

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 2026-030**

A BY-LAW TO ADOPT THE NEW OFFICIAL PLAN FOR THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990, *C.P.13, AS AMENDED*.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*;

**AND WHEREAS** the Council of The Corporation of the Town of Niagara-on-the-Lake is satisfied that the Official Plan is suitable for adoption, no further public meeting is required and deems it to be in the public interest to pass a by-law to adopt a new Official Plan;

**AND WHEREAS** The Corporation of the Town of Niagara-on-the-Lake currently has in effect the Region of Niagara Official Plan, as amended, which was adopted by By-law 2022-47;

**AND WHEREAS** on May 26, 2026, the Council of The Corporation of the Town of Niagara-on-the-Lake adopted the draft Official Plan document.

**NOW THEREFORE the Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, hereby enacts as follows:**

1. The Official Plan for the Town of Niagara-on-the-Lake consisting of the attached Schedule "A" is hereby adopted.
2. That the Town Clerk is hereby authorized and directed to give notice of adoption of the Official Plan for The Corporation of the Town of Niagara-on-the-Lake in accordance with subsection 17(23) of the *Planning Act, R.S.O., 1990, c.P.13, as amended*.
3. That the Town Clerk is hereby authorized and directed to forward the Official Plan for The Corporation of the Town of Niagara-on-the-Lake, and other required documentation, to the Ministry of Municipal Affairs and Housing for approval in accordance with subsection 17(31) of the *Planning Act, R.S.O., 1990, c.P.13, as amended*.
4. That the Official Plan for the Town of Niagara-on-the-Lake shall take effect on the day after the Official Plan is approved by the Province of Ontario in accordance with subsections 17(38.1) of the *Planning Act, R.S.O., 1990, c.P.13, as amended*.
5. That on the day the Province of Ontario grants approval of the new Town of Niagara-on-the-Lake Official Plan, the former Official Plan, adopted by By-law No. 5180-19 on March 14, 1994, and any amendments made thereto, are hereby repealed, with the exception that the following shall remain in effect until a replacement Secondary Plan or amendment is adopted or approved:
  - a. Dock Area Secondary Plan, in accordance with Section 6.32.7, Special Policy Area A-8, and Schedule B1-B8: Dock Area Secondary Plan;
  - b. Glendale Secondary Plan, in accordance with 6.32.6, Special Policy Area A-7 (Glendale Secondary Plan), Schedule F – Land Use Designations, Schedule F2 – Building Height, Schedule F2B – Enhanced Building Height, Schedule F3 – Natural Heritage System,

Schedule F4 – Pedestrian Realm and Active Transportation Network, Schedule F5 – Roads Network, Appendix A: Urban Design Guidelines;

- c. St. Davids Secondary Plan, in accordance with Section 6.32.3 Special Policy Area A-3, Schedule D: Land Use Plan – St. Davids, and Schedule D1: St. Davids Established Village Area; and,
  - d. Queenston Secondary Plan, in accordance with Section 6.32.1 Special Policy Area A-1, Schedule E: Land Use Plan – Queenston, and Schedule E1: Queenston Secondary Plan Boundary.
6. That the portions of the Niagara Official Plan that apply in respect of the Town of Niagara-on-the-Lake, as adopted by By-law 2022-47, and all amendments thereto, are hereby revoked on the day upon which the new Town of Niagara-on-the-Lake is approved by the Province of Ontario.
  7. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.
  8. That this by-law shall come into force and effect on the day upon which the Official Plan for the Town of Niagara-on-the-Lake is approved by the Province of Ontario.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26TH DAY OF MAY 2026**

---

LORD MAYOR GARY ZALEPA

---

TOWN CLERK GRANT BIVOL



# Official Plan

May 26, 2026

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil, ON L0S 1T0  
T: 905-468-3061

# Niagara-on-the-Lake

## OFFICIAL PLAN

### Table of Contents

<b>Background – Purpose and Organization of the Plan</b> .....	<b>1</b>
<b>Preamble – Toward a Sustainable Future for Niagara-on-the-Lake</b> .....	<b>4</b>
<b>Section 1 – A Framework for a Sustainable Community</b> .....	<b>9</b>
<b>1.1 Community Vision</b> .....	<b>9</b>
<b>1.2 Community Structure</b> .....	<b>10</b>
<b>1.3 Economic Strategy</b> .....	<b>11</b>
<b>1.4 Growth Management</b> .....	<b>13</b>
<b>1.5 Employment Areas and Business Areas</b> .....	<b>15</b>
1.5.1 Identification .....	15
1.5.2 Protecting Employment Areas .....	15
1.5.3 Protecting Business Areas .....	16
<b>1.6 Complete Communities</b> .....	<b>16</b>
1.6.1 Sustainability .....	16
1.6.2 Healthy Neighbourhoods .....	18
1.6.3 Housing.....	19
1.6.4 Community Infrastructure .....	19
1.6.5 Parks and Open Space Systems .....	20
<b>Section 2 – Protected Countryside: The Unique Specialty Crop Area</b> .....	<b>21</b>
<b>2.1 Identification</b> .....	<b>21</b>
<b>2.2 Agricultural System</b> .....	<b>22</b>
2.2.1 Supporting an Agricultural System in Niagara-on-the-Lake .....	22
2.2.2 Objectives .....	24
2.2.3 Permitted Uses .....	25
2.2.4 General Policies for Specialty Crop Area .....	26
2.2.5 Accommodation for Full-time and Seasonal Farm Labourers .....	29
2.2.6 Agriculture-Related Uses and On-Farm Diversified Uses .....	29
2.2.7 Wineries .....	32

2.2.8	Breweries and Distilleries .....	35
2.2.9	Adaptive Re-use .....	35
2.2.10	Minimum Distance Separation Requirements .....	35
2.2.11	Lot Creation .....	35
2.2.12	Surplus Farm Dwellings .....	36
2.2.13	Previous Site-Specific Approvals in the Greenbelt Plan Area .....	37
<b>2.3</b>	<b>Major Open Space .....</b>	<b>37</b>
2.3.1	Background .....	37
2.3.2	Objectives.....	38
2.3.3	Permitted Uses.....	38
2.3.4	Niagara Parks Commission and Parks Canada Lands .....	39
2.3.5	Federal Lands .....	39
<b>2.4</b>	<b>Licensed Aggregate Operations .....</b>	<b>40</b>
2.4.1	Background .....	40
2.4.2	Objectives.....	40
2.4.3	Policies .....	40
<b>2.5</b>	<b>Site Specific Policies .....</b>	<b>41</b>
<b>Section 3</b>	<b>Settlement Areas .....</b>	<b>44</b>
<b>3.1</b>	<b>Identification .....</b>	<b>44</b>
<b>3.2</b>	<b>Framework for Development.....</b>	<b>44</b>
<b>3.3</b>	<b>Settlement Area Boundaries and Built-up Areas.....</b>	<b>45</b>
<b>3.4</b>	<b>Greenfield Areas.....</b>	<b>45</b>
<b>3.5</b>	<b>Intensification Strategy.....</b>	<b>47</b>
<b>3.6</b>	<b>Phasing .....</b>	<b>49</b>
<b>3.7</b>	<b>Land Use Compatibility.....</b>	<b>50</b>
<b>3.8</b>	<b>Community Design.....</b>	<b>51</b>
<b>3.9</b>	<b>Urban Design.....</b>	<b>54</b>
<b>3.10</b>	<b>Housing Affordability.....</b>	<b>55</b>
<b>3.11</b>	<b>Residential Areas.....</b>	<b>56</b>
3.11.1	Background and Identification.....	56
3.11.2	Objectives .....	56
3.11.3	Policies .....	57
3.11.4	Established Residential Designation.....	59
3.11.5	Residential Designation.....	61
<b>3.12</b>	<b>Commercial Areas .....</b>	<b>62</b>
3.12.1	Background and Identification.....	62
3.12.2	Objectives .....	62

3.12.3	Character .....	63
3.12.4	Permitted Uses .....	63
3.12.5	Policies .....	63
<b>3.13</b>	<b>Mixed Use Area .....</b>	<b>65</b>
3.13.1	Background and Identification .....	65
3.13.2	Objectives.....	65
3.13.3	Permitted Uses.....	66
3.13.4	Policies .....	66
<b>3.14</b>	<b>Employment Lands .....</b>	<b>67</b>
3.14.1	Employment Areas .....	67
3.14.2	Business Areas .....	70
<b>3.15</b>	<b>Community Facilities .....</b>	<b>71</b>
3.14.3	Background and Identification .....	71
3.15.2	Objectives.....	71
3.15.3	Permitted Uses .....	72
3.14.4	Policies.....	72
<b>3.16</b>	<b>Conservation .....</b>	<b>73</b>
<b>3.17</b>	<b>Secondary Plans .....</b>	<b>74</b>
<b>3.18</b>	<b>Community Hubs .....</b>	<b>75</b>
<b>3.19</b>	<b>Site Specific Policies .....</b>	<b>76</b>
<b>Section 4</b>	<b>Niagara Escarpment Plan Area.....</b>	<b>107</b>
<b>4.1</b>	<b>Background .....</b>	<b>107</b>
<b>4.2</b>	<b>Policies.....</b>	<b>107</b>
<b>4.3</b>	<b>Site Specific Policy .....</b>	<b>108</b>
<b>Section 5</b>	<b>Niagara District Airport .....</b>	<b>111</b>
<b>5.1</b>	<b>Background .....</b>	<b>111</b>
<b>5.2</b>	<b>Permitted Uses .....</b>	<b>111</b>
<b>5.3</b>	<b>Policies.....</b>	<b>112</b>
<b>Section 6</b>	<b>Heritage, Archaeology and Culture .....</b>	<b>113</b>
<b>6.1</b>	<b>Built Heritage Resources .....</b>	<b>113</b>
6.1.1	Identification and Documentation.....	113
6.1.2	Protection of Built Heritage Resources .....	114
6.1.3	Management of Heritage Resources .....	118
<b>6.2</b>	<b>Cultural Heritage Landscapes and Heritage Conservation Districts .....</b>	<b>119</b>

6.3	<b>Heritage Character Areas</b> .....	<b>122</b>
6.4	<b>Archaeological Resources</b> .....	<b>129</b>
6.5	<b>Cultural Facilities</b> .....	<b>131</b>
6.6	<b>Enhancement and Education</b> .....	<b>133</b>
<b>Section 7</b>	<b>Natural Environment System</b> .....	<b>134</b>
7.1	<b>A Unique Local Natural Environment System</b> .....	<b>134</b>
7.1.1	Background .....	134
7.1.2	Objectives.....	135
7.1.3	Components of the Natural Environment System .....	137
7.1.4	Mapping of the Natural Environment System.....	139
7.1.5	Enhancement Areas.....	140
7.1.6	Cumulative Impacts.....	143
7.1.7	Stewardship.....	143
7.2	<b>The Natural Heritage Systems</b> .....	<b>143</b>
7.2.1	General Policies .....	143
7.2.2	Development and Site Alteration in the Natural Heritage System .....	146
7.2.3	Buffers Outside of Settlement Areas .....	148
7.2.4	Buffers in Settlement Areas.....	150
7.2.5	Development and Site Alteration in Adjacent Lands to the Natural Heritage System.....	150
7.3	<b>Watershed Planning</b> .....	<b>152</b>
7.4	<b>Water Resources System</b> .....	<b>155</b>
7.4.10	Other Wetlands .....	156
7.4.11	Riparian Vegetation.....	158
7.4.12	Fish Habitat .....	158
7.4.13	Shorelines .....	159
7.5	<b>Greenbelt Plan Area</b> .....	<b>161</b>
7.5.1	Lands Within the Greenbelt Plan Natural Heritage System .....	161
7.5.2	Special Policies for Recreational Uses subject to the Greenbelt Plan .....	165
7.5.3	Niagara Peninsula Tender Fruit and Grape Area.....	166
7.6	<b>Niagara Escarpment Plan Area</b> .....	<b>166</b>
7.6.1	Policies .....	166
7.7	<b>Other Natural Environment System Policies</b> .....	<b>166</b>
7.7.1	Other Woodlands .....	166

7.7.1	Linkages .....	167
7.7.1	Tree Preservation .....	170
7.7.2	Cultural and Regenerating Woodlands .....	171
7.7.3	Significant Areas of Natural and Scientific Interest .....	172
7.7.4	Habitat of Threatened and Endangered Species and Species at Risk .....	172
7.7.5	Supporting Features and Areas .....	173
7.7.6	Native and Invasive Species .....	174
<b>7.8</b>	<b>Natural and Human-Made Hazard Lands .....</b>	<b>175</b>
7.8.1	Natural Hazard Lands .....	175
7.8.2	Human-Made Hazard Lands .....	178
<b>7.9</b>	<b>Implementation and Interpretation .....</b>	<b>179</b>
7.9.1	Strategies .....	179
7.9.2	Environmental Impact Study Requirements .....	180
<b>Section 8</b>	<b>Infrastructure.....</b>	<b>181</b>
<b>8.1</b>	<b>Transportation .....</b>	<b>181</b>
8.1.1	Background .....	181
8.1.2	Objectives .....	181
8.1.3	Transportation Demand Management.....	182
8.1.4	Active Transportation .....	183
8.1.5	Transit .....	184
8.1.6	Provincial Highways .....	184
8.1.7	Regional Roads.....	185
8.1.8	Arterial Roads.....	185
8.1.9	Collector Roads.....	186
8.1.10	Local Roads .....	186
8.1.11	Niagara River Parkway.....	187
8.1.12	Transportation Master Plan .....	187
8.1.13	General Transportation Policies .....	188
8.1.14	Goods Movement.....	190
8.1.15	Frontage on a Public Street.....	191
<b>8.2</b>	<b>Water and Wastewater Services .....</b>	<b>191</b>
8.2.1	General Policies .....	191
8.2.2	Urban Growth on Full Municipal Services .....	192
8.2.3	Private Water and Sewer Services.....	194
<b>8.3</b>	<b>Stormwater Management .....</b>	<b>195</b>
<b>8.4</b>	<b>Utilities .....</b>	<b>197</b>

<b>8.5</b>	<b>Green Energy Planning .....</b>	<b>199</b>
<b>8.6</b>	<b>Waste Management .....</b>	<b>199</b>
<b>8.7</b>	<b>Telecommunications Facilities .....</b>	<b>201</b>
<b>8.8</b>	<b>Municipal Drains and Agricultural Irrigation Systems .....</b>	<b>201</b>
<b>8.9</b>	<b>Municipal Servicing Standards.....</b>	<b>202</b>
<b>Section 9</b>	<b>Implementation and Administration.....</b>	<b>203</b>
<b>9.1</b>	<b>Introduction .....</b>	<b>203</b>
<b>9.2</b>	<b>Official Plan Review and Amendments .....</b>	<b>203</b>
<b>9.3</b>	<b>Zoning By-laws.....</b>	<b>203</b>
9.3.1	Comprehensive Zoning By-law .....	203
9.3.2	Holding Provisions.....	203
9.3.3	Interim Control By-law .....	205
9.3.4	Temporary Use By-law .....	205
9.3.5	Conditional Zoning .....	205
9.3.6	Inclusionary Zoning .....	206
9.3.7	Community Benefits Charges By-law .....	206
<b>9.4</b>	<b>Community Planning Permit System.....</b>	<b>206</b>
9.4.1	Areas subject to Community Planning Permit System .....	206
9.4.2	Objectives.....	207
9.4.3	Conditions of Approval .....	207
9.4.4	Evaluation Criteria .....	208
9.4.5	Application Requirements .....	208
9.4.6	Discretionary Uses .....	209
9.4.7	Variations .....	210
9.4.8	Delegation of Approval Authority .....	210
<b>9.5</b>	<b>Site Plan Approval.....</b>	<b>210</b>
<b>9.6</b>	<b>Community Improvement .....</b>	<b>212</b>
9.6.1	Definition and Identification .....	212
9.6.2	Purpose of Community Improvement Initiatives .....	212
9.6.3	Implementation Methods .....	213
<b>9.7</b>	<b>Lot Creation .....</b>	<b>214</b>
9.7.1	General.....	214
9.7.2	Draft Plan of Subdivision .....	215
9.7.3	Draft Plan of Condominium .....	215
9.7.4	Consent to Sever Land.....	217
9.7.5	Part Lot Control .....	218
9.7.8	Deeming .....	218

<b>9.8</b>	<b>Parkland Dedication .....</b>	<b>218</b>
<b>9.9</b>	<b>Complete Application and Pre-Consultation Requirements .....</b>	<b>220</b>
<b>9.10</b>	<b>Procedures for Public Engagement &amp; First Nations and Indigenous Communities Engagement .....</b>	<b>226</b>
<b>9.11</b>	<b>Property Standards By-law.....</b>	<b>227</b>
<b>9.12</b>	<b>Site Alteration By-law.....</b>	<b>227</b>
<b>9.13</b>	<b>Special Provisions for Specific Land Uses .....</b>	<b>228</b>
9.13.1	Additional Residential Units .....	228
9.13.2	Short-term Rentals .....	231
9.13.3	Garden Suites .....	234
9.13.4	Home Occupations and Home Industries.....	235
9.13.5	Additional Needs Housing .....	236
9.13.6	Flag Lots.....	236
<b>9.14</b>	<b>Potentially Contaminated Sites .....</b>	<b>236</b>
<b>9.15</b>	<b>Lands for Easements .....</b>	<b>238</b>
<b>9.16</b>	<b>Non-Conforming Uses .....</b>	<b>238</b>
<b>9.17</b>	<b>Public Acquisition of Land .....</b>	<b>239</b>
<b>Section 10</b>	<b>Interpretation.....</b>	<b>240</b>
<b>10.1</b>	<b>Boundaries .....</b>	<b>240</b>
<b>10.2</b>	<b>Dimensions, Figures and Quantities .....</b>	<b>240</b>
<b>10.3</b>	<b>Monitoring .....</b>	<b>241</b>
<b>10.4</b>	<b>Definitions .....</b>	<b>241</b>

## SCHEDULES

- Schedule A – Community Structure
- Schedule B1 – Land Use Plan
- Schedule B2 – Land Use – Old Town
- Schedule B3 – Land Use – Virgil
- Schedule B4 – Land Use – St. Davids
- Schedule B5 – Land Use – Queenston
- Schedule B6 – Land Use – Glendale
- Schedule B7 – Growth Management
- Schedule C1 – Natural Environment System
- Schedule C2 – Natural Heritage System
- Schedule C3 – Key Hydrologic Areas
- Schedule D1 – Heritage Resources & Archaeology
- Schedule D2 – Heritage Resources & Archaeology Settlement Areas Schedule
- D3 – Heritage Resources – Old Town
- Schedule D4 – Areas of Heritage Significance Schedule E1 – Transportation Network
- Schedule E2 (i) – Transportation Network (road right-of-way widths Municipal)
- Schedule E2 (ii) – Transportation Network (road right-of-way widths Regional)
- Schedule F – Recreational Trails and Major Open Space

## APPENDICES

- Appendix 1 – Niagara-on-the-Lake Agricultural Infrastructure System
- Appendix 2 – Wild Land Fire Susceptibility

# Niagara-on-the-lake

## OFFICIAL PLAN

### 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 addresses local and provincial planning initiatives while protecting and enhancing the distinctive character of the Town, its unique agricultural capabilities 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 Greenbelt Plan or the Niagara Escarpment Plan. It is intended to implement and apply those policies as they pertain to Niagara-on-the-Lake.

Provincial planning documents that impact planning in the Town include:

- Provincial Planning Statement (2024) (the “PPS”);
- 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 focus of this Plan is to encourage a sustainable model of *development*, based on the Town’s historic commitment to heritage conservation, supporting specialty crop production as a key economic engine for the Town, and planning for compact walkable communities with convenient access to a mix of jobs, shopping, services, community facilities and open space. The Plan supports agricultural production, manages the interface between rural and settlement areas, protects *built heritage resources* and *cultural heritage landscapes* and the unique *working landscape* that defines Niagara-on-the-Lake.

The sections of this Plan represent minimum standards. Decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any section of this Plan.

The Preamble to this Plan – Towards a Sustainable Future for Niagara-on-the-Lake sets out the Provincial, Regional and local planning context and is a non-operative part of this Plan.

