natural Heritage: the policies for protection and management of the natural environment.
- Section 9 *Infrastructure*: the policies related to transportation, services and utilities.
- Section 10 Implementation and Administration: establishing the processes and tools available to the Town to assist with the implementation of the policies in the Plan.
- Section 11 Plan Interpretation: providing guidance on how to interpret aspects of the plan, including definitions relevant to the Plan.

Schedule A	Community Structure
Schedule B1 to B6	Land Use
Schedule B7	Growth Management
Schedule C	<i>Natural Heritage System</i>
Schedule D1	Heritage Resources and Archaeology
Schedule D2	Heritage Resources and Archaeology – Settlement areas
Schedule D3	Heritage Resources – Old Town
Schedule E1	Transportation Network
Schedule E2(1)	Road Right-of-Way Widths – Municipal Roads
Schedule E2(2)	Road Right-of-Way Widths – Regional Roads
Schedule F	Recreational Trails and Major Open Space

The following Appendices are included in the Plan, to provide additional policy guidance on specific issues. These include:

- Appendix 1 – Municipal Drains
- Appendix 2 – NPCA Regulated Areas
- Appendix 3 – Queenston Secondary Plan
- Appendix 4 – St. Davids Secondary Plan
- Appendix 5 – Glendale Secondary Plan
- Appendix 6 – Dock Area Secondary Plan

The Town has adopted a number of Secondary plans over the years, including the Queenston, St. Davids, Glendale, and Dock Area Secondary Plans. These plans will continue in effect until they are reviewed and updated and will continue to apply where they do not conflict with any specific policy in this Plan.

SECTION 1 – Toward a Sustainable Future for Niagara-on-the-Lake

1.1 Niagara-on-the-Lake – History and context

- 1.1.1 The Town of Niagara-on-the-Lake is a unique community in Ontario. Its character is defined by its historic settlements, buildings and sites, tender fruit lands, specialized crop production, small plot farms, a benevolent micro-climate, and *infrastructure* serving the specialized needs of the agricultural community. Its tree lined streets and cultural landscapes from earlier periods of the country's history define its character and enhance the Town's charm. The challenge is to promote *development* that respects and enhances this unique character. The Official Plan is a strategic planning document that will address this challenge by guiding *development* to meet the needs of the community, balance economic, social and environmental concerns, and support the unique agricultural resource that is such a fundamental element of the Town's character.
- 1.1.2 Niagara-on-the-Lake has a rich history and is home to a large number of the Province's earliest and most *significant cultural heritage resources*. It has been inhabited for over 11,000 years, first by Aboriginal peoples, and then, as early as 1783, by United Empire Loyalists fleeing persecution after the American Revolution. Governor Simcoe's arrival in 1792 brought organized government to the colony and Newark, as Simcoe named it, became the first capital of Upper Canada.
- 1.1.3 Niagara-on-the-Lake has a strong rural and agricultural heritage. Its tender fruit and grape lands are a non-renewable resource and one of only a limited number of areas in the province that can produce tender fruit. This resource is central to the Town's economy, attracting visitors to its wineries, road-side fruit stands, agricultural markets and culinary facilities.
- 1.1.4 Since its incorporation in 1970, the Town has experienced limited but steady population growth. Over time there has been a *significant* shift in demographics resulting in an aging demographic profile and a larger proportion of seniors than youth in the Town.
- 1.1.5 The Town is strategically located on the American border and is directly served by the Queen Elizabeth Way. Its location, close to major population centres and the border, its rural character, benevolent climate, cultural attractions and scenic beauty, make it a popular destination for visitors and an attractive retirement destination.
- 1.1.6 Niagara-on-the-Lake consists of five (5) settlement areas: Old Town, Queenston, St. Davids, Virgil and Glendale.

- 1.1.7 Old Town and Queenston are compact, walkable communities with *significant Cultural Heritage Resources*. They are stable residential communities.
- 1.1.8 St. Davids is centred on the intersection of Four Mile Creek and York Roads. Historically it was the site of the first industrial development in Niagara-on-the-Lake with numerous mills along the Four Mile Creek. Later it became a centre for large-scale fruit processing. More recently, with the introduction of sewers, St. Davids is experiencing *significant development* in the form of new residential subdivisions and condominium townhouse *development*.
- 1.1.9 Virgil has always been a crossroads and service centre for the agricultural area of the Town. It is the seat of the municipal government and home to a number of financial institutions and other retail and service businesses as well as the Town's only public school. The commercial centre stretches mainly along Niagara Stone Road. Virgil is experiencing *significant* residential and commercial *development*.
- 1.1.10 Glendale is the newest of the settlement areas. It is divided by the Queen Elizabeth Way with industrial and large-scale commercial *development* on the north side of the highway and a large-scale educational institution (Niagara College), a hotel, major retail and *residential development* on the south side of the highway. Within the Region of Niagara, Glendale is a hub and the major location for future greenfield *development* in the Town.
- 1.1.11 The Niagara-on-the-Lake Act provides specific provincial legislation to establish and maintain an agricultural drainage system throughout the Town. This legislation establishes a unique and essential support system for the Town's tender fruit and grape sectors. Protection of this system, in accordance with the Niagara-on-the-Lake Act is addressed in the policies of this Plan.

1.2 Provincial Planning Context

1.2.1 Planning Act, R.S.O. 1990 (the Planning Act)

- 1.2.1.1 Ontario's planning framework consists of a hierarchy of legislation and policies. Key to this framework is the Planning Act, which provides the general authority for the preparation of a municipal official plan. The Act also recognizes matters of Provincial interest that must be taken into account when undertaking local planning activities. The Act identifies the various planning tools available to municipalities to implement their policy directions.

- 1.2.1.2 The Planning Act requires that municipal planning documents be in conformity with Provincial plans and be consistent with Provincial policy statements, with regard to growth management; resource management and protection; economic development, and other matters.

1.2.2 Other legislation

- 1.2.2.1 In addition to the Planning Act, the policies in the Official Plan implement and reflect requirements of other provincial legislation including, but not limited to, the Ontario Heritage Act, Municipal Act, Green Energy Act, Endangered Species Act, Ontario Water Resources Act, Environmental Protection Act, Drainage Act, Accessibility for Ontarians with Disabilities Act and the Conservation Authorities Act.

1.2.3 Provincial Policy Statement (PPS)

- 1.2.3.1 The PPS identifies matters of provincial interest in land use planning. The current PPS has been in effect since April 30, 2014.
- 1.2.3.2 The PPS provides direction to the Province and Regional and local planning authorities on matters of Provincial interest related to land use planning and *development*. These matters include:
- managing and directing land use to achieve efficient, resilient *development* and land use patterns;
 - wise use and management of resources including natural heritage, water, agriculture, minerals, mineral aggregate cultural heritage, and *archaeological resources*; and
 - protecting public health and safety.
- 1.2.3.3 The Official Plan is required to be consistent with the provisions of the Provincial Policy Statement.

1.2.4 Growth Plan for the Greater Golden Horseshoe (2017)

- 1.2.4.1 The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities and protecting *significant* resources in the Greater Golden Horseshoe (GGH). It is based on the principles of building compact, vibrant and *complete communities* which are well-designed and accommodate a mix and range of housing and jobs with convenient access to public transportation, supporting a prosperous

agricultural system, and preserving and enhancing the natural environment.

- 1.2.4.2 Municipalities within the GGH, which include the Region of Niagara and the Town of Niagara-on-the-Lake, are required to bring their official plans into conformity with the Growth Plan. The plans must include growth management policies that identify urban boundaries, promote *intensification* within currently developed areas, establish minimum density targets, designate land for employment, promote the efficient use of municipal services, support the effective functioning of an *agricultural system* and promote preservation of the natural environment.
- 1.2.4.3 The Growth Plan notes that growth will be limited in settlement areas that are in the Greenbelt Area. All of the settlement areas in the Town are located in the Greenbelt Area. The growth in the settlement areas will be identified through the Region's *Municipal Comprehensive Review*.
- 1.2.4.4 The Official Plan is required to conform with the policy direction of the Growth Plan.
- 1.2.4.5 This Official Plan implements the provisions of the Growth Plan, while acknowledging that further amendments will be required once the Region of Niagara has completed its *Municipal Comprehensive Review* to guide *development* to 2041.

1.2.5 Greenbelt Plan (2017)

- 1.2.5.1 The Greenbelt Plan establishes a policy framework to support sustainable agricultural, natural heritage and resource management activities. It directs where urbanization should not occur to provide permanent protection to the agricultural land base and the ecological features and functions occurring in the landscape. The Plan provides permanent agricultural and environmental protection through a systems approach and supports a wide range of recreational and tourism uses and opportunities. The Plan also permits a range of uses that support a vibrant and evolving agricultural and rural economy.
- 1.2.5.2 Niagara-on-the-Lake, with the exception of the five (5) settlement areas previously identified, is entirely located within the Greenbelt, and is part of the Protected Countryside. The Town is part of the

Niagara Peninsula Tender Fruit and Grape Area, one of only two (2) speciality crop areas in Ontario.

1.2.5.3 This Official Plan is required to conform with the Greenbelt Plan.

1.2.6 Niagara Escarpment Plan (2017) (NEP)

1.2.6.1 The NEP provides for the maintenance of the Niagara Escarpment and the land in its vicinity as a continuous natural environment and ensures that any *development* that occurs is compatible with the natural environment. After passage of the Greenbelt Act, the policies of the NEP became the policies of Greenbelt Plan for the Niagara Escarpment Area.

1.2.6.2 This Official Plan is required to conform with the NEP.

1.2.7 Provincial Policy Guidelines

1.2.7.1 To assist in implementing provincial policies, the Province has issued a series of Guidelines. Where applicable, these Guidelines as issued and updated from time to time, shall be used in interpreting and applying the policies of this Plan.

1.3 Regional Planning Context

1.3.1 Niagara Region Official Plan

1.3.1.1 Niagara-on-the-Lake is one of 12 local municipalities in the Region of Niagara. The Region is currently undertaking important policy updates that will impact the Town, including a five-year review of the Regional Official Plan (Imagine Niagara) and a *Municipal Comprehensive Review* under the provisions of the Growth Plan.

1.3.1.2 The Region has a comprehensive policy framework for protecting and enhancing environmental quality. The approach embodies a landscape-based, ecosystem approach to planning and will involve partnerships among the Region, the Niagara Peninsula Conservation Authority (NPCA), local municipalities, landowners, and Provincial and Federal agencies.

1.3.1.3 This Plan is required to conform with the Official Plan of the Regional Municipality of Niagara.

1.3.1.4 Any policies of this Plan that are more rigorous or restrictive than those of the Regional Official Plan are not considered in conflict with the Regional Official Plan and continue to apply.

1.3.1.5 The Town will have regard for planning guidelines adopted by the Region.

1.3.2 Niagara Peninsula Conservation Authority (NPCA)

1.3.2.1 The NPCA is responsible for programs designed to further the conservation, restoration, development and management of natural resources. The NPCA fulfills this mandate by advocating and implementing programs that: improve the quality of lands and waters; contribute to public safety through protection from flooding and erosion; provide for the acquisition of conservation and hazard lands; and enhance the quality of life by using lands under its control in the watershed for recreation, heritage conservation and natural heritage conservation education.

1.3.2.2 Within NPCA Regulated areas, the NPCA provides approvals for various activities within its mandate, through O. Reg. 155/06 under Conservation Authorities Act.

1.3.2.3 This Plan complies with applicable Conservation Authority Regulations that fall under the jurisdiction of the NPCA.

1.3.2.4 The Town will have regard for guidelines adopted by the NPCA.

1.3.3 Niagara Parks Commission (NPC)

1.3.3.1 The NPC is responsible for management, control and *development* of lands under its ownership and control along the Niagara Parkway. The NPC has authority to maintain and improve the natural and cultural heritage of the Town along the Niagara River.

1.3.3.2 Within its jurisdiction and mandate, the NPC provides approvals for buildings and structures, signs and access in accordance with the Niagara Parks Act and the Public Transportation and Highway Improvement Act.

1.3.3.3 The comments of the NPC shall be considered pertaining to *development* applications in accordance with its policies.

1.3.3.4 The Town will work with the Niagara Parks Commission to ensure the conservation of *cultural heritage resources*.

1.4. Federal Agencies

- 1.4.1 Several Federal Agencies operate in the Town of Niagara-on-the-Lake. These include Parks Canada, the St. Lawrence Seaway Authority (Welland Canal), Department of Fisheries and Oceans (DFO) and others.
- 1.4.2 Federal Agencies are not subject to local planning requirements. However, they are encouraged to comply with the provisions of the Official Plan.
- 1.4.3 The Town will work with various Federal Agencies to implement the provisions of this Plan.

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SECTION 2 – A Framework for a Sustainable Community

2.1 Community Vision

2.1.1 Niagara-on-the-Lake's vision for a sustainable future was established through extensive consultation during the Community Vision process. This vision identified the need for a well-planned, built environment that respects the Town's unique rural character and *cultural heritage resources*. Growth is to be managed in a balanced manner, meeting resident and business needs.

2.1.2 The Official Plan reflects the adopted Community Vision:

Niagara-on-the-Lake is a fiercely independent, economically empowered Town offering a rich tapestry of recreational, historical, cultural, and educational opportunities, public green spaces and a uniquely valuable agricultural area. Our stunning landscape offers a rich experience where the journey equals the destination.

We are a community for everyone. We are a resilient, distinctive and dynamic Town in which to live, work and learn. Through responsible stewardship we preserve the balance of values that makes us a world-class destination. Although we dream big, we stay true to our small Town roots.

2.1.3 The Community Vision process identified eight (8) strategic pillars and a number of associated goals to ensure the community vision is fulfilled over the next 20 years. The eight strategic pillars are:

- (1) A prosperous and diverse economy;
- (2) Strong environmental stewardship;
- (3) An inclusive, integrated, healthy town;
- (4) A centre for culture, heritage and recreation;
- (5) Mobility choices;
- (6) A well-planned built environment;
- (7) A prosperous and sustainable agriculture sector; and
- (8) Well-managed municipal finances.

The Official Plan is a *significant* tool to implement the Community Vision, strategic pillars and goals.

- 2.1.4 The vision for the Official Plan goes beyond the Community Vision and, identifies the role of the Town in implementing the Provincial vision for how growth and *development* should occur between now and 2041 in the GGH. The Plan will ensure the *development* of sustainable, healthy, safe and balanced communities.
- 2.1.5 Niagara-on-the-Lake has a unique agricultural landscape, being the only community in Ontario whose agricultural land base is entirely covered by specialty crop area, as part of the Niagara Peninsula Tender Fruit and Grape Area. These lands are a critical non-renewable resource and are recognized as a resource of provincial and national significance. They are central to the Town's economy, employment base and tourism.

2.2 Community Structure

- 2.2.1 The Town contains several distinct planning features, which have evolved over time and contribute to its character and community structure. Schedule A identifies the components of the community structure, which include:
 - a) The Protected Countryside, comprised largely of the Niagara Peninsula Tender Fruit & Grape Areas (Specialty Crop Area) as identified in the Greenbelt Plan;
 - b) The five settlement areas of Old Town, Queenston, St. Davids, Virgil and Glendale;
 - c) The Niagara District Airport;
 - d) The Niagara Escarpment Plan Area; and
 - e) The Ontario Power Generation Policy Area.
- 2.2.2 This structure is overlain by an evolving and interconnected *Natural Heritage System* (Schedule C) and Transportation Network (Schedule E1 to E2(2)).
- 2.2.3 In addition to the Specialty Crop Area, the Protected Countryside includes Major Open Space, Aggregate Resources, and Conservation designations.

- 2.2.4 The settlement areas range in size and level of service but strive to be *complete communities*. With the exception of Glendale, the settlement areas are moderate in scale, with well-defined urban boundaries, serviced with municipal water and sewer services. Most contain a mix of land uses and well established, stable residential neighbourhoods. Old Town and Queenston, in particular, include *significant cultural heritage resources* that must be *conserved*. Most of the Town's administrative, educational, health care, and community facilities are located in, or adjacent to, the settlement areas.
- 2.2.5 The settlement area boundaries have defined limits established through the Greenbelt Plan and the Growth Plan. Expansion is limited by the abutting Specialty Crop Area. As such, there are few opportunities for the physical expansion of the settlement areas. *Development* will occur within the existing settlement area boundaries.
- 2.2.6 The Niagara District Airport represents a development area in the Town that includes the lands in an around the airport that are developed as an airport and other related employment uses.
- 2.2.7 The Niagara Escarpment Plan Area forms the south boundary of the Town, and includes Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area, as defined in the NEP. While St. Davids and Queenston are Minor Urban Centres according to the NEP, they are included in the Settlement Areas section of this Plan.
- 2.2.8 The Ontario Power Generation Policy Area contains a large reservoir and additional lands owned by Ontario Power Generation (OPG), and are located outside of the Niagara Escarpment Plan Area, the Greenbelt Area and the Protected Countryside. Lands are under the jurisdiction of OPG and are not subject to local planning policies. The constructed reservoir is one of the sources of the irrigation water used by some members of the farming community.

2.3 Economic Strategy

- 2.3.1 This Plan promotes the need for a prosperous and diverse economy that offers attractive employment opportunities where people want to live, work and conduct business. The vision for compact, *complete communities* with adequate public transportation that can attract and retain youth and families relies on a vibrant, competitive economy.
- 2.3.2 The Town is committed to a prosperous and sustainable agriculture and agri-food sector as a key component of the economic strategy and will

develop and implement an overall agricultural strategy to ensure a long term economically viable agricultural industry. In recent updates to the Growth Plan and Greenbelt Plan, the Province introduced the concept of planning for an *agricultural system* that encompasses all the components required for agriculture to thrive-from primary production to agricultural businesses, to uses that support continued farm viability. The Town agrees with this systems approach to supporting agriculture and has incorporated it into this Plan. maintaining a strong agricultural economy, the Town supports a broad range of agricultural value-added opportunities and support to the farming community.

2.3.3 As key components of the Town's economic development strategy, the Town:

- a) supports using a systems approach to planning comprehensively for agriculture;
- b) supports the expansion of the agricultural industry, to capitalize on food production, processing and tourism opportunities;
- c) recognizes that the Niagara District Airport is a key asset supporting economic development and employment growth in the Town;
- d) supports initiatives to expand a regional employment role at the Queen Elizabeth Way (QEW) in Glendale;
- e) will maintain and enhance its role as a centre for culture, heritage and recreation;
- f) will promote new economic development and tourism opportunities;
- g) will support adaptive re-use of underused or derelict commercial and industrial facilities to alternate employment uses and community facilities.

2.3.4 In order to achieve strong economic diversity, it is recognized that the Town's natural and cultural assets, including *cultural heritage resources*, are important economic drivers that will be leveraged responsibly and promoted to attract a range of innovative and diverse businesses and attract and retain youth and families.

2.3.5 Future employment, population and housing growth in the Town will be influenced by a number of regional and local factors, including:

- a) location within the Greater Golden Horseshoe (GGH), which will continue to experience strong population and employment growth;
 - b) a high quality of life that is expected to drive net migration to the Town from a broad range of demographic groups, including the working age population and baby boomers;
 - c) diminishing supply of employment lands within portions of the GGH and the local and regional area;
 - d) opportunities associated with the Niagara District Airport;
 - e) tourism/recreation industry growth, that is expected to continue to expand and develop in the Town; and
 - f) growth opportunities in the Agriculture sector, given the size and diversity of agricultural activity in the Town, with future opportunities related to agri-business and value-added processing.
- 2.3.6 The Town supports local food producers by encouraging farmers' markets, urban agricultural projects and community vegetable gardens in appropriate locations.
- 2.3.7 The Town will work with the Region and other levels of government to identify, enhance and implement its economic development strategies.

2.4 Growth Management

2.4.1 General

- 2.4.1.1 The Growth Management Strategy update to 2041 will be completed upon finalization of the Region of Niagara *Municipal Comprehensive Review* that is currently in process. In the interim, the Town's 2011 Growth Management Strategy has been carried forward in this Plan, with minor adjustments, where appropriate, to reflect the time frame beyond 2031.
- 2.4.1.2 The current settlement area boundaries will be maintained, with minor adjustments for the foreseeable future as the existing settlement area supply exceeds the projected demand to at least 2031. The settlement areas will accommodate most of the residential and employment growth in the Town recognizing that some *development* may occur outside the settlement areas through agricultural, agriculture-related and on-farm diversified *development*.

2.4.2 Growth Strategy Objectives

2.4.2.1 The objectives of the Town's growth strategy are to:

- a) direct the vast majority of future urban growth to lands within the existing settlement area boundaries;
- b) enhance opportunities for the expansion and *intensification* of the *agricultural system*;
- c) provide a framework for revitalizing the Town's commercial areas and directing commercial *development* to appropriate locations in the Town's settlement areas;
- d) direct appropriate *intensification* to Designated *Intensification Areas*;
- e) optimize existing *infrastructure* to provide for efficient use of *infrastructure*;
- f) coordinate land use planning with *infrastructure* planning;
- g) protect, conserve and manage agricultural resource, natural landscapes and *cultural heritage resources* for current and future generations;
- h) protect key aspects of existing stable neighbourhoods;
- i) develop compact, *complete communities* that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and *active transportation*;
- j) promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity; and
- k) provide *active transportation*-friendly structures and amenities.

2.4.3 Population and Employment Forecasts

2.4.3.1 Population Forecast

- a) The projected population growth for the Town is shown in **Table 1**. The Official Plan's land use policies are based on serving this anticipated population growth. The population forecasts shown in **Table 1** are the basis for planning the Town's long-term population growth and, will be updated upon finalization of the Regional *Municipal Comprehensive Review*.

Table 1 - Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031	
Forecast Period	Total Population
2006	15,200
2011	16,800
2016	18,400
2021	19,200
2026	19,700
2031	20,688
2006-2031 Growth	5,488
Source: Niagara Regional Official Plan, Table 4-1, Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031	

- b) The estimated population for 2011 by settlement areas is shown in **Table 2**.

Table 2 - Town of Niagara-on-the-Lake Population by Settlement area, 2011		
Settlement Area	Population	% Share
Glendale	740	5%
Queenston	390	3%
Old Town	4,465	29%
St. Davids	725	5%
Virgil	2,910	19%
Rural	6,170	40%
Total	15,400	100%
Source: Derived from Statistics Canada Special tabulation, based on 2011 Census of Population, by Watson & Associates Economists Ltd.		

NOTE: 1. The allocation of forecast population to the various settlement areas will be completed upon finalization of the Regional *Municipal Comprehensive Review*.

- c) The Region is updating growth projections for the Town to the year 2041 through its current *Municipal Comprehensive Review* updates. Nonetheless, it is expected that the Town will experience steady population and housing growth through 2031 and beyond. According to the Growth Plan, Niagara Region is expected to experience relatively strong population and employment growth through 2041. It is anticipated that the Town has relatively strong growth potential to 2041, based on the growth drivers identified in Section 2.3.

2.4.3.2 Housing Forecast

- a) The projected housing growth for the Town is shown in **Table 3**. The Official Plan's land use policies are based on serving this anticipated housing growth. The housing forecasts shown in Table 3 are the basis for planning the Town's long-term residential land needs and, will be updated upon finalization of the Regional *Municipal Comprehensive Review*.

Table 3 - Town of Niagara-on-the-Lake Housing Forecast, 2006-2031	
Forecast Period	Total Households
2006	5,445
2011	6,150
2016	6,790
2021	7,240
2026	7,550
2031	7,990
2006 -2031 Growth	2,545
Source: Niagara Regional Official Plan, Table 4-1, Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031	

- b) In 2011, the household mix by unit type in the Town was 85% low density (single-detached and semi-detached units), 9.3% medium density (townhouses, rowhouses), and 5.7% high density (apartments). Source: Watson and Associates The allocation of forecast housing growth to the various settlement areas will be completed upon finalization of the Regional *Municipal Comprehensive Review*.
- c) The Town can accommodate over 4,300 housing units through *intensification* and greenfield development opportunities, which is in excess of the anticipated increase in households to 2031. The potential supply opportunities for each settlement area are shown in **Table 4**.

- d) Beyond 2031, St. Davids is expected to accommodate the largest share of urban residential growth, with the balance distributed between Old Town, Glendale and Virgil. Queenston has limited opportunities for additional growth.

Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area					
Settlement Area	Density Type				Percentage Share
	Singles & Semi-Detached	Multiples ¹	Apartments ²	Total	
<i>Old Town</i>	187	323	241	751	17%
<i>Virgil</i>	690	32	22	744	17%
<i>Queenston</i>	29	0	0	29	1%
<i>St. Davids</i>	858	113	800	1,771	41%
<i>Glendale</i>	413	649	10	1,072	25%
<i>Rural</i>	2	0	0	2	0%
Total	2,179	1,117	1,073	4,369	100%
Percentage Breakdown	50%	26%	25%	100%	
1 Includes townhomes and apartments in duplexes					
2 Includes bachelor, 1 bedroom and 2 bedroom+ apartments					
Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels.					
Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake.					

2.4.3.3 Employment Forecast

- a) The forecasted employment growth for the Town is shown in **Table 5**. The figures in Table 5 will be updated upon finalization of the *Regional Municipal Comprehensive Review*. In the interim, they form the basis for planning the Town's employment land needs and the land use policies of this Plan.

Table 5 - Town of Niagara-on-the-Lake Employment Forecast, 2006-2031	
Forecast Period	Jobs
2006	11,000
2011	11,370
2016	11,620
2021	11,910
2026	12,340
2031	12,690
2006 -2031 Growth	1,340
Source: Niagara Regional Official Plan, Table 4-1, Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031	

- b) The projected employment for the Town by the year 2031 is 12,690 jobs. An employment target of 1,340 new jobs is anticipated by 2031. A proportion of those jobs are to occur within the *Employment Area* designation through greenfield development and the *intensification* of existing *development*. The remainder of jobs will be located throughout the Town, including in commercial and community facilities areas, in residential areas as home-based businesses and service commercial uses, in the Protected Countryside through agricultural, agriculture-related, and on-farm diversified jobs, and at the Niagara District Airport.
- c) The majority of employment growth is anticipated to be concentrated in the Protected Countryside agricultural area, Glendale, Virgil and the Old Town. Glendale is expected to accommodate the vast majority of the Town's non-agriculture-related employment growth. Employment growth in Virgil, Old Town and St. Davids is expected to be predominantly in the commercial sector and accommodated largely through *intensification*. The Niagara District Airport is expected to accommodate a moderate share of industrial and commercial employment growth; but much of this is anticipated over the longer term. Employment growth in Queenston is anticipated to be relatively limited.

2.4.3.4 As provided in the Regional Official Plan, forecasts will be reviewed every five years, taking into account updated data from Statistics Canada and other sources, and any revisions to the forecasts will be made by amendment to this Plan.

2.5 Employment Areas

2.5.1 Identification

- 2.5.1.1 *Employment Areas* are delineated on the land use schedules of this Plan. *Employment areas* provide opportunities for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

2.5.2 Protecting employment lands

- 2.5.2.1 The Town will protect its designated employment lands from inappropriate conversion by requiring a *Municipal Comprehensive Review* and extensive planning justification for any proposed conversion to non-employment uses. Based on current provincial Growth Plan requirements, major retail uses are considered non-employment uses and are not permitted within designated *employment areas*, with the exception of Glendale, where major retail uses are identified as part of the Glendale Secondary plan.
- 2.5.2.2 The inclusion of mixed use *development* inside employment lands may be considered provided this is comprehensively planned in a manner that includes comprehensive *Community Design* standards and results in no net loss of employment lands. It is anticipated that a comprehensive secondary plan will be needed to implement any such proposal. It is not intended to be addressed by this Official Plan directly but is identified as a potential component of the Town's employment land base that will be detailed in any such secondary plan.
- 2.5.2.3 The conversion of employment lands to non-employment uses is not permitted, except in accordance with the provisions of the Growth Plan and Regional Official Plan.

2.6 Complete Communities

2.6.1 Sustainability

- 2.6.1.1 The concept of a sustainable community is one that directs growth to well-planned built-up areas. Compact *development* within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.
- 2.6.1.2 A sustainable community balances social well-being, resource protection, economic opportunities and environmental responsibility to meet the needs of the present without compromising the quality of life for future generations.
- 2.6.1.3 Sustainability is achieved through a variety of initiatives that can include:

- a) protection of specialty crop agricultural lands and areas for agricultural production;
- b) promoting agricultural diversification and innovation;
- c) conservation of agricultural landscapes, natural landscapes and *cultural heritage resources*;
- d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;
- e) building on the existing employment strengths within the Town to generate economic prosperity;
- f) promoting environmental stewardship and sustaining a healthy natural environment;
- g) making efficient use of *infrastructure* by focusing on a compact, mixed use, walkable, and connected community;
- h) having vibrant downtowns and attractive public spaces;
- i) maintaining a commitment to low profile *development*; and
- j) promoting the *adaptive re-use* of existing buildings and structures and the *redevelopment* of *brownfields* and *greyfields*.

2.6.1.4 The Town may prepare a municipal sustainability plan and may develop sustainable *development* standards, in consultation with the *development* industry, to establish and implement the principles of environmental, social and economic sustainability, including approaches to:

- a) reducing energy demands;
- b) designing *development* to optimize passive solar energy;
- c) encourage on-site, renewable energy generation and co-generation and district energy systems;
- d) maximize water conservation, including water efficient landscaping and collection and reuse of clean water;
- e) providing appropriate stormwater infiltration at source;
- f) Integrating green roofs into energy and water conservation strategies;

- g) providing for collection and storage of recyclable wastes on site;
- h) integrating *active transportation* and transit into *development* plans; and
- i) maintaining and enhancing natural heritage and hydrological features and functions; and
- j) integrating green technology and approaches with *cultural heritage resources*.

2.6.1.5 Prior to the preparation of a sustainability plan, applicants may be required to submit a report identifying measures to ensure that the *development* complies with the initiatives noted above.

2.6.2 Healthy Neighbourhoods

2.6.2.1 Healthy neighbourhoods and communities form the basis of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:

- a) *development* of a vibrant, walkable, complete community with a mix of housing, jobs, parks, shops and services in close proximity to each other;
- b) retention of schools and family supportive institutions;
- c) a range of quality housing choices to meet the needs of people in all stages of life;
- d) *Community Design* and heritage guidelines to ensure growth will conserve and, where possible, enhance the *cultural heritage resources* of the Town;
- e) maintaining the Town's scenic beauty; and
- f) investment in the public realm, including enhanced public access to the waterfront, to improve quality of life and attract investment.

2.6.2.2 *Development* applications will be required to identify the extent to which they contribute to the promotion of a healthy community.

- 2.6.2.3 *Development* outside the settlement areas will consider both the natural and built form character of the surrounding area. Where appropriate, tree planting will be encouraged to line driveways and to shelter buildings.

2.6.3 Housing

- 2.6.3.1 A diversity of housing types and tenure and *affordable* housing options contribute to the liveability of neighbourhoods and the quality of life for residents. In order to ensure a stable workforce and market for goods and services, businesses depend on housing with access to jobs, public transportation, recreation, schools, parks and services.
- 2.6.3.2 Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more *affordable* housing choices will be provided through infilling, *intensification* and *development* of greenfield areas.
- 2.6.3.3 Multi-unit *residential developments* may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.
- 2.6.3.4 The Town will maintain a minimum three-year supply of residential units as well as the *infrastructure* to support that supply.

2.6.4 Community Infrastructure

- 2.6.4.1 *Community infrastructure* is integral to creating sustainable communities by providing facilities and services to meet the needs of residents.
- 2.6.4.2 While Niagara-on-the-Lake plays an important role in providing community facilities and services for residents, including a library, community centre, parks, and fire services, the Town will also work with other levels of government, non-profit agencies, school boards and community organizations to plan and deliver services and *infrastructure*.
- 2.6.4.3 The Town may, with support from the Region, identify areas of the Town that are underserved by *community infrastructure*, and develop policies and incentives to enhance access to *community infrastructure*, as provided in the Regional Official Plan. The Town may identify such *infrastructure* through the preparation of

Secondary plans, Community Improvement Plans, Local Improvement Plans, Development Charge Studies, Recreation, Cultural Master Plans or other local municipal initiatives.

2.6.5 Parks and Open Space Systems

- 2.6.5.1 The parks and open spaces in Niagara-on-the-Lake are an integral component of the Town's attraction and its liveability. They contribute to the community's quality of life, health, and social well-being. The system of parks and open spaces, multi-use trails, pathways and natural heritage features provides opportunities for both active and passive recreational pursuits.
- 2.6.5.2 While the planning and care of parks and open spaces is primarily the responsibility of the Town, other agencies such as Parks Canada, the Niagara Escarpment Commission and the Niagara Parks Commission play a major role in augmenting the range of parks and open space areas available for residents and visitors. The Commons and the Niagara Parkway are unique public resources of provincial and national significance and are integral to the parks and open space system in the Town.
- 2.6.5.3 Sufficient parks and open spaces will be developed, enhanced and maintained and will be distributed in a way that meets the recreational needs of residents and visitors.

Section 3 Protected Countryside

3.1 Identification

- 3.1.1 In addition to being Protected Countryside under the Greenbelt Plan 2017, the rural area of Niagara-on-the-Lake is designated as a *Specialty Crop Area*. The *Specialty Crop Area* designation is in recognition of the Town's unique soils and climate that allow grape and tender fruit production. By identifying the land as part of a *Specialty Crop Area*, the Province has imposed controls to provide the highest levels of protection on the Town's rural land base and create circumstances where agricultural operations will continue and flourish. The Town supports this goal and through this Official Plan implements policies for the Protected Countryside that protect the land base, support a healthy *agricultural system*, manage resources and control a limited number of pre-existing uses.
- 3.1.2 The rural lands in the Protected Countryside as shown on Schedule B1 are comprised of the following land use designations:
- a) *Specialty Crop Area*
 - b) Natural Heritage (subject to the policies in Section 8)
 - c) Major Open Space;
 - d) Aggregate Resource; and
 - e) Conservation.