The Plan consists of text and Schedules, as follows:

- Section 1 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 2 Protected Countryside/Specialty Crop Area – the Agricultural Resource: policies for encouraging specialty crop production, supporting agriculture and managing development within the Protected Countryside.
  - Section 3 Settlement Areas: policies for development within the five (5) settlements in the Town.
  - Section 4 Niagara Escarpment Plan Area: policies for development within the limits of the Niagara Escarpment Plan.
  - Section 5 Niagara District Airport: the policies for development within the Airport lands.
  - Section 6 Heritage, Archaeology and Culture: policies for conservation and management of built and cultural heritage, and archaeological resources.
  - Section 7 Natural Heritage System: policies for protection and management of the NOTL natural heritage system.
  - Section 8 Infrastructure: policies related to transportation, services and utilities.
  - Section 9 Implementation and Administration: establishing the processes and tools available to the Town to assist with the implementation of the policies in the Plan.
  - Section 10 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 C1 Natural Environment System
  - Schedule C2 Natural Heritage System
  - Schedule C3 Key Hydrologic Areas
  - 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 – Niagara-on-the-Lake Agricultural Infrastructure System
- Appendix 2 – Wild Land Fire Susceptibility

# **PREAMBLE – Toward a Sustainable Future for Niagara-on-the-Lake**

## **Niagara-on-the-Lake – History and Context**

The Town of Niagara-on-the-Lake is a unique community in Ontario. Its character is defined by its ability to grow crops that cannot be grown easily in other parts of Ontario, tender fruit and grapes, historic settlements, buildings and sites, highly productive crop production, small plot farms and a benevolent micro-climate. Agricultural production which is an historic keystone of the Town is enhanced by a unique *Niagara-on-the-Lake Agricultural Infrastructure System* 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, heritage and environmental concerns, and support the unique agricultural resource that is such a fundamental element of the Town's character and economy.

Niagara-on-the-Lake has a rich history and is home to a large number of the Province's earliest and most *significant built heritage resources* and *cultural heritage landscapes*. It has been inhabited for over 11,000 years, first by First Nations and Indigenous peoples, and then, as early as 1783, by United Empire Loyalists fleeing persecution after the American Revolution. The Town is situated on treaty lands by the Niagara Purchase Treaty of 1781, also known as Treaty 381 and the Between the Lakes Treaty, No.3 of 1792. 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.

Niagara-on-the-Lake has a strong agricultural heritage. Its tender fruit and grape lands are a nationally significant, non-renewable resource, one of only a limited number of areas in Canada that can produce tender fruit. This resource is a key component of the Town's economy. In addition to producing crops not easily produced in other parts of the province, agricultural production generates revenue and employment and supports secondary businesses. Its agricultural community attracts visitors to its wineries, *roadside produce outlets (fruit stands)*, agricultural markets and culinary facilities. Agriculture is and always has been a key economic engine supporting prosperity in the Town.

Since its incorporation in 1970, the Town has experienced limited but steady population growth. Over time there has been a shift in demographics resulting in an aging demographic profile and a larger proportion of seniors than youth in the Town.

The Town is strategically located on the American border and is directly served by the Queen Elizabeth Way, nearby GO rail service and cycling access. 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.

Niagara-on-the-Lake consists of five (5) settlement areas: Old Town, Queenston, St. Davids, Virgil and Glendale.

Old Town and Queenston are compact, walkable communities with *significant built-heritage resources*. They are stable residential communities.

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 *residential development*.

Virgil has historically 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. The commercial centre stretches mainly along Niagara Stone Road. Virgil is experiencing significant residential and commercial *development*.

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 *designated growth area development* in the Town. Glendale is subject to the direction of the Glendale Secondary Plan and has been identified as a *Strategic Growth Area*.

The Niagara-on-the-Lake Act enacts specific provincial legislation to establish and maintain an agricultural irrigation system which works in conjunction with a drainage system throughout the Town. This legislation establishes a unique and essential support system for the Town's tender fruit and grape sectors. While sections of this system are part of the *natural heritage system* other components have been engineered and constructed. These constructed features that are components of the *Niagara-on-the-Lake Agricultural Infrastructure System* are differentiated on and shown on Appendix 1 – Niagara-on-the-Lake Agricultural Infrastructure.

## **Provincial Planning Context**

### **Planning Act, R.S.O. 1990 (the Planning Act)**

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 Planning Act recognizes matters of Provincial interest that must be considered when undertaking local planning to implement their policy directions.

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

### **Provincial Planning Statement (PPS)**

The PPS identifies matters of provincial interest in land use planning. The current PPS has been in effect since October 20, 2024.

The PPS provides direction to the Province 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.

The Plan is required to be consistent with the provisions of the PPS.

### **Greenbelt Plan (2017)**

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 Greenbelt Plan provides permanent agricultural and environmental protection through a systems approach and supports a wide range of recreational and tourism uses and opportunities. The Greenbelt Plan also permits a range of uses that support a vibrant and evolving agricultural and rural economy.

Niagara-on-the-Lake, with the exception of the lands identified in the Ontario Power Generation Policy Area, is entirely located within the Greenbelt Area, and includes the Protected Countryside, Towns/Villages, and Niagara Escarpment Plan Area.

The Town is also within the Niagara Peninsula Tender Fruit and Grape Area, one of only two (2) *specialty crop areas* in Ontario. *Specialty crop areas* are subject to specific flexible provisions that acknowledge and accommodate the requirements of tender fruit and grape production. These policies are designed to encourage and support ongoing tender fruit and grape production on these lands.

This Plan is required to conform with the Greenbelt Plan.

## **Niagara Escarpment Plan (2017) (NEP)**

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.

In the event of a conflict between the provisions of this Plan and those of the NEP, as amended from time to time, the Provincial Plan shall prevail. Provisions of this Plan that are more restrictive than those of the Provincial Plan, however, shall apply unless specifically prohibited by the Provincial Plan.

This Plan is required to conform with the NEP.

## **Provincial Guidelines**

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.

## **Regional Planning Context**

### **Niagara Region**

Niagara-on-the-Lake is one of 12 local municipalities in the Region of Niagara. The removal of land use planning responsibilities from Niagara Region was proclaimed as March 31, 2025. The Ministry of Municipal Affairs and Housing replaced Niagara Region Council as the approval authority for new official plans and some types of official plan amendments.

### **Niagara Peninsula Conservation Authority (NPCA)**

The NPCA is responsible for programs designed to further the conservation, restoration, development and management of natural resources. NPCA regulates lands impacted by natural hazards, including flooding, erosion, *wetlands*, unstable soil and unstable bedrock.

Within NPCA Regulated areas, the NPCA provides approvals for various activities within its mandate under the Conservation Authorities Act.

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

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

### **Niagara Parks Commission (NPC)**

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.

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.

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

The Town will work with the NPC to ensure the conservation of *built heritage resources* and *cultural heritage landscapes*.

### **Federal Agencies**

Several Federal Agencies operate in the Town of Niagara-on-the-Lake. These include Parks Canada, the St. Lawrence Seaway Management Corporation (Welland Canal), Transport Canada, Department of Fisheries and Oceans (DFO) and others.

Federal Agencies are not subject to local planning requirements. However, they are encouraged to comply with the provisions of this Plan.

The Town will work with various Federal Agencies to implement the provisions of this Plan.

Parks Canada has responsibility for numerous heritage assets in the Town. Town policies will be sensitive to those heritage assets. The Town will work closely with Parks Canada in the preservation and interpretation of heritage assets in the Town.

Lands in the vicinity of the Niagara District Airport are subject to Federal Airport Zoning Regulations that include height restrictions due to potential aviation safety hazards.

## SECTION 1      A Framework for a Sustainable Community

### 1.1 Community Vision

Niagara-on-the-Lake's vision for a sustainable future was established through extensive consultation during a Community Vision process. This vision identified the need for a well-planned, built environment that respects the Town's unique rural character and *built heritage resources* and *cultural heritage landscapes*. Growth is to be managed in a balanced manner, meeting resident and business needs. Agriculture, specifically tender fruit and grape production, is recognized as a key economic engine in the Town and a defining element of its character.

#### 1.1.1 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.*

#### 1.1.2 The Community Vision process identified eight (8) strategic pillars and a number of associated goals to ensure the community vision is fulfilled to the year 2051. The eight strategic pillars are:

- (1) A prosperous and diverse economy;
- (2) Strong environmental stewardship and response to climate change;
- (3) An inclusive, integrated, healthy town;
- (4) A centre for culture, heritage and recreation, founded on conservation of *built heritage resources* and *cultural heritage landscapes*;
- (5) Mobility choices through a complete *multi-modal* transportation network;
- (6) A well-planned built environment;
- (7) A prosperous and sustainable agriculture sector; and
- (8) Well-managed municipal finances.

The Official Plan will implement the Community Vision, strategic pillars and goals, as appropriate.

## 1.2 Community Structure

- 1.2.1 The Town contains several distinct structural elements, 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 / The Unique *Specialty Crop Area*, 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.
- 1.2.2 This structure is overlain by a *Natural Heritage System* (Schedule C2), which includes the Niagara-on-the-Lake Agricultural Infrastructure System (also shown on Appendix 1 and Transportation Network (Schedule E1 to E2(2))).
- 1.2.3 The Protected Countryside also includes Major Open Space, Niagara District Airport Lands and Licensed Aggregate Operations, designations.
- 1.2.4 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.
- 1.2.5 Old Town and Queenston, in particular, include *significant built heritage resources and cultural heritage landscapes* 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.
- 1.2.6 The settlement area boundaries have defined limits established by the Greenbelt Plan and settlement area expansions are not permitted to extend into the *specialty crop area* or are subject to Niagara Escarpment Plan Area requirements. As such, there are no opportunities for the physical expansion of the settlement areas. *Development* will occur within the existing settlement area boundaries except as permitted by the PPS or Greenbelt Plan outside settlement areas.
- 1.2.7 The Niagara District Airport represents a *development* area in the Town that includes the lands in and around the airport that are developed as an airport and other related employment uses.
- 1.2.8 The Niagara Escarpment Plan Area applies to lands in the southern portion of the Town, and includes Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area, as defined in the Niagara Escarpment Plan. While St. Davids and Queenston are Minor Urban Centres according to

the Niagara Escarpment Plan, they are included in the Settlement Areas section of this Plan.

- 1.2.9 The Ontario Power Generation Policy Area contains a large constructed reservoir and additional lands owned by Ontario Power Generation (OPG), Bridge Commission and Niagara Parks, and are located outside of the Niagara Escarpment Plan Area and the Greenbelt Plan Area. Lands under the jurisdiction of OPG are not subject to the policies of this Official Plan. The constructed reservoir is one of the sources of water for the *Niagara-on-the-Lake Agricultural Infrastructure System*.

### 1.3 Economic Strategy

- 1.3.1 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.
- 1.3.2 Agriculture is a key economic driver in the Town's economy. The Town is committed to ensuring that this will continue by sustaining a prosperous agriculture and *agri-food network* as a key component of the economic strategy. To support the sector moving forward, the Town will develop and implement an overall agricultural strategy to ensure a long term economically viable agricultural industry. In recent updates to the Greenbelt Plan, the Province adopted specific policies in PPS to support farming in the tender fruit and grape specialty crop area and 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 and the flexible policies to support tender fruit, grape and wine production into this Plan. In maintaining a strong agricultural economy, the Town supports a broad range of agricultural value-added opportunities for the farming community, that compliment but do not detract from primary agricultural production.
- 1.3.3 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 Town's *agricultural system*, to capitalize on food production, agriculture related businesses, processing and tourism opportunities;
  - c) will implement flexible environmental policies to support tender fruit and grape production;

- d) recognizes that the Niagara District Airport is a key asset supporting economic development and employment growth in the Town;
- e) supports initiatives to develop employment uses in Glendale and the Virgil Business Park;
- f) will maintain and enhance its role as a centre for culture, heritage, education and recreation;
- g) will promote new economic development and tourism opportunities;
- h) will ensure the conservation of the Town's many *built heritage resources*; and
- i) supports transportation and transit networks to move residents and visitors.

1.3.4 In order to achieve strong economic diversity, it is recognized that the Town's natural and cultural assets, including the specialty crop area, *agricultural system*, *built heritage resources*, cultural heritage landscapes, and working landscapes 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.

1.3.5 Future employment, population and housing growth in the Town to 2051 will be influenced by a number of regional and local factors, including:

- a) a high quality of life that is expected to drive net migration to the Town from a broad range of demographic groups;
- b) diminishing supply of employment lands and the local and regional area;
- c) opportunities associated with the Niagara District Airport;
- d) tourism/recreation industry growth, that is expected to continue to expand and develop in the Town;
- e) growth opportunities in the agriculture sector, based on the unique productivity of the land and the size and diversity of agricultural activity in the Town; and
- f) opportunities related to agri-business and value-added processing.

1.3.6 The Town supports local food producers by encouraging farmers' markets, urban agricultural projects and community vegetable gardens in appropriate locations.

1.3.7 The Town will work with the Region and other levels of government to identify, enhance and implement its economic development strategies.

## 1.4 Growth Management

1.4.1 The updated population and employment forecasts will be based on the Ontario Population Projections published by the Ministry of Finance, modified as appropriate. The population, household and employment forecasts contained within this Section are as per the Niagara Region Official Plan and will be reviewed and updated accordingly based on a review of the demand for *development* in the Town and the location and amount of the supply of land, taking into account that there are no proposals to expand any of the Town's settlement areas. The resulting Growth Management Strategy will be implemented into this Plan by an official plan amendment.

1.4.2 The population of the Town is forecasted to increase to 28,900 by 2051. The number of additional housing units required to accommodate population growth is 4,600 and Table 1 below divides this housing unit forecast into the following unit types:

<b>Table 1: Housing Unit Forecast by Unit Type - 2021-2051</b>			
<b>Single Detached/Semi Detached</b>	<b>Row Housing</b>	<b>Apartments</b>	<b>Total</b>
3,058	914	628	4,600

1.4.3 New housing unit *development* is planned to be accommodated within the Town's policy areas in accordance with Table 2 below:

<b>Table 2: Housing Unit Forecast by Policy Area - 2021-2051</b>			
<b>Built-Up Area</b>	<b>Greenfield Area</b>	<b>Rural Area</b>	<b>Total</b>
25%	74.5%	0.5%	100%

1.4.4 Table 3 below divides the *built-up area* housing unit forecast into the following unit types:

<b>Table 3: Built-Up Area Housing Unit Forecast by Unit Type - 2021-2051</b>			
<b>Single Detached/Semi Detached</b>	<b>Row Housing</b>	<b>Apartments</b>	<b>Total</b>
240	350	565	1,150

1.4.5 Table 4 below divides the greenfield area housing unit forecast into the following unit types:

<b>Table 4: Greenfield Area Housing Unit Forecast by Unit Type - 2021-2051</b>			
<b>Single Detached/Semi Detached</b>	<b>Row Housing</b>	<b>Apartments</b>	<b>Total</b>
2,800	565	65	3,430

- 1.4.6 Employment in the Town is forecasted to increase to 17,610 by 2051, which is an increase of 5,810 jobs between 2021 to 2051. The majority of the new employment growth will occur in Glendale.
- 1.4.7 The population, housing and employment forecasts established by this Plan will be accommodated by:
- a) Directing the vast majority of population and housing growth to the settlement areas;
  - b) Permitting and facilitating all forms of *residential intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, *development* and introduction of new housing options within previously developed areas, and *redevelopment*, which results in a net increase in residential units;
  - c) Directing majority of growth to the Glendale strategic growth area and recognizing it as a key focus for *development*;
  - d) Encouraging intensification generally throughout the settlement areas;
  - e) Establishing *development* standards for *residential intensification*, *redevelopment* and new residential *development* that minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety;
  - f) Developing 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, transit and *active transportation*;
  - g) Promoting 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 in appropriate areas that do not negatively impact farming;
  - h) Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
  - i) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future employers;
  - j) Supporting opportunities for the agricultural sector to protect, diversify and expand their operations; and

- k) Creating a positive policy and regulatory framework to support business investments, growing incomes and a growing tax base.
- 1.4.8 Land use planning will be supported by *infrastructure* and community facilities that:
- a) consider the full life-cycle costs of these assets and options to pay for these costs over the long-term;
  - b) meet the requirements of forecasted growth within settlement areas; and
  - c) is planned, built, and maintained in accordance with the applicable policies in Section 8.
- 1.4.9 The growth management policies of the Glendale Secondary Plan apply in the event of any conflict between the sections of this Plan.

## 1.5 Employment Areas and Business Areas

### 1.5.1 Identification

- 1.5.1.1 *Employment areas* are identified on the land use schedules of this Plan. *Employment areas* provide opportunities for clusters of business and economic activities including, manufacturing, warehousing, goods movement, associated retail and office and ancillary facilities.
- a) *Business areas* are also identified on the land use schedules of this Plan and these areas are intended to provide opportunities for a broader range of employment-generating uses, including industrial uses, office and major office uses, institutional and major institutional uses, private education, recreation and health-related facilities and restaurant, retail and service commercial uses catering to the needs of the employees within the Business Area. *Business areas* in the Town include those lands designated 'Employment' in St. Davids on Schedule B4, lands designated 'Employment' in Virgil on Schedule B3 outside the *employment area*, and those lands designated 'Industrial/Business Park' in accordance with the Glendale Secondary Plan.

### 1.5.2 Protecting Employment Areas

- 1.5.2.1 The Town will protect its designated employment areas from inappropriate *conversion* by requiring planning justification for any proposed *conversion* to non-employment uses.
- 1.5.2.2 Employment areas will be serviced by *active transportation* facilities and transit to support access and reduce vehicular traffic and associated parking requirements.

### 1.5.3 Protecting Business Areas

- 1.5.3.1 The redesignation of land within a *business area* to permit a use that is not permitted may be considered where it is demonstrated to the satisfaction of the Town that:
- a) The land under application is not required for *business area* uses over the long term;
  - b) the proposed uses would not negatively impact the overall viability of the *business area* by avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *business area* uses; and
  - c) the Town will have sufficient lands within the Town's employment and *business areas* to accommodate projected employment growth to the horizon of the Official Plan.

## 1.6 Complete Communities

### 1.6.1 Sustainability

- 1.6.1.1 The concept of a sustainable community is one that directs growth to well-planned *built-up areas* and protects the integrity of the agricultural sector. Compact *development* within settlement areas is key to growth management in the Town. In managing growth to the year 2051, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.
- 1.6.1.2 A sustainable community balances social well-being, environmental responsibility, agricultural production, resource protection, and economic opportunities to meet the needs of the present without compromising the quality of life for future generations.
- 1.6.1.3 Sustainability is achieved through a variety of initiatives that can include:
- a) promoting environmental stewardship and sustaining a healthy natural environment;
  - b) protecting *specialty crop lands*, supporting agricultural production and agricultural *infrastructure*, and the *Agricultural System*, as required to meet the needs of the sector;
  - c) promoting agricultural diversification and innovation;
  - d) conserving *working landscapes*, and *built heritage resources* and *cultural heritage landscapes*;

- e) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;
- f) building on the existing employment strengths within the Town to generate economic prosperity;
- g) making efficient use of public *infrastructure* by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;
- h) having vibrant downtowns and attractive public spaces; and
- i) promoting the adaptive re-use of existing buildings and structures and the *redevelopment* of brownfields and *greyfields*.

#### 1.6.1.4

The Town may prepare a municipal sustainability plan and 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) reduce energy demands;
- b) design *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) provide appropriate stormwater infiltration at source and *low impact development* design;
- f) integrate *green infrastructure* into energy and *water conservation* strategies, as part of the review of development applications, and within public works projects, where feasible;
- g) provide for collection and storage of recyclable wastes on site;
- h) integrate *active transportation* and transit into *development* plans;
- i) protect the integrity of the *agricultural system*;
- j) manage the interface with the *agricultural system* to optimize agricultural production;
- k) maintain and enhance natural heritage and hydrological features and functions; and

- l) integrate green technology and approaches with conservation of *built heritage resources* and *cultural heritage landscapes*.

1.6.1.5 Applicants may be required to submit a report, as part of a complete application list, identifying measures to ensure that their proposed *development* complies with the initiatives noted above.

1.6.1.6 Before consideration is given to developing new *infrastructure*, the Town shall optimize the use of existing *infrastructure*, and plan and direct growth, in a manner that promotes efficient use of existing services.

## **1.6.2 Healthy Neighbourhoods**

1.6.2.1 Healthy neighbourhoods and communities are essential to the quality 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) vibrant, safe, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;
- b) retention of schools and supportive institutions including pre-schools, elementary schools and post-secondary schools;
- 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 *built heritage resources* of the Town;
- e) defined rural areas where agricultural production is supported;
- f) management of the interface between rural and urban *development* to facilitate production;
- g) measures to protect the Town's scenic beauty, tree cover and landscaping;
- h) support for education, arts and culture through strategically located public service facilities;
- i) encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;
- j) supporting walkable and bikeable neighbourhoods through *active transportation*; and

- k) investment in the public realm, including enhanced public access to the waterfront.

### **1.6.3 Housing**

- 1.6.3.1 A diversity of housing types and tenures with attainable and *affordable* housing options will contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.
- 1.6.3.2 Within settlement areas, a greater diversity of housing stock, including townhouses and low-rise apartment buildings, and increased opportunities for more *affordable* housing choices will be provided through infilling and, *intensification* within the built-up area, and *development* of greenfield areas.
- 1.6.3.3 Multi-unit *residential developments* are encouraged to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The inclusion of *additional residential units* in new housing *developments* is also encouraged.
- 1.6.3.4 The Town will maintain at all times where new *development* is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
- 1.6.3.5 The Town shall also maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for *residential development*.
- 1.6.3.6 To encourage the development of affordable housing, the Town shall target at least 20% all new rental housing and at least 10% of new ownership housing to be affordable.

### **1.6.4 Community Infrastructure**

- 1.6.4.1 *Community infrastructure* is integral to creating sustainable communities by providing facilities and services to meet the needs of residents.
- 1.6.4.2 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*.

1.6.4.3 The Town will identify areas of the Town that are underserved by *community infrastructure*, and develop policies and incentives to enhance access to *community infrastructure*. The Town may identify such *infrastructure* through the preparation of secondary plans, Community Improvement Plans, Local Improvement Plans, Development Charge Studies, Parks and Recreation Master Plan, Cultural Master Plans or other local municipal initiatives.

## **1.6.5 Parks and Open Space Systems**

1.6.5.1 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.

1.6.5.2 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, the NPCA, 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.

1.6.5.3 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, respects the rights of private landowners and does not negatively impact active farming. Parks, open spaces and trails often exist within surroundings of predominantly privately held lands. While some private lands owners may adopt a collaborative approach with groups to allow public access across portions of their property, this is only at the consent of the landowner.

1.6.5.4 The Town's Parks and Recreation Master Plan will assist in providing a long term strategy for park development and parkland acquisition which supports an overall parks and open space system. This Plan will be updated to incorporate any relevant recommendations of the Parks and Recreation Master Plan, once it is completed and approved by Council.

## SECTION 2      Protected Countryside: The Unique Specialty Crop Area

### 2.1 Identification

- 2.1.1**      The Town's location south of Lake Ontario within the shadow of the Niagara Escarpment, creates a unique micro-climate which supports productive agricultural lands that produce crops that cannot be grown in other parts of Ontario. Because of this unique and finite resource, the Town has a deeply rooted agricultural heritage and history of supporting agriculture. Agriculture is an integral part of the character of the Town, a key component of the local economy and occupies the majority of the land base. The majority of the Town's agricultural land is in active and intense production. Agriculture and *specialty crop lands* are a finite natural resource in Niagara-on-the-Lake. The Town will work diligently to protect it and, in that regard, will give first priority to agricultural land uses. Lands within the *specialty crop area* shall not be redesignated for non-agricultural uses.
- 2.1.2**      The unique agricultural area in the Town is distinguished from other agricultural areas in the province by numerous factors including access to an extensive, constructed *Niagara-on-the-Lake Agricultural Infrastructure System*, that serves the sector, smaller than normal farm parcels, intense farm operations, the wide range of commodities that can be produced, the length of crop cycles, and the approach to managing *buffers* around watercourses and other features to preserve air flow and create an environment free from pests and invasive species.
- 2.1.3**      In addition to being Protected Countryside under the Greenbelt Plan, the rural area of Niagara-on-the-Lake is identified by the Province as a *specialty crop area* 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 *all types and intensities of agricultural uses and normal farm practices are permitted* and agricultural operations will continue and flourish. The Town supports this goal and through this Plan implements policies for the Protected Countryside that protect the land base, support a healthy and viable *agricultural system*, manage resources and control a limited number of pre-existing uses, identified as Major Open Space, Licensed Aggregate Operations and Niagara District Airport Lands.
- 2.1.4**      The portion of the *natural environment system* in the Protected Countryside is located largely on agricultural land and many of the farms contain natural features. The *Niagara-on-the-Lake Agricultural Infrastructure System* is integral to successful tender fruit and grape production. In implementing environmental controls, the Town has always differentiated between constructed elements of the *Niagara-on-the-Lake Agricultural Infrastructure System* and recognized the ongoing stewardship of farms that facilities both environmental protection and agricultural production. The Provincial policies permit flexibility in applying environmental control in *specialty crop areas*. The

Town has implemented this flexibility for agricultural operations in the *specialty crop area* and addressed specific requirements associated with maintaining the *Niagara-on-the-Lake Agricultural Infrastructure System* through the policies contained in this Plan, specifically in Section 8.

**2.1.5** The *specialty crop lands* in the Protected Countryside, as shown on Schedule B1, are comprised of the following land use designations:

- a) *Specialty Crop Area*
- b) Major Open Space;
- c) Licensed Aggregate Operations; and
- d) Niagara District Airport Lands.

**2.1.6** The lands in the Protected Countryside include the *Natural Environment System* as shown on Schedule C1.

## **2.2 Agricultural System**

### **2.2.1 Supporting an Agricultural System in Niagara-on-the-Lake**

2.2.1.1 Niagara-on-the-Lake has a unique agricultural sector. It is 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 of provincial and national significance. Production occurring on these lands is a key contributor to the Town's economy and employment base. The visual aesthetics of the agricultural landscape combined with the crop profile and related uses support tourism.

2.2.1.2 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 viable agricultural production and related economic activity.

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

- a) significance in the local economy;
- b) role as the key component of *working landscapes*;
- c) reliance on a climate conducive to growing tender fruit and grapes;
- d) perennial crop profile;

- e) small individual farm parcel size;
- f) farm operations comprised of disparate land parcels of varying sizes;
- g) intensive farm operations;
- h) access to the extensive *Niagara-on-the-Lake Agricultural Infrastructure System* that utilizes engineered and constructed municipal drains and natural watercourses to sustain specialty crop production, reduce flooding and provide an augmented flow of water during dry periods to sustain crops;
- i) presence of a variety and number of agriculture-related and on-farm diversified uses including a significant component of agri-tourism uses;
- j) labour intensive farm operations;
- k) diversity of production;
- l) sensitivity of specialty crops to insects, pests, invasive species and blocked air flow;
- m) impact from active interfaces between agricultural and community land uses;
- n) active production in the *natural heritage system*;
- o) integral relationship of specialty crops with *buffers*, naturalized areas and stream corridors;
- p) reliance on support *infrastructure* (farm services, storage, retail, packing shipping, irrigation works, etc.);
- q) longer time frames for crops to reach maturity;
- r) agriculture's role as an integral part of the Town's *working landscape*;
- s) importance to the local economy;
- t) unique ability of the land base to support tender fruit and grape production;
- u) importance of climate to tender fruit and grape production; and
- v) the finite and non renewable nature of the resource.

## 2.2.2 Objectives

- 2.2.2.1 The objectives for managing and building the Town's *agricultural system* include:
- a) Preserving and supporting the *specialty crop area* for farming.
  - b) Expanding the area under production.
  - c) Accommodating supportive components and agricultural *infrastructure* including the *Niagara-on-the-Lake Agricultural Infrastructure System*.
  - d) Fostering functional and economic *linkages*.
  - e) Creating 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 environment 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 in a sustainable manner.
  - i) Acknowledging that agricultural land is integral to the long term sustainability of the *Natural Environment 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) Encouraging the preservation of agricultural lands for agricultural purposes and directing non-farm uses to settlement areas.
- m) Managing the interface between agricultural and non-agricultural uses by preventing conflicts and implementing edge planning controls (buffering, separation, etc.) that protect the ability and right to farm and grow specialty crops.
- n) Permitting *agriculture-related uses* and *on-farm diversified uses* including *agri-tourism uses* that are *compatible* with and do not hinder surrounding agricultural operations, and directly support continued *agricultural uses*.
- o) Consolidating and simplifying the regulations associated with farming on agricultural lands.
- p) Permitting the appropriate reconfiguration of farm operations to support economic viability.
- q) Permitting existing appropriate industries and commercial uses supportive of, and directly related to, agricultural operations.
- r) Supporting the eradication of invasive species that threaten agricultural production.

### **2.2.3 Permitted Uses**

2.2.3.1 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 uses that do not require buildings or structures and do not negatively impact agricultural production;
- f) passive recreational uses such as trails and outdoor nature interpretation that do not impact agricultural production and respect the right of private property owners;

- g) residential uses on lots created in accordance with Section 2.2.11;
- h) one (1) *additional residential unit* subject to the requirements of Section 9.13.1.3;
- i) extraction of minerals aggregates in accordance with the policies of this Plan;
- j) all existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect; and
- k) single-detached dwellings on existing lots of record, provided they were zoned for such as of December 16, 2004.

2.2.3.2 On-farm alternative and/or renewable energy systems are permitted in association with agricultural operations. For those systems not exempt from the Planning 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.

## **2.2.4 General Policies for Specialty Crop Area**

2.2.4.1 The redesignation of lands within the *specialty crop area* to another designation in this Plan is not permitted.

2.2.4.2 The size of farm parcels will be maximized by consolidation with other farm properties.

2.2.4.3 All types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected. *Normal farm practices* are to be unhindered.

2.2.4.4 *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*. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be *compatible* with and shall not hinder surrounding agricultural operations.

2.2.4.5 All uses in the *specialty crop area* will be designed, located and managed to not detract from the primacy of agriculture.

2.2.4.6 All lands designated as *specialty crop area* will be placed in an Agricultural Zone in the Zoning By-law. Existing uses which are not 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.

- 2.2.4.7 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.
- 2.2.4.8 Land uses that would cause potential aviation safety hazards are prohibited in the vicinity of the Niagara District Airport.
- 2.2.4.9 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.
- 2.2.4.10 New buildings or structures for *agricultural uses*, *agriculture-related uses* 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 incurred significant damage during a flood event, where a new building or structure does not contain any dwelling units, and where will not negatively impact the *floodplain*;
  - d) there is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production; and
  - e) a new individual on-site sewage system will not be located within 30 metres of the stream.
- 2.2.4.11 Expansions to existing buildings and structures, accessory structures and existing uses, as well as *conversions* or *redevelopment* of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a) new municipal services are not required;
- b) the proposal does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- c) if applicable, the proposed new use complies with the Specialty Crop Area policies, as amended from time to time;
- d) for *conversions* or *redevelopments* only, the completion of an *agricultural impact assessment* by a qualified professional;
- e) the proposal does not result in the introduction of new incompatible uses;
- f) the proposed use is in accordance with the *Minimum Distance Separation Formulae*; and
- g) the proposed use is in accordance with the NPCA requirements.

2.2.4.12 Non-agricultural uses may be permitted subject to the Greenbelt Plan.

2.2.4.13 Where *agricultural uses* and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.

2.2.4.14 Applications for non-agricultural uses shall require completion of an *agricultural impact assessment*. Impacts from any new or expanding non-agricultural uses on the *agricultural system* are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance.

2.2.4.15 The removal of topsoil in specialty crop and *prime agricultural areas*, for activities not associated with *normal farm practices* is discouraged. The placement of fill in specialty crop and *prime agricultural areas* is prohibited except for *normal farm practices*, and *agricultural related uses* or *on-farm diversified uses* that subject to site plan control, conducted in accordance with Ontario Regulation 409/19 and the Town's Site Alteration By-law.

2.2.4.16 Greenhouses are subject to the requirements of the Town's Site Plan Control By-law.

## **2.2.5 Accommodation for Full-time and Seasonal Farm Labourers**

- 2.2.5.1 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.
- 2.2.5.2 The zoning by-law will include restrictions pertaining to the size, and location of accommodation for full-time and seasonal farm labourers based on the type of farm operation, other holdings of the operator, the suitability of the location of the building(s) as to adjacent land uses, access, number of units, and the ability to provide on-site sewer and water services without reducing the amount of land available for production.
- 2.2.5.3 Accommodation for full-time and seasonal labourers shall not negatively impact the amount of land available for agricultural production.

## **2.2.6 Agriculture-Related Uses and On-Farm Diversified Uses**

- 2.2.6.1 Allowing a range of appropriate *agriculture-related uses* and *on-farm diversified uses* (which include *agri-tourism uses*) contribute to economically sustainable agriculture in the Town, strengthens the *agricultural system*, facilitates broader access to local food and beverages, agricultural products and wines from 100% Ontario grown fruit wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.
- 2.2.6.2 In determining what constitutes an agricultural use versus an *agriculture-related use* or *on-farm diversified use* (including *agri-tourism uses*), reference shall be made to the definitions and policies of this Plan and the implementing Zoning By-law(s), and the Guidelines on Permitted Uses in Ontario's Prime agricultural areas (Publication 851), or its successor hereto.
- 2.2.6.3 *Agriculture-related uses* and *on-farm diversified uses* may be permitted in accordance with the policies in this Plan, Provincial guidelines, and other agencies 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;
- 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) appropriate controls imposed through available legislation, to ensure that the hours of operation of a use do not conflict with adjacent land uses;
- j) appropriately zoned land supported, where necessary, by a *development* agreement;
- k) *development* on treed areas, *hazardous lands*, and any other natural or *cultural heritage resource* will be avoided; and
- l) *development* may be subject to site plan control.

2.2.6.4 *Agriculture-related uses* and *on-farm diversified uses* involving *development* over 500 square metres (e.g. buildings, structures, parking, driveway, etc.) 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, and does not hinder the existing farming operation and/or surrounding agricultural farming operations; and
- d) whether the use complies with all other applicable provisions of this Plan.

2.2.6.5 The Town may require applicants to demonstrate consistency with this Plan and provincial policy through the preparation of a scoped agricultural impact assessment or equivalent analysis, in provincial guidance.

#### 2.2.6.6 **Agriculture-related uses**

- a) *Agriculture-related uses* must be *compatible* with and shall not hinder the surrounding agricultural operations, and relate directly to and be required in close proximity to farm operations in accordance with the Guidelines on Permitted Uses in Ontario’s Prime agricultural areas (Publication 851), or its successor hereto.
  - i. Products processed, produced, and/or sold by these *agriculture-related uses*, may be obtained from surrounding farm operations in the area or from further away provided that generally a minimum of 75% of the product processed, produced, or sold is from farm operations in the Town. 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 Applicant shall demonstrate that the use will service the local agricultural industry as the sole or main business activity including but not limited to the preparation of a Farm Business Plan.
  - ii. *Roadside produce outlets (fruit stands)* and “pick your own” facilities are limited to distribution of product produced from the farm operation on which it is located or surrounding farms in close proximity, with parking areas and structures limited in area. The area used for *development* shall not negatively impact or reduce the amount of land available for agricultural production.

#### 2.2.6.7 **On-farm Diversified Uses**

- a) *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 are *compatible* with the farming operation in accordance with the Guidelines on Permitted Uses in Ontario’s Prime agricultural areas (Publication 851), or its successor hereto. Proposed *on-farm diversified uses* shall be *compatible* with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.
- b) *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:
  - i. Appropriate *Agri-tourism uses* that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law.

ii. *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:

- the scale of the operation is limited and appropriate to the site and surrounding farming operations;
- the use is *compatible* with and shall not hinder surrounding agricultural operations and neighbouring properties;
- the use does not generate potentially conflicting off-site impacts including impacts related to *infrastructure* or transportation;
- the use is limited to low water consumption 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*;
- for *special events*, the use represents an occasional activity and is not a regularly recurring activity;
- the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding agricultural or non-farm properties;
- the use does not require *significant* improvements to utilities or *infrastructure* such as roads or hydro services;
- the use complies with all of the policies of this Plan;
- the area used shall not negatively impact the amount of land available for agricultural production; and
- the proposed use or *site alteration* and/or *development* will not negatively impact *cultural heritage resources*.

## **2.2.7 Wineries**

2.2.7.1 Estate wineries and farm wineries 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 Guidelines on Permitted Uses in Ontario's Prime agricultural areas (Publication 851), or its successor hereto, and the following specific provisions.

2.2.7.2 Town staff will complete a review of *on-farm diversified uses*. Once complete, updated policies will be implemented into this Plan.

2.2.7.3 **Estate Wineries**

- a) All estate wineries will be subject to a site specific zoning by-law amendment.
- b) The minimum acreage for an *estate winery* will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with generally the land being predominantly in full vineyard production to be reviewed at the time of a Zoning By-law Amendment to maximize lands in agricultural production. This acreage is required to provide a rural setting for the winery, land for the ponding of wastewater and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with all other policies of the plan and that the reduced area will not jeopardize the rural setting of an *estate winery*. 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.
- c) The Town shall require that majority of the land that is arable for viticulture and/or the production of fruit crops to be planted and be in full production.
- d) The production of wine from an *estate winery* is subject to the following criteria:
  - i. the majority of wines produced will be made from *locally grown fruit*, with majority of the fruit grown on site;
  - ii. an *estate winery* will make the wine on site in accordance with Provincial regulations;
  - iii. the majority of wines produced are to be made from *locally grown fruit*, predominantly crushed on site;
  - iv. an *estate winery* will have the capability to bottle the majority of all the wine produced and sold on site.
- e) The following uses may be permitted as ancillary to an *estate winery*, provided that the amount of floor space is 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, and do not adversely impact other uses permitted in the agricultural area:
  - i. retail sale of wine made on site;

- ii. hospitality room/area where food and wine is prepared and served;
  - iii. limited events controlled through a regulatory by-law;
  - iv. the sale of products in an agricultural market provided such products are from the Town; or
  - v. overnight accommodations, in accordance with the Guidelines on Permitted Uses in Ontario's Prime agricultural areas (Publication 851), or its successor hereto.
- f) Estate wineries will be required to locate with direct or convenient access to an improved roadway with sufficient capacity to accommodate the anticipated traffic. The location of ingress and egress locations shall be given careful consideration to prevent negative impacts on neighbouring properties.
  - g) 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 or tender fruit. Vineyard planting may be a condition of the amending by-law to be completed prior to the issuance of a building permit.
  - h) Where *outdoor events* are permitted as part of an *estate winery* operation, they will be regulated through a general and/or site specific by-law that will limit the number, timing and duration of such events to ensure they remain ancillary to the main use and do not negatively impact other uses permitted in the area.

#### 2.2.7.4 Farm Wineries

- a) *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 but shall not be less than four (4) hectares of the land being predominantly in full vineyard production.
- b) The production of wine from a *farm winery* shall be subject to the following criteria:
  - i. all wines produced will be made from *locally grown fruit* with majority of that fruit grown on site;
  - ii. all wines sold must be made in accordance with provincial regulations;

- c) 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.

## **2.2.8 Breweries and Distilleries**

- 2.2.8.1 Breweries and distilleries may be permitted in the *specialty crop area* subject to an amendment of this Plan.

## **2.2.9 Adaptive Re-use**

- 2.2.9.1 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.

## **2.2.10 Minimum Distance Separation Requirements**

- 2.2.10.1 The *Minimum Distance Separation Formulae*, as amended from time to time shall be utilized for locating new *development* where permitted. Separation distances between new or expanding livestock operations and other land uses shall also be in accordance with the *Minimum Distance Separation Formulae*.
- 2.2.10.2 All new or expanding livestock facilities and anaerobic digesters will comply with the *Minimum Distance Separation Formulae*.
- 2.2.10.3 All new *development* in designations and zones in proximity to livestock facilities and anaerobic digesters will comply with the *Minimum Distance Separation Formulae*.

## **2.2.11 Lot Creation**

- 2.2.11.1 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.
- 2.2.11.2 A consent is not permitted where it would create a lot pattern which would negatively impact farm operations.
- 2.2.11.3 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.
- 2.2.11.4 Except as permitted in Section 2.2.11.3, consents are not permitted that would create a separate lot for a residential dwelling.
- 2.2.11.5 Lot creation may be permitted for *infrastructure*, where the facility or corridor cannot be accommodated by easements or rights-of-way, provided that:
- a) the need has been demonstrated and it has been established that there is no reasonable alternative; and
  - b) an *agricultural impact assessment* has been completed by a qualified professional.
- 2.2.11.6 A new lot shall have an adequate groundwater or other water supply, in compliance with Provincial requirements.
- 2.2.11.7 Road access to any new lot shall not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.
- 2.2.11.8 Lot creation for *agriculture-related uses* is discouraged and may only be permitted in accordance with provincial guidance, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate services.

## **2.2.12 Surplus Farm Dwellings**

- 2.2.12.1 Where a habitable dwelling existed prior to December 16, 2004, a consent to sever a lot containing the dwelling 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 or abutting the Town of Niagara-on-the-Lake;

- d) the new lot is located to minimize the impact on the remaining farm operation;
- e) the new lot complies with the *Minimum Distance Separation* (MDS) Formula;
- f) any new lot has sufficient frontage on an existing publicly maintained road; and
- g) where possible, joint use should be made of the existing road access to the farm operation.

### **2.2.13 Previous Site-Specific Approvals in the Greenbelt Plan Area**

2.2.13.1 Where the Regional Official Plan or a Local official plan was amended prior to December 16, 2004, to specifically designate land use(s), this approval may continue to be recognized through any further applications required under the Planning Act or the Condominium Act, 1998 to implement the official plan approval, and provided these additional approvals are required to implement the initial decision, these further approvals are not required to conform with the Greenbelt Plan.