3.2 *Agricultural system*

3.2.1 Supporting an *Agricultural system* in Niagara-on-the-Lake.

- 3.2.1.1 In acknowledgement of the unique nature of the Town's agricultural community and to provide the flexibility and support required to sustain production and ongoing financial viability the Protected Countryside will be managed as an *agricultural system*; a continuous and permanent land base that supports agricultural production and related economic activity.

3.2.1.2 In managing the *agricultural system*, the Town will respond to the unique characteristics of agriculture in Niagara-on-the-Lake which include:

- a) ability to grow tender fruit and grapes;
- b) smaller average farm size;
- c) farms comprised of small disparate parcels;
- d) intense farm operations;
- e) access to an extensive municipal drainage and irrigation system;
- f) variety and number of *agriculture-related* and *on-farm diversified uses* including a *significant* component of *agri-tourism uses*;
- g) labour intensive operations;
- h) active interfaces between rural and community land uses;
- i) active production in the *natural heritage system*;
- j) integral relationship of specialty crops with buffers, naturalized areas and stream corridors;
- k) diversity of production;
- l) reliance on support *infrastructure* (farm services, storage, retail, packing shipping, irrigation works, etc.);
- m) longer time frames for crops to reach maturity; and
- n) agriculture's role as an integral part of the Town's *working landscape*.

3.2.1.3 Flexibility is incorporated in the policies to respond to these unique characteristics.

3.2.2 Objectives

3.2.2.1 The objectives for managing and building the Town's *agricultural system* include:

- a) Preservation of the *Specialty Crop Area* for farming.

- b) Expansion of the area under production.
- c) Accommodation of supportive components.
- d) Fostering functional and economic linkages.
- e) Creating the circumstances that will support ongoing tender fruit and grape production.
- f) Recognizing, respecting and valuing the full range of ecological goods and services delivered to the community through good farming practices.
- g) Protecting the integrity of the *agricultural system* from conflicting uses.
- h) Managing natural heritage features as part of the *agricultural system* in a way that will protect the feature but not impede the ability to farm or grow specialty crops.
- i) Acknowledging that agricultural land is integral to the long term sustainability of the *Natural Heritage System* and provides vital linkages.
- j) Supporting uses that enable farming and farmers to:
 - i. Become more economically viable, competitive and sustainable;
 - ii. Adapt to new and changing markets;
 - iii. Diversify into and take advantage of new agricultural opportunities;
 - iv. Improve the understanding of agriculture by the general public; and
 - v. Broaden operations to diversify economic activity and add value to agricultural production.
- k) Emphasizing the value of agriculture as an essential part of the Town's environment, *working landscape*, economy, character and quality of life.
- l) Supporting the ongoing provision of agricultural *infrastructure* including irrigation and drainage works.

- m) Encouraging the preservation of agricultural lands for agricultural purposes and direct non-farm uses to settlement areas.
- n) Managing the interface between agricultural and *non-agricultural uses* by implementing edge planning controls (buffering, separation, etc.) that protect the ability to farm.
- o) Supporting production of a range of commodities to enhance opportunities for directly related employment and to maintain the sector's position as a major component of the Town's economic base.
- p) Permitting *agriculture-related uses* and *on-farm diversified uses* including *agri-tourism uses* in appropriate locations and at an appropriate scale relative to surrounding land uses.
- q) Consolidating and simplifying the regulations associated with farming on agricultural lands.
- r) Permitting the appropriate reconfiguration of farm operations to support economic viability.
- s) Permitting existing appropriate small scale industries and commercial uses supportive of, and directly related to, agricultural operations.
- t) Supporting the eradication of invasive species that threaten agricultural production.

3.2.3 Permitted Uses

3.2.3.1 The following uses may be permitted in the Protected Countryside in accordance with the applicable provisions of this Plan:

- a) *Agricultural uses*;
- b) *Agriculture-related uses*;
- c) *On-farm diversified uses* which include *agri-tourism uses*;
- d) *Infrastructure* serving the agricultural sector;
- e) Forestry and conservation uses;

- f) Passive recreational uses such as trails and outdoor nature interpretation that do not impact agricultural production;
- g) Residential uses on lots created in accordance with Section 3.2.15;
- h) Extraction of minerals aggregates and petroleum resources; in accordance with the policies of this Plan;
- i) All existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect; and
- j) Single-detached dwellings on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of severance granted prior to December 14, 2003 but which did not proceed.

3.2.3.2. On-farm alternative and/or renewable energy systems are permitted in association with agricultural operations. For those systems not exempt from Planning Act provisions under the Green Energy and Green Economy Act, such systems shall be small scale. The provisions of this Plan related to *agriculture-related uses* and *on-farm diversified uses* apply to alternative and/or renewable energy systems.

3.2.4 General Policies for Specialty Crop Lands

- 3.2.4.1 The re-designation of Specialty Crop Lands to another designation in this Plan is not permitted.
- 3.2.4.2 The size of farm parcels will be maximized. Consolidation of farm parcels is encouraged.
- 3.2.4.3 All types, sizes and intensities of *agricultural uses* are encouraged. *Normal farm practices* are to be unhindered.
- 3.2.4.4 *Agricultural uses, Agriculture-related uses, and On-Farm Diversified uses* are permitted subject to conformity with the policies of this plan, Provincial Plans, and relevant Provincial Guidelines for permitted uses in *prime agricultural areas*.
- 3.2.4.5 Buildings, structures or accessory uses associated with *agricultural, agriculture-related* and *on-farm diversified uses* are not required to

undertake a natural heritage or hydrologic evaluation in accordance with the policies of Section 8.5.10.

- 3.2.4.6 *Agricultural, agriculture-related and on-farm diversified uses* are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* in proximity to a Natural Heritage features if the land is and will continue to be used for agricultural purposes.
- 3.2.4.7 *Agricultural, agriculture-related and on-farm diversified uses* are permitted within thirty (30) metres of *permanent or intermittent streams* in accordance with the policies in Section 8.5.11.
- 3.2.4.8 Best management practises shall be followed to protect features and functions of the *Natural Heritage System*.
- 3.2.4.9 All uses in the Protected Countryside Area will be designed, located and managed to not detract from the primacy of agriculture.
- 3.2.4.10 All lands designated as Specialty Crop Area will be placed in an Agricultural Zone in the Zoning By-law. Existing uses which are permitted by this Plan will be placed in an appropriate exception zone if the Town is satisfied that the use has been in continuous operation since December 16, 2004 and the use does not pose a risk to public health or safety.
- 3.2.4.11 Where municipal services are not available, uses shall be limited to low water and low effluent producing uses, on condition that the site can accommodate the use on private water and private sewage treatment systems in perpetuity.
- 3.2.4.12 Land uses that would cause potential aviation safety hazards are discouraged in the vicinity of the Niagara District Airport.

3.2.5 Accommodation for Full-time and Seasonal Farm Labourers

- 3.2.5.1 All farm holdings may have accommodation for full-time and seasonal labourers as part of a farm unit where the nature of the farm is such that help needs to be located nearby.
- 3.2.5.2 The zoning by-law will include restrictions pertaining to the number, size, and location of accommodation for full-time and seasonal farm labourers based on the type of farm operation, the number of labourers required for the operation, other holdings of the operator, the suitability of the location of the building(s) as to adjacent land

uses, access, number of units, etc., and the ability to provide on-site sewer and water services without reducing the amount of land available for production.

3.2.6 *Agriculture-Related Uses and On-farm Diversified Uses*

3.2.6.1 Allowing a range of appropriate *on-farm agriculture-related uses* and *on-farm diversified uses* contributes to economically sustainable agriculture in the Town, strengthens the *agricultural system*, facilitates broader access to local food and beverages, agricultural products and VQA wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.

3.2.6.2 *Agriculture-related uses* and *On-farm diversified uses* may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- b) An adequate and potable water supply is available.
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards. *Ribbon development* along roadways is discouraged.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.
- h) Outside storage may be limited.
- i) The municipality may impose appropriate controls through

available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.

- j) The lands will be appropriately zoned and, where necessary, a *development* agreement will be required.
- k) *Development* on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.
- l) *Development* may be subject to site plan control.

3.2.6.3 *Agriculture-related uses* and *on-farm diversified uses* involving *development* over 500 square metres shall be subject to a zoning by-law amendment. In reviewing a zoning by-law amendment application, the following additional considerations shall be addressed:

- a) Whether the use is more appropriately located in a nearby settlement area;
- b) Whether the use is required on or in close proximity to the agricultural operation to support and complement the agricultural activity;
- c) Whether the use is compatible with the existing farming operation and/or surrounding farming operations; and
- d) Whether the use complies with all other applicable provisions of this Plan and the Regional Official Plan.

3.2.6.4 Lot creation to accommodate *agriculture-related* or *on-farm diversified uses* is not permitted.

3.2.7 *Agriculture-related uses*

3.2.7.1 *Agriculture-related uses* must be small scale, relate directly to and be required in close proximity to the farm operation.

3.2.7.2 To sustain a market and allow for efficient operation of *agriculture-related uses*, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away provided the majority of product is from farm operations in the area. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or

services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.

- 3.2.7.3 Roadside stands and “pick your own” facilities are limited to distribution of product produced from the farm operation, with parking areas and structures limited in area.

3.2.8 On-farm Diversified Uses

- 3.2.8.1 *On-farm diversified uses* which include *agri-tourism uses*, home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation.

3.2.9 Agri-tourism uses

- 3.2.9.1 *Agri-tourism uses* are *on-farm tourism uses* that promote the enjoyment, education or activities related to the farm operation and are permitted subject to the following:

- a) Small scale *agri-tourism uses* that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law.
- b) *Agri-tourism uses* indirectly related to agriculture that benefit from a farm location may be permitted but will require an amendment to the zoning by-law. These types of *agri-tourism uses* will be considered based on the following criteria:
 - i. the scale of the operation is limited and appropriate to the site and surrounding farming operations;
 - ii. the use has no or minimal impact on, does not interfere with and is compatible with surrounding *agricultural uses*;
 - iii. the use does not generate potentially conflicting off-site impacts including impacts related to *infrastructure* or transportation;
 - iv. the use is limited to low water and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public *infrastructure*;

- v. for *special events*, the use represents an occasional activity and is not a regularly recurring activity;
- vi. the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding lands;
- vii. the use does not require *significant* improvements to utilities or *infrastructure* such as roads or hydro services;
- viii. the use complies with all of policies of this Plan and the Regional Official Plan; and
- ix. the proposed use or *site alteration* and/or *development* will not negatively impact *cultural heritage resources*.

3.2.10 Wineries, Breweries and Distilleries

3.2.10.1 Estate wineries, farm wineries, micro breweries and micro distilleries may be permitted as an *on-farm diversified* use, an *agriculture related* use or a blend of the two, subject to the applicable provisions in this Plan and the following specific provisions.

3.2.10.2 Estate Wineries

3.2.10.3 All estate wineries will be subject to a site specific zoning by-law amendment.

3.2.10.4 The minimum acreage for an *estate winery* will be established in the implementing zoning by-law and will generally be a contiguous parcel of at least eight (8) hectares, with the majority of land being in full vineyard production. This acreage is required to provide a rural setting for the winery, land for the ponding of waste water and associated vineyards. Existing estate wineries having less than eight (8) hectares in lot area will be recognized in the zoning by-law provided they comply with all other provisions of this plan.

3.2.10.5 Proposals for properties less than eight (8) hectares will only be considered where it is demonstrated through the preparation of a planning justification report that the proponent can comply with all other policies of this Plan and that the rural character of the property as a vineyard is retained.

3.2.10.6 The production of wine from an *estate winery* is subject to the following criteria:

- a) all wines produced will be made from predominately locally grown fruit;
- b) all wines produced are to be made from predominately locally grown fruit crushed and fermented on site; and
- c) an *estate winery* will have the capability to bottle of all the wine produced on site.

3.2.10.7 The following uses may be permitted as ancillary to an *estate winery*, provided that the amount of floor space will be limited in the zoning by-law, so such uses are only accessory to and complement the *estate winery*, do not detract from the main use of the land, or adversely impact other uses permitted in the agricultural area:

- a) retail sale of wine;
- b) hospitality room/area where food and wine is prepared and served;
- c) the sale of products in an agricultural market; or
- d) overnight accommodations, such as bed and breakfast.

3.2.10.8 Estate wineries will be required to locate with direct or convenient access to an improved roadway with sufficient capacity to accommodate the anticipated traffic.

3.2.10.9 On-site vineyards are an important aspect of the image of an *estate winery* and encourage the use of local fruit in the production of wine. As such, land not intended for building or on-site services will be planted in vineyards. Vineyard planting may be a condition of the amending by-law to be completed prior to the issuance of a building permit.

3.2.10.10 Where *outdoor events* are permitted as part of an *estate winery* operation, the Town will be provided with a list of the *outdoor events* prior to the event taking place. Outdoor *special events* at an *estate winery* property which require approval from the Town will count towards the maximum number of *outdoor events* permitted on the property.

3.2.11 Farm Wineries

- 3.2.11.1 Farm wineries will be permitted in the implementing zoning by-law as part of a farm operation. The minimum acreage required for a *farm winery* will be specified in the implementing zoning by-law.
- 3.2.11.2 The production of wine from a *farm winery* will be subject to the following criteria:
- a) all wines produced will be made from fruit grown predominantly on site;
 - b) all wines produced are to be made from fruit crushed and fermented on site; and
 - c) all wines produced will be bottled on site.
- 3.2.11.3 The retail sale of wine produced on site will be permitted. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.
- 3.2.11.4 To extend the operating season of wineries, allow the efficient operation of processing facilities and contribute to the ongoing viability of the farm some product may be obtained from surrounding local farm operations or from other parts of Ontario provided the majority of product is from the farm or from surrounding local operations. Such facilities may require a site specific zoning by-law amendment prior to expanding the operation to include product from other parts of Ontario.

3.2.12 Micro Breweries and Distilleries

- 3.2.12.1 Micro breweries and micro distilleries may be permitted in the *Specialty Crop Area* if they are small scale, conform to all the provisions of this Plan and provided the majority of product is from the farm or from surrounding local operations.

3.2.13 Adaptive Re-use

- 3.2.13.1 Adaptive re-use of surplus farm facilities on existing farms for *agriculture-related, on-farm diversified uses or agri-tourism uses* will be encouraged to conserve cultural *Built Heritage Resources* and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

3.2.14 Minimum Distance Separation Requirements

- 3.2.14.1 All new or expanding livestock barns will be subject to the applicable *Minimum Distance Separation* (MDS) requirements.
- 3.2.14.2 All new *development* located on lands designated Specialty Agriculture will be subject to the applicable MDS requirements.

3.2.15 Lot Creation

- 3.2.15.1 Lot creation is permitted for *agricultural uses* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 16 hectares.
- 3.2.15.2 A consent is not permitted where it would create a lot pattern which would negatively impact farm operations.
- 3.2.15.3 Minor lot adjustments, boundary additions, or easements may be permitted for legal or technical reasons and provided:
 - a) they do not create a separate lot for a residential dwelling;
 - b) the land for which the consent is requested is added to adjoining lands where there is an existing farm operation;
 - c) the size of the existing agricultural operation is large enough to support a potentially viable farm operation; and
 - d) the consent complies with other policies of the Plan.
- 3.2.15.4 Except as permitted in Section 3.2.15, consents are not permitted that would create a separate lot for a residential dwelling.
- 3.2.15.5 Lot creation may be permitted for *infrastructure*, where the facility or corridor cannot be accommodated by easements or rights-of-way.

3.2.16 Surplus Farm Dwellings

- 3.2.16.1 Where a dwelling existed prior to December 16, 2004, a consent may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation, as defined in the Greenbelt Plan, provided that:
 - a) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and

that the zoning ensures the parcel will continue to be used for agricultural purposes;

- b) The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;
- c) The farms are both located within the Town of Niagara-on-the-Lake;
- d) The new lot is located to minimize the impact on the remaining farm operation; and
- e) The new lot complies with the MDS Formula.

3.2.17 Site Specific Policies

- 3.2.17.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in the Plan. Within the Specialty Agriculture designation certain land uses do not conform to the permitted uses listed in Section 3.2.3.1. Generally, these lands are occupied by existing uses which over time have established a level of compatibility with the agricultural community. In many instances the lands are occupied by buildings and structures that represent a substantial investment in the community that should be considered as a resource. In other situations, the lands were the subject of previous planning approval where buildings have yet to be constructed.
- 3.2.17.2 Notwithstanding Section 3.2.3.1, these uses are considered to be permitted uses under this Plan and expansions to these uses shall be permitted unless the expansions are proposed on lands not previously owned and occupied by the uses.
- 3.2.17.3 The uses permitted will be limited in the implementing zoning by-law to the following:
 - a) The existing or approved use of the lands;
 - b) Any use permitted in the agricultural designation of this Plan; and
 - c) Any use having a similar impact to that of the existing use that is deemed reasonably compatible with the agricultural area to take

advantage of existing buildings and facilities. Such uses will only be permitted by a site specific amendment to the zoning by-law.

- 3.2.17.4 Zoning restrictions for lot requirements (e.g. coverage, height, etc.), may be applied to limit *development* and expansion of any building so as not to adversely affect the agricultural area.
- 3.2.17.5 In addition to the permitted uses in Section 3.2.3.1, the following provisions apply to specific lands identified on Schedule B1:
- a) **S3-1:** A mini-storage use is permitted on the lands identified as S3-1.
 - b) **S3-2:** An ancillary use to an agricultural market will include the sale of small scale goods and merchandise at retail, on lands identified as S3-2.
 - c) **S3-3:** The lands identified as S3-3 are the site of two commercial businesses and have been zoned for commercial use.
 - d) **S3-4:** The lands identified as S3-4 are the site of a pharmacy and health centre. Building extensions for commercial purposes on to the rear lands will require an amendment to the service area boundary and to this Plan.
 - e) **S3-5:** The lands identified as S3-5 are occupied by an existing campground.
 - f) **S3-6:** The lands identified as S3-6 may be conveyed and developed as distinct and separate lots.
 - g) **S3-7:** A municipal fire station is permitted on the lands identified as S3-7
 - h) **S3-8:** A golf course, driving range or other outdoor sports practice facilities are permitted on the lands identified as S3-8.
 - i) **S3-9:** A private club is permitted on the lands identified as S3-9.
 - j) **S3-10:** On the lands identified as S3-10, the use of the property, is limited to a 21 room Inn including a 40 seat restaurant within the existing three (3.0) storey building. An uncovered outdoor patio use in association with the restaurant is also permitted.

- k) **S3-11:** the conversion of the existing dwelling located on the lands identified as S3-11 to a triplex dwelling is permitted.
- l) **S3-12:** On the lands identified as S3-12, A Value-Added Marketing Use (agri-tourism use unrelated to agriculture) that will permit the hosting of weddings and dinner and lunch (hospitality) events on the property is permitted on the lands identified as S3-12.
- m) **S3-13:** On the lands identified as S3-13, A Value-Added Marketing Use (agri-tourism use unrelated to agriculture) that will permit the hosting of weddings and dinner and lunch (hospitality) events on the property, as well as Value-Added Marketing Use (agri-tourism use related to agriculture) that will permit a restaurant use, at a limited and appropriate scale, are permitted.

3.3 Major Open Space

3.3.1 Background

- 3.3.1.1 The Major Open Space designation recognizes *significant* open space such as federal and provincial parks, museums, major sport complexes and historical sites.
- 3.3.1.2 The Niagara Parks Commission (NPC) manages, controls and develops parks and green spaces under its ownership along the Niagara River to protect the natural beauty of the area.
- 3.3.1.3 Parks Canada has the objective of protecting *cultural heritage resources* of National significance in a system of national parks and to encourage public appreciation of this heritage. It provides 113 hectares of parkland in Niagara-on-the-Lake. Parks Canada has jurisdiction over Fort George, Fort Mississauga, and Butler's Barracks. Butler's Burial Grounds and the Commons, all in and around Old Town and Brock's Monument at Queenston Heights.
- 3.3.1.4 To the west of Old Town, is a large tract of land (138.8 hectares) formerly administered by the Department of National Defence, now under the jurisdiction of Parks Canada.
- 3.3.1.5 The sites of Fort George, the Commons, Butler's Barracks, Fort Mississauga (the Golf Course) and the Department of National Defense lands are all specifically designated for their existing use in

this Plan. The Plan does not envision any other use of these lands within the planning period of this Official Plan.

3.3.2 Objectives

3.3.2.1 The objectives associated with *development* within the Major Open Space designation are to:

- a) Take advantage of any opportunities to provide public access to the waterfront along Lake Ontario and the Niagara River;
- b) Support the NPC in their efforts to maintain and improve the natural and cultural heritage of the Town along the Niagara River;
- c) Support Parks Canada's efforts to maintain and improve those features of national historic significance which contribute to the unique cultural heritage of the Town;
- d) Consider the acquisition of any land for public open space purposes that has been deemed surplus by Parks Canada, the NPC or other public agency;
- e) Foster a high level of communication and co-ordination between the Town and the NPC and Parks Canada; and
- f) Encourage the utilization of the major open space areas by the residents of the Town.

3.3.3 Permitted Uses

3.3.3.1 The following uses will be permitted in the Major Open Space designation:

- Active and passive parks and open space;
- Historic sites and museums;
- Cemeteries;
- Fish and wildlife management; and
- Forestry and conservation.

3.3.3.2 Secondary uses may include clubhouse facilities, concession stands, docking areas, associated parking areas, similarly related uses, accessory buildings and structures.

3.3.4 Niagara Parks Commission and Parks Canada Lands:

- 3.3.4.1 On lands adjacent to the Niagara Parkway, the Town will consult with the Niagara Parks Commission (NPC) before *development* or *redevelopment* is permitted. The Zoning By-law may contain special provisions for sites adjacent to the Niagara Parkway in order to maintain the scenic nature of this facility.
- 3.3.4.2 The Town will develop and maintain an ongoing dialogue with the NPC and Parks Canada, in order to obtain the comments of the NPC and Parks Canada on any relevant proposal for an official plan amendment, a zoning by-law amendment or *development* at an early stage in the process; determine the potential impact of planning proposals on lands and programs of the NPC and Parks Canada; and develop a mutual understanding regarding goals and objectives for future land uses in the areas of NPC and Parks Canada interest.
- 3.3.4.3 The Town will have regard to the objectives and plans of the NPC and Parks Canada in the design and implementation of any capital works which could affect them.
- 3.3.4.4 The NPC and Parks Canada are encouraged to involve community participation in their land use and land management decision making process, through consultation with Council and direct public discussion.
- 3.3.4.5 The Town will negotiate for the future use of any lands deemed surplus by Parks Canada.
- 3.3.4.6 Developers of land adjoining or near the Niagara Parkway, which is a Controlled Access Highway, are encouraged to seek approval for access from the Niagara Parks Commission early in the planning process.
- 3.3.4.7 The Town supports the preparation of a design study of the unique value of the Parkway as a national historic, cultural and recreational resource.

3.3.5 Federal Lands

- 3.3.5.1 Navy Hall, Fort George, Commons, Butler's Barracks
 - a) Navy Hall, Fort George, the Commons and Butler's Barracks are federally-owned lands. Should any of these lands be

transferred to private ownership, any application for any other use of these lands will require an amendment to this Plan and may require an amendment to the Regional Official Plan.

3.3.5.2 Fort Mississauga and The Golf Course

- a) The lands designated as Fort Mississauga and the Niagara-on-the-Lake Golf Course are federally-owned lands. Should the any of the lands be transferred to private ownership, any application for any other use of these lands will require an amendment to this Plan and may require an amendment to the Regional Official Plan.

3.3.5.3 Department of National Defence Lands (Parks Canada)

- a) The Department of National Defence Lands are federally-owned and administered by Parks Canada. Should any of the lands be transferred to private ownership any application for any other use of these lands will require an amendment to this Plan and may require an amendment to the Regional Official Plan.

3.4 Aggregate Resources

3.4.1 Background

- 3.4.1.1 Mineral aggregates are an important component of the economic growth of municipalities since aggregates support the construction industry as well as provide for maintenance and improvement of existing municipal *infrastructures* (i.e. roads and service corridors). There are limited areas in the Town with identified aggregate potential.
- 3.4.1.2 The Plan identifies high quality mineral aggregate resources that should be protected for the future needs, maximizes the opportunities to achieve resource conservation and sequential land use, protects existing pits and quarries, and minimizes conflicts between aggregate extraction and other land uses, while ensuring the long-term protection of the Specialty Agriculture lands.
- 3.4.1.3 There are two (2) licensed pit and quarry operations in the Town and only one (1) other area known to have additional aggregate potential. The aggregate resources are dolostone, shale and clay which are extracted for a wide variety of aggregate brick production and other structural products.

3.4.2 Objectives

- 3.4.2.1 The objectives associated with *development* within the Aggregate designation on Schedule B1 or Aggregate Potential area on Schedule C2 are:
- a) To ensure that the aggregate resources are protected;
 - b) To ensure that appropriate regulations are adopted to minimize disturbance to the environment;
 - c) To ensure that appropriate regulations are adopted to provide a progressive rehabilitation program; and
 - d) To ensure that areas with a high capability for agriculture are rehabilitated for agricultural use following the completion of mineral extraction activity.

3.4.3 Policies

- 3.4.3.1 In the Aggregate designation, the following uses will be permitted:
- a) The extraction, crushing, processing and washing of aggregates including dolostone, clay and shale or similar extracted material including the stockpiling of such material in accordance with a license issued pursuant to the Aggregate Resources Act and its regulations.
 - b) Any permitted use in an agricultural designation, forestry, wildlife, fisheries management and conservation.
- 3.4.3.2 Extractive operations will be permitted only in those areas so designated on Schedule B1.
- 3.4.3.3 An amendment to this Plan and the Regional Official Plan will be required where new surface sand, gravel or quarry operations are proposed in areas not designated for that use. Expansions to existing extractive operations beyond the designated area will also require an amendment to this Plan and an amendment to the Regional Official Plan. All applications will include sufficient documentation to demonstrate the need for any expansion or new operations.

- 3.4.3.4 Prior to the opening of a new pit or quarry or the expansion of existing pits and quarries the developer will comply with the requirements of the Aggregate Resources Act and its regulations.
- 3.4.3.5 Priority will be given to the rehabilitation of extractive areas to an “*agricultural condition*”. Where rehabilitation to an *agricultural condition* is not possible, uses will be limited to those permitted in an agricultural designation. Other uses may be permitted only by Official Plan Amendment.
- 3.4.3.6 Any application for *development* on lands identified in the Regional Official Plan as a potential resource area or on Schedule C2 to this Plan will have regard to the potential of the lands being used for resource extraction.
- 3.4.3.7 The establishment of wayside pits or quarries is not permitted in the Protected Countryside between the Niagara Escarpment and the Lake Ontario shoreline.

3.5 Conservation

- 3.5.1 Lands designated Conservation within the Protected Countryside are subject to the applicable provisions of Section 8, Natural Heritage.
- 3.5.2 The designation applies to lands considered environmentally *significant* or where lands are considered unsuitable for building purposes and require special attention to avoid loss of life and property damage.
- 3.5.3 Within the Conservation designation, the following uses may be permitted: forestry, fisheries and wildlife management, conservation, public and private parks, trails, and *agricultural uses*.
- 3.5.4 Flood control and shoreline protection works are also recognized.
- 3.5.5 Accessory buildings and structures permitted in an abutting designation and not used for human habitation may be recognized subject to the approval of the Town or NPCA, as applicable.
- 3.5.6 The redesignation of Conservation lands may only be considered where it is demonstrated that the proposal complies with the applicable requirements in Section 8.
- 3.5.7 Conservation lands may not necessarily be considered acceptable as part of a parkland dedication under the Planning Act.

Section 4 Settlement Areas

4.1 Identification

4.1.1 The lands identified as Settlement Areas on Schedule A (Community Structure) and Schedule B1 (Land Use) will be the focus of urban *development*. Settlement areas have municipally-provided services, including water and sewage services.

4.1.2 The five (5) settlement areas in the Town are:

- Old Town
- Queenston
- St. Davids
- Virgil
- Glendale

4.2 Framework for *Development*

4.2.1 Schedules B2 to B6 outline the settlement area boundaries and land use designations for each of the settlement areas.

4.2.2 Schedule B7 outlines the Built-Up Areas, Greenfield Areas and *Intensification Areas* within Old Town, Virgil and Glendale.

4.2.3 *Development* within the settlement areas will be planned to support transit, *active transportation* opportunities and improved pedestrian and vehicular circulation. It must also ensure the conservation of *cultural heritage resources*.

4.3 Settlement Area Boundaries and Built-up Areas

4.3.1 The settlement area boundaries are shown on Schedules B1 to B6. The boundaries of the Built-up Areas are delineated on Schedule B7.

4.3.2 The settlement area boundaries will be reviewed and updated upon the finalization of the *Regional Municipal Comprehensive Review*. The Region of Niagara is responsible for determining settlement area boundaries and is the approval authority for boundary expansions. The Province of Ontario is responsible for reviewing and updating the Built Boundaries within the Greater Golden Horseshoe.

4.3.3 The Built-up Areas identify the extent of existing *development* within the settlement areas, as defined by the Province. All growth and *development* which will occur within the Built-up Areas is considered to be

intensification and will count towards the achievement of the Town's *intensification* target.

4.4 Greenfield Areas

4.4.1 Greenfield Areas are identified on Schedule B7 and represent larger tracts of undeveloped areas that will provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban *development*.

4.4.2 Objectives

4.4.2.1. The objectives of the Greenfield development strategy are to:

- a) Promote compact, mixed use, walkable and transit supportive *development* on Greenfield lands;
- b) Promote appropriate densities with a mix of housing types on Greenfield lands;
- c) Improve connections between Greenfield Areas and the Built-up Area; and
- d) Enhance the physical design of new neighbourhoods and apply sustainable best practices in Greenfield Areas including:
 - i. the maximization of water conservation, through water efficient landscaping and collection and reuse of clean water in new *developments* and municipal operations;
 - ii. the use of green roofs as part of energy and water conservation strategies;
 - iii. provisions for the collection and storage of recyclable waste on site; and
 - iv. design subdivisions for energy efficiency (i.e. designing/locating houses to catch and retain solar heat).

4.4.3 Policies

4.4.3.1. The Town supports the overall Region-wide Greenfield density target of 50 people and jobs combined per gross hectare by:

- a) Defining 'Greenfield *Net Density*' and 'Greenfield *Gross Density*';

- b) Permitting a mix of dwelling types and low and medium density *development* within the Greenfield Areas;
- c) Allowing for a mix of uses on designated Greenfield lands; and,
- d) Preparing secondary plans and ensuring that *development* for Greenfield Areas meet a density of 50 people and jobs combined per gross hectare.

- 4.4.3.2. Although the Town's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, not every site may be able to achieve that target. The Town has limited flexibility on a site-by-site basis to adapt to local context and conditions, however the Town has and will continue to monitor its Greenfield *developments* to ensure that its overall Greenfield target is achieved.
- 4.4.3.3. New *development* proposals in Greenfield Areas, without prior draft plan approval, will be consistent with the policies of this plan.
- 4.4.3.4. The Town will work with the Region to monitor its supply of Greenfield land and the performance of its housing mix on an annual basis. The Town will also monitor the density and housing affordability of Greenfield development.
- 4.4.3.5. Draft approved plans of subdivision in *Designated Greenfield Areas* may not be considered for extension of draft plan approval unless the draft approved plans meet Greenfield density targets and other related growth management and environmental policies.
- 4.4.3.6. Further *development* within the Greenfield area of Virgil shall only be permitted following completion of a secondary plan for the settlement area or the Greenfield areas. The secondary plan will, at a minimum, establish a detailed land use, transportation and servicing plan for the area; provide for the integration of the Greenfield areas with abutting developed areas; and establish *development* policies related to land use, transportation, parks and recreation, cultural heritage resource conservation, environmental protection, staging of *development*, cost sharing and provision of municipal services.

4.5 Intensification Strategy

- 4.5.1 *Intensification* and infilling within appropriate areas throughout the Built-Up Area may be supported in accordance with *Community Design* and other applicable land use compatibility criteria of this Plan. The Town supports

forms of infilling that use the existing built form, including *garden suites* and second dwelling units, where the proposed *development* is consistent with the policies of this Plan.

4.5.2 Objectives

4.5.2.1 The objectives of the *intensification* policies of this Plan are to:

- a) Support the Built-up Areas by strategically directing most *intensification* to *Intensification Areas* identified on Schedule B7;
- b) Provide policy for accommodating additional growth within the Built-up Areas;
- c) Provide a framework that supports *intensification* and infilling throughout the Town's Built-up Area;
- d) Provide a framework that allows for second dwelling units;
- e) Ensure any proposal for *intensification* conserves *cultural heritage resources*; *Intensification* will be directed to the Built-up Areas where *development* will not impact *cultural heritage resources*; and
- f) Ensure that *intensification* and infilling are consistent with the character of the surrounding neighbourhood.

4.5.3 Policies

- 4.5.3.1 A minimum of 15% of all new dwelling units constructed annually in the Town will occur within the Built-up Areas identified on Schedule B7. The dwelling unit numbers will be updated when the Region of Niagara *Municipal Comprehensive Review* is finalized.
- 4.5.3.2 The predominant built form for *intensification* and *redevelopment* within the residential areas of the Built-up Area will be single-detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant *development* and compatibility policies of this Plan.
- 4.5.3.3 The provision of *affordable* housing in *intensification areas* is encouraged.
- 4.5.3.4 The Town will ensure that *intensification* and *redevelopment* conserves *cultural heritage resources*. *Community Design*

Guidelines will be prepared and used as a tool to achieve compatible built form with *intensification* and *redevelopment*.