2.2.13.2 Where a zoning by-law was amended prior to December 16, 2004, to specifically permit land use(s), this approval may continue to be recognized through any further applications required under the Planning Act or the Condominium Act, 1998 to implement the use permitted by the zoning by-law are not required to conform to the Greenbelt Plan.

## **2.3 Major Open Space**

### **2.3.1 Background**

2.3.1.1 The Major Open Space designation recognizes *significant* open space such as federal and provincial parks, museums, major sport complexes and historical sites.

2.3.1.2 The NPC manages, controls and develops parks and green spaces under its ownership along the Niagara River to protect the natural beauty of the area.

2.3.1.3 Parks Canada has the objective of protecting *built heritage resources* and *cultural heritage landscapes* 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.

2.3.1.4 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.

2.3.1.5 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 Plan.

### **2.3.2 Objectives**

2.3.2.1 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.

### **2.3.3 Permitted Uses**

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

- a) Active and passive parks and open space;
- b) Historic sites and museums;
- c) Cemeteries;
- d) Fish and wildlife management; and
- e) Forestry and conservation.

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

### **2.3.4 Niagara Parks Commission and Parks Canada Lands**

2.3.4.1 On lands adjacent to the Niagara Parkway, the Town will consult with the 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.

2.3.4.2 The Town will endeavour to 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, to 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.

2.3.4.3 The Town will have regard for the objectives and plans of the NPC and Parks Canada in the design and implementation of any capital works which could affect them.

2.3.4.4 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.

2.3.4.5 The Town will negotiate for the future use of any lands deemed surplus by Parks Canada.

2.3.4.6 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.

2.3.4.7 The Town supports the preparation of a design study of the unique value of the Niagara Parkway as a national historic, cultural and recreational resource.

### **2.3.5 Federal Lands**

2.3.5.1 Navy Hall, Fort George, the Commons and Butler's Barracks, Fort Mississauga, the Niagara-on-the-Lake Golf Course, Department of National Defence Lands 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.

## 2.4 Licensed Aggregate Operations

### 2.4.1 Background

2.4.1.1 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). However, there are limited areas in the Town with identified aggregate potential and aggregate extraction is not a permitted use in the *specialty crop area* between the Niagara Escarpment and Lake Ontario that comprises the rural area of the Town.

2.4.1.2 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.

### 2.4.2 Objectives

2.4.2.1 The objectives associated with *development* within the Licensed Aggregate Operations designation on Schedule B1 are:

- a) to ensure that the aggregate operations 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.

### 2.4.3 Policies

2.4.3.1 In the Licensed Aggregate Operations 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.

- 2.4.3.2 Extractive operations will be permitted only in those areas so designated on Schedule B1.
- 2.4.3.3 Expansions to existing extractive operations beyond the designated area will also require an amendment to this Plan. All applications will include sufficient documentation to demonstrate the need for any expansion or new operations.
- 2.4.3.4 Prior to the expansion of existing pits and quarries the developer will comply with the requirements of the Aggregate Resources Act and its regulations.
- 2.4.3.5 Priority will be given to the rehabilitation of extractive areas to an “*agricultural condition*”. Where rehabilitation to an *agricultural condition* is not possible, uses may be limited to those permitted in an agricultural designation. Other uses would be permitted only by an official plan amendment.
- 2.4.3.6 The establishment of mineral aggregate operations, wayside pits and quarries or any ancillary or accessory uses thereto shall not be permitted in the Protected Countryside between the Niagara Escarpment Plan Area and Lake Ontario.

## 2.5 Site Specific Policies

- 2.5.1 Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. Within the *specialty crop areas* designation certain land uses do not conform to the permitted uses listed in Section 2.2.3.1. 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.
- 2.5.2 Notwithstanding Section 2.2.3.1, 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.
- 2.5.3 The uses permitted will be limited in the implementing zoning by-law to the following:
- a) existing or approved use of the lands;
  - b) Any use permitted in the in Section 2.2.3.1; 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.

**2.5.4** 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.

**2.5.5** In addition to the permitted uses in Section 2.2.3.1, the following provisions apply to specific lands identified on Schedule B1:

- a) **S2-1:** A mini-storage use is permitted on the lands identified as S2-1 (1950 Niagara Stone Road).
- b) **S2-2:** An ancillary use to an agricultural market will include the sale of goods and merchandise at retail, on lands identified as S2-2 (40 Lakeshore Road).
- c) **S2-3:** The lands identified as S2-3 (1835 Niagara Stone Road) are the site of two commercial businesses and have been zoned for commercial use.
- d) **S2-4:** The lands identified as S2-4 (1882 Niagara Stone Road) 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) **S2-5:** The lands identified as S2-5 (1501 Line 8 Road) are occupied by an existing campground.
- f) **S2-6:** The lands identified as S2-6 (1267-1275 Niagara Stone Road) on Schedule B1 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.
- g) **S2-7:** A municipal fire station is permitted on the lands identified as S2-7 (1391 Concession 6 Road).
- h) **S2-8:** A golf course, driving range or other outdoor sports practice facilities are permitted on the lands identified as S2-8 (Recreational Facilities).
- i) **S2-9:** A private club is permitted on the lands identified as S2-9 (1416 Line 3 Road).

- j) **S2-10:** On the lands identified as S2-10 (16104 Niagara River Parkway), the use of the property, is limited to any use permitted in the agricultural designation and 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. Notwithstanding other Agricultural System objectives and policies in this Plan, an expansion of the existing Inn may be permitted subject to the policies of the Greenbelt Plan, 2017, or its successor, and subject to Policy 2.2.4.11 of this Plan regarding expansions to existing lawful uses.
- k) **S2-11:** The *conversion* of the existing dwelling located on the lands identified as S2-11 (797 Line 2 Road) to a triplex dwelling is permitted.
- l) **S2-12:** On the lands identified as S2-12 (16052 Niagara River Parkway), 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.
- m) **S2-13:** On the lands identified as S2-13 (16006 Niagara River Parkway), 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.
- n) **S2-14:** On the lands identified as S2-14 (382 Airport Road), the Niagara Regional Native Centre is permitted.

## SECTION 3 Settlement Areas

### 3.1 Identification

**3.1.1** 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.

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

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

### 3.2 Framework for Development

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

**3.2.2** Schedule B7 outlines the *Built-Up Areas* and Greenfield Areas. All *development* within St Davids and Queenston is considered to be within the *Built-Up Area*.

**3.2.3** *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 *built heritage resources* and *cultural heritage landscapes*.

**3.2.4** It is the goal of this Plan that the settlement areas in the Town continue to evolve into *complete communities* where there is:

- a) mixed-use *development*/neighborhoods providing a mix of jobs in close proximity to housing;
- b) choice in the market place, in terms of obtaining goods and services;
- c) a range of educational and training opportunities;
- d) a range of housing types for all levels of income and ages;
- e) a range of health care services for the majority of the residents;
- f) a range of community and social services to assist the majority of those in need in the community;
- g) a range of cultural and recreational opportunities and facilities; and,

- h) a population level and density that supports the provision of public transit, where feasible.

### 3.3 Settlement Area Boundaries and Built-up Areas

- 3.3.1 The settlement area boundaries are shown on Schedules B1 to B6. The boundaries of the *Built-up Areas* are delineated on Schedule B7.
- 3.3.2 The *Built-up Areas* identify the extent of existing *development* within the settlement areas. 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.

### 3.4 Greenfield Areas

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

#### 3.4.2 Objectives

- 3.4.2.1 It is the intent of this Plan to support excellence in community living in *greenfield areas* that is based on the application of the following principles that result in:
  - a) a well balanced community in terms of an appropriate mix and distribution of residential densities and complementary uses;
  - b) the promotion of compact, mixed use, walkable and transit supportive *development*;
  - c) the promotion of excellence in civic design in both the public and private realm;
  - d) an interconnected system of open spaces, including recreational areas and *natural heritage features and areas*;
  - e) a range of recreational and community facilities that facilitate shared use where practical;
  - f) the integration of new roads with existing roads in adjacent *Built-Up Areas*;
  - g) an attractive built form of appropriate building heights, massing, setbacks, *streetscapes*, gateways and architectural treatments;
  - h) providing appropriate transitions in density and height to existing low density residential areas;

- i) efficient transportation links that provide for all modes of travel through and in and out of new *development* areas and which are planned with strong *active transportation* connections; and
- j) practical and cost effective innovations to support the *development* of a sustainable community that encourages the application of *low impact development*, bird friendly design, alternative energy sources and energy conservation, water conservation, approximate targets for an urban forest canopy and, the restoration, *linkage* and enhancement of *natural heritage features*.

### 3.4.3 Policies

3.4.3.1 In cases where *development* is proposed in *greenfield areas*, it shall be demonstrated that:

- a) the proposed *development* will generally serve as a logical extension to the existing *built-up area*, is compact and has a mix of uses to allow for the efficient use of land, *infrastructure* and public service facilities;
- b) the proposal will contribute to the availability of a range of housing choices (e.g., density, form, and price) in new *development* areas;
- c) all of the other *infrastructure* and public service facilities required to service the *development* is available or to be provided, with such *infrastructure* and public service facilities being used as efficiently as possible;
- d) access is provided in a manner that supports the provision of essential emergency services, *active transportation*, efficient transportation patterns, and/or *linkages* with adjacent existing or planned *development* where people and property will not be put at risk by natural hazards; and
- e) the proposed *development* is planned to achieve a minimum density target that is not less than 50 residents and jobs per hectare, with this calculation excluding *natural heritage features and areas* and *floodplains*, provided *development* is prohibited in these areas.

3.4.3.2 Further *development* within the *designated growth area* in Virgil shall only be permitted following the completion of a comprehensive planning exercise for contiguous blocks of land that reviews the limits of environmental and hazard limits of *development*, considers the need for an integrated road and open space systems, may allow for change (e.g. infill), and reviews the location of various land uses and densities in a comprehensive manner.

## 3.5 Intensification Strategy

**3.5.1** *Intensification* and infilling in appropriate locations throughout the *Built-Up Area*, including *additional residential units*, will be supported in accordance with community design and other applicable criteria of this Plan. Other forms of *intensification* can occur on underutilized commercial and institutional sites such as shopping malls and plazas, through the assembly of existing parcels of land into larger parcels for *development* purposes and through the severance of surplus lands from larger parcels.

### 3.5.2 Objectives

- 3.5.2.1 The objectives of the *intensification* policies of this Plan are to:
- a) provide policy for accommodating additional growth within the *Built-up Areas*;
  - b) provide a framework that supports *intensification* and infilling throughout the Town's *Built-up Area*;
  - c) provide a framework that allows for *additional residential units*;
  - d) ensure any proposal for *intensification* conserves *built heritage resources* and *cultural heritage landscapes*;
  - e) *intensification* will be directed to the *Built-up Areas* where *development* will not impact *built heritage resources* and *cultural heritage landscapes*; and
  - f) ensure that *intensification* and infilling are *compatible* with the character of the surrounding neighbourhood.

### 3.5.3 Policies

- 3.5.3.1 A minimum of 25% of all new dwelling units constructed annually in the Town will occur within the *Built-up Areas* identified on Schedule B7.
- 3.5.3.2 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 provided that it is demonstrated that land use compatibility will be maintained by addressing the relevant land use compatibility policies of this Plan.
- 3.5.3.3 The provision of *affordable* housing in *intensification areas* is encouraged.

- 3.5.3.4 The Town will ensure that *intensification* and *redevelopment* conserves *built heritage resources* and *cultural heritage resources*. *Community Design Guidelines* will be prepared and used as a tool to achieve *compatible* built form with *intensification* and *redevelopment*. Adaptive reuse of *built heritage resources* will be strongly encouraged.
- 3.5.3.5 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*.
- 3.5.3.6 The Town will prepare an *intensification* strategy that provides direction on *intensification* within the Old Town and Virgil. The purpose of the *intensification* strategy is to firstly identify where *intensification* will be directed and to then determine the desired built form within these *intensification areas*. Factors to consider in the *intensification* strategy will be the existing land uses, the permanency of adjacent land uses, *built heritage resource* conservation, the ability of the surrounding road network to accommodate growth, the availability of services and how the *intensification* of the lands can support the continuing evolution of the Town into a complete community. The recommendations of the Council-approved *Intensification Strategy* will be implemented through an amendment to this Plan.
- 3.5.3.7 *Intensification areas* identified in the *intensification* strategy outlined in Section 3.5.3.6 will be developed at a higher density than surrounding areas, subject to other applicable policies of this Plan related to *built heritage resources* and *cultural heritage landscapes*, the character of the area and appropriate design standards. If an additional Plan exists for the management of any *built heritage resources* and *cultural heritage landscapes*, this must be addressed as well. In the event of a conflict, the highest heritage conservation standard would apply.
- 3.5.3.8 In considering an application for *development* approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density *residential development*, Council shall ensure infill and *intensification* respects and reflects the existing pattern and character of adjacent *development*, by demonstrating the *development* criteria below are met, unless otherwise specified in a Heritage Conservation District Plan:
- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be generally *compatible 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 *compatible* 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) are *compatible* 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 generally 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 to the extent possible and enhanced through new street tree planting and additional on-site landscaping;
- g) the width of the garage(s) and driveway(s) at the front of new building(s) 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 microclimatic conditions such as shadowing;
- j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas (e.g., *built heritage resources*, natural heritage features) 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; and
- l) road and/or municipal *infrastructure* shall be adequate to provide water and wastewater service, waste management services and fire protection.

## 3.6 Phasing

- 3.6.1** Following the completion of the Transportation Management Plan, Pollution Prevention Control Plan, Parks and Recreation Management Plan, and Master Servicing Plan, this Plan will be amended to provide more specific phasing policies, as needed and based on the direction of the review.

## 3.7 Land Use Compatibility

### 3.7.1 Residential Neighbourhoods

- 3.7.1.1 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*.

### 3.7.2 Compatibility

- 3.7.2.1 *Intensification* within the *Built-up Areas* shall be *compatible* with surrounding existing and planned land uses. *Intensification* and/or *redevelopment* should be *compatible* with the property and the surrounding neighbourhood by:

- a) conserving natural heritage, *built heritage resources*, and cultural heritage landscapes;
- b) existing and/or planned densities;
- c) lot frontages, area and depth;
- d) building setbacks;
- e) access;
- f) Parking;
- g) Servicing, lot grading and drainage; and,
- h) The existing and/or planned height and massing of buildings.

- 3.7.2.2 *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.

### 3.7.3 Conflicts between Built Form and *Intensification*

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

### 3.7.4 Edge Planning Policies

- 3.7.4.1 Protected Countryside/*Specialty Crop lands* must be preserved and protected from any negative influences of the adjacent settlement uses:
- a) Where *agricultural uses* and non-agricultural uses interface, at a *settlement area boundary*, mitigation measures (e.g., adequate separators, landscaping, fencing) shall be incorporated as part of the non-agricultural uses, within the area being developed (settlement area).
- 3.7.4.2 *Development* proposals in the settlement/rural fringe areas shall implement edge planning measures that protect the *agricultural uses* by minimizing the potential land use conflict between the agricultural area and the settlement area.
- 3.7.4.3 That *development* proposals at the rural-settlement interface shall utilize design measures to mitigate conflicts between settlement and rural uses by separating those uses. These measures may include such things as:
- a) subdivision layout;
  - b) site layout, increased lot depths/sizes along the boundary to allow for separation;
  - c) increased building setback provisions in the zoning by-law to increase separation between uses;
  - d) road design to direct traffic away from farming areas; and
  - e) the incorporation of *buffer* areas such as berms, treed landscape strips or public pathways.

## 3.8 Community Design

### 3.8.1 Policies

- 3.8.1.1 The character of the Town is reflected in its *built heritage resources* and *cultural heritage landscapes*, 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.
- 3.8.1.2 *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.

- 3.8.1.3 *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.
- 3.8.1.4 *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;
  - e) encourage gradual transitions in densities and height to existing neighborhoods; and
  - f) conservation of *built heritage resources* and *cultural heritage landscapes*.
- 3.8.1.5 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 *intensification* strategies, 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.
- 3.8.1.6 The design and *development* of all public and private lands within **Glendale, Queenston** and **St. Davids** shall be in accordance with approved secondary plan and *Community Design* Standards and Guidelines.
- 3.8.1.7 In addition to meeting other design related policies of this Plan, the following *Community Design Guidelines* apply to 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 Community Design Standards and Guidelines and implemented in relevant Zoning Bylaws or Development/Community Permit Bylaws. In the absence of specific *Community 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.

#### 3.8.1.8

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 *intensification* strategies and *Community Design Guidelines* are approved by the Town:

- a) infill and *intensification* sites should be *compatible* with the average pre-established building setback of adjacent buildings within the block face;
- b) parking for commercial, mixed use and apartment buildings shall be located at the rear yard of the buildings, where applicable, 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* shall be *compatible* with the context within which it is located; and
- e) the design of infill and *intensification development* will be consistent with the Land Use Compatibility criteria of this Plan.

### 3.8.2 Building Height Restrictions

- 3.8.2.1 With the exception of **Glendale**, the Town consists of low-rise structures in a small town setting with a large number of *built 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. The lands identified in special policies S3-17 may have increased building heights, as identified in S3-17 and other sites may be identified for higher building heights through site specific applications and in the *Intensification Strategy*.
- 3.8.2.2 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 and other sites may be identified for higher building heights in the *Intensification Strategy*.

## 3.9 Urban Design

### 3.9.1 Objectives

- a) Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, *streetscape* design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.
- b) The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, engineering, environmental planning, and landscape architecture shall be encouraged.
- c) Revitalization and *redevelopment* shall be promoted to enhance the character of existing neighbourhoods.
- d) The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.

### 3.9.2 Policies

- 3.9.2.1 The Town shall encourage:
- a) The creation of livable and vibrant settlement areas and streets;

- b) well-designed buildings, high quality *streetscapes*, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;
  - c) the integration of views of built heritage resources and cultural heritage landscapes, landmarks, and significant natural heritage features to enhance a sense of place; and
  - d) the clustering of community facilities, services, and spaces to facilitate access to all modes of transportation and to promote community identity and civic pride.
- 3.9.2.2 The inclusion of public art into the design of major *development*, *streetscapes*, and public spaces will be encouraged.
- 3.9.2.3 The Town's physical relationship to waterfront settings will be leveraged by promoting visual and physical access and connecting publicly accessible waterfronts to create a continuous waterfront feature, where feasible.

### 3.10 Housing Affordability

- 3.10.1** 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*.
- 3.10.2** 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;
  - b) encouraging the creation of new residential units in developed neighbourhoods through infill, *conversion* of existing buildings, *redevelopment* and the provision of *ARUs*; and
  - c) encouraging the construction of long-term rental units.
- 3.10.3** 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.

- 3.10.4** Upon completion of an assessment report, the Town may consider an amendment to this plan to establish policies for monitoring housing affordability.

## **3.11 Residential Areas**

### **3.11.1 Background and Identification**

- 3.11.1.1 Residential Areas within the settlement areas are identified on Schedules B2 to B6.
- 3.11.1.2 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.

### **3.11.2 Objectives**

- 3.11.2.1 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, encourages 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 *built heritage resources* and *cultural heritage landscapes*. 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 additional needs housing*. To encourage *development* of well-designed and visually-distinctive housing projects.
- j) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.

### 3.11.3 Policies

- 3.11.3.1 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, may not require elevators for access to units, and are subject to the restrictions on building height in Section 3.8.2.
- 3.11.3.2 High rise *development* is defined as buildings that have a height for five or more storeys and is not permitted within Old Town, Queenston, Virgil, and St. Davids, with the exception of the lands in St. Davids that are subject to the provisions of S3-17, secondary plans, growth management and *intensification* strategies, or other studies.
- 3.11.3.3 High rise *development* may be permitted in Glendale, subject to the policies of the Glendale Secondary Plan.
- 3.11.3.4 Any construction of additions or new structures within residential areas will compliment and be *compatible* with existing adjacent *development* in terms of its scale, character, height, design and mass.
- 3.11.3.5 Applications for medium or high density *residential development* shall demonstrate that the proposed *development* is *compatible* with the surrounding community by demonstrating that the criteria below is sufficiently addressed:
  - 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 *built heritage resources*.

- b) Appropriate open space, including landscaping and buffering, shall be provided to minimize the impact on adjacent lower density uses (e.g. impacts of noise, wind, and shadows).
- 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 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.

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

3.11.3.7 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.

### 3.11.4 Established Residential Designation

#### 3.11.4.1 Character:

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

#### 3.11.4.2 Permitted Uses:

- a) In the Established Residential designation, the following uses shall be permitted:
  - single-detached dwellings,
  - semi-detached dwellings,
  - townhouses, and
  - duplex dwellings.
- b) Secondary uses permitted in conjunction with a principal use that are appropriate in the Established Residential designation include:
  - rooming and boarding houses,
  - *Bed and Breakfast Establishments*,
  - *Additional residential units* subject to the requirements of Section 9.13.1,
  - home occupations,
  - *Country Inns*,
  - existing *cottage rentals*, and
  - accessory structures.
- c) Other uses permitted include:
  - open space,
  - parks,
  - trails,
  - *additional needs housing*, and
  - community facilities.

#### 3.11.4.3 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) 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, planning justification report, traffic study and a heritage impact assessment, and other studies as requested or required. In addition, any application must be accompanied by a report 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 with particular regard for Carolinian Canada species; and
    - existing and proposed land uses on the subject lands and surrounding lands.
- d) *Built heritage resources* and *cultural heritage landscapes* shall be *conserved*.
- e) *Development* will consider 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 *built heritage resources* and *cultural heritage landscapes*.

- 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*.

### **3.11.5 Residential Designation**

#### 3.11.5.1 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.

#### 3.11.5.2 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) may be permitted in specific locations shown in secondary plans
  - medium rise apartments up to 4 storeys
  - high rise (density) may be permitted in specific locations shown in secondary plans
  - housing geared for seniors

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*,
  - *additional residential units* subject to the requirements of Section 9.13.1,
  - home occupations,
  - *cottage rentals*, and
  - *accessory buildings and structures*.
- c) Other uses permitted include:
- open space,
  - parks,
  - trails,
  - *additional needs housing*, and
  - community facilities.

## 3.12 Commercial Areas

### 3.12.1 Background and Identification

- 3.12.1.1 The commercial structure of the Town consists of uses that serve the needs of 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.
- 3.12.1.2 The Commercial designation of land will mean that the predominant use will be the buying and selling of goods and services.
- 3.12.1.3 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.

### 3.12.2 Objectives

- 3.12.2.1 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.

- c) To ensure in commercial areas that *built heritage resources* and *cultural heritage landscapes* 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.
- h) To ensure that new commercial development will not have a negative impact on existing commercial areas demonstrated through studies (e.g. Commercial Market Study), as requested.

### **3.12.3 Character**

- 3.12.3.1 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 is promoted which is in keeping with adjoining areas.

### **3.12.4 Permitted Uses**

- 3.12.4.1 Commercial uses include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, wineries, mixed uses, breweries 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.
- 3.12.4.2 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.

### **3.12.5 Policies**

- 3.12.5.1 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*.

- 3.12.5.2 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.
- 3.12.5.3 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.
- 3.12.5.4 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.
- 3.12.5.5 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*.
- 3.12.5.6 *Built heritage resources* and *cultural heritage landscapes* will be *conserved*. where they may be affected by an application for commercial *development* or *redevelopment* in accordance with Section 6 of this Plan. A heritage impact assessment, conservation plan and/or an *archaeological assessment* will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town.
- 3.12.5.7 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.
- 3.12.5.8 Dwelling units permitted in any commercial designation may be restricted in the implementing zoning by-law to the second and upper floors or to rear of a commercial building, 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 are prohibited in conjunction with automotive related commercial uses.
- 3.12.5.9 In keeping with the desire to maintain the character of Old Town, the *intensification* of commercial businesses in the Queen and Picton Street and Dock Area commercial district will be monitored.

- 3.12.5.10 Proposals to amend this Plan to permit major new or expanded retail and hotel *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.

### **3.13 Mixed Use Areas**

#### **3.13.1 Background and Identification**

- 3.13.1.1 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.

#### **3.13.2 Objectives**

- 3.13.2.1 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 *built heritage resources* and *cultural heritage landscapes*.

### **3.13.3 Permitted Uses**

- 3.13.3.1 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.

### **3.13.4 Policies**

- 3.13.4.1 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*.
- 3.13.4.2 *Development* will satisfy the design guidelines outlined in Section 3.8.1, or other Council approved design guidelines where such detailed guidelines have been prepared.
- 3.13.4.3 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 *built heritage resources* and *cultural heritage landscapes*.

- 3.13.4.4 Commercial and residential facilities may be developed together on a single property either as separate buildings, or within a single building, developed as part of an area specific or community planning permit by-law.
- 3.13.4.5 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*.
- 3.13.4.6 The Niagara Stone Road corridor in Virgil is an established commercial area that acts as a main street for Virgil. The Town may undertake a secondary plan, a community improvement plan or develop *Community Design Guidelines* and *streetscape* improvements intended to assist in the transformation of the corridor into a downtown mixed use commercial area reflecting a village character.

### 3.14 Employment Lands

#### 3.14.1 Employment Areas

##### 3.14.1.1 Background and Identification

- a) The *Employment Area* designation applies to lands that have historically developed for and are predominantly used for industrial *development* and other employment generating activities.
- b) Not all employment uses are located within the *Employment Area* 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 Area* designation.

##### 3.14.1.2 Objectives

- a) Objectives for the *Employment Areas* are as follows:
  - i. To diversify, stabilize and stimulate the local economy through the attraction of new employment uses.
  - ii. To provide for prestige business/employment sites that are serviceable and can be assured of a high level of hydro power supply.
  - iii. To ensure that adequate water and sewer service (or alternatives) and drainage works will be provided to these business districts.

- iv. To encourage prestige type businesses to locate in areas with exposure to the Queen Elizabeth Way and arterial roads.
- v. To minimize conflicts between major employment uses and adjacent residential and natural amenity areas through adequate regulation and separation.

#### 3.14.1.3 Permitted Uses

- a) *Employment Areas* are intended to be used for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

#### 3.14.1.4 Policies

- a) Lands designated *Employment Area* within the settlement areas are subject to the applicable provisions of Section 3.14.1, *Employment Areas*.
- b) 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.
- c) All parking and unloading facilities will be off street and will be of sufficient capacity to accommodate employees, visitors and business traffic.
- d) All signs and billboards within the *employment areas* shall be designed and erected in accordance with the Town's Sign By-law (By-law 4586-12).
- e) No extractive industrial use will be permitted within the Employment designation.
- f) Residential accommodation for security purposes for persons such as watchmen and caretakers will be permitted.
- g) 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.
- h) *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other

- contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- i) Where avoidance is not possible in accordance with Section 3.12.1.4 h), the Town shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are susceptible to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* is only permitted if potential *adverse affects* to the proposed *sensitive land use* are minimized and mitigated, and potential impacts to industrial, manufacturing or other *major facilities* are minimized and mitigated in accordance with provincial guidelines, standards and procedures.
  - j) *Sensitive land uses* that are not ancillary to the primary *employment area use* shall be limited in *employment areas* and only permitted if such use can comply with D-6 Guidelines.
  - k) Lands that are identified as *employment area* shall not be redesignated or rezoned to any other non-employment use except through an Official Plan Amendment. In undertaking an Official Plan Amendment, it shall be demonstrated that:
    - i. there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
    - ii. the proposed uses would not negatively impact the overall viability of the *employment area* by:
      - avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses; and
      - maintaining access to major goods movement facilities and corridors.
    - iii. existing or planned *infrastructure* and public service facilities are available to accommodate the proposed uses; and
    - iv. the Town will have sufficient employment lands to accommodate projected employment growth to the horizon of the Plan.
  - l) The Town may remove lands from *Employment Areas* only where it has been demonstrated that:
    - i. there is an identified need for the removal and the land is not required for *employment area* uses over the long term;

- ii. the proposed uses would not negatively impact the overall viability of the *employment area* by:
  - avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with the PPS;
  - maintaining access to major goods movement facilities and corridors;
- iii. existing or planned *infrastructure* and public service facilities are available to accommodate the proposed uses; and
- iv. the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.

### **3.14.2 Business Areas**

#### 3.14.2.1 Background and Identification

- a) *Business areas* are lands that are intended to provide opportunities for a broad range of employment-generating uses in the Town.
- b) The *business areas* in the Town are the Industrial/Business Park designation in the Glendale Secondary Plan and the lands designated 'Employment' in St. Davids, which as subject to the site-specific policies of S3-19, which prevail over the policies of this Section.

#### 3.14.2.2 Objectives

- a) To permit a broad-range of employment-generating uses; and
- b) To minimize conflicts between *business area* uses and adjacent residential and natural amenity areas through adequate regulation and separation.

#### 3.14.2.3 Permitted Uses

- a) *Business areas* are intended to provide opportunities for a broad range of employment-generating uses, including industrial uses, office and major office uses, institutional and major institutional uses, private education, recreation and health-related facilities and restaurant, retail and service commercial uses catering to the needs of the employees within the *business area*.

#### 3.14.2.4 Policies

- a) Where *business area* 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.
- b) Detailed policies on the Industrial/Business Park designation in the Glendale Secondary Plan apply to this *business area*.
- c) The detailed policies in S3-19 apply to the Cannery Employment Area apply to this *business area*.
- d) The policies in Sections 3.14.1.4 h) and 3.14.1.4 i) also apply to *business areas*.

### 3.15 Community Facilities

#### 3.15.1 Background and Identification

- 3.15.1.1 Community facilities are intended to provide for the culture, education, health and welfare of the existing and future residents of the Town.
- 3.15.1.2 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.
- 3.15.1.3 Smaller-scale community facilities may be permitted in appropriate locations in Residential designations.
- 3.15.1.4 Community facilities may be permitted in Commercial designations.
- 3.15.1.5 Community facilities, including institutional uses and essential emergency services, etc., shall not be located in *hazardous lands* and *hazardous sites*.

#### 3.15.2 Objectives

- 3.15.2.1 The objectives for the Community Facilities designation are as follows:
  - a) To provide for appropriately-located parks and community facilities in line with the Town's Parks and Recreation Master Plan 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.

3.15.2.2 To ensure the conservation of *built heritage resources* and *cultural heritage landscapes* through the process of change.

### 3.15.3 Permitted Uses

3.15.3.1 Community facilities include a full range of uses such as private and public schools, day care facilities, treatments centres and clinics, health care facilities, museums, arts and cultural facilities, community centres, places of worship, government offices, libraries, emergency service facilities, public and private cemeteries, parks, and trails.

### 3.15.4 Policies

a) All lands designated Community Facilities except for municipally-owned parkland will only be re-developed for residential use subject to an official plan amendment and zoning by-law amendment, and provided that it has been determined that other community facilities are not able to be established on the site.

3.15.4.1 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.

3.15.4.2 *Infrastructure* and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety.

## 3.16 Conservation

- 3.16.1** Lands designated Conservation within the settlement areas are subject to the applicable provisions of Section 7, Natural Heritage.
- 3.16.2** 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. These include identified *hazardous lands, woodlands, wetlands* and flood prone lands.
- 3.16.3** Within the Conservation designation, the following uses are permitted: forestry, fisheries and wildlife management, conservation, public and private parks, and trails.
- 3.16.4** Flood control and shoreline protection works are also recognized.
- 3.16.5** *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.
- 3.16.6** The re-designation of Conservation lands may only be considered where it is demonstrated that the proposal complies with the applicable requirements in Section 7.

- 3.16.7** Conservation lands may not be considered acceptable as part of a parkland dedication under the Planning Act.

### **3.17 Secondary Plans**

- 3.17.1** While the purpose of the Official Plan is to provide an overall direction for the Town and describe land uses in general terms, secondary plans will be prepared for settlement areas to provide greater details on how this Plan will be implemented.
- 3.17.2** In addition, secondary plans will address the importance of prominent views and vistas. Secondary plans will also have special regard to the conservation of *built heritage resources* and *cultural heritage landscapes*. In the event of a conflict between the wording of a secondary plan and the Official Plan concerning the conservation of *built heritage resources* and *cultural heritage landscapes*, the wording with the higher standard of conservation will apply.
- 3.17.3** A secondary plan will be adopted as an amendment to this Plan.
- 3.17.4** Secondary plans and this Plan shall be interpreted in a complementary manner, wherever possible. The presence of more detailed or area-specific policies within a Secondary Plan shall not, in and of itself, constitute a conflict with this Plan. Unless otherwise stated, the policies of the secondary plans will take precedence except for where a conflict exists with applicable Provincial plans.
- 3.17.5** 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.
- 3.17.6** 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 a variety of recreational facilities, as well as the on-going maintenance and upgrading of these facilities.
- 3.17.7** 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.
- 3.17.8** Secondary plans will provide for a transportation network of roads, sidewalks bicycle lanes and pathways to provide for the safe and 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.

**3.17.9** The following approved secondary plans remain in effect in accordance with the Town of Niagara-on-the-Lake Official Plan, adopted by By-law No. 5180-19 on March 14, 1994, as amended to July 17, 2017, until a replacement Secondary Plan or amendment is adopted or approved in accordance with this Plan:

- 1) Queenston Secondary Plan
- 2) St. Davids Secondary Plan
- 3) Dock Area Secondary Plan
- 4) Glendale Secondary Plan

**3.17.10** The Town will review and update existing secondary plans generally as follows:

- 1) Dock Area
- 2) St. Davids
- 3) Queenston

**3.17.11** The Town will prepare new secondary plans or other appropriate studies generally as follows:

- 1) Queen-Picton Corridor (Old Town)
- 2) Virgil
- 3) Chautauqua neighbourhood

**3.17.12** Other areas that will be considered for area-specific plans or character area policies include the wartime homes in Old Town.

## **3.18 Community Hubs**

**3.18.1** 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 active transportation and transit;

- c) give priority to existing public service facilities as the preferred location, where appropriate or alternatively, for locations within or near the Glendale strategic growth area, and
- d) enable the adaptive reuse of existing facilities and spaces, where appropriate.

**3.18.2** A Community Hub is a central access point which:

- a) offers services in collaboration with different community agencies and service providers;
- b) reduces administrative duplication;
- c) improves services for residents and are responsive to the needs of their communities; and
- d) is unique and defined by local needs, services and resources.

### 3.19 Site Specific Policies

**3.19.1** Site specific policies add to or replace policy provisions for individual properties that would otherwise be contrary to the policies in this Plan. They recognize existing or proposed land uses which are not normally permitted in the 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) **S3-1:** A net residential density of 41.5 units per hectare shall be permitted on the lands identified as S3-1 (175 Queen Street) on Schedule B2 and comprised of six (6) attached dwelling units and one (1) detached dwelling unit.
- b) **S3-2:** The use of the property, identified as S3-2 (180 Mary Street) 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) **S3-3:** The use of the property, identified as S3-3 (1366 York Road) 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) **S3-4:** Commercial and Residential (Randwood - 144 & 176 John Street East):

The lands identified S3-4 – Commercial on Schedule B2 are subject to the following provisions:

The following land uses shall only be permitted: Hotel; Spa; Arts and

Learning Centre; Conference Centre; Restaurant; *Accessory buildings and structures*.

- i. At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act.
- ii. The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee.
- iii. Sufficient landscaping, *buffers*, and setbacks shall be provided to minimize the impact on abutting residential uses.
- iv. No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.
- v. All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
- vi. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.
- vii. There shall be adequate building separation from adjacent residential uses.
- viii. A tree preservation plan prepared by a qualified professional shall be submitted with a site plan application.
- ix. The boxwood hedge within the *buffer* area adjacent to the western property line shall remain and be properly protected and preserved to ensure its continued growth. At site plan stage, measures to mitigate construction impacts to protect the boxwood hedge will be required.

The lands identified S3-4 – Residential on Schedule B2 are subject to the following provisions:

- The following land uses shall be only permitted: Main Uses: Pedestrian and carriage pathways; Existing buildings and structures; Stormwater management facilities; Parking lots; Walls along John and Charlotte Streets; *Accessory buildings and structures* to main uses shall be permitted in as secondary uses.
- All parking area shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.

- There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreational and amenity spaces or *accessory buildings or structures*.
  - A tree preservation plan prepared by a qualified professional shall be submitted with a site plan application.
- e) **S3-5:** 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 S3-5 (Boatworks Subdivision - Anne Street & Victoria Street) 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.
- f) **S3-6:** The lands identified as S3-6 (Averton Square - John Street/Anne Street/Gate Street/Victoria Street) 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.
- g) **S3-7:** The following will also apply to the lands identified as S3-7 (St. Andrews Glen Phase 2 - Niagara Stone Road) 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 though 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.
- h) **S3-8:** The lands identified as S3-8 (Windsor Circle) 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 *community design guidelines* are respected.

- i) **S3-9:** The use of the property, identified as S3-9 (228 Queen Street, 209 & 217 Simcoe Street) on Schedule B2, is limited to a 24 room hotel including a restaurant, meeting room and spa facilities.
- j) **S3-10:** The property identified as S3-10 (442 Mississauga Street) on Schedule B2 will be limited to business and professional offices as defined in the Zoning By-law.
- k) **S3-11:** The lands identified as S3-11 (Pillar & Post Gardens - John Street/King Street/Regent Street/Anne Street) on Schedule B2 are subject to the following special provisions:
  - i. Main Uses are limited to a Conference centre, Business office, Passive parks and open space, Art gallery, and *Outdoor event* areas;
  - ii. Secondary Uses are limited to warehousing associated with a main use; and *Accessory buildings and structures*.
  - iii. The implementing Zoning By-law may exclude specific uses or categories of uses which are considered to be incompatible with the goals, objectives and policies of the Plan.
  - iv. In accordance with the regulations under Section 36 of the Planning Act, a Holding (H) Provision may be applied to the lands which will enable Council to hold lands designated for specific land uses until a Record of Site condition has been filed or until supporting studies related to transportation or noise are completed and approved.
  - v. Any *outdoor event* area use will be seasonal and may be limited in the Implementing Zoning By-law to the number of events per year, so as to remain *compatible* with the surrounding residential land uses. Any application for site plan agreement for use of an *outdoor event* area or event tent shall be accompanied by a noise study completed by a qualified expert, recommending appropriate separation distances from residential land uses, as well as noise mitigation measures. An on-going noise monitoring program may be required by the municipality, which may be established as part of any site plan agreement involving an *outdoor event* area or event tent use. Any noise monitoring program is subject to the approval of the Director of Community and Development Services.

- l) **S3-12:** The Town-owned lands identified as S3-12 (Open Space - River Beach Drive) on Schedule B2 are designated Community Facilities for no other purposes than undeveloped natural open space.
- m) **S3-13:** The property identified as S3-13 (Fog Signal Station - River Beach Drive) on Schedule B2, occupied by the Fog Signal Station, permits only the existing residence.
- n) **S3-14:** The lands identified as S3-14 (Willowbank - 14487 Niagara River Parkway) 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.
- o) **S3-15:** On the lands identified as S3-15 (412 Four Mile Creek Road) on Schedule B4, the following provisions apply:
  - a) Parking shall only be permitted in the front yard, rear yard and interior side yard; and the ground floor building face is not required to abut the sidewalk edge. All other uses and policies permitted in the commercial designation continue to apply.
- p) **S3-16:** On the lands identified as S3-16 (22 Paxton lane) on Schedule B4, the permitted uses are limited to a golf course, driving range or other open space uses.
- q) **S3-17:** On the lands identified as S3-17 (Queenston Quarry - Residential & Commercial) on Schedule B4, the following provisions apply:
  - a) Prior to any residential, commercial or recreational development taking place, the existing Ministry of Natural Resources licence under the Aggregate Resources Act and the Ministry of Environment Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment. It is recognized that extraction of stone resources and associated activities may take place under the authority of the existing Aggregate Resources Act licence and that this use is an interim use.
  - b) Phasing of the development of a hotel and apartment buildings shall be subject to a Master Servicing Plan and Traffic Impact Study to the satisfaction of the Region, Town, City of Niagara Falls and Ministry of Transportation. Servicing requirements shall include the

renegotiation of the mutual servicing agreement between the Town of Niagara-on-the-Lake and the City of Niagara Falls with respect to allotment of sanitary sewer flows from the St. Davids urban area that is received and treated at the sanitary sewer treatment plant located in Niagara Falls, to the satisfaction of the Region, Town and City. Any improvements to the sanitary sewage system that may be required to convey the increased sanitary sewer flows to the Niagara Falls treatment plant shall be borne by the developer in addition to the developer's proportionate share of the costs to acquire any additional allotment of sewage flows that may be received at the treatment plant.

1. Residential (Queenston Quarry)

- a. In the Residential (Queenston Quarry) designation in addition to the uses permitted in 3.11.5.2, the following uses shall be permitted:

**Uses Independent of a Main Use:** Wine storage caves

- b. All the development of the lands designated Residential (Queenston Quarry), except for single detached dwellings on Melrose Drive, shall be subject to urban design guidelines and the development criteria of the Niagara Escarpment Plan.
- c. The lands fronting on Melrose Drive will be developed for single detached residential uses and passive recreational uses.
- d. The land fronting on Townline Road will be developed for townhouse residential uses. The townhouse units shall face Townline Road and be accessed via an internal landscaped driveway.
- e. The setback of development from the top of the rock face will be based on the findings and recommendations of a geotechnical report prepared by a qualified expert to the satisfaction of the Niagara Peninsula Conservation Authority, Niagara Escarpment Commission and the Town.
- f. The total maximum number of apartment dwelling units shall be 750.
- g. The apartment buildings shall be located on the former quarry floor and be an apartment building built form that is a maximum of 6 storeys in height and include enclosed parking and above grade residential apartment dwelling units.