- 4.5.3.5 The Town will locate and maintain important amenities and services, which serve the residents, such as parks, schools, recreational facilities, government offices and libraries within the Built-up Areas.
- 4.5.3.6 Specific *Intensification Areas* are identified on Schedule B7. A *significant* portion of the *intensification development* in the Town is expected to occur on the *intensification areas* in Virgil and Old Town, as identified on Schedule B7. The Town will adopt specific *Community Design* policies for any or all of these *intensification areas*. As part of any *intensification* proposal, *cultural heritage resources* must be *conserved*.
- 4.5.3.7 *Intensification areas* will be developed at a higher density than surrounding areas, subject to other applicable policies of this Plan related to *cultural heritage resources*, the character of the area and appropriate design standards. If an additional Plan exists for the management of any *cultural heritage resources*, this must be addressed as well. In the event of a conflict, the highest heritage conservation standard would apply.
- 4.5.3.8 The Town will work with the Region to monitor *intensification development* within the Built-up Areas on an annual basis. The Town will review and update the *intensification* target and policies as part of the planned ten-year Official Plan review cycle.
- 4.5.3.9 The specific *intensification* targets for the settlement areas are as established by the Region of Niagara and the Growth Plan.

4.6 Phasing

- 4.6.1 The Town supports the Regional phasing strategy outlined in the Regional Official Plan. However, due to the nature of the settlement areas, the limited areas for *development*, the distribution of *development* among the various settlement areas and the availability of servicing *infrastructure*, formal detailed phasing provisions are not required at this time.
- 4.6.2 Following completion of the Regional *Municipal Comprehensive Review*, this Plan will be amended to provide more specific phasing policies, as needed and based on the direction from the review. In the interim, the following phasing provisions apply:

- a) Phasing within individual settlement areas will proceed based on the provisions of secondary plans developed for those settlement areas;
- b) Annual monitoring of *development* activity and available land supply, sequencing of greenfield development, progress toward the achievement of local *intensification* greenfield density targets, population, employment, housing and housing unit allocation will be prepared and provided to the Region;
- c) *Intensification* strategies within the settlement areas, identifying *intensification* potential and opportunities for *development* of *complete communities* will be prepared; and
- d) New Greenfield development will occur only where regional and local *infrastructure* can be provided in a financially and environmentally sustainable manner and where such *development* would not be isolated from existing *development*.

4.7 Land Use Compatibility

4.7.1 Residential Neighbourhoods

- 4.7.1.1. Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time. This change will be appropriate and compatible with the Town's existing neighbourhoods and with the entire Built-up Area.

4.7.2 Compatibility

- 4.7.2.1. *Intensification* within the Built-up Areas should be compatible with surrounding existing and planned land uses. *Intensification* and/or *redevelopment* should be compatible with the property and the surrounding neighbourhood, having regard to:
 - a) conserving natural heritage and *cultural heritage resources*;
 - b) Existing and/or planned densities;
 - c) Lot frontages, area and depth;
 - d) Building setbacks;
 - e) Privacy;
 - f) Parking;

- g) Servicing, lot grading and drainage; and,
- h) The existing and/or planned height and massing of buildings.

4.7.2.2. *Development* proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different *development* densities and scale. Transition in built form will act as a buffer between the proposed *development* and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.

4.7.3 Conflicts between Built Form and *Intensification*

4.7.3.1. In circumstances where a proposed *development* satisfies the Town's *intensification* target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.

4.8 Community Design

4.8.1 Design Policies

- 4.8.1.1. The character of the Town is reflected in its *cultural heritage resources*, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban *streetscapes*, low profile *development*, walkable communities, and variety of architectural and design features.
- 4.8.1.2. *Community Design Guidelines* are used to integrate new *development* into the fabric of the community and to preserve its character and enhance those attributes that are important to residents and visitors. *Community Design* involves the arrangement and design of buildings, public spaces, *transportation systems*, services, landscaping and amenities.
- 4.8.1.3. *Community Design Guidelines* are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities.

- 4.8.1.4. *Community Design Guidelines* should be based on the following:
- a) Encourage a compact, walkable and well-connected community;
 - b) Provide a linked public open space system;
 - c) Encourage the enhancement of *streetscapes*;
 - d) Integrate public *infrastructure* into the landscape; and
 - e) Conservation of *cultural heritage resources*.
- 4.8.1.5. The Town may develop *Community Design Guidelines* for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. *Community Design Guidelines* may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or *development* approval standards.
- 4.8.1.6. The design and *development* of all public and private lands within **Glendale** will be in accordance with approved Secondary plan and Urban Design Standards and Guidelines.
- 4.8.1.7. The design and *development* of all public and private lands within the settlement area boundary of **St. Davids** and **Queenston** will be in accordance with approved Secondary plans and Urban Design Standards and Guidelines for these communities.
- 4.8.1.8. In addition to meeting other design related policies of this Plan, the following *Community Design Guidelines* apply to Greenfield proposals in **Virgil** and **Old Town** until more detailed *Community Design* standards or guidelines are approved by the Town.
- a) Block lengths should generally range between 200 and 250 metres;
 - b) Where blocks are longer than 250 metres, a through block pedestrian walkway or midblock parkette should be provided;
 - c) Streets should generally be based on a grid pattern;
 - d) Lot sizes and types (e.g. singles, semis, duplex, townhouses, apartments) should vary in size and shape;

- e) Lots adjacent to neighbourhood centres and parks should be planned for medium density *development*;
- f) Pedestrian connections from public road rights-of-way to adjacent public open spaces and natural areas should be provided;
- g) Mixed land uses should be concentrated in central and accessible locations;
- h) Sidewalks will be provided in accordance with approved Town policy but may exceed those minimum standards where there is a clearly defined benefit or purpose served for existing and future residents; and
- i) Specific design standards for garages for single, semi and townhouse units shall be identified in relevant Urban Design Standards and Guidelines and implemented in relevant Zoning Bylaws or Development/Community Permit Bylaws. In the absence of specific urban design guidelines or standards, garages accessed from a public road (i.e. front yard) will not exceed 50% of the building's front façade and will be set back from the front face of these units.

4.8.1.9. In addition to meeting other design related policies of this Plan, the following design guidelines apply to *intensification* proposals in **Virgil** and **Old Town** until more detailed *Community Design Guidelines* are approved by the Town:

- a) Infill and *intensification* sites should match the average pre-established building setback of adjacent buildings within the block face;
- b) Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building will front onto the street;
- c) Where appropriate, the design of the commercial, mixed use and multi-unit *residential development* should provide linkages and connections to existing and proposed pedestrian and bicycle networks;
- d) Height, mass and scale of new *development* will fit the context within which it is located;

- e) Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and
- f) The design of infill and *intensification development* will be consistent with the Land Use Compatibility criteria of this Plan.

4.8.2 Building Height Restrictions

- 4.8.2.1 With the exception of **Glendale**, the Town consists of low-rise structures in a small town setting with a large number of *cultural heritage resources*. Generally, building heights in **Old Town**, **St. Davids**, and **Queenston** do not exceed ten (10) metres. This low-rise character will be maintained, and the implementing zoning by-law will limit building height accordingly. Special provisions may be included in the zoning by-law limiting the building height to less than ten (10) metres in residential areas where the majority of the buildings are 1 or 1.5 storeys in height.
- 4.8.2.2 In **Virgil**, limits on height may be more flexible subject to more detailed policies in future secondary plans and *Community Design* standards. In particular, there are opportunities for *development* that will exceed ten (10) metres in height on the former Virgil Public School lands and along the Niagara Stone Road corridor. However, high rise *development* is not contemplated by this Plan for Virgil. As such, maximum heights are intended to be limited to up to four (4) storeys or fourteen (14) metres (whichever is less) on sites specifically designated as medium density either in this Plan or as part of a Secondary plan and are subject to *community design* standards.
- 4.8.2.3 In **Glendale**, reference to height limits will be addressed in the secondary plan. Federal aviation regulations may be the most restrictive regulation for height limits due to the Niagara District Airport's influence.

4.9 Housing Affordability

- 4.9.1 The Town encourages the provision of housing that is necessary to meet the needs of households unable to find adequate housing through the private market. The design of any assisted rental housing shall be sensitive to the characteristics of the surrounding existing *development*.
- 4.9.2 The Town encourages initiatives to increase the supply of *affordable* housing through the better use of resources, buildings and serviced sites

within its settlement areas. This increase will be achieved in part by the following:

- a) Encouraging accessory residential units in combination with commercial *developments* subject to the relevant policies of this plan relating to compatibility, serviceability or appropriateness of the site and provision of appropriate social, recreational, and other facilities and amenities; and
- b) Encouraging the creation of new residential units in developed neighbourhoods through infill, conversion of existing buildings, *redevelopment* and the provision of second residential units.

4.9.3 Upon completion of an assessment report, the Town may consider an amendment to this plan to establish policies that authorize inclusionary zoning for the inclusion of affordable housing units within buildings or projects containing other residential uses, and providing for their maintenance as affordable housing units over time.

4.10. Residential Areas

4.10.1 Background and Identification

- 4.10.1.1 Residential Areas within the settlement areas are identified on Schedules B2 to B6.
- 4.10.1.2 The Residential Areas are divided into two designations: Established Residential and Residential. The Established Residential designation generally applies to older, stable residential neighbourhoods. The Residential designation generally applies to newer, developing neighbourhoods or to neighbourhoods in transition.

4.10.2 Objectives

- 4.10.2.1 Objectives for *residential development* areas are as follows:
 - a) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.
 - b) To improve housing supply options in the Town through various means including municipal involvement in various government housing programs.

- c) To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.
- d) To ensure that existing housing and existing residential areas are *conserved* and improved.
- e) To support the conservation of *cultural heritage resources*. This includes, but is not limited to the retention, and possible expansion of, Heritage Conservation Districts and cultural heritage landscapes in the older residential areas of the Town and the establishment of new heritage conservation districts or cultural heritage landscapes.
- f) To encourage infill *residential development* of vacant or underutilized parcels of land in residential areas where such *development* will be compatible with existing uses and where it will contribute to the more efficient use of municipal services and community facilities.
- g) To limit land use conflicts that may be associated with proposed new residential and mixed use *development* proposals.
- h) To promote the maintenance and rehabilitation of the existing housing stock.
- i) To support appropriate *development* of residential facilities that house persons requiring specialized care.
- j) To encourage *development* of well-designed and visually-distinctive housing projects.
- k) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.

4.10.3 Policies

- 4.10.3.1 Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment. Low-rise structures are generally one (1) or two (2) storeys in height. Medium-rise structures are generally three (3) or four (4) storeys in

height, do not require elevators for access to units, and are subject to the restrictions on building height in Section 4.8.2.

- 4.10.3.2 High rise *development* is not permitted within Old Town, Queenston, Virgil, and St. Davids.
- 4.10.3.3 High density *development*, over 75 units per hectare and high-rise structures of five or more storeys in height maybe permitted in Glendale, following completion of a new secondary plan for Glendale. The secondary plan will identify locational and site criteria for potential high density and high rise *development*.
- 4.10.3.4 Any construction of additions or new structures within residential areas will complement existing adjacent *development* in terms of its scale, character, height, design and mass.
- 4.10.3.5 The design and location considerations for multiple unit residential buildings shall include provisions of the following:
 - a) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses or on *cultural heritage resources*.
 - b) Appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density uses.
 - c) Parking areas shall be required on the site of each *residential development* that are of sufficient size to satisfy the need of the particular *development* and that are well designed and properly related to buildings and landscaped areas.
 - d) Service areas shall be required on the site of each *development* (e.g. garbage storage, recycling containers).
 - e) The design of the vehicular, pedestrian and amenity areas of *residential development* will be subject to regulation by the Town.
 - f) Adequate municipal services can be provided to accommodate the needs of the *development*.

- g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.
- h) Close proximity to community facilities such as schools and recreation facilities, and to commercial facilities should be available.

4.10.3.6 The implementing zoning by-law may use separate zoning categories to limit certain uses where appropriate.

4.10.3.7 Small scale community facilities or convenience commercial uses may be permitted in residential designations with an amendment to the zoning by-law and are subject to the following locational criteria:

- a) Direct or convenient access to an arterial or collector street.
- b) Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.
- c) Provision of adequate buffering and transition to protect surrounding existing *development*.
- d) Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.
- e) On those streets which have been designated no stopping areas, provision will be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

4.10.4 Established Residential Designation

4.10.4.1 Character:

- a) The Established Residential areas represent older, stable neighbourhoods. These neighbourhoods can include *cultural heritage resources* that must be *conserved*. The existing character of the Established Residential areas shall be maintained.

4.10.4.2 Permitted Uses:

- a) In the Established Residential designation, the following uses shall be permitted:

- single-detached dwellings,
 - semi-detached dwellings, and
 - duplex dwellings.
- b) Secondary uses permitted in conjunction with a principal use that may be appropriate in the Established Residential designation include:
- rooming and boarding houses,
 - *Bed and Breakfast Establishments*,
 - second residential units,
 - home occupations,
 - *cottage rentals*, and
 - accessory structures.
- c) Other uses permitted include:
- open space,
 - parks,
 - trails,
 - specialized housing (e.g. retirement or nursing homes),
 - group homes, and
 - community facilities.

4.10.4.3 Policies:

- a) Due to the wide variety of lot sizes, frontages, depths and setbacks in the Established Residential designation that result in a varied and attractive *streetscape*, the Zoning By-law may set requirements on a block-by-block basis to maintain the unique character of the area.
- b) Until a Secondary plan is approved, within the Established Residential designation new medium-rise *development* shall only be considered by amendment to this Plan. Any amendment application for medium density *development* in this area will be accompanied with a detailed visual analysis, planning impact assessment and traffic study and a heritage impact assessment, if required. In addition, any application must be accompanied by a report by a qualified professional which addresses the adjacent *streetscape* and character of the existing *residential development* in the area, to ensure that the character of the area is maintained.

- c) Within the Established Residential designation, the following policies apply:
- i. Changes to lot frontage and/or lot depth may be permitted subject to a zoning by-law amendment.
 - ii. In the analysis of any application to amend the zoning by-law proposing changes to lot frontage and/or lot depth, the following will be considered:
 - The average lot frontage and lot depth of the existing parcels on the block face;
 - In the case of corner lots, average lot frontages and lot depths will be calculated on both block faces;
 - The relevant *Intensification* policies of the Official Plan;
 - Preparation of a *streetscape* study, planning justification report, and/or heritage impact assessment, if required, which demonstrate that the proposed new lot(s) will maintain or improve the character of the block face;
 - An arborist report which will consider the potential impacts on all trees and addresses Carolinian Canada species; and
 - Existing and proposed land uses on the subject lands and surrounding lands.
- d) *Cultural heritage resources shall be conserved.*
- e) *Development* will respect and reinforce the existing physical character of the neighbourhood, including in particular:
- i. Patterns of streets, blocks and lanes, parks and public building sites;
 - ii. Size and configuration of lots;
 - iii. Heights, massing, scale and dwelling type of nearby residential properties;
 - iv. Prevailing building type(s);
 - v. Setbacks of buildings from the street or streets;
 - vi. Prevailing patterns of rear and side yard setbacks and landscaped open space;

vii. Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and

viii. Conservation of *cultural heritage resources*.

- f) Special care will be taken to maintain the low profile character of the area. New *residential development* in these areas consisting of more than two units shall be accompanied by a detailed site and area analysis demonstrating there will be minimal impact on surrounding neighbourhoods and *development*.

4.10.5 Residential Designation

4.10.5.1 Character:

- a) In the Residential designation, a variety of residential uses, types and densities may be permitted, as detailed in the secondary plans, where such secondary plans have been approved.

4.10.5.2 Permitted Uses:

- a) In general, the housing mix in the Residential designation will include low rise structures, including:
- single-detached,
 - semi-detached and duplex dwellings, and
 - medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments).

These may be identified in separate zoning categories in the Comprehensive Zoning By-law.

- b) Secondary uses permitted in conjunction with a principal use that are appropriate in the Residential designation include:
- rooming and boarding houses,
 - *Bed and Breakfast Establishments*,
 - second residential units,
 - home occupations,
 - *cottage rentals*, and
 - accessory structures.

c) Other uses permitted include:

- open space,
- parks,
- trails,
- specialized housing (e.g. retirement or nursing homes),
- group homes, and
- community facilities.

4.10.6 Site Specific Policies

4.10.6.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. They may recognize existing or proposed land uses which are not normally permitted in the Residential designation or they may place some other restriction on a property identified on Schedules B2 to B6. The following is a list of site specific policies.

- a) **S4-1:** A net residential density of 41.5 units per hectare shall be permitted on the lands identified as S4-1 on Schedule B2 and comprised of six (6) attached dwelling units and one (1) detached dwelling unit.
- b) **S4-2:** The use of the property, identified as S4-2 on Schedule B2, is limited to any use permitted in the established residential designation and business and professional office uses including an esthetician office.
- c) **S4-3:** The use of the property, identified as S4-3 on Schedule B4, is limited to any use permitted in the residential designation and an *estate winery* and associated uses, subject to the relevant *estate winery* policies of this plan.
- d) **S4-5:** A maximum of 73 residential dwelling units consisting of single-detached, semi-detached, townhouses and apartment units shall be permitted on the lands identified as S4-5 on Schedule B2. A net residential density of 19.45 units per hectare for single-detached dwellings; a *net density* of 33.68 units per hectare for semi-detached dwellings, a *net density* of 37.33 units per hectare for townhouses and a *net density* of 72.33 units per hectare for apartment units shall be permitted.

- e) **S4-6:** The lands identified as S4-6 on Schedule B2 will permit a mixed use residential – institutional *development* consisting of a 100 unit retirement residence surrounded by twenty (20) single-detached dwellings on individual lots along the perimeter of the property.
- f) **S4-7:** The following will also apply to the lands identified as S4-7 on Schedule B2:
- i. *Residential development* shall be permitted, not exceeding 35 units per hectare residential *net density*.
 - ii. That *residential development* adjacent to Regional Road 55 provide architectural and landscaping treatment that assist in presenting the façade as a front façade and that the implementing zoning By-law define through regulation and provision, the objective of “front yard”.
 - iii. That all existing easements and covenants be subject to review and modification in order to retain afforded rights of the Town and adjacent Homeowners Association with that of the Developer’s right of same, including access to the subject lands from the existing Balmoral Drive Private Road in perpetuity.
- g) **S4-8:** The lands identified as S4-8 on Schedule B2 shall permit a four (4) storey apartment building and associated indoor and outdoor amenity areas. No less than 150, and no more than 187, underground parking spaces shall be provided. The access to the underground parking will be designed and constructed to utilize best practises to alleviate noise impact from the use and operation of the parking ramp on adjacent properties. A minimum net residential density of fifty (50) units per hectare and a maximum net residential density of 71.5 units per hectare shall be permitted provided a maximum Floor Space Index of 0.88 is maintained and the relevant urban design guidelines are respected.

4.11 Commercial Areas

4.11.1 Background and Identification

- 4.11.1.1 The commercial structure of the Town consists of uses that serve the needs of local residents, tourists, the surrounding agricultural area and a recently approved location for Regional Commercial Use in Glendale. Commercial areas are shown on the Schedules to this Plan and are predominately located within the five (5) settlement areas.
- 4.11.1.2 The Commercial designation of land will mean that the predominant use will be the buying and selling of goods and services.
- 4.11.1.3 Secondary plans and the zoning by-law may establish separate commercial zones that permit or restrict particular uses to specific areas of the Town. These zones may recognize different ranges of permitted uses and lot *development* standards that reflect the character of the areas in which they are located.

4.11.2 Objectives

- 4.11.2.1 Objectives for commercial *development* areas are as follows:
 - a) To provide for an orderly distribution of commercial areas within the settlement areas of the Town to meet the shopping and service needs of residents and tourists.
 - b) To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses.
 - c) To ensure in tourist-serving commercial areas that *cultural heritage resources* are *conserved*.
 - d) To recognize the Queen-Picton Street area as the focus of tourist-serving commercial uses in the Old Town.
 - e) To minimize the impact of commercial *development* on adjacent land uses and prevent the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land-use conflicts.
 - f) To minimize the impact of commercial *development* on the traffic carrying capacity of adjacent roads.

- g) To promote compact forms of commercial *development*, and to discourage scattered forms of *development*.

4.11.3 Character

- 4.11.3.1 The character of each individual commercial area and the character of its surrounding uses will be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.

4.11.4 Permitted Uses

- 4.11.4.1 Commercial uses include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, and restaurants. Along arterial or collector roads, additional commercial uses that require extensive parking areas and that cater to travelers that rely heavily upon vehicular traffic for their business, would include such uses as automotive services, nursery or garden centres, or wholesale building supplies.
- 4.11.4.2 Commercial lands located along the shore of the Niagara River may be limited to marine commercial and tourist related uses. New commercial *development* will be of a design that is in harmony within the historic and residential character of the area. The Zoning By-law may limit the size and bulk of new buildings in this regard.

4.11.5 Policies

- 4.11.5.1 Adequate off-street parking shall be provided for all new commercial *development*. In existing developed commercial areas, where inadequate parking has been provided, and where additional off-street parking is difficult to achieve, or would negatively affect the pedestrian character of the area, the Town may consider accepting payments of cash-in-lieu of parking spaces from new or intensified commercial *development*.
- 4.11.5.2 It is recognized that the downtown core in Old Town lacks adequate parking arrangements. While there may be a sufficient supply of parking spaces, their location and number in a particular area may not be appropriate or effective. The Town will undertake to prepare an updated Municipal Parking Strategy for the Old Town.

- 4.11.5.3 Off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not to negatively impact on abutting or nearby residential uses.
- 4.11.5.4 Vehicular accesses for new commercial *developments* will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.
- 4.11.5.5 Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the greening of commercial areas and to protect adjoining residential areas from the effects of commercial activity will be applied in all new commercial *development or redevelopment*.
- 4.11.5.6 *Cultural heritage resources* will be *conserved* if there is a potential they may be affected by an application for commercial *development or redevelopment*. A heritage impact assessment and/or an *archaeological assessment* will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town.
- 4.11.5.7 Mixed use *development* is encouraged within the commercial areas of the Built-up Areas where appropriate. The preferred built form for mixed use *development* is a minimum of two (2) storeys with employment and retail uses on the ground floor, with residential units or office uses located above. The minimum two (2) storey height will ensure mixed use *developments* are not underdeveloped.
- 4.11.5.8 Dwelling units permitted in any commercial designation may be restricted in the implementing zoning by-law to the second and upper floors of a building or to only a single dwelling unit so as not to detract from the prime function of the commercial designation. Due to potential conflicts in uses, residential uses shall be prohibited in conjunction with automotive related commercial uses.
- 4.11.5.9 In keeping with the desire to maintain the small Town, small scale character of Old Town, the *intensification* of commercial businesses in the Queen and Picton Street and Dock Area commercial district will be closely monitored. Should such monitoring indicate a negative impact in this regard the Town will consider imposing restrictions through the implementing zoning by-law.

4.11.5.10 Proposals to amend this Plan to permit major new or expanded retail *developments* outside the existing commercial designations will be required to undergo market impact studies in order to:

- a) Identify the type and size of retail facilities that are warranted or will be warranted by a certain year;
- b) Provide updated information on the performance of the Town's retail sector and identify the impact of the proposed *development* on other retail locations in the Town;
- c) Justify that the proposed *development* is warranted and appropriate from both the market and impact perspectives, and in particular that the planned function of the commercial areas within the municipality will not be prejudiced; and
- d) Identify the specific requirements and limitations, if any, which should be included in the amendment or otherwise made a condition of approval.

4.11.5.11 The Niagara Stone Road corridor in Virgil is an established commercial area that has potential to act as a main street for Virgil. The Town may undertake a secondary plan or develop *Community Design Guidelines* intended to assist in the transformation of the corridor into an urban, downtown mixed use commercial area.

4.11.6 Site Specific Policies

4.11.6.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. They may recognize existing or proposed land uses which are not normally permitted in the Commercial designation or they may place some other restriction on a property identified on Schedules B2 to B6. The following is a list of site specific policies.

- a) **S4-9:** The use of the property, identified as S4-9 on Schedule B2, is limited to a 24 room hotel including a restaurant, meeting room and spa facilities.
- b) **S4-10:** The property identified as S4-10 on Schedule B2 will be limited to business and professional offices as defined in the Zoning By-law.

4.12 Mixed Use Area

4.12.1 Background and Identification

- 4.12.1.1 Mixed Use areas are areas where existing or proposed *development* reflect a mix of residential and commercial uses, and include individual properties where commercial, residential, or a combination of both uses are appropriate. The areas are generally located along arterial or collector roads in the settlement areas but may be considered for approval in other locations as part of a planned community in a comprehensive secondary plan review.
- 4.12.1.2 Proposals for mixed use must demonstrate superior attention to design with emphasis and priority given to the living environment.

4.12.2 Objectives

- 4.12.2.1 In addition to the objectives for residential areas and commercial areas, objectives for *development* in Mixed Use areas are as follows:
- a) To provide opportunities for a range of permitted residential and/or commercial uses on specific properties within the settlement areas; and
 - b) To ensure that *development* is compatible with surrounding uses and neighbourhoods and contributes to the more efficient use of municipal services as well as ensure the conservation of *cultural heritage resources*.

4.12.3 Permitted Uses

- 4.12.3.1 Within the Mixed Use designation, the permitted uses of land will generally be limited to:
- a) multiple unit *residential development*; and
 - b) commercial uses generally related to retail, office, health services, accommodation, personal services and recreational uses but may be expanded to include uses such as restaurants, where superior forms of building design are proposed with particular attention focused on providing high quality living environments for those in and near these *developments*.

4.12.4 Policies

- 4.12.4.1 Mixed use *developments* will be designed to complement the character of the surrounding area and limit adverse impacts between residential and non-residential uses, addressing matters such as the design of building access points (e.g. consideration for residential versus non-residential access, security access, parking supply and location), and provision of adequate buffering and transition to manage and limit potential impacts on surrounding existing *development*.
- 4.12.4.2 *Development* will satisfy the design guidelines outlined in Section 4.8.1, or other Council approved design guidelines where such detailed guidelines have been prepared.
- 4.12.4.3 The design and location considerations for *development* for mixed use, commercial or residential uses will include provisions of the following:
- a) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area.
 - b) Appropriate open space (private and/or public), including landscaping and buffering, will be provided to maximize privacy for residential uses.
 - c) Parking areas will be designed to satisfy the residential and non-residential needs of each *development* proposal, particularly if the applicable secondary plan does not include a comprehensive parking strategy for the affected area/neighbourhood, or the proposal is inconsistent with the purpose and intent of the Plan's broader community parking strategy.
 - d) Service areas will be required on the site of each *development* (e.g. garbage storage, recycling containers).
 - e) The conservation of *cultural heritage resources*.
- 4.12.4.4 Commercial and residential facilities may be developed together on a single property either as separate buildings, or within a single building, subject to strict site planning and architectural controls which may be developed as part of an area specific or community planning permit by-law.

- 4.12.4.5 For lands designated Mixed Use, an implementing zoning by-law or community planning permit by-law may be used to implement these Mixed Use policies, with separate zoning categories to establish site requirements for individual mixed use *developments*.

4.13 Employment Areas

4.13.1 Background and Identification

- 4.13.1.1 Employment designation applies to lands that have historically developed for and are predominantly used for industrial *development* and other employment generating activities.
- 4.13.1.2 Not all employment uses are located within the Employment designation, as *significant* employment is generated on lands in the Commercial and Community Facilities designations, and through home occupations throughout the residential areas. The policies in this section are focused on the lands within the Employment designation.

4.13.2 Objectives

- 4.13.2.1 Objectives for the *Employment Areas* are as follows:
- a) To diversify, stabilize and stimulate the local economy through the attraction of new employment uses.
 - b) To provide for prestige business/employment sites that are serviceable and can be assured of a high level of hydro power supply.
 - c) To ensure that adequate water and sewer service (or alternatives) and drainage works will be provided to these business districts.
 - d) To encourage prestige type businesses to locate in areas with exposure to the Queen Elizabeth Way and arterial roads.
 - e) To minimize conflicts between major employment uses and adjacent residential and natural amenity areas through adequate regulation and separation;
 - f) To allow for a range of commercial uses that support the needs of major employment uses in the *employment areas* and visitors

to the area by providing suitable locations for the facilities and permitting a suitable range of services.

4.13.3 Permitted Uses

- 4.13.3.1 Employment uses include a full range of business and manufacturing uses, warehousing, servicing and maintenance operations, communications and transportation facilities, research and *development* facilities, public utilities, offices, accessory retail or service commercial, restaurants.
- 4.13.3.2 Community Facilities and limited scale commercial facilities may also be permitted in specific *employment areas*, provided they comply with any requirements of the Growth Plan.

4.13.4 Policies

- 4.13.4.1 Lands designated Employment within the Settlement areas are subject to the applicable provisions of Section 2.5, *Employment Areas*.
- 4.13.4.2 Where employment uses are proposed adjacent to residential uses or lands designated for residential use, adequate separation and buffering will be provided to the satisfaction of the Town.
- 4.13.4.3 All parking and unloading facilities will be off street and will be of sufficient capacity to accommodate employees, visitors and business traffic.
- 4.13.4.4 All signs and billboards within the *Employment Areas* shall be designed and erected in accordance with the following guidelines:
 - a) No flashing or moving illuminated signs or billboards;
 - b) No signs or billboards sited within the buffer strip area;
 - c) Other than directional signage, no more than one sign per ownership, except for those buildings abutting more than one public street;
 - d) No signs or billboards sited so as to create a traffic hazard; and
 - e) Ministry of Transportation, Region of Niagara and the Town of Niagara-on-the-Lake permits and requirements will also apply.

- 4.13.4.5 No extractive industrial use will be permitted within the Employment designation.
- 4.13.4.6 Residential accommodation for security purposes for persons such as watchmen and caretakers will be permitted.
- 4.13.4.7 The Town may zone different *Employment areas* for a specific range of employment uses, from general industrial uses, to light industrial uses and prestige industrial and business uses.

4.13.5 Site Specific Policies

- 4.13.5.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. They may recognize existing or proposed land uses which are not normally permitted in the Employment designation or they may place some other restriction on a property identified on Schedules B2 to B6. The following is a list of site specific policies.
 - a) **S4-11:** The lands identified as S4-11 on Schedule B3 are occupied by an existing agricultural market which permits the existing agricultural market or an expansion to the existing winery abutting to the south (Hillebrand Winery). No other use of the property is permitted without amendment to this Plan.

4.14 Community Facilities

4.14.1 Background and Identification

- 4.14.1.1 Community facilities are intended to provide for the culture, education, health and welfare of the existing and future residents of the Town.
- 4.14.1.2 The Community Facilities designation recognizes the larger-scale community facilities currently in existence in the Town and provides policies for the ongoing operation of such facilities.
- 4.14.1.3 Smaller-scale community facilities may be permitted in appropriate locations in Residential designations.
- 4.14.1.4 Community facilities may also be permitted in Commercial and Employment designations.

4.14.2 Objectives

4.14.2.1 The objectives for the Community Facilities designation are as follows:

- a) To provide for appropriately-located parks and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses.
- b) To encourage the location of community facilities at strategic locations with convenient access for residents.
- c) To recognize the changing needs of the community and the subsequent need for *redevelopment* of community facilities.
- d) To ensure the conservation of *cultural heritage resources* through the process of change.

4.14.3 Permitted Uses

4.14.3.1 Community facilities include a full range of uses such as private and public schools, day care facilities, treatments centres and clinics, health care facilities, community centres, places of worship, government offices, libraries, emergency service facilities, cemeteries, parks, trails, and specialized housing (e.g. nursing homes/retirement homes).

4.14.4 Policies

4.14.4.1 All lands designated Community Facilities except for municipally-owned parkland may be re-developed for residential use subject to a site specific zoning by-law amendment, and provided that it has been determined that other community facilities are not able to be established on the site. This policy recognizes that community facilities may cease operation, redevelop or reduce in size.

4.14.4.2 In considering an application for the conversion of lands designated Community Facilities, Council shall ensure that the development respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation district plan:

- a) The lot frontage(s) and lot area(s) of any proposed new lot(s) (including any retained lot(s)) shall be consistent with the sizes

of existing lots on both sides of the street on which the property is located;

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;
- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;
- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;
- e) The new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;
- f) Existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;
- g) The width of any garage(s) at the front of new building(s) and width of driveway(s) on the property shall be limited to ensure that the streetscape is not dominated by garages and driveways;
- h) New driveways and service connections shall be sited to minimize tree loss;
- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and micro-climatic conditions such as shadowing;
- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;
- k) Proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;

- l) Road and/or municipal *infrastructure* shall be adequate to provide water and wastewater service, waste management services and fire protection; and
- m) The *development* conforms with any provisions applicable to any heritage character area in which the property is located.

4.14.5 Site Specific Policies

4.14.5.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. They may recognize existing or proposed land uses which are not normally permitted in the Community Facilities designation or they may place some other restriction on a property identified on Schedules B2 to B6. The following is a list of site specific policies.

- a) **S4-12:** The Town-owned lands identified as S4-12 on Schedule B2 are designated Community Facilities for no other purposes than *natural open space*.
- b) **S4-13:** The property identified as S4-13 on Schedule B2, occupied by the Fog Signal Station, permits only the existing residence.
- c) **S4-14:** The lands identified as S4-14 on Schedule B5 are designated under Part IV of the Ontario Heritage Act and contain the Willowbank Estate. The permitted main uses are: a school of restoration arts, museum, historic site and conservation. Any change in main uses shall require an amendment to this Plan. Secondary uses permitted with a main use are: assembly hall uses, conference facilities, associated parking areas, similarly related uses, accessory buildings and structures, and a cemetery.