- h. The apartment buildings may have additional building height consisting of an architectural roof element that may create a 7th storey which may contain amenity elements for the apartment building, but no dwelling units.
- i. Notwithstanding Policy (g) and Policy (h), a proposal for an apartment building that proposes a building height, including the height of any architectural features, that exceeds the height of the brow of the Escarpment, will require a Visual Impact Analysis prepared by a qualified expert that demonstrates that there is no adverse impact on Escarpment landscape qualities and adjacent and proposed residential uses. The Visual Impact Analysis will accompany the Development Permit application and shall take into consideration both daytime and nighttime conditions, maximum building height and minimum setbacks. The Analysis shall be prepared to the satisfaction of the Niagara Escarpment Commission and the Town, and shall be subject to the approval of the Niagara Escarpment Commission. Should the Visual Impact Analysis determine that there is an adverse impact on the Escarpment landscape or adjacent and proposed residential uses, the Visual Impact Analysis shall identify mitigation measures to address those impacts. Such mitigation measures may include screening, setbacks and alterations to building design including height. Prior to undertaking the work related to a Visual Impact Analysis consultation with both the Town and the Niagara Escarpment Commission shall occur to define the parameters and requirements for the Visual Impact Analysis.
- j. In addition to the 2 storey parking structure associated with each apartment building, a limited amount of surface parking for visitor parking within a landscaped setting is permitted for each building.
- k. Wine storage caves for the storage and warehousing of wine within the rock face within the Settlement Area Boundary may be developed and will be subject to detailed engineering design with respect to the size and height of the caves, construction requirements, support requirements, access and entry requirements, and spacing requirements between caves. Blasting to create the wine storage caves will not be permitted.
- l. The wine storage caves may be used for the private storage and warehousing of wine of individual wine collectors or the commercial storage and warehousing of wine from the local wineries. The retail sale of wine or other winery related uses is not permitted.

- m. Appropriate on-site parking will be required for each winery cave.
- n. Any public access in proximity to and along the top edge of the rock face shall provide for appropriate safety measures and protection against the hazards associated with the steep slopes.

2. Commercial (Queenston Quarry)

- a. In the Commercial (Queenston Quarry) designation the following uses shall be permitted:

**Main Uses:** Hotel

**Secondary Uses:** Restaurant; Banquet facilities; Commercial recreational uses; Accessory buildings and structures

**Uses Independent of a Main Use:** Passive recreational uses

- b. All the development of the lands designated Commercial (Queenston Quarry) shall be subject to urban design guidelines and the development criteria of the Niagara Escarpment Plan.
- c. The hotel development, associated with the golf course development on lands designated Escarpment Recreation Area, shall take place on the quarry floor. The built form of the resort hotel shall be a maximum of 6 stories and include enclosed parking and above grade resort hotel uses.
- d. The hotel building may have additional building height consisting of an architectural roof element that may create a 7th storey which may contain amenity elements for the hotel building, but no hotel rooms.
- e. Notwithstanding Policy 5 and Policy 6, a proposal for a hotel building that proposes a building height, including the height of any architectural features, that exceeds the height of the brow of the Escarpment, will require a Visual Impact Analysis prepared by a qualified expert that demonstrates that there is no adverse impact on Escarpment landscape qualities and adjacent and proposed residential uses. The Visual Impact Analysis will accompany the Development Permit application and shall take into consideration both daytime and nighttime conditions, maximum building height and minimum setbacks. The Analysis shall be prepared to the satisfaction of the Niagara Escarpment Commission and the Town, and shall be subject to the approval of the Niagara Escarpment Commission. Should the Visual Impact Analysis determine that

there is an adverse impact on the Escarpment landscape or adjacent and proposed residential uses, the Visual Impact Analysis shall identify mitigation measures to address those impacts. Such mitigation measures may include screening, setbacks and alterations to building design including height. Prior to undertaking the work related to a Visual Impact Analysis consultation with both the Town and the Niagara Escarpment Commission shall occur to define the parameters and requirements for the Visual Impact Analysis.

- f. The maximum number of hotel guest rooms is 200.
  - g. In addition to the enclosed parking associated with the hotel, only a limited amount of surface parking within a landscaped setting is permitted.
  - h. Commercial recreational uses, such as a spa and tennis courts, shall complement the main hotel use.
- r) **S3-18:** On the lands identified as S3-18 (Cannery Residential - Four Mile Creek Road/Line 9 Road/Concession 3 Road) on Schedule B4, the following provisions apply:
- 1. The following land uses shall be permitted:
    - Main Uses:** Single dwelling units; semi-detached dwelling unit.
    - Secondary Uses:** Home occupations; Bed and breakfasts; Accessory apartments; *Additional needs housing; Garden suites; Accessory buildings and structures.*
  - 2. Medium Density Residential uses may also be permitted and will be placed in a separate zoning category in the Zoning By-law to control height, density, coverage, unit size and parking, and shall be subject to the St. Davids Secondary Plan.
  - 3. All *residential development* shall comply with the standards for new residential built form set out in Section 7.3 of the Village of St. Davids Urban Design Guidelines and the policies of the St. Davids Secondary Plan. A consistent and high-quality design approach of the dwelling types, mix, and *streetscape* will lead to a cohesive, integrated and high-quality community. Principles for new *residential development* shall include the following:
    - a) The primary façade of dwellings shall face the public street.

- b) An intermixing of housing types and designs provide interest and encourage a diverse community.
  - c) A variety of dwelling types, building setbacks and architectural treatments should be integrated to contribute to a diverse and distinct neighbourhood image. Dwellings on corner lots should be designed so that the building façade along each street face integrates and contributes positively to each *streetscape*. Garages should not dominate the front façade of the dwelling and shall be setback from the front face of the dwelling.
4. All aspects of the public realm, including street layout and design shall meet the standards of Sections 6.6, 6.7, and 6.8 of the St. Davids Urban Design Guidelines and the policies of the St. Davids Secondary Plan, specifically the following policies:
- a) Create interconnected road patterns: an interconnected street network allows for traffic flow to dissipate more evenly through neighbourhoods. This pattern will limit increased traffic speed on long narrow road stretches and the need for traffic calming devices which hinder emergency vehicle response time and snow clearing efforts and are costly to construct and maintain.
  - b) Encourage street parking as it helps slow traffic on a street.
  - c) Plant street trees to create a physical *buffer* between the road, the sidewalk and private dwellings.
  - d) Vary the length of streets and blocks to allow streets to respond to the configurations of topography, other natural features, and to reinforce a sense of place in the community.
  - e) Provide for a variety of setbacks to create visual interest and a sense of informality and an image of incremental *development*.
  - f) Preserve and incorporate natural features into new neighbourhoods to support an environmentally aware community.
  - g) A pattern of short blocks encourages walking as it shortens distances. It is also more interesting since a combination of routes is created. With great pedestrian activity, streets become safer; with more efficient routes, driving distances are reduced. The result of this street design is environmental and safety benefits. Blocks should be short and should not exceed 250 metres and streets should be interconnected to disperse traffic but the pattern should discourage through traffic.

- h) Sidewalks shall be provided on all major and local streets and shall include pedestrian-scaled lighting.
  - i) On lots of less than 12 metres in width driveways shall be paired to increase opportunities for on-street parking.
5. Four Mile Creek Road (Regional Road 100) shall be developed in accordance with Regional standards to reflect an urban *streetscape* suitable as a principal entrance with a gateway feature to St. Davids. All local roads including Line 9 Road and Concession 3 Road shall be developed in accordance with Town standards. The *streetscape* improvements shall be designed to slow traffic and shall include driveways with direct access to Four Mile Creek Road, as well as sidewalks, and bike lanes along Four Mile Creek Road. Road widening and reconstruction of Regional Road 100 is required to accommodate an urban cross-section, streetlighting, landscaping and possible turning lanes. In addition, the improvements may include a traffic circle (roundabout) and medians in the right-of-way of Four Mile Creek Road designed to Regional standards.
- a) Plant material around the gateway feature should be chosen for form and colour, for relatively low maintenance requirements and suitability to the Niagara Region climate, and for its attractiveness all year long.
  - b) The gateway feature should be large enough to be seen from far away while driving.
  - c) The design of the gateway feature should be reminiscent of local architectural styles, using materials such as wood, stone, and brick.
  - d) The gateway feature should be as maintenance free as possible and feature a timeless design.
  - e) The proposed concept for a gateway feature is a simple, dry stone wall with "St. Davids" engraved in a smooth rectangular piece of stone encased in the wall and placed on both sides of the road. The wall should be surrounded by a variety of plant species.
6. Existing *agricultural uses* may continue to be permitted in accordance with the Agricultural policies of this plan.

7. Stormwater shall be managed with one stormwater management facility sized to accommodate all the residential lands. The preferred location of the permanent stormwater facility is south of Line 9 Road, west of Four Mile Creek Road. An alternate permanent stormwater pond location or temporary stormwater management ponds may be approved in accordance with the requirements of the NPCA. The development of the stormwater management facility may be staged to accommodate the phases of *development* and shall be designed as a feature at the entrance to St. Davids.
  8. Land acquisition, and design and construction costs for the stormwater management facility shall be shared proportionally, based on a benefitting area basis, by all landowners of undeveloped residential lands.
  9. The boundary between the Low Density Residential (Cannery Park) designation and Conservation designation may be adjusted in accordance with NPCA approval without further amendment to the Plan.
- s) **S3-19:** On the lands identified as S3-19 (Cannery Employment - Four Mile Creek Road/Line 9 Road) on Schedule B4, the following provisions apply:
1. The following Prestige Industrial land uses shall be permitted:
 

**Main Uses:** Prestige type industrial uses, well designed, carefully sited and landscaped in order to minimize their impact on residential uses. Non-obnoxious industrial uses such as: light manufacturing, assembly of processed material, goods and products, warehousing, public utilities, research and development laboratories that do not pose any threat to public health or safety, technology centres, offices, and educational institutions. Commercial uses such as: commercial recreational facilities, banks, restaurants and retail uses with a minimum floor area of 250 m<sup>2</sup> and a maximum floor area of 1,390 m<sup>2</sup> except when in conjunction with a permitted manufacturing use where retail floor area will be associated with the gross floor area of the manufacturing use and a grocery store shall have a maximum floor area of 2,500m<sup>2</sup>.

**Secondary Uses:** *Accessory buildings and structure.*
  2. Prestige type industrial uses shall be well designed, carefully sited and landscaped in order to co-exist with the mixed uses of the Cannery Development.

3. All uses shall be subject to site plan control and the following considerations:
  - a) Appropriate mitigation of noise, dust, odour and lighting impacts on adjacent residential uses;
  - b) Visual screening, landscaping, and appropriate setbacks of buildings, structures, parking, loading areas, and storage areas through landscaping and fencing;
  - c) Adequate building separation from adjacent residences and, if necessary, from existing buildings on site;
  - d) Availability of municipal services. The proposal must not jeopardize the capacity or integrity of the provision of services to *development* in the urban area;
  - e) Appropriate site design to allow for on-site movement, storage, loading, unloading and parking of vehicles;
  - f) A traffic operations assessment/on-site traffic movement and driveway access; and
  - g) A *water conservation plan*; and
  - h) Any requirements for land dedications to accommodate necessary expansions of public *infrastructure* systems.
4. Standards shall be set out in the implementing zoning by-law to ensure *compatibility* with the Cannery Park urban residential uses and to maintain a high amenity value for the employment or commercial uses. Such standards may include landscaping, , off-street parking, external building design and materials, and prohibition of outside storage.
5. Sidewalks shall be provided on all major and local streets and shall include pedestrian-scaled lighting.
6. Design Guidelines for Prestige Industrial sites and buildings:
  - a) Industrial uses shall be separated and *buffered* from adjacent natural heritage areas, open spaces and residential areas. The location and quantity of parking areas and storage areas should be limited to minimum requirements and screened appropriately.
  - b) Site and building design should address sustainability principles. *Development* should respect the natural environment through appropriate design and location of *infrastructure* and buildings.

Natural features should be preserved and incorporated as key site features.

- c) Buildings should be designed to give prominence to the location and a sense of prestige to the area. The location of buildings should generally provide continuity and enclosure to the street and open space network.
  - d) Building placement, massing and landscape features should provide a high level of design.
  - e) Buildings should be placed at recommended minimum building setbacks.
  - f) Buildings should provide pedestrian access to building entrances from the street.
  - g) Building facades that are visible from the street should apply some amount of architectural expression beyond blank, single material walls. Treatments could include colour and material variations, windows, and articulations in the wall plane.
  - h) Loading and service areas shall be screened from public view through architectural screening, landscape buffering or a combination of such treatments.
  - i) Access into, and circulation within individual properties should provide safe and well-defined routes for vehicles and pedestrians. The use of landscaping, paving materials, lighting, signs and other distinct treatments to define these areas will contribute to the overall safety, quality, and sense of orientation within each site.
  - j) Where feasible, shared driveways should be provided to parking and service areas to minimize disruption of the public sidewalk and to facilitate vehicular access to public roadways.
  - k) Parking areas should not dominate the front yard and should not exceed two parking bays accessed by a single drive aisle. Larger parking areas should be placed at the side or at the rear of buildings and include combinations of landscaping and pedestrian walkways to subdivide expansive parking areas.
7. The *archaeological site* of the former historical Lowrey Mill shall be protected and the Town supports its designation under the Ontario Heritage Act. Further, the Town encourages the historical interpretation of the historical mill located on Four Mile Creek as it was the central industry in the community for many years.

8. The boundary between the Prestige Industrial (Cannery Park) designation and Conservation designation may be adjusted in accordance with NPCA approval without further amendment to the Plan.
- t) **S3-20:** On the lands identified as S3-20 (524 York Road at Counsell Street) on Schedule B6 and identified as Hospitality Precinct in the Glendale Secondary Plan, the following provisions apply:
- a) A six (6) storey building shall be permitted.
  - b) Loading, garbage storage and other services areas shall be located at the rear or side of the building, and shall be screened from view.
- u) **S3-21:** On the lands identified as S3-21 (Westwood Court) on Schedule B6 and identified as Industrial Park in the Glendale Secondary Plan, the following provisions apply:
- a) The following additional uses are permitted:
    - Commercial recreation facility
    - Medical office
    - Dry cleaning and laundry plant
    - Automobile sales establishment
    - Nurseries and garden centre
    - Parking garages and structures
  - b) Secondary Uses permitted with a Main Use:
    - Assembly hall, daycare centre, and retail use to a maximum of 15% of the Gross Floor Area of the main use.
- v) **S3-22:** On the lands identified as S3-22 (1376 York Road) on Schedule B4, the following provisions apply:
- a) A 6-room *Country Inn* shall be permitted on the property, with one of the rooms being permitted within an *accessory building*. All other uses and policies permitted for the Residential designation shall continue to apply.
- w) **S3-23:** On the lands identified as S3-23 (St. Davids Commercial/Residential - Four Mile Creek Road/York Road) on Schedule B4, the following provisions apply:
- a) A mixed-use plaza is permitted and is exempt from the requirement that parking shall be provide in the rear yard.

- x) **S3-24:** On the lands identified as S3-24 (493-507 Line 2 Road) on Schedule B3, the following provisions apply:
  - a) Subject to the requirements of the Commercial designation. However, the principle entrance is not required to front onto the street, and parking shall only be permitted in the rear yard, interior side yard and exterior side yard.
- y) **S3-25:** On the lands identified as S3-25 (118-122-126 Queen St & 219 Victoria) on Schedule B2, the following provisions apply:
  - a) Redesignating the lands from Established Residential to site specific Community Facilities S3-25.
  - b) Despite the policies of this Plan to the contrary, the only permitted uses are landscaped open space (including accessory structures of a landscaped open space nature, excluding partially or fully enclosed structures), an underground parking garage secondary to a hotel on the same lot, and one (1) duplex or semi-detached dwelling containing two (2) residential units.
- z) **S3-26:** On the lands identified as S3-26 (2203 Niagara Stone Road ES) on Schedule B2, the following provisions apply:
  - a) Refining the boundaries of the Residential and the Conservation designations on the property.
- aa) **S3-27:** On the lands identified as S3-27 (2001 York Road) on Schedule B5, the following provisions apply:
  - a) Subject to Residential and Escarpment Natural Area except that the minimum lot frontage for new lots may be 32 metres.
- bb) **S3-28:** On the lands identified as S3-28 (1014 Queenston Road) on Schedule B1, the following provisions apply:
  - a) Redesignate to Agricultural and revise boundary of the Conservation designation.
- cc) **S3-29:** On the lands identified as S3-29 (325 King Street) on Schedule B2, the following provisions apply:
  - a) Redesignating lands from Open Space & Community Facilities to Commercial.
  - b) Subject to all requirements of the Commercial designation under Section 3.12 and any other general requirement of this Plan, except the following shall apply:

- i. In lieu of the permitted uses under Section 3.12.4.1 of the Official Plan, only the following uses shall be permitted on the subject lands:
  - Main Uses:
    - Hotel
    - Spa
    - Restaurant
    - Banquet and Conference Facilities
  - Secondary Uses:
    - Retail and personal service uses associated with the main Hotel use.
    - Retail uses that are not associated with the main Hotel use shall not be permitted.
- ii. The main Hotel building shall be sited and oriented towards King Street, and appropriate landscaping shall be provided around the property, to be implemented through the Site Plan Application process, on the subject lands.
- iii. Access to any driveway leading to a parking area shall be provided from King Street on the subject lands.
- iv. Access to loading areas, one each from Gage Street and Centre Street, are permitted, and must be well screened and landscaped to minimize visual impacts from the street.
- c) Prior to Site Plan Approval, a Cultural Heritage Impact Assessment shall be prepared to identify a plan for how cultural heritage elements of the site will be considered and incorporated into any redevelopment of the site.
- dd) **S3-30:** On the lands identified as S3-30 (61 Melville Street) on Schedule B2, the following provisions apply:
  - a) Redesignating lands from Medium Density Residential to Residential.
  - b) Permitted to be developed with a maximum of 12 apartment units at a maximum net residential density of 69 units per hectare (28 units per acre).

- ee) **S3-31:** On the lands identified as S3-31 (355 Mary Street), on Schedule B2, the following provisions apply:
- a) Redesignating lands from General Commercial to Mixed Use.
- ff) **S3-32:** On the lands identified as S3-32 (228 Queen Street, 209-217 Simcoe Street) on Schedule B2, the following provisions apply:
- a) The use of the property is limited to an 81 room hotel including a restaurant, meeting room and spa facilities, with a maximum height of 13.5 metres.
  - b) The use of the property is limited to a 24 room hotel including a restaurant, meeting room and spa facilities.
- gg) **S3-33:** On the lands identified as S3-33 (61 Princess Street) on Schedule B5, the following provisions apply:
- a) Subject to all requirements of the Established Residential designation and other general requirements under Section 10.1, except that the following shall apply:
    - Minimum lot depth: 27.0 metres;
    - Minimum front yard setback: 4.4 metres; and
    - Minimum (southerly) interior side yard setback: 1.2 metres.
- hh) **S3-34:** On the lands identified as S3-34 (Tawny Phase 2) on Schedule B4, the following provisions apply:
- a) Permitted to be developed with a maximum of 74 dwelling units at a maximum net residential density of 13.22 units per acre (32.66 units per hectare).
- ii) **S3-35:** On the lands identified as S3-35 (Concession 7 Road & Queenston Road) on Schedule B6, the following provisions apply:
- a) Redesignating the subject lands from Prestige Industrial and Conservation to site-specific New Residential, Public Parkland, Mixed Use II, Environmental Protection, and Stormwater Management Facility designations (Glendale Secondary Plan).
  - b) Refining the boundaries of the Conservation designation per the approved environmental study.