4.15 Conservation

- 4.15.1 Lands designated Conservation within the Settlement areas are subject to the applicable provisions of Section 8, Natural Heritage.
- 4.15.2 The designation applies to lands considered environmentally *significant* or where lands are considered unsuitable for building purposes and require special attention to avoid loss of life and property damage.

- 4.15.3 Within the Conservation designation, the following uses may be permitted: forestry, fisheries and wildlife management, conservation, public and private parks, and trails.
- 4.15.4 Flood control and shoreline protection works are also recognized.
- 4.15.5 Accessory buildings and structures permitted in an abutting designation and not used for human habitation may be recognized subject to the approval of Town or NPCA, as applicable.
- 4.15.6 The re-designation of Conservation lands may only be considered where it is demonstrated that the proposal complies with the applicable requirements in Section 8.
- 4.15.7 Conservation lands may not necessarily be considered acceptable as part of a parkland dedication under the Planning Act.

4.16 Secondary Plans

- 4.16.1 While the purpose of the Official Plan is to provide an overall direction for the Town and describe land uses in general terms, the detailed implementation of the plan in each urban community will be by way of a secondary plan. The secondary plan will form the basis for the implementing zoning by-law, provide land use plans, detailed traffic, bicycle and pedestrian circulation patterns and priorities for the upgrading of physical services and utilities.
- 4.16.2 In addition, secondary plans will address the importance of prominent views and vistas. In the Old Town in particular the view between Fort George and Fort Niagara is recognized as being of national significance. As well the view of the Niagara River, Lake Ontario and the Niagara Escarpment are an important component of the Town's urban design. Secondary plans will also have special regard to the conservation of *cultural heritage resources*. In the event of a conflict between the wording of a secondary plan and the Official Plan concerning the conservation of *cultural heritage resources*, the wording with the higher standard of conservation will apply.
- 4.16.3 A secondary plan will be adopted as an amendment to this Plan.
- 4.16.4 Secondary plans will allocate expected *development* within the individual settlement areas, consistent with the Growth Management policies of this Plan, the Regional Official Plan and the Growth Plan.

- 4.16.5 Secondary plans will provide direction regarding levels of municipal services, community facilities and open space for areas in need of improvement based on established community standards which may vary from one community to another, i.e. drainage ditches versus storm sewers where residents prefer the grassed boulevards.
- 4.16.6 Secondary plans will recognize the importance of physical recreational facilities in appropriate locations such as a boat launch and a beach area, the *development* of neighborhood parks, the *development* of an indoor swimming pool, movie theatre, a recreation complex, and an outdoor rink, as well as the on-going maintenance and upgrading of these facilities.
- 4.16.7 Secondary plans will recognize the importance of continued improvement to the municipal *infrastructure*, roads, watercourse and the design of *employment areas* of the Town to ensure that employment uses within these areas are able to function efficiently.
- 4.16.8 Secondary plans will provide for a transportation network of roads, sidewalks bicycle lanes and pathways to provide for the efficient movement of people and vehicles and to reduce the potential conflicts. The roadway system will identify the function of the road and address how to reduce conflicts with pedestrians. The pedestrian/bicycle system will consist of sidewalks and pathways in appropriate locations so as to reduce the need for the private automobile. A bicycle network will, wherever possible, be separate from the pedestrian system. Where *development* or *redevelopment* occurs along a road, the proponent will be required to implement, to the satisfaction of the Town, such pedestrian/bicycle system as appropriate as it applies to the frontage of the property. This will include the provision of the pathway or sidewalk, as well as associated landscaping, street furniture, lighting, etc. Where road construction or reconstruction occurs, the municipality will attempt to protect or enhance the *streetscapes* in the area through the protection of vegetation and the appropriate selection of materials and landscaping.
- 4.16.9 Secondary plans will be developed for all or a portion of Old Town and Virgil, including the Chautauqua neighbourhood in Old Town.
- 4.16.10 The following approved Secondary Plans are in effect and form part of this Plan:
- a) Queenston Secondary Plan (Appendix 3)
 - b) St. Davids Secondary Plan (Appendix 4)
 - c) Glendale Secondary Plan (Appendix 5)
 - d) Dock Area Secondary Plan (Appendix 6)

4.16.11 Upon finalization of the Regional *Municipal Comprehensive Review*, the Town will update the approved Secondary Plans as required.

4.17 Community Hubs

4.17.1 The Town supports the creation of community hubs that:

- a) enable the co-location of public services to promote cost-effectiveness and service integration;
- b) facilitate access through locations served by a range of transportation options, including activity transportation and transit;
- c) give priority to existing public service facilities as the preferred location, where appropriate, and
- d) enable the adaptive reuse of existing facilities and spaces, where appropriate.

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Section 5 Niagara Escarpment Plan Area

5.1. Background

- 5.1.1. The Province of Ontario, through the Niagara Escarpment Planning and Development Act, provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment. Within the Niagara Escarpment Plan Area, *development* is to be compatible with the natural visual and physical environment in accordance with the NEP.
- 5.1.2. Within the Town, the Niagara Escarpment Plan (NEP) contains lands designated as Escarpment Natural Area, Escarpment Protection Area and Escarpment Rural Area. Queenston and St. Davids are designated as Minor Urban Centres in the NEP.
- 5.1.3. Municipal zoning regulations do not apply to lands within the Niagara Escarpment Commission's (NEC) area of Development Control as shown on Schedule A. Instead, a Development Permit is required from the NEC for all *development* as specified in Section 24(1) of the Niagara Escarpment Planning and Development Act.
- 5.1.4. The provisions of the Niagara Escarpment Plan apply to *development* within the NEP.

5.2. Policies

- 5.2.1. The NEP sets out designations, policies and *development* criteria which, when applied, determine how land should be used throughout the area of the NEP. The NEP policies identify permitted uses and lot creation policies for each designation.
- 5.2.2. The policies and *development* criteria of the NEP apply in the Niagara Escarpment Plan Area, as shown on Schedule "A" of this Plan.
- 5.2.3. The Regional Official Plan contains land use designations and policies affecting lands within the Niagara Escarpment Plan Area. Where the Regional Official Plan policies or the Policies of this Plan are in conformity with the policies of the NEP but are more restrictive, the Regional Official Plan policies or the policies of this Plan would take precedence over the policies of the NEP.

- 5.2.4. In commenting on Development Permit applications within the Niagara Escarpment Plan Area, the Town will ensure that comments reflecting its interests are conveyed to the NEC. Where there is a conflict between the Official Plan and the NEP, the provisions of the NEP prevail; unless the provisions of this Official Plan are more restrictive than the NEP, in which case the more restrictive policies prevail.
- 5.2.5. Transportation, new roads and road improvements within the Niagara Escarpment Plan Area will be in harmony with the Escarpment landscape. The objective is to design and locate new and expanded transportation facilities to minimize the impact on the Escarpment environment and the natural and cultural landscape.
- 5.2.6. The NEP contains policies and a framework for the Niagara Escarpment Parks and Open Space System that stretches the length of the Escarpment. The Bruce Trail, the Woodend Conservation Area and the Welland Canal lands are an integral part of the Niagara Escarpment Parks System within the Town. As shown on Schedule “F”, there are four (4) parks: Woodend Conservation Area, Queenston Quarry, the Welland Canal, and Queenston Heights (Brock Monument). The Town supports the *development* of the Niagara Escarpment Commission Parks and Open Space System in this area.
- 5.2.7. In addition to the Policies and Development Criteria of the NEP any new use may be subject to site plan approval from the Town of Niagara-on-the-Lake and approvals from other agencies, such as the NPCA.

Section 6 Niagara District Airport

6.1 Background

- 6.1.1. The Niagara District Airport represents a *significant* local and regional asset that enhances the *development* potential of the lands immediately next to the airport and the surrounding area. The Airport contains twenty-three (23) hectares of airside and non-airside developable land, available for industrial and commercial employment growth. The Airport conducts its own master planning and is subject to relevant federal legislation and regulations.
- 6.1.2 Employment lands located on the periphery of major airports tend to develop synergies with airport activities, capitalizing on the attractiveness of proximity to air transport connectivity which can enhance business efficiency and optimize business operations. Proximity and access to a major airport is advantageous for an increasing number of employment sectors. Sectors such as research and development, high technology, and advanced manufacturing rely increasingly on air transport for their supply chains and just-in-time delivery. This includes companies engaged in time-sensitive businesses such as computer hardware/software, electronics, telecommunications equipment, apparel, automotive components, industrial equipment and healthcare/biotechnology. Other sectors directly tied to airport activities and operations include air freight distribution/logistics and the aerospace industry. Employment lands in proximity to major airports are also increasingly attractive for national and multi-national companies whose business activities are far-reaching and proximity to commercial air service is advantageous for business air travel (for both employees and clients).
- 6.1.3 The long-term potential for employment growth will be assessed within the context of an updated master plan for the future growth and expansion of the Airport.

6.2 Permitted Uses

- 6.2.1 In the Niagara District Airport designation, the following uses will be permitted:
- a) Airport uses, including runways and taxiways, air traffic control towers, aircraft hangars and aircraft parking ramps;

- b) Air passenger services and facilities, including airport terminal buildings, car rentals and ground transportation facilities, restaurants less than 65 square metres in area, souvenir and bookstores;
- c) Air freight services and facilities including cargo and wholesales storage, processing and distribution
- d) Air ambulance, search & rescue, customs, law enforcement and fire fighting uses, including aircraft and ground based facilities and accessory structures;
- e) Flight training, including facilities and accessory structures that provide aviation related education;
- f) Aircraft service, maintenance, repair and overhaul, including facilities and accessory structures;
- g) Aircraft sales and the sale of aeronautical equipment and supplies, including facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautical equipment and supplies;
- h) Aeronautic recreational uses, including facilities and accessory structures that support the maintenance and operation of recreational aircraft;
- i) Manufacturing, processing and assembly of aeronautic equipment and parts and accessory warehousing;
- j) *Special events*;
- k) Office uses accessory to a permitted use; and
- l) Existing *agricultural uses*, including accessory buildings and structures.

6.2.2 The following uses are specifically prohibited within the Niagara District Airport designation:

- a) hotel;
- b) motel.

6.3 Policies

- 6.3.1 The open storage of goods, materials, or equipment will be limited, appropriately screened from all views and not located in the front yard or a side yard abutting a road.
- 6.3.2 Before *development* can proceed it will be assessed to ensure compatibility with the Airport Master Plan.
- 6.3.3 Zoning of the airport area will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

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SECTION 7 Heritage, Archaeology and Culture

7.1 Cultural Heritage Resources

7.1.1 Protection of Cultural Heritage Resources

7.1.1.1 Conservation and recognition of the Town's *cultural heritage resources* are important for protecting its cultural legacy and for developing a strategy for protecting these resources. Conserving *cultural heritage resources* forms an integral part of the Town's planning and decision-making. The Town will use the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this section.

7.1.1.2 *Cultural heritage resources* are not renewable resources. Once lost, they are gone forever. These resources can be formally recognized either individually or as cultural heritage landscapes, through designation under the Ontario Heritage Act or through identification within this Plan. They can also be recognized by Parks Canada or other approval or government bodies.

7.1.2 Identification and Documentation

7.1.2.1 The Town, through a variety of initiatives, will identify, conserve and protect *cultural heritage resources*, including those shown on Schedules D1 to D3, and:

- a) Will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town's *cultural heritage resources*;
- b) Identify *cultural heritage resources* using recognized methods such as those identified by the Ministry of Tourism, Culture and Sport;
- c) Maintain a Register of Property of Cultural Heritage Value or Interest which is accessible to the public and identifies properties to be *conserved* and maintained consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (as amended and updated from time to time).

- d) Will develop a process to continually assess properties to determine their merit for inclusion on the Register and to remove properties from the Register, as required;
- e) Ensure consistency in identification and evaluation of *cultural heritage resources* for inclusion on the Register of Property of Cultural Heritage Value by using criteria established by Regulation 9/06 under the Ontario Heritage Act or in accordance with any other provincially recognized approach. When designating properties under Section 29, Part IV of the Ontario Heritage Act Regulation 9/06 must be used.

7.1.3 Protection of Cultural Heritage Resources

- 7.1.3.1 Protection, maintenance and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects.
- 7.1.3.2 In order to protect heritage resources, the Town will establish policies and procedures to:
 - a) Protect and conserve *cultural heritage resources* in accordance with the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Protection Act, the Funeral, Burial and Cremations Act, the Municipal Act, the *Standards and Guidelines for the Conservation of Historic Places in Canada*, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment, and other recognized heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing *cultural heritage resources* must be the first consideration for all properties on or adjacent to *cultural heritage resources*.
 - b) Listing and/or designating real property under Part IV (Section 27 and/or 29) of the Ontario Heritage Act; designating a heritage conservation district under Part V of the Ontario Heritage Act, and/or encouraging the Province to designate real property under Part IV and/or VI of the Ontario Heritage Act.
 - c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit, the sign by-law and other municipal controls, to ensure that *development* on and/or within *cultural heritage resources* or adjacent to *cultural heritage resources* is designed, sited or

regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource. This includes but is not limited to:

- impacts such as scale, massing, height, building orientation, materials and location relative to the cultural heritage resource;
 - destruction of any part of any *significant* heritage attribute or features;
 - alteration that is not sympathetic or is incompatible with the historic fabric and appearance;
 - shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
 - isolation of a heritage attribute from its surrounding environment, context, or a *significant* relationship;
 - direct or indirect obstruction of *significant* views or vistas within or from built and natural features;
 - a change in land use such as rezoning a battlefield from open space to residential use, allowing new *development* or *site alteration* to fill in the formerly open spaces; and
 - land disturbances such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.
- d) Impose conditions of approval where *cultural heritage resources* are to be affected to ensure the continued protection of the resource.
- e) Require, as appropriate, preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or *development* involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.
- f) Require, where appropriate, provision of a heritage conservation easement, pursuant to the Ontario Heritage Act, as a condition of certain *development* approvals or as a condition of financial assistance for the purpose of:
- i. conservation, restoration and maintenance of the heritage attributes of the property in perpetuity;

- ii. prevention of demolition, construction and alterations which would adversely affect the heritage attributes of the property; and
 - iii. establishment of criteria for approval of any *development* affecting the property.
- g) Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act, where such work will impact, or have the potential to impact, identified heritage attributes.
- h) Require where *development* or *site alteration* is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such *development* or *site alteration* must be evaluated against any identified heritage values or heritage attributes.
- i) Review applications for *development* and *site alteration* on lands containing and adjacent to *cultural heritage resources* and require mitigative measures and/or alternative *development* approaches to conserve the heritage attributes impacted by the *development*. A Heritage Impact Assessment and/or an *Archaeological assessment* may be required to demonstrate that the *cultural heritage resources* will be *conserved*.
- j) Require, as a default, as a condition of any approval, the retention of any *Built Heritage Resources*. All options for on-site retention of *Built Heritage Resources* must be exhausted before resorting to relocation. Demolition will only be considered in exceptional circumstances, such as following a natural disaster. Demolition by neglect will not be considered an exceptional circumstance. The following alternatives must be given due consideration in order of priority: (i) on-site retention in the original use and integration with the surrounding or new *development*; (ii) on-site retention in an adaptive re-use; (iii) relocation to another site within the same *development*; (iv) relocation to another sympathetic site within the Town; and (v) demolition.

- k) Require a Heritage Impact Assessment as part of a proposal to relocate or demolish a *Built Heritage Resource*. In addition, when a *Built Heritage Resource* will be unavoidably demolished, that the proponent undertake, where appropriate, one or more of the following mitigation measures, at their own expense, prior to demolition: (i) documentation of the cultural heritage resource in the form of a photographic record and measured drawings; (ii) advertising the resource for salvage or relocation; and (iii) plaquing or displaying graphic and textural descriptions of the property's history and former use, buildings and structures.
- l) Prior to approval of a proposal to demolish a cultural heritage resource, require that the proponent provide Building Permit ready drawings of the proposed replacement building or buildings on the property.
- m) Use the powers available to the Town under the Ontario Heritage Act, the Municipal Act, Building Code, and/or other legislation and/or by-law to investigate and/or prosecute illegal works on or adjacent to any *cultural heritage resources*.
- 7.1.3.3 The Town may adopt an Interim Control By-law, if necessary, under the authority of Section 40.1(1) of the Ontario Heritage Act to ensure the conservation of *cultural heritage resources*.
- 7.1.3.4 Severances and minor variances will not be permitted if such permissions would, or could potentially, negatively impact the identified heritage attributes of *cultural heritage resources*. Notwithstanding the above, severance and minor variances can be considered if it can be demonstrated to the satisfaction of the Town that the identified heritage attributes of *cultural heritage resources* will be *conserved* and/or any impacts will be mitigated.
- 7.1.3.5 Each severance and variance proposal affecting *cultural heritage resources* must be evaluated for its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. It must also be evaluated against any identified heritage attributes. If located within a *cultural heritage landscape*, the evaluation must consider not only the individual property, but also the *cultural heritage landscape* as a whole.

- 7.1.3.6 The Town shall develop minimum standards for maintenance of heritage attributes that should be included within the Town's Property Standards By-law.
- 7.1.3.7 The Town intends to designate, conserve and maintain all Town-owned historic cemeteries and will develop a Cemeteries Plan to manage all Town-owned cemeteries. This will be done in cooperation with the Niagara-on-the-Lake Operations Department, to develop and implement standards and design guidelines for the conservation of cemeteries, including restoration of grave markers and monuments. Impacts and encroachments on known cemeteries or burial sites must be assessed by an *Archaeological assessment* and mitigated under applicable legislation and policy.
- 7.1.3.8 The Town will use zoning by-law provisions as appropriate, to conserve *cultural heritage resources*.
- 7.1.3.9 The Town may use the provisions of Section 37 of the Planning Act in order to conserve *cultural heritage resources*.
- 7.1.3.10 In partnership with local Indigenous communities, a Protocol will be designed, approved and implemented outlining the working relationship with them and the Town.

7.1.4 Management of Heritage Resources

- 7.1.4.1 The Town will actively manage heritage resources and will:
- a) Encourage the ongoing care of *cultural heritage resources* by property owners and ensuring that municipal staff provide guidance on heritage conservation and heritage planning.
 - b) Encourage a culture of sustainability by promoting retention, retrofitting, adaptive reuse and conservation of *cultural heritage resources* in such a way that conserves their heritage attributes.
 - c) Encourage excellence in design when considering additions to existing buildings or construction of new buildings and to consider both contemporary and traditional design options. Any addition must be secondary and sympathetic with adjacent *cultural heritage resources*, and must ensure that heritage attributes are *conserved*.
 - d) Recognize that the Ontario Heritage Act is applicable law under the Ontario Building Code. Flexibility in codes and regulations

are permitted to ensure maximum conservation of *cultural heritage resources* with the understanding that health and safety is paramount.

- e) Require all municipal departments to conserve the Town's *cultural heritage resources*.
- f) Integrate municipally-owned *cultural heritage resources* into the community, where feasible.
- g) Ensure, where necessary, that suitable conservation and/or mitigation measures, are applied to:
 - i. Address the impact of any municipal or provincial public works or other *site alteration* activities;
 - ii. Retain existing pavement widths and *streetscape* configurations where they contribute to the cultural heritage value of a heritage conservation district or a cultural heritage landscape;
 - iii. Address the impact of accessibility requirements in such a way to balance heritage conservation and accessibility requirements; and
 - iv. Mitigate the impact of energy conservation or sustainability initiatives such as building retrofits and wind/solar/bio-energy and water power facilities.
- h) Require local utility companies to place equipment and devices in locations that will not negatively impact the heritage attributes of *cultural heritage resources*.
- i) Prohibit the placement of cell towers on properties containing or adjacent to *cultural heritage resources* unless it can be clearly demonstrated to the satisfaction of the Town that there will be no impact to the *cultural heritage resources*.
- j) Complete a cultural heritage landscape study for the whole of the Town.

7.2 Cultural Heritage Landscapes and Heritage Conservation Districts

7.2.1 The Town contains *significant* cultural heritage landscapes including identified landscapes such as the Queen-Picton Heritage Conservation District and the National Historic District in Old Town as shown on Schedules D1 to D3. The Town also contains other *significant* cultural heritage landscapes such as heritage character areas, tender fruit farms, estate wineries, parks, neighbourhoods, villages, cemeteries, battlefields and natural areas. Cultural heritage landscapes are understood as existing at different scales, including an individual property, or a large neighbourhood. Identification and evaluation of the heritage attributes of these landscapes, while acknowledging that they will change and adapt over time, are important component of this Official Plan.

7.2.2 The Town will use all tools available to it to protect cultural heritage landscapes including, but not limited to, individual property designation under Part IV of the Ontario Heritage Act, identifying heritage character areas, completing a cultural heritage landscape study, identifying key views, and creating area specific design and/or development guidelines. For National Historic Sites or District, the Town will also use any Federally Commemorative Integrity Statement, Management Plan, or “Statement of Significance” and list of “Character Defining Elements” to guide its decision making.

7.2.3 Heritage Character Areas

7.2.3.1 The Town has identified the following Heritage Character Areas as *Cultural Heritage Landscapes*:

- Old Dock Heritage Character Area;
- Downtown Heritage Character Area;
- Queen Street Summer Homes Heritage Character Area; and
- John Street East Summer Homes Heritage Character Area.

7.2.3.2 The boundaries of these areas are shown on Schedule D4.

7.2.3.3 Should any *site alteration*, *development*, or demolition be proposed within any of these areas, a Heritage Impact Assessment will be required. This Heritage Impact Assessment must consider the potential impact to the overall area as well as to individual properties. Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.

7.2.3.4 Old Dock Heritage Character Area

(a) Statement of cultural heritage value or Interest: The Old Dock Area has historical/associative significance as the location of many of the industrial and commercial activities that were important in the local economy from the Town's inception until the mid-20th century. Industrial activity associated with marine commerce is reflected here as well as links to previous and current waterfront hotel *development*. In addition, the area's historical/associative significance stems from the ecclesiastical properties as well as the public park and waterfront areas. Design/physical significance stems from examples of 19th and early 20th century buildings that are found throughout the area, especially the key residential, commercial and ecclesiastical properties. Evidence of the former railway is found in alterations to landform and in the alignment of streets and pathways. Steep slopes, large ecclesiastical grounds and park spaces, and varied treatments of the shoreline interrupt the street grid and provide design/physical as well as contextual significance. Current *development* includes the conservation and adaptive reuse of a variety of residential, commercial and former industrial properties.

(b) *Heritage Attributes*

(i) *Design/Physical*

- Shoreline features (beach, marina, lighthouse)
- Varied built form (massing, age, type, use)
- Topography (terraced streets down steep slope to shore)
- Irregular block and property sizes (distorted grid pattern)
- Evidence of former uses (Queen's Royal Hotel, railway, dockyard, boatworks, boathouses)
- St. Marks's Church complex (rectory, church and additions, cemetery)

(ii) *Historical/Associative*

- Associations with former uses (steamers, railway, dockyard, concession stands, produce stands/

storage), customs office, ice cutting, skating in harbour)

- Simcoe Park's current and historic uses (outdoor dance pavilion and refreshment stand, Sunday night community sing-alongs, winter ice rink and change hut)

(iii) *Contextual*

- Panoramic views of the Niagara River and Lake Ontario
- Landmarks (movie set gazebo, Navy Hall)

(c) In addition to other policies of the Official Plan and any secondary plan, the following policies will also apply to the Old Dock Heritage Character Area:

- (i) The Town may request, as part of any *site alteration* or *development*, a commemoration plan;
- (ii) Any proposed *site alteration* or *development* must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;
- (iii) The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

7.2.3.5 Downtown Heritage Character Area

- (a) *Statement of Cultural Heritage Value or Interest:* This character area contains a large portion of the *cultural heritage resources* in Old Town and forms the core of the National Historic District. For design/physical significance it has the square block pattern established from the earliest days of settlement and contains evidence of all periods of *development* from the Loyalist occupation to the present. There are many well-*conserved* examples of pre-1850 building types, architectural styles and materials. Conservation of more recent properties is also evident. One Mile Creek is visible throughout the area, on private as well as public property. The early street grid and widened main thoroughfares remain, as do some grassed verges with open

gutters. Mature trees are a feature of the public realm as well as in private properties. Varied front and sideyard setbacks characterize the residential streets. The area has historical/associative value for its evidence of all phases of Old Town's evolution. Key properties and landscapes provide contextual significance. There are many landmarks within the area: it is also where the key cultural, public institutional and commercial properties are found.

(b) *Heritage Attributes*

(i) *Design/Physical*

- Churches and associated cemeteries (*significant open spaces*)
- Mix of uses (residential, commercial, institutional, ecclesiastical)
- (In pre-1850s buildings) predominance of styles within the British Classical tradition
- Evidence of previous uses (commercial shops and offices, railway)
- Wide right-of-way (99 feet) with street trees and grassed boulevard
- Square blocks in a military grid pattern extending at right-angles to the river shoreline
- Varied lot frontages
- Mature street trees and private gardens
- Open gutters and grassed boulevards on residential streets
- One Mile Creek watercourse
- Varied built form (massing, age)
- Limited range of building materials used on pre-1850 buildings (frame, brick, roughcast)
- Tightly packed building frontages in the commercial core (minimal/no sideyard setbacks)
- Varied, but often generous side yard setbacks in the residential areas
- Varied front yard setbacks
- Many examples of infill buildings that harmonize with the early buildings in terms of materials and massing

(ii) *Historical/Associative*

- Associations with *significant* events (Loyalist settlement, military survey, War of 1812, burning and rebuilding of Newark, designation of heritage conservation districts)

(iii) *Contextual*

- Views down streets of river and between buildings
- Topography (slight rise away from river)
- *Significant* concentrations of pre-1850 buildings
- Shaw Festival Theatre (sympathetic new development)
- Prince of Wales Hotel (original and additions)
- Apothecary (*conserved* building and museum)
- Court House (current and historic uses)
- Landmarks (Clock Tower)

(c) In addition to other policies of the Official Plan and any heritage conservation district plan, the following policies will also apply to the Downtown Heritage Character Area:

- (i) The Town may request, as part of any *site alteration* or *development*, a commemoration plan;
- (ii) Any proposed *site alteration* or *development* must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;
- (iii) Any mid-block infill *development* must not be taller than any surrounding structures on the same block;
- (iv) The Town will update the existing Queen-Picton Heritage Conservation District Plan;
- (v) The Town will complete a Heritage Conservation District Plan for the area covered by the National Historic District;
- (vi) In the event of any conflict between the Official Plan and any other plan, document, or statement that applies to

this area, the highest standard for heritage conservation would apply; and

- (vii) The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

7.2.3.6 Queen Street Summer Homes Character Area

- (a) *Statement of Cultural Heritage Value or Interest:* The Queen Street Summer Homes character area is a cohesive group of large properties that were created as seasonal residences. Their design/physical significance is based upon a consistent *development* pattern of a large detached main house with a deep setback from Queen Street and generous side and rear yards, in some cases including gardens but also secondary structures. Severances over the years have created new properties along the side streets and along most of the north side of Johnson Street, thus reducing the size of the original summer house lots. Though alterations to the buildings and landscapes have been made over time, most are sympathetic to the heritage character of the properties and have *conserved* the houses. Historical/associative significance and contextual significance stem from associations with key periods in the history of Old Town and from the larger landscape context to which they contribute.

(b) *Heritage Attributes*

(i) *Design/Physical*

- Large houses on large lots
- Deep front yard setbacks
- Open lawns, ornamental gardens and mature perimeter plantings
- Picket and metal fences
- Outbuildings to the rear and side
- Predominance of architectural styles having Neo-Classical influences, often with large verandahs or galleries added, and columned front porticos
- Many examples of secondary buildings and additions that harmonize with the main house in terms of materials, massing and location

(ii) *Historical/Associative*

- Associations with former uses and events (War of 1812, military encampments, American summer residents)

(c) In addition to other policies of the Official Plan, the following policies will also apply to the Queen Street Summer Homes Heritage Character Area.

- (i) The Town may request, as part of any *site alteration* or *development*, a commemoration plan;
- (ii) Any proposed *site alteration* or *development* must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;
- (iii) Any new *development* or *site alteration* must be sympathetic, ensure the conservation of the areas heritage values & attributes, and not be taller than any surrounding structures on the same block;
- (iv) The Town will review the area for its potential as a Heritage Conservation District;
- (v) The Town will encourage and require replanting along Queen Street to ensure the maintenance and enhancement of the existing Street Tree canopy. A tree plan should be developed for this area;
- (vi) The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the golf course and Fort Mississauga); and
- (vii) The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

7.2.3.7 John Street East Summer Homes Character Area

- (a) *Statement of Cultural Heritage Value or Interest:* Design/physical significance comes from the remaining portions of the two main summer home properties –

“Randwood” and “Brunswick Place”. These two properties are some of the best examples of the large lot developments that arose in Old Town in the late 19th and early 20th centuries and have historical/associative significance as a result. The enclosed nature of Randwood, with its high wall and tall trees, gives it a secluded character unlike the other summer home properties but makes it a landmark within a larger landscape adjacent to the Commons and One Mile Creek. The house itself has been altered with additions that are sympathetic to the original design. Note: heritage attributes for this character area will need to be confirmed through further assessment and the following are preliminary.

(b) *Heritage Attributes*

(i) *Design/Physical*

- Large houses on large lots
- Brick wall and stone/iron entrance gates
- Mature vegetation on large lots
- One Mile Creek watercourse
- Deep front yard setbacks and large front yards with ornamental gardens
- Outbuildings to the rear and side
- Open gutters and grassed boulevards
- Evidence of former uses (railway right-of-way)

(ii) *Historical/Associative*

- Associations with former uses and events (military camps, War of 1812)
- Associations with prominent residents (Rand family, William Dickson)

(iii) *Contextual*

- Panoramic views across the Common to Fort George and the Niagara River
- Landmarks (Randwood complex)

- (c) In addition to other policies of the Official Plan, the following policies will also apply to the John Street East Summer Homes Heritage Character Area.
- (i) The Town may request, as part of any *site alteration or development*, a commemoration plan;
 - (ii) Any proposed *site alteration or development* must demonstrate how it will conserve the specific heritage values and attributes of the area as a *Cultural Heritage Landscape*;
 - (iii) The Town will require the maintenance and conservation of mature vegetation and the existing stone walls within this area. Any *site alteration or development* proposed must include a vegetation plan;
 - (iv) The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the Commons); and
 - (v) The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

7.2.4 Heritage Conservation Districts

- 7.2.4.1 The Town will recognize and conserve Niagara-on-the-Lake's cultural heritage landscapes by designating heritage conservation districts under Part V of the Ontario Heritage Act, where it is determined that one is appropriate through a Study completed in accordance with the requirements of Section 40(1) on the Ontario Heritage Act (at a minimum).
- 7.2.4.2 A heritage conservation district plan shall be adopted for every designated heritage conservation district, in accordance with the requirements of Section 41.1(1) of the Ontario Heritage Act (at a minimum).
- 7.2.4.3 The Town may adopt a corresponding secondary plan and/or community planning permit by-law for each heritage conservation district to support the objectives and policies of the heritage conservation district plan.

- 7.2.4.4 A heritage conservation district plan shall be reviewed every 10 years.
- 7.2.4.5 Heritage conservation districts are a type of cultural heritage landscape. Any alteration, *site alteration* or *development* within a Heritage Conservation District must also be consistent with any overall cultural heritage landscape policies of this Plan.

7.2.5 Queen Picton Heritage Conservation District

- 7.2.5.1 The Queen-Picton Heritage Conservation District, as shown on Schedule D3, comprises the commercial and established residential lands in Old Town bounded by the south side of Prideaux Street, the north side of Johnson Street, the west side of Wellington Street and the east side of Gate Street.
- 7.2.5.2 The Queen-Picton Heritage Conservation District was approved by the Town in 1986. The District Plan was adopted by Council in 2010. The boundaries of the Heritage District are under review and may be revised.
- 7.2.5.3 Heritage districts are a type of cultural heritage landscape, consisting of buildings, *streetscapes*, open spaces, views and vistas.
- 7.2.5.4 Within the Queen-Picton Heritage Conservation District, the Town will:
 - a) Review the existing District Plan and consider expansion of the District, as shown on Schedule D3, and revision of the District policies as required.
 - b) Ensure that new *development*, including new infill *development* and *redevelopment*, will conserve the District's heritage values and heritage attributes.
 - c) Prohibit commercial uses within the residential area of the Queen-Picton Heritage Conservation District.
 - d) Initiate a comprehensive *streetscape* program to encourage street trees and landscaping, human scale historic street lighting, street and traffic signs and utility poles and other types of street furniture.

- e) Ensure that signage in the business area of the Queen-Picton Heritage Conservation District that conserve the heritage values and heritage attributes of the District.
- f) Recognize and maintain the wide grass boulevards and soft shoulders that are a heritage attribute of the residential area of the Queen-Picton Heritage Conservation District.
- g) Develop a community planning permit system for the Queen-Picton Heritage Conservation District.

7.2.5.5 All new *development* and *redevelopment*, including parks and open spaces in the Queen-Picton Heritage Conservation District will conform to the Queen-Picton Heritage Conservation District Plan policies and will take precedence over any other policies of this Plan.

7.2.5.6 When considering an application for *development* approval in the Queen-Picton Heritage Conservation District, the Town will ensure *development* adheres to the following criteria in addition to any *development* criteria in the Heritage Conservation District Plan:

- a) The protection and conservation of any *cultural heritage resources* existing on and adjacent to, the site.
- b) The impact of *development* on the identified heritage values and heritage attributes of the District will be minimized to address:
 - i. the compatibility of the proposed use;
 - ii. the capacity of the site for additional uses, parking and supporting *infrastructure*;
 - iii. location of parking areas, loading and access; and
 - iv. tree preservation and opportunities for landscaping and screening.
- c) Designs that are compatible in mass, scale, height, fenestration and materials.