- c) The lands identified as Low Density Residential (Modero Estates), shall be permitted to be developed with a maximum net residential density of 10 units per acre (25 units per hectare), measured collectively across the entirety of the area subject to this site-specific policy.
- d) The lands identified as Medium Density Residential (Modero Estates), shall be permitted to be developed with a maximum net residential density of 22 units per acre (55 units per hectare), measured collectively across the entirety of the area subject to this site-specific policy. In addition to the permitted uses, local serving commercial uses may be permitted abutting Concession 7 Road in accordance with the implementing Zoning By-law.
- e) Redesignating the subject lands from Industrial Park to Modero Estates Residential Community and refining the boundary of the Conservation Area.
- f) Modero Estates Community:
  - Medium density forms of housing, including street and block townhouses and built form variations thereof shall be permitted.
  - Low density forms of housing, including single detached housing, shall be permitted.
- g) Mixed use development including Commercial Uses (Local Serving) at grade with residential units above or behind shall be permitted along Concession 7 Road.
- jj) **S3-36:** On the lands identified as S3-36 (King Street (NW Side-South of Cottage Street)) on Schedule B2, the following provisions apply:
  - a) Redesignating from Open Space & Community Facilities to Residential.
  - b) In lieu of the permitted uses, only the following uses shall be permitted on the subject lands:
    - Main Uses: Hotel, Spa, Restaurant, Banquet and Conference Facilities,
    - Secondary Uses: Retail and personal service uses associated with the main Hotel use.

- c) Retail uses that are not associated with the main Hotel use shall not be permitted.
- d) The main Hotel building shall be sited and oriented towards King Street, and appropriate landscaping shall be provided around the property, to be implemented through the Site Plan Application process, on the subject land identified.
- e) Access to any driveway leading to a parking area shall be provided from King Street on the subject lands.
- f) Access to loading areas, one each from Gage Street and Centre Street, are permitted, and must be well screened and landscaped to minimize visual impacts from the street, on the subject lands.

Prior to Site Plan Approval, a Cultural Heritage Assessment shall be prepared to identify a plan for how cultural heritage elements of the site will be considered and incorporated into any redevelopment of the site, on the subject lands.

- kk) **S3-37:** On the lands identified as S3-37 (Opulence (Vacant Lands North and South of Hickory Ave)) on Schedule B4, the following provisions apply:
  - a) Site-specific Residential designation to permit a maximum net residential density of 8.24 units per hectare for the subdivision development.
- ll) **S3-38:** On the lands identified as S3-38 (NS York Road (Mavridis Hotel)) on Schedule B6, the following provisions apply:
  - a) Redesignate the subject lands to site-specific Existing Residential, Mixed Use II, and Environmental Protection designations (Glendale Secondary Plan) to permit residential uses in conjunction with commercial uses, limit the maximum building heights, and enables the use of a Holding (H) symbol respecting an exemption to the Airport Zoning Regulation.
  - b) Permit an 8-storey hotel and a 10-storey residential apartment building.
- mm) **S3-39:** On the lands identified as S3-39 (235-253 Taylor Road) on Schedule B6, the following provisions apply:
  - a) Redesignate the lands to site-specific Mixed Use II designation (Glendale Secondary Plan) to permit an increased building height, additional commercial uses, reduced setbacks to Taylor Road and

Glendale Avenue, increased density, the provision of internal public amenity space, and enables the use of a Holding (H) symbol respecting an exemption to the Airport Zoning Regulation.

- b) Permit one 25-storey landmark building along Taylor Road and maximum heights of 17 to 25 storeys for all other buildings located on the southern portion of the subject lands.
- nn) **S3-40:** On the lands identified as S3-40 (308 Four Mile Creek) on Schedule B4, the following provisions apply:

- a) Redesignating a portion of the subject lands from Prestige Industrial (Cannery Park) and Conservation to Residential, Conservation and site-specific Conservation.

- b) Conservation/Wetlands:

Within the Conservation designation, certain lands are shown as exceptions. An exception designation may recognize an existing land use which is not normally permitted in the Conservation designation or it may place some other restriction on the property. The following is a Conservation exception. The portion of the lands identified as Conservation, municipally known as 308 Four Mile Creek Road, shall be subject to all requirements of the Conservation designation and any other general requirements of this Plan, except the following shall apply:

- i. In addition to the uses identified under Subsection 3.16.3 of the Official Plan, a private road is permitted as well as private infrastructure, subject to Niagara Peninsula Conservation Authority approval

- oo) **S3-41:** On the lands identified as S3-41 (419 Line 1 Road) on Schedule B3, the following provisions apply:

- a) Redesignating the subject lands from Low Density Residential to site-specific Residential S3-42.

- b) Subject to all requirements of the Residential designation and any other general requirements of this Plan, except the following shall apply:

- c) In addition to the uses identified under Section 3.11 of the Official Plan, a maximum of 48 townhouse dwelling units with a maximum residential *net density* of 44.5 units per hectare shall be permitted.

- pp) **S3-42:** On the lands identified as S3-42 (1570 Niagara Stone Road) on Schedule B3, the following provisions apply:
- a) Redesignating the subject lands from Service Commercial and Low Density Residential to Residential S3-43.
  - b) Subject to all requirements of the Residential designation and any other general requirements of this Plan, except the following shall apply:
    - In addition to the uses identified under Section 3.11.5.2 of the Official Plan, an apartment building being up to six (6) storeys in height containing a maximum of twenty-four (24) apartment dwelling units shall be permitted.
    - A maximum residential *net density* of 80 units per hectare, measured across the entirety of the subject lands, shall be permitted.
    - Notwithstanding Policy 3.11.3.5 g) of the Official Plan, the lands are located on a local street.
    - Notwithstanding Section 3.8.1.8 of the Official Plan, visitor parking for the apartment building is permitted at the north side of the building.
- qq) **S3-43:** On the lands identifies as S3-43 on Schedule B3, the following provisions shall apply:
- a) Up to 6 storeys is permitted and land use compatibility studies are to be updated/prepared, in accordance with Ministry standards, when development applications are submitted to protect residential development from impacts which may be generated from agricultural, industrial and other incompatible land uses located within and outside of the urban area boundary. Any mitigation measures resulting from the land use compatibility studies will be implemented through site specific zoning or future site plan approval applications.
- rr) **S3-44:** On the lands identified as S3-44 (222 Gate Street) on Schedule B2, the following provisions apply:
- a) Subject to all requirements of the Commercial designation and any other general requirements of this Plan, except the following shall apply:

- In lieu of the permitted uses under Section 3.12.4 of the Plan, a hotel with a maximum of eighteen (18) guest rooms or suites shall be permitted on the subject lands.
  - For the purposes of this Amendment, a hotel is defined as a commercial establishment in which accommodation is provided for the traveling public, having a minimum of ten (10) guest rooms or suites and shall not include among its internal or external functions a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop, indoor or outdoor commercial recreation facilities, restaurant facilities, or commercial entertainment facilities.
- ss) **S3-45:** On the lands identified as S3-45 (1839 Four Mile Creek Road) on Schedule B3, the following provisions apply:
- a) Subject to all requirements of the Residential designation and any other general requirements of this Plan, except the following shall apply:
- In addition to the uses identified under Section 3.11.5.2 of the Plan, an apartment building being three (3) storeys in height containing a maximum of twenty-nine (29) apartment dwelling units shall be permitted. A maximum residential *net density* of 95 units per hectare, measured across the entirety of the subject lands, shall be permitted. Notwithstanding Policy 3.11.3.5 g) of the Plan, the lands are located on a local street. Notwithstanding Section 3.8.1.8 and 3.5.3.2 of the Plan, visitor parking for the apartment building is permitted in the front yard of the lands.
- tt) **S3-46:** On the lands identified as S3-46 (Royal George Theatre - 178 and 188 Victoria Street and 79 and 83 Queen Street) on Schedule B2, the following provisions apply:
- a) Subject to all requirements of the Commercial designation and any other general requirements of this Plan, except the following shall apply:
- In lieu of the permitted uses under Section 3.12.4 of the Official Plan, a theatre shall be permitted on the subject lands.
  - In lieu of Section 3.8.2, the maximum height of the theatre shall be 15.0 metres, and a fly tower may be permitted on the subject lands to a maximum height of 19.6 metres.

- The main entrance to the theatre shall be sited and oriented towards Queen Street, and appropriate landscaping shall be provided and implemented through the Site Plan Application process.
- Access to any driveway leading to a parking or loading area shall be provided from Victoria Street.
- Prior to Site Plan Approval, a Conservation and Commemoration Plan shall be prepared to identify a plan for how cultural heritage elements of the site will be conserved and incorporated into any redevelopment of the site.
- Prior to any demolition of existing structures on the subject lands, approval by the Town's Municipal Heritage Committee and Town Council must be granted and all conditions, as applicable, must be fulfilled.
- For the purposes of this Amendment, a theatre is defined as a building or structure, or parts thereof, used for the purpose of providing public access to live performing arts. This includes, but is not limited to, live stage performances such as plays, musicals, concerts, dance, and other live entertainment, but excludes the exhibition of films (cinema) except as it relates to live performing arts. The theatre also includes artistic practice halls, technical and artistic preparatory spaces, education spaces or other support areas needed to conduct the theatre operations. Accessory uses are permitted secondary to and only in association with an operating theatre use, including the sale and service of food and beverages or sale of associated merchandise, subject to applicable regulations. A restaurant(s) and/or take out restaurant(s) and/or standalone café(s) are not permitted. The theatre may also host charitable fundraising events, patron centred events, educational workshops, artistic workshops or other non-profit events that advance or support the live arts or other charitable or related endeavours, secondary to the main theatre use.

uu) **S3-47:** Special Study Area A-9 (Former Rand Estate and John Street East Character Study Area) as identified in Schedule B2: Land Use Plan – Old Town shall be subject to the following:

Principle 1: Conserve, integrate and maintain significant cultural heritage resources

- i. *Development* applications for all listed and designated heritage properties, including 144, 176, 200 and 210 John Street East and 588 Charlotte Street, excluding minor

variance applications, shall include a conservation plan and a landscape management and design plan. The conservation plan, which will supplement a heritage impact assessment, shall identify measures required to repair, stabilize and conserve heritage features as well as long-term conservation, monitoring and maintenance measures. Landscape management and design plans shall identify work proposed to conserve and enhance landscape features and systems over time, including natural and cultural features; they shall also include detailed drawings of proposed new landscape features. Conservation plans and landscape management and design plans may also supplement and shall not replace submission materials required for a heritage permit application;

- ii. The Town shall ensure local Indigenous communities are consulted.
- iii. Conservation plans, and heritage conservation measures generally, shall be consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*;
- iv. The adaptive re-use of heritage buildings and other structures with uses that complement existing and planned uses in the area shall be strongly encouraged;
- v. The restoration or interpretation of significant but lost heritage landscape features shall be strongly encouraged;
- vi. The Town shall explore and consider financial incentives, including but not limited to programs under a Community Improvement Plan, to support heritage conservation in the area;

Principle 2: Protect, enhance and maintain significant natural features and functions

- i. Environmental impact studies shall be supplemented by landscape management and design plans, as generally described in Policy 3.19 x) (Principle 1.i);
- ii. New streets and other *infrastructure* shall minimize adverse impacts on existing natural features and functions. Streets and pathways shall be aligned and designed to integrate existing natural features wherever possible. The consolidation of vehicular entrances and sharing of streets among neighbouring uses shall be strongly encouraged;

- iii. Further to Policy 3.19 x) (Principle 1.i), landscape management and design plans shall include:
  - A tree preservation and planting plan that has regard for the area's historic estate lot landscapes; and,
  - Measures to enhance riparian zones with plantings in keeping with the *cultural heritage landscape*;
- iv. Landscape management and design plans shall support a minimum tree canopy goal of 30% for the character area as a whole and for each property where new *development* is proposed. A qualified landscape architect or arborist shall provide an opinion on how the tree preservation and planting plan for a site can achieve the goal over time;
- v. Stormwater management facilities shall be located outside Conservation areas, integrated with the larger network of open spaces, and designed as a naturalized landscape.

Principle 3: Ensure cultural and *natural heritage features* are visible to the public

- i. Public views to 144, 176 and 210 John Street East, 580 Charlotte Street and 9 Weatherstone Court from adjacent public roads shall be maintained. Conservation plans and landscape management and design plans for 200 John Street East and 588 Charlotte Street shall show how existing views of the former Rand Estate over the historic stone wall from the Heritage Trail and through the gate at the whistle stop will be maintained or enhanced;
- ii. New streets, driveways and pathways in the area should be aligned to conserve and provide public exposure to *cultural heritage resources* where feasible;
- iii. The common open spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework shall be designed to provide public views and access to natural and *cultural heritage resources*. The designs of these spaces shall include elements that interpret the history of the Rand Estate. Modifications to the size and shape of each common open space shall not require an amendment to the Official Plan;
- iv. The axial walkway and circular mound between the whistle stop and the main house shall be reflected and interpreted in the design of a future street and pathway network;

- v. Site plans and landscape design plans shall include pedestrian connections and wayfinding measures between *cultural heritage resources*;
- vi. New streets, pathways and common open spaces shall have appropriate lighting for comfort and safety;
- vii. Designated heritage structures shall stand apart from new development, generally by at least 5.0 metres, to reinforce their cultural significance. Landscaping that recalls their historic setting shall be encouraged;
- viii. The Town, in consultation with property owners, shall develop a plan to interpret and promote the area's cultural heritage, including values attributed to the area by Indigenous communities.

Principle 4: Accommodate *active transportation* connections through and to the area as part of a system of connected natural and *cultural heritage resources*

- i. A future street and pathway network in the area shall include a continuous public connection for pedestrians and cyclists from the Heritage Trail to John Street East, via the whistle stop, to be built by the developer. Additional public *active transportation* connections through 144 and 176 John Street East shall be encouraged;
- ii. Future access to *development* on 588 Charlotte Street shall include public access for pedestrians and cyclists;
- iii. Subject to heritage and structural impact assessments to the Town's satisfaction, an additional gate or other opening in the stone wall along the Heritage Trail may be permitted to facilitate access for pedestrians and cyclists;
- iv. The Town shall develop and implement a plan to widen the sidewalk on the south side of John Street East or replace it with a multi-use path. In addition, the Town shall work with Parks Canada to develop a multi-use path connection between a public access to future *development* at 144, 176 or 200 John Street East and the path network on The Commons;
- v. The intersection of John Street East and Charlotte Street shall be improved with stop signs, crosswalks and wayfinding signage for the comfort, safety and convenience of pedestrians and cyclists.

Principle 5: Maintain *compatibility* and cohesion between distinct places

- i. Future *development* and landscaping shall maintain, reinforce and extend the area's natural features to establish over time the network of green spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework, including Conservation areas, common open spaces, pathways and landscape *buffers*;
- ii. Existing mature trees and hedges at the edges of existing residential properties shall be maintained and enhanced;
- iii. On 144 and 176 John Street East, sufficient landscaping, *buffers* and setbacks shall be provided to minimize the impact of commercial uses on abutting residential uses. In addition, landscape *buffers* in keeping with the area's historic natural heritage and containing hedges and trees shall be provided between commercial uses and new *residential development* on 200 John Street East and 588 Charlotte Street;
- iv. Private rear yards adjacent to agricultural lands outside the urban boundary, in the Greenbelt, shall be planted with trees and other vegetation to provide an appropriate landscape transition;
- v. Surface parking lots, where required and appropriate, shall be minimized and located at the rear of buildings, screened from public view.

Principle 6: Accommodate a mix of housing types and sizes and *compatible* commercial uses

- i. Detached dwellings and multiple unit residential buildings also shall be permitted at the rear of properties in the Commercial area and within the Established Residential area identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework at the rear of 210 John Street East, notwithstanding Policy 3.11.4.2 of the Official Plan, provided they conserve *cultural heritage resources* and are in keeping with the scale, massing and character of the existing historic houses. Secondary and other uses, as identified in Policy 3.11.4.2 shall also be permitted;
- ii. All new housing shall minimize adverse impacts on cultural heritage resources.

Principle 7: Respect the scale and character of existing development in the area and in adjacent neighbourhoods

- i. The massing of new *development* shall be in keeping with the scale and height of existing *development* within the area and in adjacent neighbourhoods. Residential buildings shall not exceed three storeys and blocks of attached townhouses should generally not contain more than 6 primary dwelling units, but may contain up to 8 primary units with sufficient justification and design considerations, subject to Town requirements;
- ii. A variety of architectural styles shall be encouraged that reflect the varied character of homes in the adjacent neighbourhoods and Old Town generally, including Colonial Revival, Neo-Classical, Georgian, Italianate and Craftsman. The incorporation of architectural elements found on heritage buildings in the area and the homes of Christopher Street and Weatherstone Court shall be encouraged;
- iii. The use of traditional building materials commonly used in Old Town's historic buildings shall be strongly encouraged. Building materials and finishes should reflect a consistently high level of quality and craftsmanship;
- iv. Future *development* on Christopher Street and Weatherstone Court shall maintain the existing general character in terms of building massing, setbacks and landscaping;
- v. The visual impact of front garages and driveways shall be minimized. Garages at the rear of houses, accessed by a laneway or a driveway at the side of the house, shall be encouraged. Where garages are located at the front of dwelling units, they shall be located behind the front wall of the house and have a maximum width no greater than half the width of the house;
- vi. *Accessory buildings* containing ARUs shall have a maximum height of 7.0 metres or the height of the main dwelling, whichever is less;
- vii. Front yard setbacks for new development shall be a minimum of 3.0 metres from the sidewalk and consistent along each street;
- viii. At least 50% of the front yards of new development shall be comprised of soft landscaping, including trees.

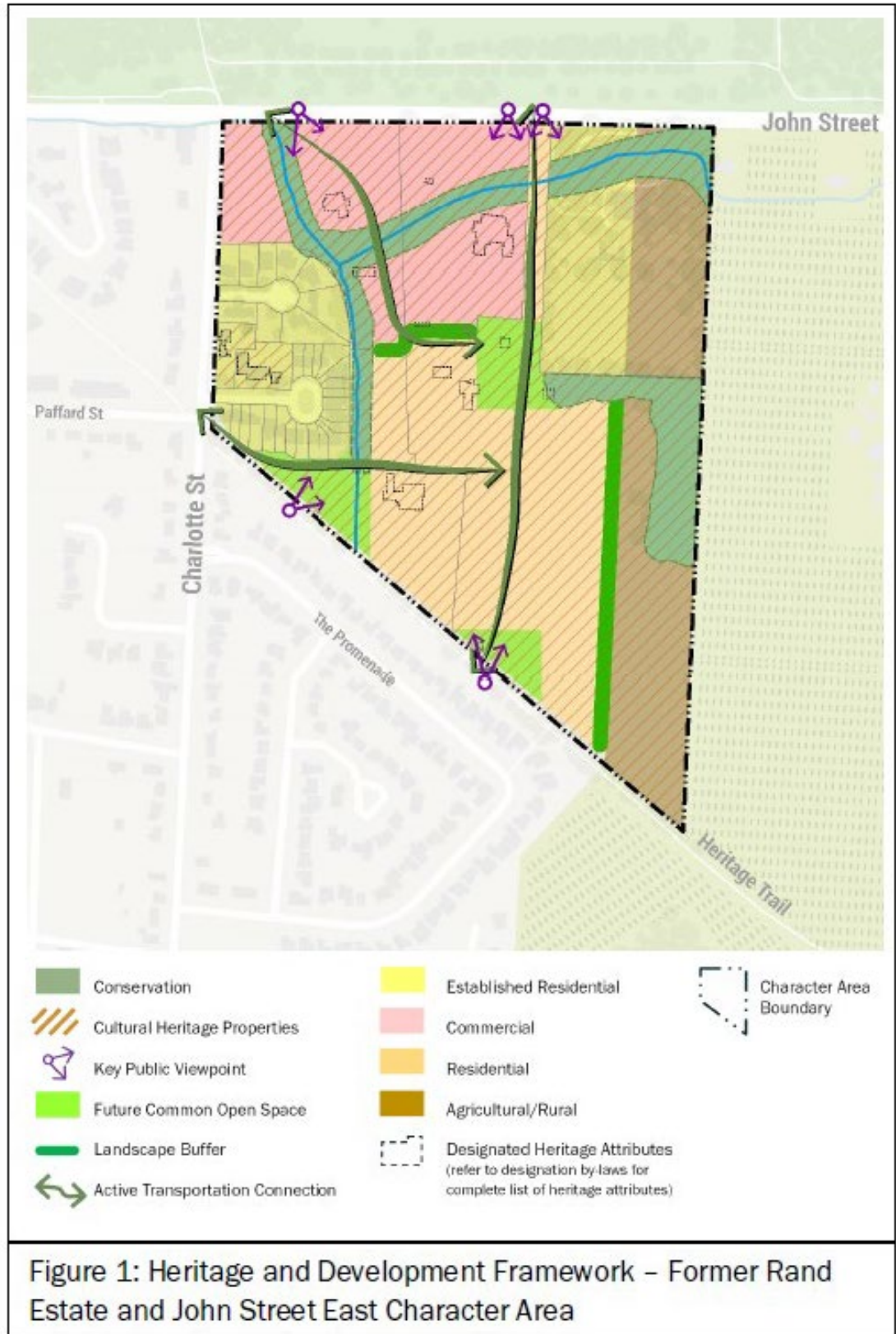


Figure 1: Heritage and Development Framework – Former Rand Estate and John Street East Character Area

## SECTION 4 Niagara Escarpment Plan Area

### 4.1 Background

- 4.1.1 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.
- 4.1.2 Within the Town, the Niagara Escarpment Plan (NEP) contains lands designated as Escarpment Natural Area, Escarpment Recreation Area, Escarpment Protection Area and Escarpment Rural Area. Queenston and St. Davids are designated as Minor Urban Centres in the NEP.
- 4.1.3 Within the Niagara Escarpment Development Control Area, all *development* unless specifically exempted by regulation under the Niagara Escarpment Planning and Development Act, shall require a *development* permit from the Niagara Escarpment Commission. No other permits, including building permits, will be issued unless a *development* permit has been issued from the Niagara Escarpment Commission.
- 4.1.4 The Niagara Escarpment Commission administers the NEP and shall be consulted to determine the policies applicable to the designations.
- 4.1.5 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.