7.2.5.7 When considering an application for infill *development* on interior lots that involves the creation of interior access roads, the Town will ensure that *cultural heritage resources* are *conserved*.

7.2.5.8 New building heights must respect surrounding existing building heights and be neither higher nor lower (unless required for

mitigation of impact and/or to conserve identified heritage values and heritage attributes).

- 7.2.5.9 Mid-block infill or *development* shall not be permitted unless it can be demonstrated to the satisfaction of the Town that the heritage value and heritage attributes of the District shall be *conserved*. Proposed mid-block *development* must be sympathetic and secondary to existing *cultural heritage resources*.

7.3 Archaeological resources

- 7.3.1 Both Indigenous and European terrestrial and marine *archaeological resources* contribute to Niagara-on-the-Lake's local identity. They include sites that may contain scattered artifacts, remains of structures or other cultural deposits, and sites that are fully or partially submerged or lie below the high-water mark of any body of water.
- 7.3.2 Archaeological sites are fragile and non-renewable resources. The Town's Archaeological Master Plan must be considered as part of any archaeological assessment or work undertaken within the Town.
- 7.3.3 *Development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or areas of archaeological potential unless *significant archaeological resources* have been *conserved*.
- 7.3.4 The Town will promote conservation of its *archaeological resources* and will:
- a) Require an archaeological assessment by a licensed archaeologist, in consultation with the Region of Niagara, as a result of a proposal or plan for *site alteration* or *development* if any portion of the subject property fall within a zone of archaeological potential, as shown on Schedules D1 to D4, or where an archaeological site has been previously registered on the property.
 - b) Require an archaeological assessment for the entire property. For lands located outside a settlement area boundary where *site alteration* or *development* will not affect the entire property, the project archaeologist may consult with the Ministry of Tourism, Culture and Sport on a property-by-property basis to determine if these areas can be exempt.
 - c) Require a provincial review and acceptance letter verifying that an *archaeological assessment* is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).

- d) Require proponents to complete the necessary *archaeological assessment* and/or site mitigations prior to submitting their planning application. Where this is not possible, *archaeological assessment(s)* will be required as a condition of any approval.
- e) Require proponents whose *archaeological assessments* identify Indigenous *archaeological resources* to:
- i. provide a copy of the assessment report to those communities with the closest cultural affiliation and in whose *traditional territories* the *archaeological resources* were found;
 - ii. consult with those communities with the closest cultural affiliation and in whose *traditional territories* the *archaeological resources* were found, to address their interests in the resource and define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location; and
 - iii. to notify in advance of on-site assessment work those communities with the closest cultural affiliation and in whose *traditional territories* the *archaeological resources* were found.
- f) Consider *significant* Indigenous *archaeological resources* as features not to be developed and to engage the Indigenous communities with the closest cultural affiliation, and in whose *traditional territories* the resource is found, to identify commemorative approaches.
- g) Review Municipal and Regional projects, whether or not they are subject to the Environmental Assessment Act, such as *site alteration, development* and/or infrastructure projects that involve construction, erection or placing of a building or structure, other activities such as site grading, excavation, removal of topsoil, or peat and the placing and dumping of fill; drainage works, except for the maintenance of existing municipal and agricultural drains to determine impacts upon potential *archaeological resources*. An *archaeological assessment* will be required if the lands are located within the zone of archaeological potential as indicated on Schedule D1 or where there is a registered archaeological site.
- h) Undertake, together with the Niagara Parks Commission, Parks Canada, and the local Indigenous communities, to co-operatively establish guidelines for sharing archaeological information derived

from the application of the archaeological master plan and potential mapping.

7.3.5 Within the boundaries of the Town, there may be marine archeological remains from the pre-contact period through the modern era up to the last 50 years. When considering an application for *development* or *site alteration*, the Town may require a marine *archaeological assessment* to be conducted by a licensed archaeologist pursuant to the Ontario Heritage Act if there is potential for the presence of partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value. Any marine archeological resource that is identified shall be reported to the Ministry of Tourism, Culture and Sport.

7.3.7 In the event that human remains or cemeteries are identified or encountered during assessment, *site alteration* or *development*, all work must immediately cease and the site must be secured. The appropriate provincial and municipal authorities must be notified. Required provisions under the Funeral, Burial and Cremation Services Act, Ontario Heritage Act, along with other applicable protocol or policy must be followed. Where there are Indigenous burials, they will be addressed in partnership with all appropriate communities. Licensed archaeologists will assess the property, and may be required to recommend conservation strategies.

7.3.8 It is the policy of the Town to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of artifacts or *cultural heritage resources*.

7.4 Cultural Facilities

7.4.1 Arts and culture are integral to building a liveable community. Cultural facilities help connect people to their community.

7.4.2 As the Town continues to grow and evolve, the demand for community access to quality cultural programming, facilities and opportunities for personal cultural expression will increase. The Town will consider opportunities for integrating arts and cultural facilities and programs as an integral part of the *Community Design* and *development* process. The Town will also identify a vision for arts and culture that establish priorities and strategies to strengthen the local arts and culture sector, and will:

- a) Encourage the *development* of a municipal culture plan to establish strategies to strengthen and protect the local arts, culture and heritage

sector and work in partnership with the community, artists, cultural workers and organizations to guide arts and culture programs, services and facilities in the Town. The culture plan will define local cultural assets and *significant* cultural clusters to build a supportive local planning policy framework in partnership with the cultural community and other partners to address, among other local issues:

- i. The appropriate size, scale and location of creative cultural industries;
 - ii. The appropriate location for live-work spaces with a focus on adaptive re-use;
 - iii. The relationship between *creative cultural industries* and downtowns; and
 - iv. The appropriate use of employment lands for creative cultural industries.
- b) Recognize the importance of arts and culture in enhancing the livability of Niagara-on-the-Lake's communities.
- c) Support the work and programs of cultural organizations in the Town and investigate various support systems and funding mechanisms including acquisition of museum facilities and archives by the Town.
- d) Ensure that new arts and culture programs, services and facilities will, where feasible, be:
- i. integrated with new *community development*;
 - ii. designed to include flexible spaces suitable for programming different arts and culture programs and local community activities; and
 - iii. encourage the conservation of *cultural heritage resources*.
- e) Support the provision of public art as a means of fostering community identity by developing a public art policy for municipal projects and private sector *developments* that will address:
- i. incorporating public art into Niagara-on-the-Lake's public places, facilities and *infrastructure*;
 - ii. encouraging other public agencies to incorporate public art into public places, facilities and *infrastructure*; and

- iii. encouraging the private sector to incorporate public art into their *developments* and sites.

7.5 Enhancement and Education

7.5.1 The Town will support initiatives to enhance existing *cultural heritage resources* and promote public education, and will:

- a) Enhance *cultural heritage resources*, particularly in heritage conservation districts, identified heritage character areas and other cultural heritage landscapes, as part of capital works and maintenance projects by means of tree planting, tree preservation, landscaping, street improvements, buried utilities, and the provision of street furniture, lighting, signage and other streetscaping initiatives.
- b) Use fiscal tools, incentives and financial assistance to facilitate the maintenance and conservation of *cultural heritage resources* and provide other incentives as provided for under the Ontario Heritage Act, the Municipal Act and through other sources.
- c) Commemorate *cultural heritage resources* through means such as interpretive signage programs and identification of designated properties through a municipal plaque program.
- d) Provide resources to implement communication and education programs to foster awareness and appreciation of *cultural heritage resources* including web site information, walking tours, heritage award programs, workshops and heritage celebrations.
- e) Participate in promotional or educational cultural heritage conservation programs provided by other levels of government or other agencies and groups.

Section 8 Natural Heritage

8.1 Toward a *Natural Heritage System*

- 8.1.1 The Town's landforms and watercourses provide key *ecological functions* and linkages that connect its natural features to a broader ecosystem encompassing the Niagara Escarpment, the Greenbelt and the Lake Ontario and Niagara River watersheds. Defining a system of linked natural heritage and hydrologic features and associated lands will assist the Town in maintaining, restoring and enhancing ecologically sustainable and resilient landscapes. *Natural heritage systems* planning takes a strategic approach to addressing biodiversity loss, land use change and the uncertainties of climate change so that there will be clean air, clean water and a rich diversity of plant and animal life to sustain present and future generations.
- 8.1.2 The *Natural Heritage System* is an integral component of the broader *Agricultural System*. The unique agricultural features and associated *infrastructure* contribute to a unique relationship between agriculture and the natural system. The agricultural area contains an extensive network of field tile drains, municipal drains and irrigation canals. This network of drainage features connects the headwater areas of the Escarpment with the watercourses in the northern part of the Town, which flow into Lake Ontario. The Town's remaining natural features are primarily limited to areas along the Niagara Escarpment, small woodland patches, *wetlands* and riparian lands. There is a long tradition of farming and environmental stewardship for many farmers. It is important to integrate the *Natural Heritage System* with the *Agricultural System*.
- 8.1.3 The Town's natural heritage features will be protected and enhanced through the identification of a *Natural Heritage System* that reflects and refines the policies in the Regional Official Plan, the Niagara Escarpment Plan and the Greenbelt Plan.
- 8.1.4 The Regional Official Plan balances natural heritage, agriculture, urban and rural forest and water resource planning and provides policies dealing with the Region's Core *Natural Heritage System*, shoreline protection, tree protection and hazard lands.
- 8.1.5 The Greenbelt Plan identifies a natural system to support ecological health, key natural heritage features and key hydrologic features. The Greenbelt *Natural Heritage System* includes areas of the Protected Countryside with concentrations of the most sensitive and/or *significant* natural features and functions.

- 8.1.6 *Agriculture, agriculture-related, and on-farm diversified uses and normal farm practises* are permitted in the *Natural Heritage System*. New activities cannot negatively impact natural heritage or hydrological features. The need to protect and conserve the *Natural Heritage System* is balanced with the need to protect and conserve Specialty Crop Lands and agricultural viability.
- 8.1.7 Nothing in this Section is intended to limit the ability of *agricultural uses* to continue. Agricultural operations and *working landscapes* are components of the *Natural Heritage System*.

8.2 Natural Heritage Objectives

- 8.2.1 The *Natural Heritage System* identifies and protects *significant* natural heritage features and functions for the long term for their ecological benefit, contribution to human health, and preservation of the Town's natural heritage. This ecological benefit is achieved through the protection of natural heritage features and linkages within a *natural heritage system* and within the Conservation designation.
- 8.2.2 The objectives for the *Natural Heritage System* are to:
- a) Maintain a healthy natural environment for present and future generations;
 - b) Conserve the Town's distinctive natural character;
 - c) Apply an ecosystem-based approach to planning and decision-making;
 - d) Promote environmental stewardship and restoration as part of all municipal decision-making;
 - e) Recognize the contribution of landowners who conserve the countryside and natural landscape so that they continue to contribute to the Town's unique sense of place and beauty;
 - f) Promote the responsible protection of the *natural heritage system*;
 - g) Encourage acquisition of *significant* natural features and areas;
 - h) Encourage the retention of *woodlands* and the reforestation of low capability farmland;
 - i) Protect *Significant Areas of Natural and Scientific Interest, wetlands, woodlands, wildlife habitat, fish habitat and valleylands*;

- j) Control *development* within the 100-year erosion limit of Lake Ontario and work toward stabilization of the Lake Ontario shoreline;
- k) Regulate *development* on lands having inherent physical environmental hazards such as flood susceptibility, poor drainage or other physical conditions which act as a constraint to *development* in order to prevent loss of life and to minimize property damage and social disruption;
- l) Preserve and enhance the recreational amenities and natural resources offered by waterways, *wetlands* and natural areas; and
- m) Encourage landscape restoration and enhancement as part of the *development* approval process, to repair past damage and to mitigate the potential negative impacts of *development*.

8.3 Components of Niagara-on-the-Lake's *Natural Heritage System*

- 8.3.1 The components of the *Natural Heritage System* are identified on Schedule C. They may be defined more precisely through watershed or environmental planning studies, environmental impact studies, or other studies prepared to the satisfaction of the Region and the Town.
- 8.3.2 Lands designated on Schedules B1 to B6 as Conservation reflect components of the *natural heritage system*.
- 8.3.3 The *Natural Heritage System* consists of:
 - a) Core natural areas, classified as either Environmental Protection Areas or Environmental Conservation Areas, as identified in the Regional Official Plan;
 - b) Potential natural heritage corridors connecting the Core Natural Areas;
 - c) The Greenbelt Natural Heritage and Water Resources Systems;
 - d) *Fish habitat*;
 - e) Lake Ontario and Niagara River Shorelines;
 - f) The Niagara Escarpment; and
 - g) The Niagara Parkway.

8.3.4 Environmental Protection Areas include:

- a) Provincially *significant wetlands*;
- b) Provincially *significant* life science *Areas of Natural and Scientific Interest* (ANSI);
- c) *Habitat of endangered species and threatened species*;
- d) Areas within the Greenbelt *Natural Heritage System*:
 - i. *Wetlands*;
 - ii. *Significant valleylands*;
 - iii. *Significant woodlands*;
 - iv. *Significant wildlife habitat*;
 - v. Barrens, savannahs and tallgrass prairies; and
 - vi. Alvars.

8.3.5 Environmental Conservation Areas include:

- a) Provincially *significant* earth science ANSIs;
- b) Regionally *significant* life science ANSIs;
- c) Outside the Greenbelt *Natural Heritage System*:
 - i. *Significant woodlands*;
 - ii. *Significant wildlife habitat*;
 - iii. Other *wetlands*;
 - iv. *Significant valleylands*;
 - v. Savannahs and tallgrass prairies; and
 - vi. Alvars.

8.3.6 Key hydrologic features identified through the Greenbelt and associated with the Town's water resources include:

- a) Permanent and *intermittent streams*;

- b) Lakes (and their littoral zones);
- c) Seepage areas and springs; and
- d) *Wetlands*.

8.3.7 When key hydrologic features are identified through watershed or other studies, the Town will consider an amendment to this Plan to show those features on Schedule C. In the interim, if *development* is proposed in an area within the Protected Countryside where key hydrologic features have not been identified, the applicant may be required to identify the hydrologic features on the site of the proposed *development* as well as within 120 metres of the site boundary.

8.3.8 In addition to natural heritage features, corridors are considered an integral component of the *natural heritage system*. Corridors may or may not be mapped on Schedules to this Plan, and linkages may include *working landscapes*. Corridors are not static features in the landscape and may vary over time. If land use shifts from agricultural to other forms of *development*, corridors will be identified between and among *natural heritage features and areas, surface water features* and ground water features to ensure that connectivity within the *natural heritage system* is established and maintained over the long term.

8.3.9 Some natural heritage features are unmapped, and may include *habitat of endangered species and threatened species, significant wildlife habitat, and significant valleylands*. These features may be included within the Environmental Protection Areas or Environmental Conservation Areas or will be identified through the *development* review process.

8.3.10 Natural hazards, including lands susceptible to flooding or erosion, represent constraints to *development* that may impact the quality of the natural environment. As such, they are treated as a part of the Town's *Natural Heritage System* and may be designated Conservation on Schedules B1 to B6.

8.3.11 There are six (6) Provincially *Significant* Wetland (PSW) Complexes identified in the Town, and identified on Schedule C. These are:

- a) One and Two Mile Creek Wetland Complex,
- b) Four Mile Creek Estuary Wetland Complex,
- c) Laurent Wetland Complex,

- d) Welland Canal North Turn Basin Wetland Complex,
- e) Fireman's Park Wetland Complex, and
- f) Eight Mile Creek Estuary Wetland Complex.

8.3.12 There are two (2) Provincially *Significant Areas of Natural and Scientific Interest* (ANSI) in the Town:

- a) Niagara River Bedrock Gorge (Earth Science ANSI);
- b) Two Mile and Four Mile Creek Plain (Life Science ANSI).

8.3.13 Areas of *significant wildlife habitat* are not presently mapped in the Town. While not shown on Schedule C, *significant wildlife habitat* is a component of the *natural heritage system*.

8.3.14 *Significant wildlife habitat* may be identified through the *development* approval process, in accordance with current provincial technical criteria schedules. Where identified, *development* and *site alteration* will only occur where it has been demonstrated that there will be no negative impacts on the natural features of their *ecological functions*.

8.3.15 *Valleylands* are natural areas that occur in a valley or other landform depression that has water flowing through or standing for some period of the year. *Valleylands* are not presently mapped in the Town. Given the relatively flat topographical nature of the Town, *valleylands* are also likely incorporated through other components (e.g. watercourses) of the *Natural Heritage System*.

8.3.16 *Significant valleylands* may be identified through the preparation of an environmental impact study or other similar investigation as part of the *development* approval process. Where identified, *development* and *site alteration* will only occur where it has been demonstrated that there will be no negative impacts on the natural features of their *ecological functions*. The precise location of *valleylands* is based on the stable top of bank which may be determined by a proponent undertaking the required field work, preparing a geotechnical study and having it accepted by NPCA, or by the NPCA in the field through a geotechnical study.

8.3.17 Along *valleylands* where the valley bank height is equal to or greater than three (3) metres the following provisions apply:

- a) A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the NPCA, shall be required for all new

structures, including swimming pools and subsurface sewage disposal systems, and for *site alterations*.

- b) Where the NPCA finds evidence of slope instability or where the angle of the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance) a geotechnical report shall be submitted with an application for new *development* or *site alteration*. A setback greater than 7.5 metres may be required where the NPCA has determined, after considering the geotechnical report, that an increased setback is needed to address site specific conditions.
- c) Within Settlement areas, the Town supports the maximum use of land for *development* while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback provided that a geotechnical report submitted by the applicant and approved by the NPCA finds that the reduced setback, with mitigative measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no *development* or *site alteration* will be permitted below the top of the valley bank.
- d) Where possible existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed.
- e) New lots created through plan of subdivision, plan of condominium or consent shall not extend below the top of the valley slope as determined by the NPCA. Lands below the top of the valley slope in plans of subdivision and plans of condominium shall be maintained as one block. The dedication of these lands for conservation purposes either to the Town or to another public agency is encouraged where there is a willing recipient.

8.3.18 A *significant* woodland must meet one or more of the following criteria:

- a) Contain threatened or *endangered species* or species of concern;
- b) In size, be equal to or greater than:
 - i. Two (2) hectares, if located within or overlapping a settlement area boundary;
 - ii. Four (4) hectares, if located outside a settlement area;

- c) Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
- d) Contain older growth forest and be two (2) hectares or greater in area;
- e) Overlap or contain one or more other *significant* heritage features; or
- f) Abut or be crossed by a watercourse or water body and be two (2) or more hectares in area.

8.4 General Policies

- 8.4.1 *Development* should maintain, enhance or restore ecosystem health and integrity. Priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required.
- 8.4.2 *Development*, including *infrastructure*, should be designed to maintain or enhance the natural features and functions of a site.
- 8.4.3 Where more than one provision of this Section applies to a planning application all of the applicable policies are to be addressed, with the more restrictive policy applying where there are conflicts.
- 8.4.4 As watershed and ground water studies identify surface and ground water features, *hydrologic functions* and *natural heritage features and areas* necessary for the ecological and hydrologic integrity of the Town's watersheds, the Town will consider appropriate amendments to this Plan.
- 8.4.5 Stormwater management facilities shall not be constructed in core natural areas, *fish habitat*, key hydrologic features, or in required *vegetation protection zones* in the Protected Countryside unless permitted under Section 9 of this Plan.
- 8.4.6 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an EIS prepared in consultation with the Town and the Region, and, where appropriate, the Ministry of Natural Resources and Forestry and the NPCA. If the EIS finds one or more natural heritage features meeting the criteria for identification as a component of the Natural Area the appropriate Core Natural Area policies shall apply.
- 8.4.7 If a feature meeting the criteria for identification as a component of the Core Natural Area is identified through an evaluation under Policy 8.4.6 or

through other studies, it shall be considered for inclusion in the *Natural Heritage System* through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application, the appropriate Core Natural Area policies shall apply.

- 8.4.8 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted within the *Natural Heritage System* or adjacent lands where an EIS for the proposed use has been approved under Provincial or Federal legislation.
- 8.4.9 New or expanding *infrastructure* within the Protected Countryside shall avoid Core Natural Areas and key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative. Where new or expanding *infrastructure* crosses the Greenbelt *Natural Heritage System*, Earth Science ANSI, or intrudes into or results in the loss of a Core Natural Area, *Fish Habitat* or key hydrologic feature, including related landform features, planning, design and construction practices shall minimize negative impacts and disturbance on the feature or its related functions, and where reasonable, maintain or improve connectivity among Core Natural Areas, *Fish Habitat* and key hydrologic features and their *vegetation protection zones*.
- 8.4.10 An expansion to an existing use located within an Environmental Conservation Area or *fish habitat* or adjacent lands to a component of the Core Natural Area may be permitted if it will have no *significant* negative impact on the natural feature or its *ecological functions*. If the expansion involves a substantial *intensification* in land use or increase in the land area devoted to the use the proponent shall prepare an environmental impact study.
- 8.4.11 The wetland mapping identified on Schedule C to this Plan is provided by the Ministry of Natural Resources and Forestry. It is recognized that some of these *wetlands* may in fact contain farm irrigation ponds that are in active use. Actively-used farm irrigation ponds are not considered *wetlands* according to the Ontario Wetland Evaluation System (OWES). As such, where such actively-used farm irrigation ponds are mapped as *wetlands* on the Schedules to this Plan, they will not be considered *wetlands* and the policies of this section will not apply to such ponds. Currently-known locations of actively-used irrigation ponds that occur within wetland boundaries have been identified on Schedule C.

8.5 ***Development and Site Alteration***

8.5.1 *Development and site alteration* shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, 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 watercourses such as base flow;
- d) Surface or ground water resources adversely impacting on natural features or *ecological functions* of the *Natural Heritage System* or its components;
- e) Natural drainage systems, stream forms and shorelines; and
- f) Flooding or erosion.

8.5.2 *Development and site alteration* shall be restricted in the vicinity of *vulnerable* surface and ground water features of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.

8.5.3 *Development and site alteration* shall not have *significant* adverse impacts on ground water quality or quantity. In areas where *development and site alteration* could *significantly* affect ground water quality or quantity the Region shall require further review of potential impacts.

8.5.4 *Development and site alteration* shall not be permitted in *fish habitat* or in the *habitat of endangered species and threatened species* except in accordance with provincial and federal requirements.

8.5.5 In accordance with provincial and regional requirements, *development and site alteration* is not permitted within:

- a) Environmental Protection Areas;
- b) *Fish habitat* in the Greenbelt *Natural Heritage System*, except in accordance with provincial and federal requirements;
- c) Key hydrologic features; or

- d) Any associated *vegetation protection zone* in the Greenbelt area.

With the exception of the following:

- a) forest, fish and wildlife management areas;
- b) conservation and flood or erosion control 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, boardwalks, footbridges, fences, docks and picnic facilities that will have no *significant* negative impact on natural features or *ecological functions* of the *Core Natural Heritage System*; and
- d) permitted *agricultural uses*.

8.5.6 *Development* and *site alteration* may be permitted where supported by an Environmental Impact Study (EIS) that demonstrates that, over the long term, there will be no *significant* negative impact on a component of the Core Natural Area or adjacent lands, and in the following situations:

- a) Within an Environmental Conservation Area; or
- b) On adjacent lands to Environmental Protection Areas and Environmental Conservation Areas,

except for those lands within *vegetation protection zones* associated with key hydrologic features or Environmental Protection Areas in the Greenbelt *Natural Heritage System*.

8.5.7 Where *development* or *site alteration* is proposed in or near a potential natural heritage corridor the corridor shall be considered in the *development* review process. *Development* should be located, designed and constructed to maintain and, where possible, enhance the *ecological functions* of the corridor in linking Core Natural Areas or an alternative corridor should be developed. The potential natural heritage corridors are illustrated conceptually on Schedule C of the Regional Official Plan. The Town may, in association with the Region, undertake a study to further define corridors within the *Natural Heritage System*.

8.5.8 Where *development* or *site alteration* is approved in or adjacent to the *Natural Heritage System* new lots shall not extend into either the area to be retained in a natural state as part of the *Natural Heritage System* or the buffer zone identified through an Environmental Impact Study. The lands

to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and *ecological functions*. Such blocks are encouraged to be assumed in public ownership.

8.5.9 *Development* and *site alteration* may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) if it has been demonstrated that there will be no *significant* negative impacts on the earth science features for which the area was identified or on *ecological functions* related to the ANSI.

8.5.10 New buildings and structures for agricultural, agriculture-related or *on-farm diversified uses* are not required to undertake a natural heritage or hydrologic evaluation if a minimum thirty (30) metre *vegetation protection zone* is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and *on-farm diversified uses* shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.

8.5.11 New buildings or structures for agricultural, agriculture-related and *on-farm diversified uses* are permitted within thirty (30) metres of permanent and *intermittent streams*, where:

- a) The permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;
- b) A minimum fifteen (15) metre *vegetation protection zone* is established between the building or structure and the permanent or intermittent stream; however, this *vegetation protection zone* is not required to be maintained as *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes;
- c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;
- d) A new individual on-site sewage system will not be located within 30 metres of the stream; and

8.6 Vegetation Protection Zones

- 8.6.1 A *Vegetation Protection Zone* (VPZ) is a vegetated buffer area surrounding Environmental Protection Areas and key hydrologic features within which only those land uses permitted within the feature itself are permitted. Agricultural operations (with no buildings or structures) and *working landscapes* may be part of the *vegetation protection zone*.
- 8.6.2 *Vegetation protection zones* may be identified at the time of *development* application though the preparation of a natural heritage evaluation and/or hydrological evaluation.
- 8.6.3 The natural heritage evaluation will, where possible, within the *vegetation protection zone*, restore or enhance the feature and/or its function, and achieve *natural self-sustaining vegetation*. The evaluations will take into account best management practices for vegetation protection within and adjacent to riparian zones, including erosion control, water contamination and pest management (for agricultural activities).
- 8.6.4 The approach to vegetation protection and the range of uses and activities within the *vegetation protection zone* will reflect best management practices, particularly in reference to issues related to plantings in riparian zones and pest prevention techniques in tender fruit and grape growing areas. Otherwise, a minimum 30-metre *vegetation protection zone* will be maintained, measured from the outside boundary of the key natural heritage feature or key hydrologic feature (top of bank); but may include *working landscapes*, crops and deep-rooted grasses (or similar vegetation) to ensure stability and *ecological integrity* of the watercourse.
- 8.6.5 *Infrastructure* serving the agricultural sector, such as agricultural irrigation systems, may need certain elements to be located with the *Vegetation protection zone* of a key natural heritage feature or key hydrologic feature. In these instances, elements of the *infrastructure* are permitted within the feature itself or its associated *Vegetation Protection Zone*. All reasonable efforts shall be made to keep such *infrastructure* out of key natural heritage features, key hydrologic features and their associated *Vegetation Protection Zones* to the extent possible.

8.7 Shorelines

- 8.7.1 Landowners are encouraged to maintain shorelines in a natural state by maintaining or establishing a naturally vegetated buffer strip along the shoreline; and using non-structural shoreline protection such as bio-engineering with native vegetation.

8.7.2 Public access to shorelines will be maintained or enhanced. Road closings that would reduce public access shall not be permitted unless a suitable new access is provided nearby.

8.7.3 Where major *development* is proposed along shorelines:

- a) Public access to the shoreline shall be provided;
- b) Efforts shall be made to maintain a view of the shoreline form beyond the *development*;
- c) Where feasible, the shoreline should be maintained in, or restored to, a naturally vegetated state; and
- d) Suitable shoreline lands should be dedicated, where possible, to a public agency where such lands would provide public benefits or are identified as part of a planned public trail system. Normally, these lands will be located above the stable top of bank.

8.7.4 Along the Lake Ontario and Niagara River shorelines, design guidelines will include consideration for protecting views, limiting disturbance and *site alteration*, and preserving the maximum amount of natural vegetation. The built form should blend into the natural landscape, and remain low profile. Building mass and coverage should be limited in relation to the size and frontage of the property and will be in keeping with the character of surrounding areas.

8.8 Tree Preservation and Reforestation

8.8.1 The existing tree canopy in the Town is an important component of the character of the Town and its *community design* features.

8.8.2 In settlement areas, where it is unavoidable that trees be removed, the following policies apply:

- a) *Significant* trees in settlement areas are to be protected where appropriate with emphasis on preservation of Carolinian species;
- b) As a condition of any *development* or *redevelopment*, the proponent will be required to plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require that the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site, the Town may require the owner to contribute to the Town sufficient money to replant new trees

on public lands identified for reforestation as determined by the *development* review process and relevant tree by-law;

- c) Tree preservation and reforestation which encourages the reforestation with native species and naturalization of disturbed areas within the Niagara Escarpment Plan is encouraged; and
- d) In the case of dying or diseased trees, particularly fruit trees which have the potential to infect healthy trees, such trees may be removed immediately, and trees of an appropriate species will be planted in accordance with policy (a) of this section.

8.8.3 The Town, in undertaking public works, will not remove trees unnecessarily and should trees be removed for this purpose, replacement trees will be planted to enhance the *streetscape*. The Town shall consider a replanting program where such works would enhance identified *cultural heritage resources*.

8.8.4 The Town may pass by-laws to prohibit or regulate the destruction or injuring of trees, require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, as provided in the Municipal Act. The Town may also identify trees as a heritage attribute for a protected heritage property.

8.8.5 The Town may establish a tree replacement by-law that would require replacement of the same aggregate stem thickness of trees removed in the same location or another defined location of the Town as a condition of permitting trees to be removed. The Town may identify in the by-law an appropriate ratio of new trees to old trees for specific areas of the Town.

8.8.6 A tree cutting by-law will not prevent the harvesting of trees under the supervision of a qualified forester or cutting trees outside of the specified areas.

8.9 Water Resources

8.9.1 Water is a resource that sustains aquatic and wetland habitats, provides drinking water and supports day-to-day residential and employment activities and recreational opportunities. Watershed planning guides the delivery of safe and sustainable water and wastewater services and provides direction for protection of local surface and groundwater resources. Watershed planning is an important tool for guiding land use and *infrastructure* decisions that protect water and land resources by directing *development, redevelopment* and *site alteration* away from sensitive groundwater features.

- 8.9.2 Efficient and sustainable use of water resources shall be promoted, including practices to conserve water and protect or enhance water quality.
- 8.9.3 The Town will work in cooperation with the NPCA and the Region of Niagara to develop watershed planning initiatives, guidelines and policies as required.
- 8.9.4 Stormwater management and control are important components of the water system. The Town, in conjunction with the Region and the NPCA, will work to ensure best practices in stormwater management to ensure water quantity, erosion control and water quality control.
- 8.9.5 Watercourses in the Town exhibit different features that may require different minimum setback requirements. The classification system for identifying and classifying hydrologic features, and establishing minimum setbacks, is outlined in the following **Table 6**:

Table 6: Classification of Hydrologic Features for watercourses		
Category	Hydrologic Features	Minimum Setback requirements
Category 1	<ul style="list-style-type: none"> • All watercourses identified as Type 1 (critical) <i>fish habitat</i>; • Watercourses identified as natural channels with a flow regime of intermittent through permanent; and • Watercourses identified as constructed-open channels with a flow regime of permanent. 	30 metres
Category 2	<ul style="list-style-type: none"> • Watercourses identified as constructed-open channels with a flow regime of intermittent and identified as Type 2 (important) <i>fish habitat</i>; and • Watercourses identified as constructed-open channels with a flow regime of intermittent and identified as Type 3 (marginal) <i>fish habitat</i>. 	15 metres
Category 3	<ul style="list-style-type: none"> • All watercourses (natural channel and constructed-open channel) with a flow regime of ephemeral and identified as Type 2 (important) <i>fish habitat</i>; • All watercourses (natural channel and constructed-open channel) with a flow regime of ephemeral and identified as Type 3 (marginal) <i>fish habitat</i>; and • Watercourses identified as constructed-open channel with a flow regime of intermittent and no identified Type 1, 2 or 3 <i>fish habitat</i>. 	10 metres

8.10 Natural Hazard Lands

- 8.10.1 Natural hazards are lands that could be unsafe due to naturally occurring processes such as flooding, erosion, slope failure and beach movement. Hazardous sites are those that could be unsafe due to naturally-occurring physical conditions such as unstable soil or bedrock.
- 8.10.2 *Development* is regulated on *hazardous lands* in order to minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards, and to ensure that *development* and *site alteration* do not create new hazards, aggravate existing ones, or have negative environmental impacts.
- 8.10.3 *Development* and *site alteration* within hazard lands will only be permitted in accordance with applicable NPCA, provincial and federal requirements, and in accordance with associated policies in the Regional Official Plan.
- 8.10.4 *Development* and *site alteration* may be permitted within floodplains if it has been demonstrated to the satisfaction of the NPCA that it is in accordance with the Authority's "Fill, Construction and Alteration to Waterways Regulation" (as amended) or its successor, and subject to the Authority's approval. Floodlines along One and Eight Mile Creeks are regulated to the 1:100 year storm flood level. Two and Four Mile Creeks are regulated to the Regional Storm Flood level.
- 8.10.5 No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material is permitted within the 100 year erosion limit of Lake Ontario unless authorized by the NPCA.
- 8.10.6 *Development* and *site alteration* shall not be permitted within any dynamic beach hazard limit as defined by the NPCA.
- 8.10.7 The provision of shoreline protection works or the dumping of material along the Lake Ontario and Niagara River shorelines is prohibited, unless authorized in accordance with provincial and federal requirements.
- 8.10.8 No buildings or structures, or additions to such buildings, nor the placement or removal of fill material is permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, unless authorized in accordance with NPCA, provincial and federal requirements.

8.10.9 On hazardous sites *development* and *site alteration* will not be permitted unless a geotechnical study has demonstrated to the satisfaction of the NPCA that the requirements of this Plan will be met.

8.10.10 On *hazardous lands* and hazardous sites, the following uses shall not be permitted:

- a) Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
- b) Essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; and
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

8.10.11 Where under this Plan *development* and *site alteration* may be permitted on portions of *hazardous lands* or sites the NPCA must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

- a) *Development* and *site alteration* will be in accordance with provincial floodproofing standards, protection works standards and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New on-site or off-site hazards will not be created or existing ones aggravated; and
- d) No adverse environmental impacts will result.

8.10.12 Existing uses will be recognized despite the hazardous characteristics of the land. Expansions of such uses will be discouraged unless:

- a) Reconstruction and/or minor additions to existing buildings or structures are approved by the NPCA; and
- b) Additions or extensions, including new structures, to existing agricultural operations which are not likely to incur any *significant* flood damage, or will not result in impediments to flow or floodwater storage, are approved by the NPCA.

8.11 Strategies

8.11.1 The Town will establish strategies to maintain and enhance existing natural heritage features and the Town's *natural heritage system*, including:

- a) identification of target restoration areas;
- b) identification of appropriate areas for naturalization on public and private lands;
- c) identification and implementation of linkages;
- d) development of focused education and/or enhancement programs;
- e) recommendation of sustainable design approaches for *development* proposed on lands adjacent to the *natural heritage system*, including opportunities for additional linkages;
- f) incorporation of *low impact development* standards to mitigate impacts associated with stormwater; and
- g) establishment of a monitoring program.

8.11.2 Lands within the *natural heritage system* may be part of the Town's open space and trails system, provided the *natural heritage system* is not adversely affected.

8.11.3 In supporting ecological restoration by the NPCA and other groups, priority shall be given to those projects that will maintain or enhance the features of the *Natural Heritage System* and water resources.

8.12 Environmental Impact Study Requirements

8.12.1 An Environmental Impact Study (EIS) will generally be required in the following instances:

- a) Within Environmental Conservation Areas associated with:
 - i. *Significant woodlands* (including a tree-saving plan);
 - ii. *Significant wildlife habitat*;
 - iii. *Fish habitat*;
 - iv. *Significant valleylands*; and
 - v. Other evaluated *wetlands*.

b) Adjacent to Environmental Protection Areas within:

- i. 120 metres of a Provincially *Significant Wetland*;
- ii. 50 metres of a Provincially *Significant Life Science Areas of Natural and Scientific Interest (ANSI)*; and
- iii. 50 metres of known or regulated habitat of endangered and *threatened species* (or in consultation with MNR).

c) Adjacent to Environmental Conservation Areas within:

- i. 50 metres of *significant woodlands, significant wildlife habitat, significant valleylands* or other evaluated wetland;
- ii. 30 metres of Critical *Fish Habitat* (Type 1); and
- iii. 15 metres of other *fish habitat*.

8.12.2 An EIS required under this Plan shall be submitted with the *development* application and shall be prepared in accordance with the Regional EIS Guidelines. An EIS shall be prepared to the satisfaction of the Town, in consultation with the NPCA and the Region. Within Settlement Areas, an EIS shall be prepared to the satisfaction of the Town in consultation with the Region and the NPCA. Outside of Settlement Areas, an EIS shall be prepared to the satisfaction of the Region, in consultation with the Town and the NPCA.

8.12.3 The Town and/or Region, in consultation with the NPCA, shall review the proposed *development* or *site alteration* in accordance with the waiving requirements in the Regional EIS Guidelines to determine whether an EIS is required or whether requirements can be waived. Waiving the requirement for an EIS may be subject to conditions. If an EIS is waived, other requirements as outlined in the EIS Guidelines and other policies in this Plan may apply.

8.12.4 The scope and content of the EIS shall be determined in accordance with the Regional EIS Guidelines by the appropriate Planning Authority, in consultation with the NPCA and the other commenting body. The draft terms of reference shall be prepared by the consultant and reviewed by the Town, the Region and the NPCA. It shall be the responsibility of the Town and/or Region to approve the terms of reference.

8.12.5 An independent peer review of an EIS may be required, with the costs to be borne by the applicant.

8.12.6 An EIS is not required for uses authorised under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.

8.12.7 An EIS is not required for *agricultural uses* permitted under Sections 8.5.10 and 8.5.11.

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Section 9 *Infrastructure*

9.1 Transportation

9.1.1 Background

- 9.1.1.1 The road network indicated on the Schedules recognizes the inter-relationship of land use and transportation. The Plan endeavours to provide optimum conditions for the movement of people and goods from one portion of the Town to another, and to facilitate traffic movement through the area.
- 9.1.1.2 The Town recognizes the importance of other modes of transport such as cycling and walking which can play a positive role in improving mobility and quality of life as part of a balanced *transportation system*. The location of bicycle routes and walkway networks will be detailed in the secondary plans and policy.

9.1.2 Objectives

- 9.1.2.1 The objectives related to the Town's transportation network are:
- a) To meet the immediate and long-term requirements of all sectors of the community related to the safe and efficient movement of people and goods;
 - b) To provide for appropriate linkages among local, regional and provincial *transportation systems* and ensure that the Town's road pattern is in harmony with the regional and provincial road systems, as well as those of adjoining municipalities;
 - c) To support the expansion of a public transit system that would offer an effective alternative to travel by automobile and assist in alleviating parking concerns;
 - d) To minimize any adverse effects of the *transportation systems* on the natural and man-made environments, especially on established residential areas, areas of agricultural significance, and to ensure the conservation of *cultural heritage resources*;
 - e) To provide appropriately located vehicular parking facilities of sufficient size to satisfy the parking demand and ensure that they are compatible with adjacent land uses; and

- f) To provide for alternative modes of transportation to the private automobile such as walking and bicycling in support of a healthier environment and a balanced system that provides maximum choice.

9.1.3 Transportation Demand Management

- 9.1.3.1 *Transportation Demand Management* (TDM) refers to a variety of strategies to reduce congestion, reduce reliance on the single-occupant vehicle, and achieve a more sustainable *transportation system*. TDM is a *multi-modal* approach that supports cycling, walking, transit and carpooling, by introducing incentives and disincentives to reduce reliance on the single-occupant vehicle. TDM works to change how, when, where and why people travel.
- 9.1.3.2 The Town will develop a TDM strategy which is intended to promote alternative forms of transportation and reduce trip distance and time and increase the *modal share* of alternatives to the automobile.
- 9.1.3.3 The Town will protect its strategically located lands for uses including employment land uses, commercial land uses, major institutional uses and higher density residential uses which benefit from their proximity to *transportation corridors*.
- 9.1.3.4 The Town will anticipate, designate and protect transportation rights-of-way and areas required for future transportation facilities or optimization or expansion of existing facilities in cooperation with the Province, Region and neighbouring municipalities.
- 9.1.3.5 The Town will identify potential corridors for *intensification* so as to be transit supportive and identify a potential location for an inter-regional transit station in Glendale.
- 9.1.3.6 Truck traffic will be managed by:
 - a) Directing it away from, or around, residential *or* sensitive land uses where the road capacities are inadequate or where there is a potential for noise and/or safety hazards and, in particular designate, establish and monitor truck routes in co-ordination with the Region;
 - b) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current

noise and safety hazards) to more suitable locations in the Town; and

- c) Discouraging the movement of heavy truck traffic on collector and local streets in residential areas.

9.1.4 Active transportation

- 9.1.4.1 The Town recognizes that *active transportation* is an important element of a sustainable and healthy community and encourages all means of *active transportation*.
- 9.1.4.2 The Town will develop policies and zoning standards to support *active transportation* in employment, commercial, and *residential developments* by requiring pedestrian and cycling linkages and appropriate facilities for bicycle storage and parking in appropriate locations.
- 9.1.4.3 The Town will develop guidelines and development standards to require the provision of sidewalks along roadways within subdivision and ensure that appropriate pedestrian amenities are provided within condominium *development*, or as part of *redevelopment* activities in the Town.
- 9.1.4.4 The Town supports the *development* of an active living/*active transportation* strategy in the Town, and supports Regional initiatives to develop and expand cycling and other forms of *active transportation* options throughout the Town.
- 9.1.4.5 *Active transportation* initiatives are encouraged to include both off-road and on-road cycling facilities in appropriate locations and that consider the impacts of the facilities on adjacent lands.
- 9.1.4.6 The Town supports identification of *active transportation* initiatives, supportive *infrastructure* and routes for cycling, and modal connectivity through the Transportation Master Plan. The Town will adopt guidelines and standards to assist in the planning, design, maintenance and operations of safe cycling facilities, including communication with adjacent property owners.
- 9.1.4.7 The Town supports the maintenance and expansion of publicly-owned trails located throughout the Town, in appropriate locations and that consider the impact of the facilities on adjacent lands. This includes identifying measures to prevent trespassing on-farm properties to avoid risks to farm biosecurity and crop damage.

9.1.4.8 The Town will ensure that pedestrian and bicycle networks are integrated into transportation planning to:

- a) Provide safe, comfortable travel for pedestrians and bicyclists within and between existing communities and new *development*;
- b) Provide linkages between *Intensification areas*, adjacent neighbourhoods and transit stations, including dedicated lane spaces for bicycles on the arterial and collector roads, where feasible, and provision of safe and appropriately signed pedestrian and cycling crossings; and
- c) Encourage provision of appropriate and sufficient bicycle parking facilities at major transit nodes and public and private facilities.

9.1.5 Transit

9.1.5.1 The Town supports the expansion of Metrolinx inter-regional transit service to the Glendale area.

9.1.5.2 The Town supports the expansion of the local transit system available in the Town. The planning of such an expansion would review the need for and feasibility of additional transportation services. Any such transit expansion assumes that public transportation servicing Old Town, Virgil, Queenston, St. Davids and Glendale would include local and express bus routes on arterial roads and local bus routes on collector roads. The Town may facilitate expansion of the local transit system by providing for adequate pedestrian access to planned bus stops when *development* applications are approved, and by providing for the construction of bus bays and bus shelters.

9.1.6 Provincial Highways

9.1.6.1 Schedule E1 identifies the provincial highways in the Town.

9.1.6.2 The main function of the provincial highways is to accommodate large volumes of inter-regional and regional traffic.

9.1.6.3 All *development* adjacent to provincial highways is subject to the requirements and permits of the Ministry of Transportation.

9.1.6.4 Direct access to provincial highways is prohibited except where approval has been granted by the Ministry of Transportation.

9.1.7 Regional Roads

9.1.7.1 Schedule E1 identifies the regional roads in the Town.

- a) The main function of the regional roads is to move large volumes of vehicles over long distances within the region and provide for *active transportation* options inside these rights-of-way.
- b) The regional roads will provide connection to the Queen Elizabeth Way, other highways and regional roads, and the collectors. Connections from local roads will be minimized, but not prohibited.
- c) Access to existing regional roads will be controlled, but not prohibited, and will be subject to approval by the road authority.
- d) Access to individual residential lots is discouraged.
- e) The design of access to regional roads will ensure safe and convenient ingress and egress.
- f) The minimum required right-of-way widths for regional roads are listed in Schedule E2(ii).

9.1.8 Collector Roads

9.1.8.1 Schedule E1 identifies the collector roads in the Town.

- a) Collector roads are intended to afford organization for the local road system and to provide the main connecting points to the arterial roads. They are expected to be reasonably continuous, and to carry lower traffic volumes than the arterial roads.
- b) The right-of-way width for collector roads will be sufficient to accommodate the intended traffic volumes as well as on-street parking and appropriate *active transportation* options.
- c) The minimum required right-of-way widths for collector roads are listed in Schedule E2(i).

9.1.8.2 Access to individual residential lots is discouraged.

9.1.8.3 Collector roads in settlement areas will be designed with a high degree of pedestrian amenity, including sidewalks, lighting, street

trees and on-street parking and may include off-road cycling lanes and the ability to accommodate transit.

9.1.9 Local Roads

9.1.9.1 Schedule E1 identifies the local roads in the Town.

- a) Local roads are intended to provide access to individual properties.
- b) The right-of-way width for local roads will be sufficient to accommodate the intended traffic volumes as well as on-street parking. The right-of-way width, the construction of the road and the location of all necessary services will be the satisfaction of the Town.
- c) The minimum required right-of-way width for individual local roads are listed in Schedule E2(i).
- d) Design of access to local roads will ensure safety and ease of entry and exit of traffic.
- e) Local roads may be subject to specific *Community Design* and *streetscape* criteria.

9.1.10 Niagara River Parkway

- 9.1.10.1 The roads that are under the jurisdiction of the Niagara Parks Commission are scenic roads providing a multi-use and tourist-oriented function and are considered controlled access highways.
- 9.1.10.2 The Niagara Parkway is a processional roadway that provides a north-south linkage from Lake Ontario to Lake Erie for tourists and local residents. *Residential development* outside the Settlement area is located predominantly along the west side of the Parkway and is generally not permitted direct access to the Parkway but rather obtains access through a service road system which is also controlled by the Niagara Parks Commission.
- 9.1.10.3 In order to preserve and enhance the scenic and natural amenities associated with the Niagara Parkway, access is controlled, speed limits may be more restrictive than usual and commercial traffic may be prohibited or restricted. Specific provisions will also be incorporated in the implementing zoning by-law for adjacent lands, to protect the scenic nature of this facility.

- 9.1.10.4 The Town will consult the Niagara Parks Commission (NPC) to ensure that widenings are obtained where deemed necessary by the NPC and service roads built where appropriate.

9.1.11 Transportation Master Plan

- 9.1.11.1 The Town will establish, through ongoing *development* and maintenance of a transportation master plan, road standards, operational guidelines and works programs to implement the policies of this Plan.

9.1.12 General Transportation Policies

- 9.1.12.1 When the necessity for road widenings, jog eliminations or daylighting triangles becomes apparent on roads, the Town will protect and/or obtain same when *development* applications are approved, or road works are undertaken.
- 9.1.12.2 Daylighting or sight triangles, according to accepted traffic engineering standards, will be provided wherever possible, at road intersections. The construction of buildings, signs and opaque fences and the planting of trees or high shrubs at the road intersections will be discouraged or prohibited.
- 9.1.12.3 Intersection improvements such as pavement realignment, provision of turning lanes and other measures will be undertaken at the intersections as traffic conditions warrant and suitable financing is available for such improvements. Where a collector or arterial road intersects a local road, the improvements will be designed to favour traffic on the collector or arterial road. In considering subdivision plans, the number of intersections with collector or arterial roads should be kept to a minimum.
- 9.1.12.4 The *development* of off-street parking lots is encouraged in appropriate locations in settlement areas. The following provisions apply to off-street parking lots:
- a) Signage to parking lots will be improved where appropriate and necessary;
 - b) Bus parking will be restricted to designated areas;
 - c) On-street parking in residential areas may be restricted, and/or prohibited; and

d) Parking lots will be landscaped and screened in a manner sensitive to adjoining residential use.

9.1.12.5 Within Old Town in the Queen-Picton Heritage Conservation District, parking lots will not be created by the removal of heritage sensitive buildings, nor will the parking lots have exposure to Queen and Picton Streets except by signage.

9.1.12.6 On-street parking in residential areas may be restricted and/or prohibited.

9.1.12.7 A cash-in-lieu of parking policy and by-law, as provided for under the Planning Act, may be established to assist in the provision of parking in a planned and orderly manner, while allowing the *development or redevelopment* of lands in established areas of the Town.

9.1.12.8 As a condition of *development* approval, the Town may require the dedication of road widenings to achieve the right-of-way widths as set out in Schedule E2.

9.1.12.9 Where a new public road is dedicated to the Town through a plan of subdivision or a new public road deemed necessary and opened by the Town, an amendment to Schedule E of this Plan is not required. All new public roads will be identified on the schedules as part of any Official Plan review.

9.1.12.10 Traffic circles or other traffic calming opportunities may be considered at intersections.

9.1.12.11 The *transportation system* in the Protected Countryside will be planned and managed to accommodate agricultural vehicles and equipment, as appropriate.

9.1.13 Goods Movement

9.1.13.1 Goods movement is the transportation of products and raw materials. The Town supports the expeditious and efficient movement of goods through its priority routes, being the arterial road system. It is also recognized that the Niagara District Airport plays an important role in the movement of goods.

9.1.14 Frontage on a Public Street

9.1.14.1 *Development* will only be permitted where a lot has frontage onto a public roadway unless specifically permitted elsewhere in the plan. Within the area north of Lakeshore, there are a number of existing private roads known as Firelanes. Existing *residential development* along the south shore of Lake Ontario is recognized. Consents to create new lots are not permitted. Vacant lots in this area existing on the date of passing of this Plan may develop for single-detached residential use, subject to a site specific amendment to the zoning by-law and the following provisions:

- a) Existing lots considered for *development* or *redevelopment* along Firelanes must have been existing on the date of passing of this Official Plan, and must be held in distinct and separate ownership from abutting properties;
- b) The lot can support a dwelling unit, driveway and private amenity areas, private water and sanitary sewage disposal systems; and
- c) Written approval is received from the NPCA regarding slope stability and erosion control.

9.1.14.2 Exclusively in settlement areas to provide for flexibility in land tenure and subject to a site specific amendment to the zoning by-law, consideration may be given to permitting the creation of lots where lands front onto a condominium access road. Permission will only be given where the roadway will be constructed and maintained to the satisfaction of the Town.

9.2 Water and Wastewater Services

9.2.1 General Policies

9.2.1.1 New *development* will be limited by the available capacities of services. Where, within any urban boundary, full municipal services are not available, it is the policy of this Plan that *development* will be restricted.

9.2.1.2 As local municipal services become available along property frontage, adjacent owners will be required to connect to them and will be subject to service area charges even if peripheral to an urban boundary area. Where farm property is peripheral to an urban boundary the Town may enter into agreements with the

property owner so that the cost of servicing recognizes the farm use.

- 9.2.1.3 The cost of off-site municipal services will be provided in accordance with a by-law pursuant to the Development Charges Act. Where lands are outside of a development charge area, *development* will not proceed until the lands have been included in a development charge area.
- 9.2.1.4 Land/soil stripping during pre-servicing and servicing activities, as part of new *development* will not be permitted unless prior written authorization has been received from the municipality. Maintenance of ground cover for both erosion, sedimentation and dust control will be required.
- 9.2.1.5 Any proposed works for water and wastewater services must ensure the conservation of *cultural heritage resources*.

9.2.2 Urban Growth on Full Municipal Services

- 9.2.2.1 The provision of water and wastewater services is a shared responsibility with the Region; however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of *development* in the Town's settlement areas. Stormwater management strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.
- 9.2.2.2 Expansion of any existing sewage treatment plant operated by the Region of Niagara is subject to an appropriate environmental assessment. No amendment to this plan is required for expansion of an existing facility.
- 9.2.2.3 Sanitary Sewers
 - a) Improvements to the sanitary sewers of Old Town and ensuring adequate capacity to all sanitary sewer areas are a priority for the Town.
 - b) Within any settlement area, *development* is required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. The Town may give consideration to *development* on interim services where it can be demonstrated that:

- i. by permitting the proposed use in advance of services, other objectives of this Plan will be met;
 - ii. the expansion of services has been planned for and that funding commitments have been made by the Region and/or the Town to ensure that the provision of necessary services will proceed within a reasonable time frame;
 - iii. the form of interim servicing has been approved by the Niagara Health Services Department where necessary; and
 - iv. the interim servicing is not expected to result in a detriment to the environment, the private *development*, the Town or to the efficient use of land.
- c) The inclusion of lands within a settlement area will not be considered as any commitment by the Niagara Region or the Town to extend sanitary sewers to the area.

9.2.2.4 Watermains

- a) The improvement and supply of water lines to existing *development* is a priority for the Town.
- b) The designation of lands for *development* will not be considered a commitment by the Region or the Town to extend water lines to the area until financially feasible.
- c) The extension of watermains beyond any settlement area for agricultural or agricultural related purposes in compliance with the requirements for the waterline extensions as contained in the Regional Official Plan will be given due consideration by the municipality and approved where deemed appropriate.

9.2.2.5 Partial Services

- a) *Development* on partial services (municipal sanitary sewage or municipal water) is only permitted in the following circumstances:
 - i. Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing *development*; or
 - ii. Within a settlement area, to allow for infilling and minor rounding out of existing *development* provided that site

conditions are suitable for the long-term provision of such services with no negative impact.

9.2.3 Private Water and Sewer Services

9.2.3.1 Where *development* is to take place on individual well and on-site sewage disposal (OSSDS) systems, there will be compliance with the following policies for OSSDS before any such *development* will be permitted:

- a) The lot area will comply with requirements of the authority having jurisdiction for the type of *development* proposed and the type of OSSDS to be used;
- b) The size of lots which are to be serviced in an unserviced area with private OSSDS will not exceed an area of 4,000 square metres of useable land except if an additional area is necessary because of private servicing concerns as determined by the authority having jurisdiction;
- c) Lots serviced with OSSDS should have a minimum frontage of forty-five (45) metres; and
- d) Frontage of thirty (30) metres may be considered for lots containing a minimum 5,000 square metres of suitable land area.

9.2.3.2 Each OSSDS will require approval by Town. Generally, the use of an OSSDS will be restricted to *residential development*. If, in the opinion of the Town any area appears questionable for the proper operation of an OSSDS, an evaluation of the lands by a qualified authority, will be required before *development* is allowed to proceed.

9.2.3.3 The improvement of existing substandard private systems is encouraged by all means available to the Town.

9.2.3.4 The *redevelopment* of existing properties on private services and the upgrading of those services is encouraged provided:

- a) The lot area is sufficient to allow for the installation of private services, a suitable building envelope and driveway access, and private amenity area are provided;

- b) The use of tertiary treatment for OSSDS is encouraged to reduce the area required for tile fields, and to provide for on-site treatment of effluent; and
- c) Studies confirm that the installation/upgrading of the OSSDS will not create any potential nitrate contamination at the property boundaries.

9.3 Stormwater Management

9.3.1 Planning for stormwater management will:

- a) minimize, or where possible, prevent increases in contaminant loads;
- b) minimize changes in water balance and erosion;
- c) Not increase risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and pervious surfaces;
- e) promote stormwater management best practices, including stormwater attenuation and re-use, and *low impact development*; and
- f) develop stormwater master plans for serviced settlement areas.

9.3.2 No *development* will occur without appropriate regard for storm run-off, on-site collection and channeling of stormwater to an adequate outlet. Drainage will be to a storm sewer outlet satisfactory to the Town.

9.3.3 Detention ponds may be used in areas with open drainage channels as part of the storm drainage system to maintain pre-development flows into the outlet stream.

9.3.4 Floodplains of natural streams will be preserved and protected and designated as Conservation.

9.3.5 Stormwater management plans shall be prepared in accordance with the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area.

9.3.6 Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate *low impact development* and *green infrastructure*;
 - b) Established planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces; and
 - c) Aligns with the stormwater master plan for the settlement area, where applicable.
- 9.3.7 Design of *development* proposals will incorporate on-site control techniques to minimize peak stormwater flows, and to ensure adequate water quality treatment.
- 9.3.8 Permanent or temporary sediment retention basins may be required to control quantities of suspended materials washed from the sites.
- 9.3.9 The Town will encourage, develop, and adopt, in consultation with all applicable government agencies, comprehensive sub-watershed planning for its riverine systems in advance of new *development* or *redevelopment*.
- 9.3.10 *Development* will be permitted only on lands having soil and drainage conditions which are suitable for *development* and only with appropriate stormwater management and sediment control.
- 9.3.11 The design of artificial channelization of watercourses, which use concrete-lined channels and can sterilize the natural environment and *fish habitat*, is discouraged. The use of naturalized methods of stormwater management is promoted.
- 9.3.12 Combined sewer overflows and sewage treatment plant bypasses have *significant* environmental impacts. The elimination of sewer overflows and bypasses are a Town priority.
- 9.3.13 Any proposed works for stormwater management must ensure the conservation of *cultural heritage resources*.

9.4 Utilities

- 9.4.1 All new *development* will be required to be served by adequate utility networks, that are or will be, established to serve the anticipated *development* and these networks can be phased in a manner that is cost-effective and efficient.

- 9.4.2 The essential operations of public utilities will be permitted in all land use designations of this Plan, provided that such use is necessary and can be made compatible with its surroundings by adequate measures. Public utilities involving outdoor storage will require special attention and may not be permitted in all designated areas if deemed incompatible. The offices or any non-essential use of any public utility are expressly not permitted by this section of the Plan.
- 9.4.3 In Agricultural or Conservation designations only, the essential operations of public utilities will be permitted where no other reasonable location is available. The impact of these facilities on agriculture and the environment will be minimized. Public utilities will only be permitted in or through Agricultural or Conservation lands if it can be demonstrated that the advantages of any project outweigh its disadvantages. This evaluation will require that consideration of:
- i. the value and sensitivity of the particular site;
 - ii. the expected impact of the proposed project on the conservation lands;
 - iii. the need for and benefits of the proposed project;
 - iv. the advantages and disadvantages of alternative locations for the proposed project; and
 - v. The Town will consult with the authority having jurisdiction prior to allowing any public utility to locate in a Conservation or Agricultural designation.
- 9.4.4 New public sewage treatment plants and their facilities require an amendment to this Plan and are subject to the requirements of the Environmental Assessment Act.
- 9.4.5 The Town will require that in settlement areas gas lines, hydro lines and other public services be located underground along road allowances and/or easements, where appropriate. In rural areas the Town may require that such facilities be underground. Suitable setbacks from all such utilities will be required.
- 9.4.6 Rights-of-way for utilities may be provided without amendment to this Plan.
- 9.4.7 TransCanada PipeLines Limited operates 2 high pressure nature gas pipelines within its right-of-way, as shown on Schedules **. TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has several requirements regulating *development* in

proximity to the pipelines. This includes approval requirements for activities on or within thirty (30) metres of the pipeline, such as excavation, blasting and any movement of heavy equipment.

9.4.8 New *development* can result in increasing the population density in the area that may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662. The Town will require early consultation with TransCanada or its designated representative for any *development* proposals within 200 metres of its facilities.

9.4.9 No permanent building or structure may be located within seven (7) metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least three (3) metres from the limit of the right-of-way.

9.4.10 In areas of more urban *development*, the Town will encourage the *development* of TransCanada's right-of-way for passive parkland or open space purposes subject to TransCanada's easements rights.

9.4.11 Any proposed utilities works must ensure the conservation of *cultural heritage resources*.

9.5 Green Energy Planning

9.5.1 The Town will explore the preparation of a community energy plan, designed to improve energy efficiency, reduce greenhouse gas emissions and foster local sustainable energy solutions.

9.5.2 The Town encourages Leadership in Energy and Environmental Design (LEED) certification or other similar appropriate programs for public and private facilities

9.5.3 The Town encourages the *development* of renewable energy sources and systems in appropriate locations, and may provide for the provision of on-site renewable energy installations (i.e. roof-top and ground mounted solar, geothermal).

9.5.4 The Town encourages *development* and land use patterns that promote design and building orientation which will maximize energy efficiency and considerations, and considers the mitigating effects of vegetation, maximizes opportunities for the use of renewable energy systems and alternative energy systems, and maximizes vegetation within the settlement areas, where feasible.

- 9.5.5 The Town encourages and supports energy conservation, district heating and combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations.

9.6 Waste Management

- 9.6.1 Waste disposal sites are shown on Schedule__.
- 9.6.2 No person, the Region, the Province, or the Town, may establish, alter, enlarge or extend a waste management system, a waste disposal site or treatment plant and facilities unless a Certificate of Approval or Provisional Environmental Compliance approval has been issued by the Ministry of The Environment, Conservation and Parks (MECP). Waste disposal sites may also be subject to the requirements of the Environmental Assessment Act.
- 9.6.3 No waste disposal site, sanitary landfill site, sewage treatment site for any kind of waste, solid or liquid, may be established on lands not designated for such uses without obtaining an official plan amendment and if required, an amendment to the Regional Official Plan. Waste does not include the placing or removal of fill as regulated by the NPCA.
- 9.6.4 The Town will ensure that any land use or *development* other than farming proposed in the vicinity of a waste disposal or waste management site, is compatible with the waste disposal operation.
- 9.6.5 No uses, except those approved by the Town, and by the MECP, will be permitted on lands used for waste disposal purposes within 25 years of termination of such use.
- 9.6.6 Where *development* is proposed within 500 metres of land used for waste disposal purposes the proponent will provide documentation satisfactory to the Town and the MECP regarding actions necessary to identify and mitigate any potential adverse effects.
- 9.6.7 The Town recognizes the risks associated with *development* occurring on or adjacent to former waste disposal sites. Accordingly, the Town, in consultation with the MECP, will undertake to identify all known areas where waste has been disposed of.
- 9.6.8 Waste Disposal Sites should only be permitted in or through conservation lands if it can be demonstrated that the advantages of any project outweigh its disadvantages. This evaluation will require that consideration of:

- a) The value and sensitivity of the particular site;
- b) The expected impact of the proposed project on the conservation lands;
- c) The need for and benefits of the proposed project;
- d) The advantages and disadvantages of alternative locations for the proposed project; and
- e) Impact on *cultural heritage resources*.

9.6.9 The Town encourages and promotes reduction, reuse and recycling objectives for waste management.

9.6.10 The implications of *development* on waste generation, management and diversion will be assessed as part of the review of *development* applications.

9.7 Telecommunications Facilities

9.7.1 The Town has developed a Comprehensive Telecommunications Plan and Telecommunication Facilities Protocol that establishes an approach to the location and *development* of telecommunication facilities in the Town.

9.7.2 The Town supports initiatives to improve telecommunications coverage and capacity in the Town.

9.7.3 New equipment sites:

- a) Are to be directed to locations that are technically suitable to meet the vast majority of each carriers' network requirements into the near future;
- b) Shall be designed to accommodate the colocation of additional providers and equipment, including that of new or emerging carriers;
- c) Compatible and appropriate with surrounding uses, having limited impact on existing land uses and *cultural heritage resources* in the vicinity; and
- d) Consistent with the Telecommunications Facilities Protocol.

9.8 Municipal Drains and Agricultural Irrigation Systems

- 9.8.1 Municipal drains are part of the Town's *infrastructure* and are developed and maintained in accordance with the requirements of Drainage Act.
- 9.8.2 The Town recognizes that the primary function of the municipal drains shown on Appendix 1 is to provide drainage for agricultural lands. These drains also may be used to convey irrigation water for agricultural use. The Town supports ongoing drain maintenance in accordance the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains. Where *development, site alteration* or building is proposed adjacent to a municipal drain a buffer zone a minimum ten (10) metres in width measured from the stable top of bank shall be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health.
- 9.8.3 The Town supports design, construction and maintenance of Requisition and Petition Drains authorized under the Drainage Act in accordance with Best Management Practices to avoid *significant* detrimental effects on farmland, water resources, natural areas and fish and *wildlife habitat*.
- 9.8.4 Municipal drains may be identified as floodplain and may have setback restrictions identified in the implementing Zoning By-law.
- 9.8.5 Within the Protected Countryside, *infrastructure* serving the agricultural sector, such as an agricultural irrigation system, may need certain elements to be located within a Core Natural Area, *Fish Habitat* or a key hydrologic feature or within the *vegetation protection zone* of such a feature. In such instances, these elements of the *infrastructure* may be established within the feature itself or its associated *vegetation protection zone*, but all reasonable efforts shall be made to keep such *infrastructure* out of Core Natural Areas or *Fish Habitat* or key hydrologic features or the *vegetation protection zones*.

9.9 Municipal Servicing Standards

- 9.9.1 The Town will undertake a review of municipal servicing standards, with a view to developing appropriate development standards for public *infrastructure* and private *development*, that reflect the provisions of this Plan and recognize the integration and co-ordination of planning, recreation and engineering requirements. As part of the municipal servicing standards review, the Town will explore opportunities for the establishment of alternative development standards that would contribute to *affordable* housing opportunities, more compact *development* forms,

more *complete communities* and ensure the conservation of *cultural heritage resources*.

- 9.9.2 The Town will undertake a review of development standards associated with improving and providing accessibility in accordance with the Accessibility for Ontarians with Disabilities Act.

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Section 10 Implementation and Administration

10.1 Introduction

10.1.1 This Plan will be implemented in accordance with the municipality's authority under the Planning Act, Municipal Act, Niagara-on-the-Lake Act, and any other applicable statutes. The Town may implement provisions of this Plan using the full range of planning tools permitted under the Planning Act and other legislation, including enactment of zoning by-laws, community planning permits, conditional zoning, site plan approval, community improvement plans, property standards and occupancy by-laws.

10.2 Official Plan Review and Amendments

10.2.1 The Town will, from time to time, and not less frequently than every ten (10) years, hold a special meeting of Council, open to the public, for the purpose of determining the need for revision of this Plan.

10.2.2 Municipally-initiated amendments may be proposed at more frequent intervals if found necessary or desirable to incorporate provincial policy or regional policy, meet changing conditions or to permit the realization of specific municipal objectives.

10.2.3 Upon approval of a Regional Official Plan amendment that implements the *Municipal Comprehensive Review*, this Plan will be amended to reflect any changes affecting the Town resulting from the review.

10.2.4 The Town may adopt new or updated secondary plans as amendments to the official plan at any time.

10.2.5 Circumstances may arise where privately-initiated amendments are proposed to the Official Plan. These applications will be reviewed and processed in accordance with the provisions of the Planning Act.

10.2.6 The Region is the approval authority for the Town's official plan and amendments to the Town's official plan. Site specific amendments to the Town Official Plan may be exempt from Regional approval, subject to meeting the criteria contained within the Regional Official Plan.

10.3 Zoning By-laws

10.3.1 Comprehensive Zoning By-law

- 10.3.1.1 The Town will review its Comprehensive Zoning By-Law to ensure that it implements the provisions of this Plan, by providing adequate *development* standards, zones and permitted uses.

10.3.2 Holding Provisions

- 10.3.2.1 Section 36 of the Planning Act authorizes the use of holding provisions as part of a zoning by-law to delay *development* on land until specific matters are addressed to the satisfaction of the Town. A holding symbol “H” may be applied to a specific zone where the ultimate use of the land is known, but where conditions are required to be met prior to proceeding with the *development* of the lands.
- 10.3.2.2 The object of the holding provisions is to identify the ultimate use of land and to limit the ultimate use in order to achieve orderly *development*.
- 10.3.2.3 Permitted uses on lands subject to a holding provision will include existing uses and may include a limited range of uses compatible with the intended future use of the lands as outlined in the zoning by-law.
- 10.3.2.4 Specific actions or requirements for the lifting of the holding provision will be set out in the zoning by-law.
- 10.3.2.5 Holding provisions may be used to ensure:
- a) That the *development* occurs in an orderly and phased manner;
 - b) That the *development* does not occur until municipal services are available to the site;
 - c) Compliance with *Community Design* and heritage policies and guidelines of the Town;
 - d) Provision of adequate services or road *infrastructure* and works;
 - e) Completion of appropriate supporting studies to the satisfaction of the Town, in consultation with other agencies, as required;
 - f) Confirmation that the requisite permits and approvals from external authorities have been received;

- g) Completion of a *development* or the subdivision of land, including the negotiation of a *development* or subdivision agreement;
- h) That site plan approval has been granted by the Town, and a site plan agreement has been executed.
- i) That appropriate mitigation is undertaken prior to *development* occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Town; and/or
- j) That any *cultural heritage resources* are identified and appropriately protected and/or *conserved*.

10.3.2.6 Prior to removing the holding symbol, the Town may require the execution and registration of *development* agreements.

10.3.2.7 The timing of the removal of the holding symbol will be dependent upon the applicant meeting the conditions identified in the holding by-law. When all conditions specified in the holding by-law are met, the Town may consider passing a by-law to remove the holding symbol and allow *development* to take place in accordance with the applicable zoning provisions.

10.3.3 Interim Control By-law

10.3.3.1 An interim control by-law may be passed under Section 38 of the Planning Act prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the by-law. The purpose of passing such a by-law would be to restrict or prohibit *development, redevelopment* or the use of land where a problem or concern exists that requires special study before *development* proceeds, and where Council has directed that a review or study be undertaken in respect of land use planning policies.

10.3.4 Temporary Use By-law

10.3.4.1 A by-law may be passed under Section 39 of the Planning Act, to authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. In general, a temporary use by-law should only be considered where:

- a) The proposed use is of a temporary nature and will not require any large-scale or high value investment;
- b) The proposed use is generally compatible with adjacent land uses and the character of the surrounding area and ensures the conservation of *cultural heritage resources*;
- c) Extension of municipal services is not required;
- d) The proposed use will not create traffic problems;
- e) Parking can be provided in accordance with the relevant zoning by-law provisions;
- f) The owner has entered into an agreement with the Town, where required, to ensure removal of any structures erected for the temporary use.

10.3.5 Conditional Zoning

- 10.3.5.1 A by-law may be passed under Section 34(16) of the Planning Act, to zone lands for their intended purpose, subject to conditions where the lands are designated in any designation which permits *development*. The conditions imposed may relate to any matter which implements the policies of this Plan including the provision of sewer and water services, roads, transit, parks, recreation and other community facilities, and commitments to specific design, tree planting, travel demand management, the conservation of *cultural heritage resources*, and sustainability plans.

10.3.6 Inclusionary Zoning

- 10.3.6.1 Upon completion of an assessment report prepared in accordance with the provisions of Section 16(9) of the Planning Act, and inclusion of specific policies related to the use of inclusionary zoning, a by-law may be passed under Sections 34 and 35.2 of the Planning Act to give effect to inclusionary zoning provisions by authorizing the inclusion of affordable housing units within buildings or projects containing other residential units and for providing for the affordable housing units to be maintained as affordable housing units over time.

10.3.7 Height and Density Bonus By-law

- 10.3.7.1 A by-law may be passed under Section 37 of the Planning Act authorizing increases in height and density of *development* in exchange for specific community benefits, as are set out in the by-law, and provided that the community benefits bear a reasonable planning relationship to the increase in height and/or density of the proposed *development*.
- 10.3.7.2 The Town may consider the use of density, height or other bonuses and related agreements in order to foster more innovative and integrated *development*, projects with higher standards of amenity and mixed use *developments*, while maintaining compliance with the principles and policies of the Official Plan, subject to more specific policies as part of any secondary plan.
- 10.3.7.3 Community benefits that may be secured by the Town include, among others:
- a) Conservation and/or improvements to *cultural heritage resources*;
 - b) Enhancements to the *natural heritage system*;
 - c) Increased amounts of public open space, pedestrian and cycling trails and linkages in excess of the parkland dedication requirements of the Official Plan;
 - d) Enhanced *streetscape*, road or servicing improvements;
 - e) Provision of community facilities; and
 - f) Provision of *affordable* housing, including the conservation and replacement of rental housing.
- 10.3.7.4 Height bonuses will not be considered within areas designated Established Residential or within heritage conservation districts as identified in this Plan.

10.4 Community Planning Permit System

10.4.1 Areas subject to Community Planning Permit System

- 10.4.1.1 All or specific parts of the Town of Niagara-on-the-Lake are proposed as community planning permit areas and may be subject to a Community Planning Permit By-law. The community planning

permit approval framework combines planning approvals through minor variance, site plan control, removal of vegetation and *site alteration* into one permitting system.

10.4.1.2 The Town may choose to use the system in a specific area, District or properties throughout the Town or choose to enact a by-law to place the entire Town under the Community Planning Permit System, without requiring an amendment to this Official Plan. Except for those types of *development* for which the Community Planning Permit By-law specifies that no permit is required, a permit will be required prior to undertaking any *development*, *site alteration* or tree cutting within the Community Permit Area.

10.4.1.3 A permit shall not be required for the following:

- a) any *development* that has a plan approved through prior Site Plan Control may proceed with *development* in accordance with the approved site plan.
- b) any necessary repairs or maintenance to existing *development*.
- c) the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

10.4.2 Objectives

10.4.2.1 The objectives of the Town in implementing the Community Planning Permit System include but are not limited to:

- a) the preservation of the existing small town character;
- b) the conservation of *cultural heritage resources*;
- c) ensuring that new *development* reflect the urban design guidelines approved by Council;
- d) ensuring that the new *development* or *redevelopment* is in keeping with the existing built form of the community;
- e) the protection of the natural environment; and
- f) streamlining the *development* approval process while providing certainty with respect to future uses and built form.

10.4.3 Conditions of Approval

10.4.3.1 Through the community planning permit approval process, the Town may impose conditions and grant provisional approval prior to final approval. The conditions of approval are intended to ensure that the Town's objectives, identified in section 9.5.2, are achieved and that the *development* proceeds as planned and approved. Conditions may include such matters as:

- a) entering into one or more agreements with the municipality ensuring that *development* proceeds in accordance with the approved plans and drawings;
- b) requiring that the *development* does not occur until municipal services are available to the site;
- c) providing adequate on-site and off-site service or road *infrastructure* and works as necessary to service the proposed *development*;
- d) conveying part of the land to the municipality to the satisfaction of, and at no expense to, the municipality for a parkland, public roads or transit right-of-way or providing cash-in-lieu of same;
- e) maintaining the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- f) maintaining vegetation and landscaping;
- g) monitoring the impact of the *development* on the environment and adapting property management activities to mitigate any identified impacts;
- h) Implementing the recommendations of any technical reports submitted in support of the application, including but not limited to providing securities;
- i) requiring that appropriate mitigation is undertaken prior to *development* occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Town;
- j) requiring that any archaeological features are identified and appropriately protected prior to any *site alteration* or grading;

- k) providing *streetscape* features within the abutting municipal road allowance to implement the *streetscape* guidelines in Council approved design guidelines for the area; and
- l) providing community services or facilities in return for increased height or density as may be provided in the implementing by-law.

10.4.4 Evaluation Criteria

10.4.4.1 The Community Planning Permit By-Law shall clearly articulate and establish *development* and design requirements, provisions and standards which will be used in the evaluation of applications for community planning permits. Those criteria shall include, but not limited to, Council approved guidelines established in urban design criteria, heritage conservation district plans, designation by-laws under Part IV of the Ontario Heritage Act, municipal engineering standards that have been vetted through a public process, and/or conditions requiring the provision of specified facilities, services and matters in exchange for a specified height or density of *development*. In addition, the evaluation criteria may include guidelines established by the NPCA, Niagara Parks Commission or Region of Niagara.

10.4.4.2 Where Council approved guidelines are used as criteria for evaluating applications for development community planning permits, those criteria shall form part of the Development Community Planning Permit By-law

10.4.5 Application Requirements

10.4.5.1 In addition to the requirements for an application for a zoning by-law amendment as set out in Section 10.3 of this Plan, all applications for permit are required to submit a full drawing and plan set which includes drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display;

- a) The massing and conceptual design of the proposed building,
- b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access

- c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
- d) Matters relating to exterior design, including without limitation the character, scale, appearance and design features of the proposed building.
- e) Design elements on any adjoining highway under the Town's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.

10.4.5.2 Community planning permits shall not apply to:

- a) Interior design; unless the interior heritage attributes of a property designated under Part IV of the Ontario Heritage Act are impacted.
- b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators.
- c) The manner of construction and standards for construction, unless the construction impacts or has the potential to impact a cultural heritage resource.

10.4.5.3 The Community Planning Permit By-law will specify requirements for a complete application. These requirements shall be confirmed with the Town through a required pre-consultation meeting prior to the submission of an application for a permit. Pre-consultation will provide important information including the identification of required studies and/or reports in support of an application.

10.4.6 Discretionary Uses

10.4.6.1 The Community Planning Permit By-Law may permit a use as a discretionary use, or permit a use not specifically listed as a permitted use in the Community Planning Permit By- Law, provided that the proposed use is similar to, and compatible with, the listed permitted uses; would have no negative impact on adjoining properties; and would maintain the intent, principles and policies of this Plan.

- 10.4.6.2 In addition, the Community Planning Permit By-law may provide that a community planning permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship; that it would have no negative impact on adjoining properties; and that it would maintain the intent, objectives, principles and policies of this Plan.

10.4.7 Variations

- 10.4.7.1 The permit may allow for defined variations to the standards and provisions outlined in the Community Planning Permit By-Law. Such variations will only be permitted if they are consistent with the policies of this plan.
- 10.4.7.2 Any proposal for a use which is not listed as a permitted use or which does not qualify as a discretionary use in the Community Planning Permit By-law and in accordance with the relevant policies in the Official Plan will require an amendment to the Community Planning Permit By-Law.

10.4.8 Delegation of Approval Authority

- 10.4.8.1 Council may delegate to staff or a Committee of Council, the approval or issuance of permits. Limits on and criteria for such delegation will be established in the Community Planning Permit By-Law.

10.5 Site Plan Approval

- 10.5.1 All areas of the Town are designated as proposed Site Plan Control areas under the provisions of Section 41 of the Planning Act. Specific uses subject to site plan control and exceptions to site plan control will be identified in the Town's Site Plan Control By-law.
- 10.5.2 Where *development* consists of single-detached or semi-detached dwellings, site plan control may not apply, except in cases where specifically required by this Plan, including any secondary plan requirement, or the Site Plan Control By-law.
- 10.5.3 Where *development* consists of properties designated under Part IV and/or Part V of the Ontario Heritage Act, site plan control will apply for new buildings and structures.

10.5.4 Where *development* consists of agricultural operations, farm buildings and the residence of the farm operator, site plan control will not apply, except in cases where specifically required by this Plan or the Site Plan Control By-law. Site plan control will apply to winery and similar uses and medical marihuana production facilities.

10.5.5 The intent of site plan approval is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of *development* by:

- a) Improving the treatment of site plan details to maintain a consistent municipal standard in the proposed Site Plan Control Area;
- b) Implementing *Community Design Guidelines* and sustainable design features in both the public and private realm;
- c) Ensuring the safety and efficiency of vehicular and pedestrian access;
- d) Minimizing land use incompatibility between new and existing *development*;
- e) Providing functional and attractive on-site facilities such as landscaping and lighting;
- f) Controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;
- g) Securing easements to provide for public utilities and site drainage;
- h) Securing road widenings as provided in Section 8 of this Plan;
- i) Ensuring the conservation of *cultural heritage resources*; and
- j) Ensuring that the *development* proposed is built and maintained as approved by Council.

10.5.6 Site plan approval will be used to secure property for proposed road widening without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. Schedule E2 indicates the proposed right-of-way dimensions which may be required for the roads. All lands adjacent to the roads listed on Schedule E2 and requiring road widening will be covered by site plan control. Any road widening required to meet the standards set out in the table will be accomplished by taking land equally from both sides of the highway, measured from the centre of the right-of-way, unless

topographical features dictate otherwise. In cases where existing uses or topographical features do not allow for equal widening of both sides of a roadway, then only one-half of the total widening will be taken under site plan control and the remainder will be obtained by other means.

10.5.7 As part of the site plan approval process, the Town will require an architectural review, which will include a review of the exterior design, character, scale, colour, building materials and design features of buildings.

10.5.8 The Town may require proponents to execute a site plan agreement as a condition of site plan approval.

10.5.9 The Town may require financial security through bonding or other financial arrangement prior to *development*, or where an agreement is required as a condition of approval, prior to execution of the agreement by the Town.

10.5.10 The Town will consult the Region, NPCA, Niagara Escarpment Commission, Niagara Parks Commission, and any other relevant agency when considering applications for site plan approval, where applicable.

10.5.11 The Town shall require a high standard of design be applied and may require that the proponent submit drawings to the Urban Design Committee and/or the Municipal Heritage Committee, to the satisfaction of the Town.

10.5.12 The Town has enacted a sign by-law to regulate signs in the Town, including in cultural heritage landscapes. The Town will control the visual impact of advertising and sign design and/or placement.

10.6 Community Improvement

10.6.1 Definition and Identification

10.6.1.1 The community improvement provisions of the Planning Act provide opportunities to maintain and promote an attractive, well maintained and safe living and working environment through initiatives that will stimulate community improvement, rehabilitation and revitalization.

10.6.1.2 In designated community improvement project areas, the Town may prepare community improvement plans that can provide incentives to stimulate or leverage private and/or public sector investments.

- 10.6.1.3 The entire Town is designated as a community improvement area. All or any portion of the Town may be identified by by-law as a community improvement project area as provided under Section 28.2 of the Planning Act, and a community improvement plan may be prepared for the area.

10.6.2 Purpose of Community Improvement Initiatives

- 10.6.2.1 The Town may undertake community improvement projects and community improvement plans to address any of the following matters:
- a) Protect and enhance the aspects of a neighborhood or area that the residents value highly;
 - b) Improve the quality of the housing stock and to stimulate community pride ownership and occupancy;
 - c) Eliminate the deficiencies in municipal services and community facilities wherever it is physically and economically feasible;
 - d) Improve the physical and aesthetic amenities of the public *streetscapes* thereby stimulating private investment in revitalization;
 - e) Protect and enhance the *cultural heritage resources* of the Town and ensure that the *redevelopment* activities conserve these resources;
 - f) Improve parking, transportation and pedestrian patterns to make them more accessible and compatible with surrounding uses;
 - g) Promote a flexible and adaptable economic environment;
 - h) Promote community health, safety and broad aesthetic appeal;
 - i) Provide opportunities for new investments in the agricultural areas;
 - j) Improve the viability of farming and the agricultural sector by promoting various value added investment opportunities and strengthening agri-business, agri-tourism and small scale on-farm processing;
 - k) Encourage long-term sustainable investment in the Town, within a framework of sound fiscal management; and

- l) Facilitate the remediation and *redevelopment* or reuse of *brownfield sites*.
- m) Provide support for community growth and development, including with regard to agriculture, arts and culture, tourism and employment;
- n) Encourage *redevelopment* in keeping with smart growth and sustainable development principles such as sustaining a strong economy, building a strong community and promoting a healthy environment;
- o) Improve and maintain the existing building inventory, including energy efficiency upgrades and alternate energy sources.

10.6.3 Implementation Methods

10.6.3.1 The Town may undertake a range of actions to implement community improvement plans, including:

- a) Acquisition of land and/or buildings and the subsequent clearing, grading, environmental remediation, renovation, rehabilitation, construction, improvement, sale, lease or disposition for purposes which conform to the intent of the Plan;
- b) Provision of public funds such as grants, loans and other financial instruments;
- c) Application for financial assistance and participation in programs from senior levels of government;
- d) Supporting heritage conservation;
- e) Supporting the efforts of community groups and associations to revitalize improvement areas through the implementation of various public and private realm improvements; and
- f) Enforcing the Property Standards By-law.

10.6.4 Existing Community Improvement Plans

10.6.4.1 Existing Community Improvement Plans approved by the Town remain in effect.

10.7 Lot Creation

10.7.1 General

10.7.1.1 Prior to approving any application for lot creation, the Town will be satisfied that the proposed *development*:

- a) Conforms to the applicable provisions of the Official Plan, Regional Official Plan, and Provincial Plans and is consistent with the Provincial Policy Statement;
- b) Can be appropriately serviced by municipal water supply and sanitary sewage system or by private well and on-site sewage disposal system (OSSDS) where municipal services are not planned or existing, and where phosphorus and nitrate contamination will not occur;
- c) Can be adequately supplied with other municipal services such as fire, emergency services and road maintenance;
- d) Has suitable soil and drainage conditions to permit the proper siting of buildings and required site services;
- e) Protects, conserves and enhances natural heritage resources and *cultural heritage resources*;
- f) Provides opportunities for healthy living, including *active transportation* and accessibility;
- g) Addresses issues of sustainability and energy conservation;
- h) Meets the *Community Design* policies of this plan and any adopted *Community Design Guidelines*, and applicable development standards of the Town and Region; and
- i) Has a lot configuration that is appropriate to the site and the proposed *development*, and that does not include irregular lot configurations such as flag lots or lots with inadequate public road frontage.

10.7.2 Draft Plan of Subdivision

10.7.2.1 The primary form of land division and new lot creation in the Town will be by Registered Plan of Subdivision or Condominium, particularly where one or more of the following applies:

- a) The *development* requires the provision of new municipal *infrastructure* (e.g. roads, sewers, water mains (excluding local connections), parks, and other municipal services);
- b) It is necessary to ensure that the entire land holdings or area is developed in an orderly and efficient manner;
- c) A number of studies and justification reports are required to determine the suitability of the *development*;
- d) Long-term monitoring and implementation of conditions of *development* are required; and
- e) Centralized stormwater management facilities are required, as opposed to on-site management on individual lots.

10.7.2.2 Approvals of draft plans of subdivision and/or condominium shall include a lapsing date in accordance with Section 41(32) of the Planning Act.

10.7.2.3 Only one extension to a lapsing draft plan of subdivision shall be approved, for a period of up to two years unless the draft plan meets the growth management and environmental policies of this Plan and the Regional Plan.

10.7.3 Draft Plan of Condominium

10.7.3.1 Where property is developed by way of condominium description, the following provisions apply:

- a) **Vacant Land Condominium** - Each unit within the condominium will be considered as one lot for the purpose of compliance with the zone provisions for the zone in which it is located;
- b) **Common Elements Condominium** – The entire description will be considered as one lot for the purpose of compliance with the zone provisions for the zone in which it is located, and those zone provisions will reflect that each interest in the condominium is attached to another parcel of tied land inside or outside the condominium description;
- c) **Other Condominium** – For any condominium to which (a) and (b) do not apply, the entire description will be considered as one

lot for the purpose of compliance with the zone provisions for the zone in which it is located; and

- d) **All Condominiums** – Access within any type of condominium may be by common element private road. Access to any type of condominium will comply with the access requirements of the applicable land use designation set out in this Plan.

10.7.3.2 Individual units in a condominium *development* may be permitted to have common element private road access. Condominium road standards may vary from public road standards, as appropriate to the *development*, and provided they continue to meet applicable Ontario Building Code (OBC) regulations.

10.7.3.3 Condominium registration is viewed as an acceptable form of housing tenure and as a means of providing opportunities for home ownership subject to the following provisions:

- a) The Town's consent to the registration of a condominium plan will be given subject to the fulfillment of all conditions of approval, signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of as-built construction plans with the Town where required; all such plans are to be made accessible to representatives of the condominium corporation.
- b) In considering an application for the conversion of an existing *residential development* to condominium ownership, each application will be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new construction. The applicant will be required to submit a report outlining the structural condition of the building(s) involved. Such report is to include an analysis of the building(s) compliance or non-compliance with prevailing building and fire codes.
- c) The Town will consider the condominium conversion of any rental project provided that the rental vacancy rate is at least three (3) percent.

10.7.4 Consent to Sever Land

10.7.4.1 Applications for consent to sever land shall be considered on the basis of the policies of this Section, the underlying land use designation and the associated policies of this Plan.

- 10.7.4.2 Consents should only be granted when it is clear that a plan of subdivision is not required for the proper and orderly *development* of the land, there is no extension of municipal *infrastructure* required and the proposal does not impact the Town's parks planning needs.
- 10.7.4.3 A plan of subdivision shall generally be required, and applications for consent should not be approved, in cases where more than three (3) lots (two severed and one retained) from a land holding are proposed. Exceptions to this may be considered where a planning justification report is submitted, and where there will be no impact, cumulative or otherwise, for new roads, or new municipal services, including parks. Notwithstanding this potential exception, the Town may require a plan of subdivision be submitted to adequately address municipal requirements.
- 10.7.4.4 In addition to the specific land division and consent policies associated with the underlying land use designation, the following policies shall apply to applications for consent:
- a) The intent and purpose of the Official Plan and Zoning By-law are maintained;
 - b) There is no extension of municipal services required;
 - c) The lots are serviced with an appropriate water supply and sewage disposal system;
 - d) The land fronts on an existing public road. The public road is to be of a reasonable standard of construction and maintained year-round. If the effect of a consent would be to require a greater standard of road construction across the frontage of the site in question or beyond that site and/or other municipal services, then the applicant may be required to contribute to the cost of such improvement through a written agreement with the public authority having jurisdiction. In the case of a local road, the Town will make the determination and its decision will take into consideration whether the improvement required is needed on a short-term or long-term basis; and
 - e) *Cultural heritage resources shall be conserved.*
- 10.7.4.5 Consents will not be supported by the Town for land adjacent to a road from which access is to be obtained where a traffic hazard

would be created because of limited sight lines on curves or grades.

10.7.4.6 Proposed lots will have a lot configuration that is appropriate to the site and the proposed development, and that does not include irregular lot configurations such as flag lots or lots with inadequate public road frontage.

10.7.4.7 Where a consent would have the effect of creating an additional access to a provincial highway, regional road or Niagara Parks Commission road, or changing the location of an existing access to such a highway, the approval by the appropriate authority will be made a condition of the consent, including such concerns as road widening, service roads and permission for access.

10.7.5 Part Lot Control

10.7.5.1 Where the Town determines that it is appropriate, lot creation may occur through the use of part lot control exemption by by-law, in accordance with the provisions of Section 50(5) of the Planning Act.

10.7.6 Deeming

10.7.6.1 If a plan of subdivision or part thereof has been registered for eight years or more and no installation of *infrastructure* or construction has occurred, and the subdivision does not meet the growth management policies of this Plan, the Town shall use its authority under Section 50(4) of the Planning Act to deem it not be a registered plan of subdivision.

10.8 Parkland Dedication

10.8.1 Whenever *development* or *redevelopment* of land is proposed for commercial or industrial purposes up to a maximum of two (2) per cent of such land will be conveyed to the Town for park or other public recreational purposes. For all other forms of *development* or *redevelopment*, the Town will, as a condition of approval, require that up to five (5) per cent of such lands be conveyed to the Town for park or other public recreational purposes.

10.8.2 In the case of *redevelopment*, when determining the required parkland dedication or cash-in-lieu of parkland, an appropriate allowance will be made for previously proven dedicated land or cash for the site.

10.8.3 The Town, at its discretion, may require the developer to convey cash-in-lieu of parkland. The cash value of such lands will be equal to the required amount of land dedication and will be determined by an appraisal authorized by the Town. The value of the lands will be determined in accordance with the provisions of the Planning Act.

10.8.4 The location of land to be dedicated for parkland and the physical condition of the parkland will be to the satisfaction of the Town and will be based on the following considerations, where applicable:

- a) Securing and consolidating waterfront public open space on Lake Ontario and the Niagara River;
- b) Linking and consolidating parks to provide for a continuous system of open space, including the establishment of multi-use trails;
- c) Encouraging the location of parkland facilities in conjunction with other community facilities; and
- d) Locating facilities that have the potential for recreational amenity or aesthetic value in association with natural or *cultural heritage resources*. It will also be considered where such a dedication will ensure the conservation of *cultural heritage resources*.

10.8.5 Parkland will be suitably graded and developed in accordance with the requirements of the Town. The Town will not accept hazard lands, *wetlands*, or flood and fill regulated areas as parkland.

10.9 Complete Application and Pre-Consultation Requirements

10.9.1 Pre-consultation between the applicant and the Town is required prior to the submission of an application for an official plan amendment, zoning by-law amendment, minor variance application, draft plan of subdivision, draft plan of condominium, consent or site plan approval, and for any other planning matter as determined by the Town, unless the Director of Community and Development Services determines that pre-consultation is not necessary based on the scale of *development* or the complexity of planning issues associated with the proposed application.

10.9.2 Pre-consultation will assist in determining what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; *development* and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable. Pre-

consultation may also involve the Region of Niagara, NPCA or other agencies that may have an interest in the application as determined by the Town.

- 10.9.3 A by-law will be approved by the Town requiring pre-consultation. Pre-consultation will be considered a requirement for the submission of a complete application.
- 10.9.4 In order to ensure that all possible information is available to the Town, the public, and agencies involved in reviewing an application, the prescribed information required under the Planning Act will be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as, but not limited to, the matters outlined in **Table 7**, Reports in Support of Complete Applications.
- 10.9.5 Information and/or reports will be prepared by a qualified professional in accordance with Town requirements. Where the Town, Region, or NPCA has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant will be responsible for all costs for a peer review which will be payable upon submission of an invoice from the Town, Region, or NPCA.
- 10.9.6 The Director of Community and Development Services or their designate will be responsible for determining whether a planning application or application under the Ontario Heritage Act is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Town, Region, NPCA or any other public agency, the application may be deemed to be incomplete and processing may not proceed.

Table 7: Reports in Support of Complete Applications		
Type of Report	Description	Cross-reference to page# in plan
Planning Justification Report	Any proposal for <i>development</i> or <i>site alteration</i> should demonstrate that it meets goals, objectives and policies of Provincial Plans and Policy statements, the Regional Official Plan and the Town Official Plan and provide an indication of whether it conforms to applicable Provincial plans and policies. A Planning Justification report is also required to address sustainability issues (Section 2.6.1).	
Land Use/Market Impact Study	Any proposal for major commercial or <i>residential development</i> should consider the existing supply of available land and future land use needs in the Town and in the Region, and address the criteria in Section 3.D.4 of the Regional Plan.	
Urban Design and Landscape Plans	Any proposal for infill <i>development</i> , <i>redevelopment</i> or <i>intensification</i> or where a site plan agreement is required should include plans illustrating how the proposal will be compatible with the character of adjacent uses and the surrounding neighbourhood. These plans and related descriptive details may include building elevations, shadow/wind impacts and streetscaping.	
<i>Archaeological assessment</i>	An <i>archaeological assessment</i> is required when any <i>development</i> or <i>site alteration</i> is proposed in proximity to lands that contain known <i>archaeological resources</i> or areas of archaeological potential.	
Heritage Impact Assessment	A heritage impact assessment is required when any <i>development</i> or <i>site alteration</i> is proposed on or adjacent to <i>cultural heritage resources</i> .	

Table 7: Reports in Support of Complete Applications

Type of Report	Description	Cross-reference to page# in plan
Environmental Impact Study	Any proposal for <i>development</i> or <i>site alteration</i> within or adjacent to any natural heritage feature or natural hazard identified on the Region's Core Natural Heritage Map, the regulated area of the NPCA or the Official Plan of the Town of Niagara-on-the-Lake will provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures necessary.	
Environmental Planning Study or Sub-Watershed Study	Any proposal for a secondary plan or a settlement boundary expansion will address the guidelines and terms of reference of any relevant watershed plans and will include an environmental inventory and assessment with recommendations on where <i>development</i> may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after <i>development</i> .	
Tree Inventory and Preservation Plan	A tree inventory and preservation plan may be required for any <i>development</i> or <i>site alteration</i> that may have adverse effects on a <i>significant</i> tree, boundary trees or group of trees, including a woodland as defined by the Region's Tree and Forest Conservation By-law. A <i>significant</i> tree may be one that because of its size, age or species is considered to be of significance to the neighbourhood, <i>streetscape</i> or cultural heritage landscape.	
Floodplain and Hazard Lands Assessment	Any <i>development</i> or <i>site alteration</i> proposed near floodplain or hazard lands identified by regulations of the NPCA will be supported by a floodplain and hazard lands assessment.	

Table 7: Reports in Support of Complete Applications		
Type of Report	Description	Cross-reference to page# in plan
Geotechnical Report	A geotechnical report will be required for any <i>development</i> or <i>site alteration</i> proposed in hazards lands identified by regulations of the NPCA.	
Geotechnical and Slope Stability Report	A geotechnical and slope stability report will be required for any <i>development</i> or <i>site alteration</i> proposed near valley lands identified by regulations of the NPCA.	
Environmental Site Assessment	Any <i>development</i> or <i>site alteration</i> on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the property including lands used for waste disposal sites may be accompanied by one or more reports to assess existing conditions and address the need for any further environmental testing or remediation necessary in accordance with provincial regulations and guidelines.	
Air Quality, Noise & Vibration Studies	Studies will be prepared for any <i>development</i> for a sensitive land use that is located near a major facility such as a <i>transportation corridor</i> , industrial use, sewage or water treatment facility, pumping station or landfill operation, or for any major facility that is proposed near a sensitive land use.	
<i>Agricultural impact assessment</i>	Any proposed <i>development</i> or <i>site alteration</i> for a non-agricultural use on lands situated outside of the settlement area will evaluate the capability of the site for agricultural use including soil, microclimate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural land and operations, ways to mitigate these impacts and potential net impacts.	

Table 7: Reports in Support of Complete Applications		
Type of Report	Description	Cross-reference to page# in plan
Farm Operation and Ownership	Any <i>development</i> or <i>site alteration</i> for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes will require a detailed farm operation and ownership review.	
Alternative Sites for Non-Agricultural uses	Where a non-agricultural use is proposed in an Agricultural Area it must be demonstrated that there are no reasonable alternative locations available in settlement areas, or on lower priority agricultural land in the region.	
<i>Minimum Distance Separation</i> (MDS)	Any non-agricultural use proposed within 300 metres of an active or potential livestock facility will include a review of these facilities and calculations to determine conformity with MDS requirements.	
Mineral Aggregate Resources Evaluation	Where <i>development</i> or <i>site alteration</i> is proposed on lands within or adjacent to an area of known mineral aggregate resources, it will be demonstrated that the resource use will not be hindered in the future, that the resource use is not feasible, that the proposed <i>development</i> or use serves a greater long-term public interest, and that other impacts are evaluated.	
Municipal Servicing Study	Any plan or subdivision or major <i>development</i> proposal should address the availability of adequate municipal services and impacts of existing municipal services and facilities.	
Stormwater Management Plans/Functional Drainage Reports	Any major <i>development</i> or <i>site alteration</i> proposed should address how stormwater runoff will be handled in terms of water quality and quantity, lot grading and drainage controls, and erosion and sedimentation measures.	

Table 7: Reports in Support of Complete Applications		
Type of Report	Description	Cross-reference to page# in plan
Traffic/Parking Impact Analysis	A traffic and/or parking impact analysis will be required for any proposed <i>development</i> or <i>site alteration</i> that may have a <i>significant</i> impact on traffic flow and safety, which may include an analysis of parking standards.	
Hydrogeological Study, Private Servicing Study/Plans and Nitrate Assessment	Any <i>development</i> outside of the settlement area where private sewage disposal and water systems are proposed or are being replaced should provide an assessment of soil and groundwater conditions; an evaluation of the ability of the site to accommodate private services required by the proposed <i>development</i> , including nitrate concentrations; and a plan illustrating the location of the services, drainage and lot grading.	
Visual Impact Assessment	A visual impact assessment may be required where a proposed <i>development</i> may impact important view sheds, including those in the Niagara Escarpment Plan area.	
Financial Impact Assessment	A financial impact assessment may be required to address financial implications of a proposed <i>development</i> on the provision of municipal services and utilities that may cause a financial, environmental or economic hardship for the Town and the region.	

10.10 Alternative Procedures for Public Engagement

10.10.1 The Town will provide ongoing opportunities for public engagement and engagement with Aboriginal and Métis communities in the planning process related to the implementation of this Plan.

10.10.2 Public involvement is encouraged for all land use decisions affected by this Plan. While the Planning Act requires at least one (1) public meeting prior to any amendment to the official plan or zoning by-law, the Town may consider holding as many open houses or additional public meetings as it deems appropriate so as to provide the public with

a full opportunity to express their views and concerns. In addition, while the Planning Act does not currently provide for public input into site plan agreements, the Town may from time-to-time request the comments of area residents on such matters. In addition, at times an amendment to the Regional Official Plan is also required. The Town supports the practice of holding a joint public meeting at the Town to consider both the amendment to the Town Official Plan and the Regional Official Plan.

- 10.10.3 In order to provide ample opportunity for the public to review, discuss and prepare comments on planning proposals, a non-statutory open house may be held for official plan amendments, zoning by-law amendments (excluding minor zoning by-law amendments), draft plans of subdivision, and draft plans of condominium (excluding common element), even if not specifically required by the provisions of the Planning Act. The open house should be scheduled by the Town as soon after the application has been deemed complete as is reasonably possible, or at such alternative time as is deemed appropriate by the Town. The open house is intended to serve as an opportunity for the public to be involved early in the planning process and is intended to be facilitated by the applicant or agent.
- 10.10.4 The Town recognizes that the provisions of the Planning Act require it to take action on a *development* application within a prescribed period of time, subject to the application being deemed complete pursuant to the provisions of the Planning Act in respect of complete applications.
- 10.10.5 Mediation and alternative dispute resolution techniques are the preferred method of resolving land use disputes, and shall be supported in the event of an appeal.
- 10.10.6 Public notice and public meetings will not be required for technical official plan and zoning by-law amendments which do not affect the policies and intent of the document they are amending. These changes may include the following matters:
- a) Correcting numerical, typographical, punctuation and grammatical errors;
 - b) Altering the number and arrangement of any provisions;
 - c) Incorporating footnotes or notations which assist the reader to understand the source and approval of policies or designations and could include metric/imperial equivalents; and
 - d) Making changes in format.

10.10.7 Public consultation processes under the Ontario Heritage Act will be consistent with the requirements of this Act.

10.11 Property Standards By-law

10.11.1 The Town will enact a property standards by-law authorized pursuant to the Planning Act.

10.11.2 The Town may incorporate special provisions in the property standards by-law for *cultural heritage resources*, as authorized pursuant to the Ontario Heritage Act.

10.12 Site Alteration By-law

10.12.1 The Town may pass by-laws to prohibit or regulate changes in grade and *site alteration*, as provided in the Municipal Act.

10.13 Special Provisions for Specific Land Uses

10.13.1 Second Residential Units

10.13.1.1 The *development* of second residential units provides opportunities to increase the supply of *affordable* rental accommodation in the Town. In accordance with the provisions of the Planning Act, the Town supports the potential for the establishment of second residential units in single-detached, semi-detached and townhouse dwellings, or in accessory structures on lots containing single-detached, semi-detached and townhouse dwellings if the single-detached, semi-detached or townhouse dwelling contains one (1) residential unit, throughout the Town provided the *development*:

- a) Is consistent with the applicable residential policies of this Plan;
- b) Meets the requirements of the Ontario Building Code and Fire Code;
- c) Provides sufficient parking in accordance with the Zoning By-law and private amenity space in appropriate locations, and in compliance with the Town's design standards;
- d) Maintains the overall character and stability of the surrounding neighbourhood, including *streetscapes* and landscaping; and
- e) Has no adverse impact on adjacent *cultural heritage resources* and/or *cultural heritage resources* on the property.

- 10.13.1.2 Where a second residential unit is proposed in a protected heritage property, a built heritage resource, or located in a cultural heritage landscape, there must be no impact on the identified heritage values and heritage attributes of the cultural heritage resource and no modification to the building's bulk, height or massing are permitted.
- 10.13.1.3 Where a second residential unit is proposed outside the urban area, the following additional policies apply:
- a) OSSDS and water systems have the capacity to support the use;
 - b) The second unit is only permitted within the main residential unit;
 - c) The proposal is consistent with any applicable provisions of the Greenbelt Plan and the Niagara Escarpment Plan; and
 - d) No new entrances are required from the road.
- 10.13.1.4 Where second residential units are established in accessory structures, they will not be subdivided or separated from the main residential dwelling on the property.
- 10.13.1.5 Second residential units will not be utilized for vacation rentals or short-term apartment rentals.
- 10.13.1.6 The Town may consider a licensing program for second residential units to monitor and track the number and location of second units, and to ensure compliance with applicable municipal regulations.
- 10.13.1.7 Site plan approval may be required for second residential units, to address specific design issues related to parking and amenity space requirements and ensure that the establishment of the units are consistent with any applicable design guidelines.
- 10.13.1.8 The zoning by-law will establish specific performance standards for second residential units, consistent with the provisions of this section.

10.13.2 Short-term Tourist Accommodations

- 10.13.2.1 Short-term tourist accommodations (STAs) are an important part of the cultural landscape, tourism *infrastructure* and the economy of the Town. The Town has identified various types of STAs that are

appropriately located in various areas of the Town. These include *Bed and Breakfast Establishments*, *Country Inns*, *Vacation Rentals (Villas)*, *Vacation Cottage rentals* and *Vacation Apartments*.

10.13.2.2 Short-term tourist accommodations will be regulated through the implementing zoning by-law, site plan approval and/or licensing by-law. Any application for a zoning amendment for a short-term tourist accommodation shall be accompanied by a planning justification report and heritage impact assessment for any cultural heritage resource.

10.13.2.3 The existence of short term tourist accommodations in or near on-site cultural heritage resources could contribute to the conservation of their heritage character and provide financial support for the ongoing maintenance of the cultural heritage attributes of the property.

10.13.2.4 Provisions Applicable to *Bed and Breakfast Establishments*

- a) *Bed and Breakfast Establishments* are an important part of the local economy, in that they provide overnight accommodation through the use of existing housing stock. They are permitted throughout the Town. In the Specialty Crop Area they may provide financial assistance to the operation of the farm while, at the same time, serving a tourist function, which assists in reducing the concentration of tourist accommodation in the urban areas.
- b) By limiting the number of rooms and other factors, such as parking and signage, *Bed and Breakfast Establishments* will remain compatible in a residential neighbourhood, ensuring that the character of the dwelling and the neighbourhood is maintained.
- c) The existence of *Bed and Breakfast Establishments* in a *cultural heritage resource* could contribute to the conservation of its heritage value and heritage attributes and provide financial support for its ongoing maintenance. The Town encourages the conservation of *cultural heritage resources* and supports their use as *Bed and Breakfast Establishments*, where appropriate.

10.13.2.3 Provisions applicable to *Country Inns*

- a) *Country inns* represent a form of tourist accommodation that may be appropriate where the increased level of activity can be

readily accommodated on-site without disruption to the residential neighbourhood. They generally would contain between 4 and 10 rooms or suites.

- b) The Town will consider supporting such applications for *county inns* providing that the heritage attributes of any *cultural heritage resources* will be *conserved*, the lots are sufficiently large and the residential neighbourhood character is maintained.
- c) *Country inns* will maintain a scale and level of activity appropriate for the home, lot and neighbourhood. A *country inn* will only be given consideration by way of an amendment to the zoning by-law, providing that the increased level of activity can be accommodated without disruption to the residential neighbourhood.
- d) *Country inns* are not permitted by the Niagara Escarpment Plan (NEP), except in single dwellings with local heritage value or interest. In these designations the policies of the Niagara Escarpment Plan on bed and breakfasts and farm vacation homes will apply except where the Town's *country inn* policies are more specific and/or restrictive. While recognizing the primacy of the NEP within the Niagara Escarpment Plan Area, the Town will provide comments on *development* permit applications for bed and breakfasts with more than three (3) guest rooms using the *country inn* policies of this Plan.
- e) A new *country inn* or an increase in the number of guest rooms to an existing *country inn* will only be considered within an existing dwelling, and where there is sufficient lot area to comfortably accommodate the increase in the number of rooms being used for overnight guests, the required number of parking spaces and private amenity space.
- f) The overall character and stability of the surrounding neighbourhood shall be maintained and there is no adverse impact on adjacent *cultural heritage resources* and/or *cultural heritage resources* on the property.
- g) A usable outdoor amenity area must be provided for the activities and relaxation of the guests and the host family and will be located and buffered from adjoining properties to ensure that the impact of the amenity area is minimal on adjoining

properties. An amenity area is an area designed for outdoor active or passive recreational uses.

- h) The implementing by-law for the *country inn* will prohibit the use of the dwelling for lodging of roomers and boarders beyond the number of rooms permitted in the *country inn*.
- i) *Country inns* located in the Specialty Crop Area will not conflict with the broad objective of preserving the Town's agricultural lands, and conserving/enhancing natural resources found in agricultural areas.

10.13.2.4 Provisions applicable to Vacation Rentals - *Villas*

- a) A *villa* is an occasional or seasonal use that allows the travelling public temporary accommodations for rest and relaxation. Although it is intended to restrict *villas* to a maximum of six (6) bedrooms, exceptions may be warranted and can therefore be considered as part of a site specific zoning review.
- b) *Villas* will integrate compatibly into residential communities of the Town. They are an important part of the local economy and provide overnight accommodation through the use of existing housing stock. They may be permitted throughout the Town.
- c) A *villa* may be rented for use as temporary accommodation. Prior to the issuance of a short-term rental license, a *villa* will be subject to an amendment to the zoning-by-law and a site plan control agreement.
- d) Applications for *villas* will be considered where they protect the residential character of the neighbourhood.
- e) A usable outdoor amenity area will be provided for the activities and relaxation of guests.
- f) The implementing by-law for the *villa* will prohibit the use of the dwelling for lodging of roomers and boarders beyond the number of rooms permitted in the *villa*.

10.13.2.5 Provisions applicable to Vacation *Cottage Rentals*

- a) A *cottage rental* may be permitted in all areas of the Town where bed and breakfast homes are currently permitted.

- b) *Cottage rentals* will integrate compatibly into the residential communities of the Town. They are an important part of the local economy and provide overnight accommodation through the use of existing housing stock. They are permitted in settlement areas that are fully serviced with water and sewage disposal services approved by the Town and outside settlement areas with water and sewage disposal services approved by the Niagara Regional Public Health Department. *Cottage rentals* are occasional or seasonal uses that allow the travelling public temporary accommodations for rest and relaxation.

10.13.2.6 Provisions applicable to *Vacation Apartments*

- a) The Town will include specific regulatory controls in the Zoning By-law and Licensing By-law as appropriate and necessary. These policies are intended to enable appropriate regulation of *vacation apartments* in commercial or mixed use zones throughout the Town.
- b) These policies are not intended to allow *vacation apartments* in residential zones. Any proposal for a *vacation apartment* in a residential zone will be subject to an official plan amendment.

10.13.3 **Garden Suites**

10.13.3.1 One (1) *garden suite* may be permitted but only on a lot zoned for a single-detached dwelling and located outside the settlement areas, provided:

- a) The parcel is sufficient in size to appropriately accommodate the *garden suite* and sufficient useable outdoor amenity space and one parking space for the exclusive use of the *garden suite*, and will have adequate screening and buffering from adjacent properties. An amenity space is an area designed for outdoor active or passive recreational uses and may include landscaped areas, walkways, patios, swimming pools, play areas and similar uses but does not include parking areas, parking lots, parking aisle ways or access driveways.
- b) The *garden suite* will be a temporary building/use which is physically separate from the principal dwelling unit and will be subject to a temporary use by-law.
- c) That the unit will be adequately serviced.

- d) The exterior design of the *garden suite* will be in character with the design of the principle dwelling unit and will be located behind the front facade of the principle dwelling unit.
- e) The location of the *garden suite* on the lot will not adversely impact adjacent land uses, the character of the property and the surrounding area and/or any *cultural heritage resources* located on the property or adjacent to it.
- f) Meets the regulations of the Fire Code and Ontario Building Code.
- g) A lot may not have both a second residential unit and a *garden suite*.
- h) A *garden suite* will not be permitted a consent to separate it from the main dwelling lot.

10.13.4 Home Occupations and Home Industries

- 10.13.4.1 Any dwelling unit may be used for the purposes of a home occupation provided that the home occupation is a business activity which is clearly ancillary to the main use of the property; is carried on by a resident of the dwelling unit; and does not generate any noise, odour, traffic or visual impacts that may have an adverse effect on-site or on any adjacent properties or *cultural heritage resources*.
- 10.13.4.2 The zoning by-law will contain regulations to limit the kinds of activities to be allowed as home occupations and establish restrictive standards regarding matters such as scale of use, number of employees, accessory structures, extensions to buildings, vehicular parking facilities, exterior storage or display of goods, exterior advertising and other evidence of the use from outside the property. Home occupations may be prohibited by the zoning by-law in any specific area or type of dwelling unit.
- 10.13.4.3 In the Agricultural Area, because of the increased distance from neighbours and the needs of the farming community, home industries may be permitted. Such uses provide additional sources of income for the farm and are subject to the same requirements as home occupations. The home industry must be clearly ancillary to the main farm operation; is carried on by a resident on the farm (with limited employment as identified in the zoning by-law); is small in scale in relation to the farm; and does not have a negative impact

on the agricultural operations. Uses such as farm equipment repair, woodworking, welding, or crafts would be considered examples of home industries.

10.13.5 Group Homes

10.13.5.1 The following types of group homes administered under Provincial legislation shall be permitted to establish in any residential zone or residence in the Town:

- a) approved homes;
- b) homes for special care;
- c) supportive housing programs, adult community mental health programs;
- d) children's residences;
- e) accommodation services for the disabled; and
- f) satellite residences for seniors.

10.13.5.2 In addition to the above, homes for physically disabled adults are also permitted when the province licenses, funds, or approves a group home program for physically disabled adults. Halfway houses for the socially disadvantaged, halfway houses for alcoholics, halfway houses for ex-offenders and community resources centres are permitted in this Plan but may require an amendment to the implementing zoning by-law where deemed necessary by the municipality.

10.14 Potentially Contaminated Sites

10.14.1 Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.

10.14.2 Prior to considering a proposal for *redevelopment* of potentially contaminated sites, the Town and the Ministry of Environment and Climate Change (MECP) will be satisfied that the soil quality is suitable for the proposed use. Studies which document the present and past uses

of the site and surrounding lands may be required by the Town and MECP, to show the presence, types and concentration of contaminants, and remedial action plan for decommissioning and clean-up of contaminated sites.

10.14.3 The Town may support the clean-up of potentially contaminated sites through Community Improvement Plan initiatives.

10.14.4 A phase 1 environmental site assessment may be required in support of any planning application in order to ensure that there are no adverse effects, as defined in the Environmental Protection Act, including:

- a) impairment of the quality of the natural environment for any use that can be made of it,
- b) injury or damage to property or to plant or animal life,
- c) harm or material discomfort to any person,
- d) an adverse effect on the health of any person,
- e) impairment of the safety of any person,
- f) rendering any property or plant or animal life unfit for human use,
- g) loss of enjoyment of normal use of property, and
- h) interference with the normal conduct of business.

10.14.5 A phase I environmental site assessment and any required remediation must be completed by a qualified person, and should be conducted in accordance with the regulations under the Environmental Protection Act.

10.14.6 If, through a phase I environmental site assessment, a site is known or is potentially contaminated the proponents must assess and remediate the site. Such remediation shall be in accordance with soil, ground water and sediment standards for use under Part XV.1 of the Environmental Protection Act.

10.14.7 Unless required under the Environmental Protection Act or, if a property is found to be contaminated, an environmental site assessment does not need to be filed as a Record of Site Condition.

10.14.8 Site plan approval may be granted prior to the completion of a required phase I environmental site assessment subject to a condition that no site

grading or servicing of the site can occur until a phase I environmental site assessment and appropriate remediation has occurred.

- 10.14.9 Approval of a zoning by-law amendment may be granted prior to the completion of a required phase I environmental site assessment, subject to the inclusion of a holding provision.

10.15 Lands for Easements

- 10.15.1 Where land is required for maintenance/utility easements or emergency access to serve any proposed *development*, such land will be obtained by and at the expense of the owner of such proposed *development* to the satisfaction of the appropriate agency, in the course of approving plans of subdivision, *development* or *redevelopment* applications and consents for land severance.

10.16 Non-Conforming Uses

- 10.16.1 Where a property has an existing use of land that does not comply with the land use designation shown in this Plan, or to any other applicable policy in this Plan it may, notwithstanding the policies of this Plan, be zoned for the existing use provided that:

- a) The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- b) The use does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance;
- c) *Cultural heritage resources* will be *conserved* and/or enhanced; and
- d) It does not interfere with desirable *development* in adjacent areas that are in conformity with this Plan.

- 10.16.2 Where an existing use in one or more of these respects is incompatible, it will not be so zoned and will expressly be made a non-conforming use in any zoning by-law.

- 10.16.3 Incompatible non-conforming uses will be progressively eliminated by purchase or exchange of land or they may disappear by voluntary termination in the course of time.

10.16.4 Where a property contains a non-complying use the use may expand in accordance with the following:

- a) The expansion will not seriously jeopardize the possibility of future *developments* in their vicinity that may comply more closely with intent of this Plan;
- b) In any such expansion special efforts are made to enhance the compatibility of the uses and to improve amenity and design; more specifically, matters dealing with buffering, landscaping, parking and vehicular circulation will be given attention;
- c) The expansion or *redevelopment* is only permitted through an amendment to a zoning by-law; and
- d) The expansion must not supersede urban area boundaries or involve a major *intensification* of land use.

10.17 Public Acquisition of Land

10.17.1 The Town will, wherever desirable and economically feasible, purchase or obtain an easement or otherwise acquire an interest in land to effect the implementation of the heritage policies or other policies of this Plan.

Section 11 Interpretation

11.1 Boundaries

- 11.1.1 The land use designation boundaries identified on the Schedules to this Plan are approximate except where they align with roads, railway lines, pipeline routes, transmission lines, the shoreline or other clearly defined physical features, and in these cases, are not open to flexible interpretation.
- 11.1.2 Where a highway separates land use designations this Plan will be interpreted such that the centre line of the highway represents the boundary between designations. Where the general intent of this Plan is maintained, minor adjustments to land use designation boundaries identified on the Schedules to this Plan will not require an amendment to the Plan.
- 11.1.3 Settlement area boundaries and the Niagara Escarpment Planning Area boundaries are considered to be exact.
- 11.1.4 It is recognized that the boundaries of the *Natural Heritage System*, inclusive of all its constituent natural heritage features and associated *ecological functions*, may be imprecise and subject to change. The Town will determine the extent of the natural heritage features and their associated *ecological functions* on a site-by-site basis when considering *development* proposals, upon receipt of an Environmental Impact Study, in consultation with the appropriate agencies. Boundaries of Regulated Areas under the NPCA are subject to approval by the NPCA. NPCA Regulated Areas are shown on Appendix 2.
- 11.1.5 The extent of a provincially *significant* wetland (PSW) shown on Schedule C may be modified on a site specific basis without amendment to the Plan where such wetland boundary correction is approved by the Ministry of Natural Resources and Forestry through the Ontario Wetland Evaluation System.
- 11.1.6 The extent of a Conservation boundary shown on the Schedules to this Plan may be revised on a site specific basis without amendment to this Plan where such a revision is determined to be acceptable to the Town and confirmed by the NPCA or other agency.

11.2 Dimensions, figures and quantities

- 11.2.1 Every effort has been made to ensure that the dimensions, figures and quantities are accurate and can be reasonably applied in any

interpretation of the Plan. In certain instances, a slight variation to any dimension, figure or quantity may be reasonable and meet the intent and purpose of this Plan. Where the general intent of the Plan is maintained, minor adjustments to numerical standards contained in the policies of this Plan may not necessitate an amendment to this Plan.

11.3 Monitoring

- 11.3.1 The Town will monitor the policy directions in this Plan to ensure it is successfully implemented.
- 11.3.2 The Town may develop a series of indicators to measure the success of this Plan. Indicators will help to track the progress and success of policies of the Official Plan, and will, over time, allow the Town to respond to changing circumstances and continuously improve on the effectiveness of the Plan.
- 11.3.3 The Town will maintain an inventory of existing vacant lands, lands with the potential for *redevelopment*, and the supply of residentially-designated lands to ensure that sufficient land exists to accommodate three (3) and ten (10) year housing supply targets. The Town will monitor greenfield development and densities, and *intensification* targets.

11.4 Definitions

- 11.4.1 For the purpose of this Plan:
 - a) Words used in the present tense include the future;
 - b) Words in the singular number include the plural and words in the plural include the singular;
 - c) Words in any gender include all other genders;
 - d) The words “use” or “used” include the words “intended, arranged or designed for use” or “intended, arranged or designed to be used” or “intend, arrange or design for use”;
 - e) The words “shall” or “will” are mandatory and not discretionary;
 - f) The word “may” is permissive; and
 - g) Words in italics are defined.

11.4.2 The following definitions apply to the interpretation of the Official Plan. Where a term used in this Plan is not specifically defined, the definitions from the Provincial Policy Statement, Greenbelt Plan or Regional Official Plan apply, where applicable. In other respects, terms would be as defined in the Town Zoning By-law or would follow their common usage. Definitions are listed in alphabetical order.

Active transportation: Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Adjacent (for cultural heritage resources): means not only contiguous (abutting) properties but also any property upon which a proposed *development* and/or *site alteration* may have a known or potential impact upon the heritage attributes of a cultural heritage resource.

Affordable:

- a) In the case of ownership housing, the least expensive of:
 - i. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
 - i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

Agri-food network: Means within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and *infrastructure*; agricultural services, farm markets, distributors and primary processing; and vibrant, agriculture-supportive communities.

Agricultural Condition: means

- a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural Impact Assessment: Means a study that evaluates the potential impacts of non-agricultural *development* on agricultural operations and the *agricultural system* and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.

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

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

Agricultural Uses: The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

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

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

Alter: means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning.

Archaeological assessment: A survey undertaken by a provincially licensed archaeologist to identify an archeological site and, to the extent required, the cultural heritage value or interest of the site and applicable mitigation measures. There are four levels of archeological assessment that are specific to the circumstances, a Stage 1, Stage 2, Stage 3 or Stage 4 *archaeological assessment*, each of which as required is completed by a provincially licensed archaeologist in accordance with the current Provincial requirements, and standards and guidelines applicable to provincially licensed archaeologists.

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

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

Areas of Archaeological Potential: means areas with the likelihood to contain archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed through archaeological fieldwork.

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

Bed and Breakfast Establishment: A residential use operated in an existing principal residence of the owner/operator and host, having up to three rented rooms and providing lodging and only breakfast to overnight guests, but does not include hotels or motels.

Bedroom: For the purposes of determining the number of bedrooms in a *Bed and Breakfast Establishment*, *cottage rental*, *country inn*, *vacation apartment* or *villa*, a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen, and which meets the requirements of the Ontario Building Code for a bedroom.

Brownfield sites: Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Heritage Resource: Means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. *Built Heritage Resources* are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers (PPS, 2014).

Community Design: The art and science of making places for people. It includes the way places work and how places look as well as matters of public safety. It concerns the connections between people and places, movement and urban form, nature and built fabric and the processes for ensuring successful villages, towns and cities.

Community Design Guidelines: Locally-developed criteria drawn up in an effort to assist property owners to respect and maintain the character of an area with respect to rehabilitation of buildings or new construction.

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

Country Inn: A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate.

Compact Urban Form: A land-use pattern that encourages efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional all within one neighbourhood), *active transportation*, proximity to transit and reduced need for *infrastructure*. Compact urban form can include single-detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial *developments*, and apartments or offices above retail.

Complete Communities: Complete communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and *community infrastructure* including *affordable* housing, schools, recreation and open space

for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Conserved: Means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, *archaeological assessment*, and/or heritage impact assessment. Mitigative measures and/or alternative *development* approaches can be included in these plans and assessments (PPS, 2014).

Cottage Rental: The commercial use of a single-detached dwelling having no more than three bedrooms that may be rented for periods up to 28 consecutive days for use as temporary accommodation.

Cultural Heritage Landscape: Means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site) (PPS, 2014).

Cultural Heritage Resources: Means *built heritage resources*, protected heritage properties, cultural heritage landscapes, historic sites, paleontological resources, monuments, *archaeological resources* and/or areas of archaeological potential that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Density, Gross: The total number of residents and jobs per hectare of land area excluding the following features within the Environmental Protection Areas and Environmental Conservation Areas in the Region's Core *Natural Heritage System* and any non-developable features designated in this plan:

- a) *Wetlands*;
- b) *Coastal wetlands*;
- c) *Significant woodlands*;

- d) *Significant* valley lands;
- e) *Areas of Natural and Scientific Interest*;
- f) *Habitat of endangered species and threatened species*;
- g) Publicly-owned conservation lands;
- h) *Significant wildlife habitat*;
- i) *Fish habitat*; and,
- j) Floodplain areas.

Density, Net: The total number of residents and jobs per hectare of land intended for *development* excluding public and private roads or lands dedicated or acquired by the municipality for parkland purposes and excluding undevelopable lands identified in the “*Density, Gross*” above.

Designated Greenfield Area: The area within a settlement area that is not Built-up Area.

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

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) works subject to the Drainage Act.

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

Ecological Integrity: Which includes hydrological integrity, means the condition of ecosystems in which:

- a) the structure, composition and function of the ecosystems are unimpaired by the stresses from human activity,
- b) natural ecological processes are intact and self-sustaining, and
- c) the ecosystems evolve naturally.

Employment Area: An area designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species: Means a species that is classified as an endangered species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the Endangered Species Act, 2007, as it may be amended from time to time.

Estate Winery: A lot on which buildings and structures are used for the making of wines produced predominately from locally grown fruits.

Event, Outdoor: an event held in the open air for profit or non-profit; but does not include a *special event* and shall not include garage sales, yard sales, flea markets or other occasional uses.

Event, Special: an event that may occupy all or part of a privately owned property or Town owned property and may include a parade, festival, filming, running event, procession or any other activity that includes one of more of the following:

- a) Street closures
- b) Fireworks or pyrotechnics
- c) Live entertainment
- d) Temporary structures or tents
- e) Service of food or alcohol
- f) Large volumes of vehicular or pedestrian traffic
- g) Parking demand in excess of on-site capacity
- h) Service of food including mobile food trucks.

A *special event* shall not include garage sales, yard sales, flea markets or other occasional uses.

Farm Winery: A farm on which buildings and structures are used for the making of wines from fruit grown on-site and which are secondary uses to the farming operation.

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

Garden Suite: A separate one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing single-detached or semi-detached residential dwelling and that is designed to be portable.

Green Infrastructure: Means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs (PPS, 2014).

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

Habitat of Endangered Species and *Threatened Species*:

- a) With respect to a species listed on the Species at Risk in Ontario List as an endangered or *threatened species* for which a regulation made under clause 55(1)(a) of the Endangered Species Act, is in force, the area prescribed by that regulation as the habitat of the species; or
- b) With respect to any other species listed on the Species at Risk in Ontario List as an endangered or *threatened species*, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and
- c) Places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

Hazardous lands: Means property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the Great Lakes-St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits (PPS, 2014).

Heritage Attributes: Means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural

landforms, vegetation, water features, and its visual setting (including *significant* views or vistas to or from a cultural heritage resource).

Hydrologic Function: The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Infrastructure: Means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and *transportation corridors* and facilities, oil and gas pipelines and associated facilities (PPS, 2014).

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

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

Intensification Areas: Lands identified by municipalities within an urban area that are to be the focus for accommodating *intensification*.

Low Impact Development: Means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It includes a set of site design strategies and distributed, small scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration and detention of stormwater. Low impact development can include: bio-swales, permeable pavement, rain gardens, green roofs and exfiltration systems. Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case.

Marine Archaeological Site: means an archeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water.

Minimum Distance Separation Formulae: Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Modal Share: The percentage of person-trips or of freight movements made by one travel mode, relative to the total number of such trips made by all modes.

Multi-modal: The availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air and marine.

Municipal Comprehensive Review: An official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of this Plan.

Natural Open Space: Public or private land in a natural state including land maintained in a natural state essentially devoid of human activities buildings and structures.

Natural Heritage Features and Areas: Features and areas, including *significant wetlands*, *significant coastal wetlands*, other coastal wetlands in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E, *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *Significant Areas of Natural and Scientific Interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System: A system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *Natural Heritage Features and Areas*, Federal and Provincial parks and Conservation reserves, other Natural Heritage Features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and *working landscapes* that enable *ecological functions* to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

Natural Self-Sustaining Vegetation: Vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.

Normal Farm Practice: A practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with

proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices will be consistent with the Nutrient Management Act and regulations made under that Act.

On-farm Diversified Uses: Uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

Prime Agricultural Area: Areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime Agricultural Land: Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Protected Heritage Property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Redevelopment: The creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Regional Market Area: Refers to an area that has a high degree of social and economic interaction. The upper- or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends *significantly* beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Residence surplus to a farm operation: Means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) (PPS, 2014).

Residential Development: *Development* of any form of residential dwelling unit(s) that can take place in the following circumstances:

- a) Infill *residential development* is *development* on vacant or underdeveloped lots or on new lots created by consent in a developed area.
- b) New *residential development* is the creation of new residential units on vacant land in an area where *development* has not previously taken place.
- c) Residential *redevelopment* is the creation of new residential units on lands previously used for residential or non-residential purposes in existing communities, where demolition of the previous structures is to take place, or has taken place.

Residential Intensification: *Intensification* of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *Redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) The *development* of vacant or underutilized lots within previously developed areas;
- c) Infill *development*;
- d) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second units and rooming houses.

Roadside Produce Outlet (Fruit Stand): A building or structure where produce grown only the farm on which the outlet is located is offered for sale to the general public. Value-added products from the farm, such as the processing of fruit and vegetables and products from a home occupation, may also be sold in addition to fresh produce.

Significant:

- a) In regard to *wetlands*, coastal *wetlands* and *Areas of Natural and Scientific Interest*, an area identified as provincially *significant* by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) In regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) In regard to other features and areas in policy 2.1 of the PPS (2014), ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *Natural Heritage System*;
- d) In regard to mineral potential, an area identified as provincially *significant* through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially *Significant* Mineral Potential Index; and
- e) In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some *significant* resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Significant archaeological resources: Resources that, in the opinion of a licensed archaeologist (and confirmed by the Province through acceptance of the *archaeological assessment* report into the Ontario Public Register of Archaeological Reports) meet the criteria for determining cultural heritage value or interest set out in the Standards and Guidelines for Consultant Archaeologists, as amended, and are to be protected from impacts of any sort.

Significant groundwater recharge area: Means a *significant* groundwater recharge area identified:

- a) as a *significant* groundwater recharge area by any public body for the purposes of implementing the PPS;
- b) as a *significant* groundwater recharge area in the assessment report required under the Clean Water Act, 2006; or
- c) as an ecologically *significant* groundwater recharge area delineated in a subwatershed plan or equivalent in accordance with provincial guidelines.

Ecologically *significant* groundwater recharge areas are areas of land that are responsible for replenishing groundwater systems that directly support sensitive areas like coldwater streams and *wetlands*.

Significant surface water contribution areas: Means areas, generally associated with headwater catchments, that contribute to baseflow volumes which are *significant* to the overall surface water flow volumes within a watershed.

Site Alteration: Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site (PPS, 2014).

Specialty Crop Areas: Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) Farmers skilled in the production of specialty crops; and
- c) A long-term investment of capital in areas such as crops, drainage, *infrastructure* and related facilities and services to produce, store, or process specialty crops.

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

Streams, Permanent: Streams that continually flow in an average year.

Streetscape: A view or vista of a specific street with distinguishing characteristics made up of a number of streetscape elements such as the width of the street and sidewalks, paving materials, the design of street furniture, fencing, landscaping, tree canopy, building setbacks and building mass and scale.

Surface Water Features: Water-related features on the Earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Telecommunication Facility (also referred to as **Antenna System**): An exterior transmitting device (or group of devices) used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna systems include the antenna, and may include a supporting structure, and/or an equipment shelter or cabinet. Types of Antenna Systems include:

- a) Freestanding Antenna System: a structure (e.g. tower, pole, or mast) built from the ground for the expressed purpose of supporting an Antenna System or Antenna Systems;
- b) Building/Structure-Mounted Antenna System: antenna mounted on an existing structure, which could include a building wall or rooftop, light standard, water tower, utility pole, etc.; and,
- c) Small Cell Antenna System: antenna mounted on public utility poles or other structures in a series, in order to provide coverage and capacity to areas of concentrated demand.

Threatened Species: Means a species that is classified as a threatened species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the Endangered Species Act, 2007, as it may be amended from time to time.

Traditional Territories: The geographic area traditionally occupied or used regularly by First Nations, Métis and/or their ancestors.

Transportation Corridor: A thoroughfare and its associated buffer zone for passage or conveyance of vehicles or people. A transportation corridor includes any or all of the following:

- a) Major and arterial roads; and
- b) Niagara District Airport.

Transportation Demand Management: A set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation System: A system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

Urban Area Boundary: The line between areas designated for urban use and areas for non-urban use.

Vacation Apartment: An residential unit above a business on a commercially zoned property having no more than three (3) bedrooms that is rented for periods up to 28 consecutive days for use as temporary accommodation.

Valleylands: Natural areas that occur in valleys or other landform depressions that have water flowing through or standing for some period of the year.

Vegetation Protection Zone: Means a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature.

Villa: The commercial use of a single-detached dwelling unit with four or more bedrooms. It may be rented for periods up to 28 consecutive days for use as temporary accommodation.

Vulnerable: Means surface and/or ground water that can be easily changed or impacted (PPS, 2014).

Water Conservation Plan: A plan that incorporates best practice measurers to conserve the consumption and encourage the reuse of water within the internal operations of an industry, business or agricultural operation

Wetlands: Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife Habitat: Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a *vulnerable* point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of *wildlife habitat*, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest."

Working Landscape: Actively used agricultural land that may be located within a *natural heritage system* or associated *vegetation protection zone* and that allow the continuation of some *ecological functions* such as the movement of species and organisms. A working landscape does not need to be a naturalized feature.

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