### 4.2 Policies

- 4.2.1 The policies and *development* criteria of the NEP apply in the Niagara Escarpment Plan Area, as shown on Schedule “A” of this Plan.
- 4.2.2 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 Niagara Escarpment Commission. Where there is a conflict between this Plan and the NEP, the provisions of the NEP prevail; unless the provisions of this Plan are more restrictive than the NEP, in which case the more restrictive policies prevail.
- 4.2.3 *Infrastructure* 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.

- a) The NEP contains policies and a framework for the Niagara Escarpment Parks and Open Space System that stretches the length of the Escarpment. As shown on Schedule “F”, there are four (4) parks: Woodend Conservation Area, Queenston Quarry, the Welland Canal, and Queenston Heights (Brock Monument) that are an integral part of the Niagara Escarpment Parks System within the Town. The Town supports the objectives of the Niagara Escarpment Commission Parks and Open Space System in this area.

**4.2.4** Notwithstanding the land use designations applied to the former Queenston Quarry lands identified as Specific policies S3-17 and S4-2, the Extractive policies of this Plan shall continue to apply on the lands until such time as the Ministry of Natural Resources is satisfied that the quarry rehabilitation and decommissioning (Record of Site Condition) are completed, and the quarry license and Ministry of the Environment Certificates of Approval are surrendered.

### 4.3 Site Specific Policies

**4.3.1** The following provisions apply to specific lands identified on Schedule B1:

- a) **S4-1:** A golf course, driving range or other outdoor sports practice facilities are permitted on the lands identified as S4-1(269 Concession 2 Road) on Schedule B1.
- b) **S4-2:** On the lands identified as S4-2 (Queenston Quarry - Natural Area, Protection Area & Recreation Area) on Schedule B1, the following provisions apply:
  1. Prior to any development taking place, the existing Ministry of Natural Resources licence under the Aggregate Resources Act and the Ministry of Environment Certificate of Approval for waste disposal must be surrendered and a Record of Site Condition filed with the Ministry of Environment. It is recognized that extraction of stone resources and associated activities may take place under the authority of the existing Aggregate Resources Act licence and that this use is an interim use.
  2. The applicant shall submit and receive approval for a revised Environmental Impact Study (EIS).
  3. Escarpment Recreation Area (Queenston Quarry)
    - a. In the Escarpment Recreation Area (Queenston Quarry) designation the following uses shall be permitted:

**Main Uses:** Golf course; Winery; Equestrian centre

**Secondary Uses:** Golf club house and uses associated with a golf course; Agricultural operation; Uses associated with a winery

**Uses Independent of a Main Use:** Passive recreational uses

**Additional Uses:** Permitted uses identified in the Escarpment Recreation Area designation of the Niagara Escarpment Plan

- a. The development of the land requires a Water Quality Monitoring Study. This study shall be for the protection of vulnerable groundwater area and include 1 year of background data prior to development.
- b. Progressive rehabilitation of the quarry to golf course use may be phased with the first phase occurring in the western half of the quarry and tied to the developed of the first apartment building proposed in the Urban Residential (Queenston Quarry) designation. The progressive rehabilitation of the eastern portion of the quarry shall take place once the non-hazardous waste that has been disposed of in this area has been remediated and the site cleaned up.
- c. That portion of the Escarpment Recreation Area (Queenston Quarry) designation that abuts the existing Bevan Heights community shall be used for passive recreational use only and shall be maintained in a natural condition to provide for a buffer and separation to the uses located in the Urban Residential (Queenston Quarry) designation.

4. Escarpment Protection Area (Queenston Quarry)

- a. In the Escarpment Protection Area (Queenston Quarry) designation the following uses shall be permitted:

**Main Uses:** Passive recreational uses

Uses Independent of a Main Use: Incidental uses associated with a golf course

- b. The boundary of the area designated Escarpment Protection Area (Queenston Quarry) reflects the same area designated Escarpment Protection Area in Niagara Escarpment Plan.

5. Escarpment Natural Area (Queenston Quarry)

- a. In the Escarpment Natural Area (Queenston Quarry) designation the following uses shall be permitted:

**Main Uses:** Passive recreational uses

- b. The boundary of the area designated Escarpment Natural Area (Queenston Quarry) reflects the same area designated Escarpment Natural Area in Niagara Escarpment Plan where the delineation of the designation uses the Niagara Escarpment Commission's Designation Criterion that includes forested lands 300 metres (1000 feet) back from the brow of the Escarpment slope using the most detailed and up-to- date information and site inspections.

## SECTION 5 Niagara District Airport

### 5.1 Background

5.1.1 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.

- a) 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 tourism, 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.

5.1.2 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.

### 5.2 Permitted Uses

5.2.1 In the Niagara District Airport Lands, as identified in Schedule A, 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*.

**5.2.2** The following uses are specifically prohibited within the Niagara District Airport Lands, as identified in Schedule A,:

- a) hotel;
- b) motel.

### **5.3 Policies**

**5.3.1** 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.

- a) Before *development* can proceed it will be assessed to ensure *compatibility* with the airport zoning regulations (AZR).
- b) Zoning of the Niagara District Airport will reflect existing and proposed land uses and location, and prescribe regulations, restricted uses, storage and height in accordance with the Airport Master Plan.

## SECTION 6 Heritage, Archaeology and Culture

### 6.1 Built Heritage Resources

Conservation and recognition of the Town's *built heritage resources* are important for protecting its cultural legacy and for developing a strategy for protecting these resources. Conserving *built 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 Ontario Building Code, the PPS, the Environmental Assessment Act, the Standards and Guidelines for the Conservation of Historic Places in Canada and the Municipal Act in implementing and enforcing the policies of this section.

*Built heritage resources* are not renewable resources. Once lost, they are gone forever. These resources can be formally recognized as 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.

#### 6.1.1 Identification and Documentation

- 6.1.1.1 The Town, through a variety of initiatives, will identify, conserve and protect *built 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 *built heritage resources* in accordance with the direction of the Ontario Heritage Act;
  - b) identify *built heritage resources* using recognized methods such as those identified by the Province;
  - c) maintain a Register of Properties of Cultural Heritage Value or Interest which is accessible to the public and identifies properties designated under Section 29, Section 34.5, Section 41 and 52(1) of the Ontario Heritage Act, or a non-designated property under Section 27(3) of the Ontario Heritage Act (as amended and updated from time to time);
  - d) will develop a process to continually assess properties, *streetscapes*, landscapes, views and vistas 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 *built heritage resources* for inclusion on the Register of Properties of Cultural Heritage Value or Interest 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.

## 6.1.2 Protection of Built Heritage Resources

- 6.1.2.1 Protection, maintenance, adaptive reuse and stabilization of existing *heritage attributes* and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact *built heritage resources*.
- 6.1.2.2 To protect heritage resources, the Town will establish policies and procedures to:
- a) Protect and conserve *built 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 Ontario Building Code, the PPS, 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 *built heritage resources* must be the first consideration for all properties on or *adjacent* to *built heritage resources*.
    - i. In the event of any conflict between this Plan and Ontario Heritage Act, the Ontario Heritage Act shall prevail.
  - b) Listing and/or designating an individual 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 an individual property under Part IV of the Ontario Heritage Act.
  - c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit by-law, the sign by-law and other municipal controls, to ensure that *development* on and/or within *built heritage resources* or *adjacent* to *built 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:
    - i. impacts such as scale, massing, height, building orientation, materials and location relative to the *built heritage resource*;
    - ii. destruction of any part of any *significant* heritage attribute or features;

- iii. *alteration* that is not sympathetic or is incompatible with the historic fabric and appearance;
  - iv. shadows created that *alter* the appearance of a heritage attribute or change the viability of a natural feature or planting;
  - v. isolation of a heritage attribute from its surrounding environment, context, or a *significant* relationship;
  - vi. direct or indirect obstruction of *significant* views or vistas within or from built and natural features;
  - vii. a change in land use for a more intensive use; and
  - viii. 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 *built heritage resources* are to be affected to ensure the continued protection of the resource in accordance with Section 33 and Section 42 of the Ontario Heritage Act.
  - e) Require preparation of a heritage impact assessment or heritage conservation plan for any proposed *alteration*, construction or *development* involving, adjacent to a *built heritage resource* in accordance with Ontario Regulation 385/21.
  - f) Require provision of a heritage conservation easement, pursuant to the Ontario Heritage Act, as a condition of certain *development* approvals under the Planning Act 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 *built heritage resource* protected under the Ontario Heritage Act.

- h) Require where *development* or *site alteration* is proposed on or adjacent to a Part IV Designated property under Section 29 of the Ontario Heritage Act, 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 *built 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 *built heritage resources* will be *conserved*. Development of lands adjacent to *protected heritage properties* shall be required to demonstrate that the *heritage attributes* of the adjacent *protected heritage property* are *conserved* through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses.
- 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 in accordance with the Ontario Heritage Act requirements. **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 *built 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 *built heritage resource*, require that the proponent provide Building Permit ready drawings of the proposed replacement building or buildings on the property.
- 6.1.2.3 The Town may adopt a by-law, if necessary, under the authority of Section 40.1(1) of the Ontario Heritage Act to designate a heritage conservation study area to ensure the conservation of *built heritage resources*.
- 6.1.2.4 Severances and minor variances will not be permitted if such permissions would negatively impact the identified *heritage attributes* of *built heritage resources*.
- 6.1.2.5 Each severance and variance proposal affecting *built 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.
- 6.1.2.6 The Town shall develop minimum standards for maintenance of *heritage attributes* that should be included within the Town's Property Standards By-law.
- 6.1.2.7 The Town intends to designate, conserve and maintain all Town-owned historic cemeteries and may develop a Cemeteries Plan to manage all Town-owned cemeteries. This may be done in cooperation with the Town Operations Department, to develop and implement standards and design guidelines for the conservation of cemeteries, including restoration of grave markers and monuments.
- 6.1.2.8 Impacts and encroachments on known public and private cemeteries or burial sites must be assessed by an *archaeological assessment* and mitigated under applicable legislation and policy.
- 6.1.2.9 The Town will use zoning by-law provisions as appropriate, to conserve *built heritage resources*.
- 6.1.2.10 In partnership with local First Nations and Indigenous communities, a Protocol will be designed, approved and implemented outlining the working relationship with local First Nations Indigenous communities and the Town.

6.1.2.11 Local First Nations and Indigenous communities shall be engaged early in the planning process and consulted on any work that could potentially impact *built heritage resources* within the *traditional territories*, ensuring their interests are considered.

### 6.1.3 Management of Built Heritage Resources

6.1.3.1 The Town will actively manage *built heritage resources* and will:

- a) Encourage the ongoing care of *built 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 *built heritage resources* in such a way that conserves their heritage attributes and educating the public on the designations and preservation of *built heritage resources* as an opportunity for property owners to pursue.
- 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 *built 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.
- e) Require all municipal departments to conserve the Town's *built heritage resources*.
- f) Integrate municipally-owned *built 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 *built 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 *built heritage resources*.
- i) Consult with relevant agencies for the placement of cell towers on properties containing or *adjacent* to *built heritage resources* unless it can be clearly demonstrated to the satisfaction of the Town that there will be no impact to the *built heritage resources*.
- j) Complete a *Cultural Heritage Landscape* study for the whole of the Town.

## 6.2 Cultural Heritage Landscapes and Heritage Conservation Districts

The Town contains *significant cultural heritage landscapes* including identified landscapes such as the Queen-Picton Heritage 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, parks, neighbourhoods, villages, public and private 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 components of this Official Plan.

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, preparing a Heritage Master Plan or separate *Cultural Heritage Landscape* study(ies), 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.

### 6.2.1 Heritage Conservation Districts

- 6.2.1.1 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.
- 6.2.1.2 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).

6.2.1.3 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.

6.2.1.4 A heritage conservation district plan shall be reviewed every 10 years.

6.2.1.5 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.

6.2.1.6 Queen Picton Heritage Conservation District

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.

The Queen-Picton Heritage Conservation District was approved by the Town in 1986. The District Plan was adopted by Council in 2010 and is currently in the process of being updated. Heritage districts are a type of *cultural heritage landscape*. Consisting of buildings, *streetscapes*, open spaces, views and vistas.

a) Within the Queen-Picton Heritage Conservation District, the Town will:

- i. Review the existing District Plan and consider expansion of the District, as shown on Schedule D3, and revision of the District policies as required.
- ii. Ensure that new development, including new infill development and *redevelopment*, will conserve the District's heritage values and *heritage attributes*.
- iii. Prohibit commercial uses within the residential area of the Queen-Picton Heritage Conservation District.
- iv. 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.
- v. 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.

- vi. 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.
  - vii. Develop a community planning permit system for the Queen-Picton Heritage Conservation District.
- b) 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 which will take precedence over any other policies of this Plan.
- c) 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:
- i. The protection and conservation of any *built heritage resources* and *cultural heritage landscapes* existing on and adjacent to, the site.
  - ii. The impact of development on the identified heritage values and heritage attributes of the District will be minimized to address:
    - the *compatibility* of the proposed use;
    - the capacity of the site for additional uses, parking and supporting *infrastructure*;
    - location of parking areas, loading and access; and
    - tree preservation and opportunities for landscaping and screening.
  - iii. Designs that are *compatible* in mass, scale, height, fenestration and materials.
- d) When considering an application for infill *development* on interior lots that involves the creation of interior access roads, the Town will ensure that *built heritage resources* and *cultural heritage landscapes* are *conserved*.
- e) 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*).

- f) 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 *built heritage resources* and *cultural heritage landscapes*.

### 6.3 Heritage Character Areas

6.3.1 The Town has identified the following Heritage Character Areas as *cultural heritage landscapes* based on a review by Bray Heritage (Estate Lot Study) in 2018, based on the available information on the areas and the concentration of “estate lots” in those areas:

- a) Old Dock Heritage Character Area;
- b) Downtown Heritage Character Area;
- c) Queen Street Summer Homes Heritage Character Area; and
- d) John Street East Summer Homes Heritage Character Area.

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

6.3.3 A number of other Heritage Character Areas may potentially be identified and added to the Plan as *cultural heritage landscapes* and may include other candidate areas identified in the Bray report, or other character areas in the Town, following further research and review by the Town.

6.3.4 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.

#### 6.3.5 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)

c) *Historical/Associative*

i. 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)

ii. Contextual

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

d) 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.

### 6.3.6 Downtown Heritage Character Area

a) Statement of Cultural Heritage Value or Interest:

This character area contains a large portion of the *built heritage resources* and *cultural heritage landscapes* 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 representing the largest collection of pre-Confederation buildings in Canada. 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 side yard 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 new *development* or *site alteration* must be sympathetic, ensure the *conservation* of the areas *heritage attributes* and values and 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. 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
- vi. The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

### 6.3.7 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.

### 6.3.8 Former Rand Estate and 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

ii. 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)

iii. Historical/Associative

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

iv. Contextual

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

c) In addition to other policies of this Plan, the following policies will also apply to the Former Rand Estate and 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.

## 6.4 Archaeological Resources

**6.4.1** Both Indigenous and European terrestrial and marine *archaeological resources* contribute to the Town's local identity. They include sites that 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.

**6.4.2** *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*.

- a) The Town will promote conservation of its *archaeological resources* in accordance with the Niagara Region Archaeological Management Plan and will:
  - i. Require an *archaeological assessment* by a licensed archaeologist, 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.
  - ii. Require an *archaeological assessment* in compliance with current Provincial requirements, standards and guidelines for consultant archaeologists; and assess the impact of the proposed development on any *archaeological resources* identified. 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 Province on a property-by-

property basis to determine if these areas can be exempt.

- iii. Require a provincial compliance review and acceptance letter verifying that an *archaeological assessment* is compliant with Provincial Standards.
- iv. 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 or through a holding provision.
- v. Require proponents whose ***archaeological assessments*** identify Indigenous archaeological resources to:
  - 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;
  - 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
  - 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.
- vi. Consider significant Indigenous *archaeological resources* as features not to be developed and to engage the First Nations and Indigenous communities with the closest cultural affiliation, and in whose *traditional territories* the resource is found, to identify commemorative approaches.
- vii. Where appropriate, encourage the communication of appropriate archaeological discoveries and/or cultural narratives to the public through innovative architectural and/or landscape architectural design, public education, public art, or other public realm projects.
- viii. 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*.

- ix. Undertake, together with the Niagara Parks Commission, Parks Canada, and the local First Nations and Indigenous communities, to co-operatively establish guidelines for sharing archaeological information derived from the application of the archaeological master plan and potential mapping.

**6.4.3** Within the boundaries of the Town, there may be marine archaeological 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 archaeological resource that is identified shall be reported to the Province.

**6.4.4** 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 PPS, Funeral, Burial and Cremation Services Act, Ontario Heritage Act, along with other applicable protocol or policy must be followed. Where there are First Nations and Indigenous burials, they will be addressed in partnership with all appropriate communities. Licensed archaeologists will assess the property and recommend conservation strategies.

**6.4.5** 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*, *built heritage resources* or *cultural heritage landscapes*.

## **6.5 Cultural Facilities**

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

**6.5.2** 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.
- 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 various arts and culture programs and local community activities; and
  - iii. encourage the conservation of *built heritage resources* and *cultural heritage landscapes*.
- 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.

## 6.6 Enhancement and Education

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

- a) Enhance *built heritage resources* and *cultural heritage landscapes*, 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 built heritage resources* and *cultural heritage landscapes*, and provide other incentives as provided for under the Ontario Heritage Act, the Municipal Act and through other sources.
- c) Commemorate *built heritage resources* and *cultural heritage landscapes*, 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 *built heritage resources* and *cultural heritage landscapes*, including web site information, walking tours, heritage award programs, workshops and heritage celebrations.
- e) Participate in promotional or educational heritage conservation programs provided by other levels of government or other agencies and groups.
- f) Ensure that enhancement of *built heritage resources* and *cultural heritage landscapes* does not negatively impact production in the *specialty crop area*.

## SECTION 7 Natural Environment System

### 7.1 A Unique Local Natural Environment System

#### 7.1.1 Background

- 7.1.1.1 The Town will establish policies and procedures to protect and conserve the natural environment in accordance with Provincial acts. In addition, alignment will follow the Town's Strategic Plan, Climate Change Adaption Plan, and other recognized natural heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing natural environment resources shall be considered for all properties on or adjacent to natural heritage resources.
- 7.1.1.2 The Town's natural environment will be protected and enhanced through the identification of a *Natural Environment System*, which is comprised of:
- a) the *natural heritage system*, which includes features such as *wetlands, woodlands, valleylands and wildlife habitat*, as well as components such as *linkages, buffers, supporting features and areas, and enhancement areas*;
  - b) the Town's water resource system, which includes both groundwater features and surface water features and areas;
  - c) the Greenbelt Plan Area and the *Greenbelt Plan Natural Heritage System*, which includes *key hydrologic areas, key hydrologic features and key natural heritage features*; and
  - d) components of the Niagara Escarpment as identified in the Niagara Escarpment Plan.
- 7.1.1.3 The Town's landforms and watercourses provide key *ecological functions and linkages* that connect its natural features to a broader ecosystem comprising the Niagara Escarpment, the Greenbelt and the Lake Ontario and Niagara River watersheds. Defining a system of linked natural heritage and hydrologic features will assist the Town in maintaining, restoring and enhancing ecologically sustainable and resilient landscapes.
- 7.1.1.4 The *Natural Environment System* co-exists with the *Agricultural System* and over time a unique relationship has developed between the two systems. The agricultural area contains the *Niagara-on-the-Lake Agricultural Infrastructure System*, comprised of an extensive network of underground field tiles engineered and constructed municipal drains and irrigation works, many of which are essential to sustain specialty crop agriculture. The policies in this section recognize and support an appropriate approach to balancing ongoing production of specialty crops grown in the Town's unique *specialty crop area* while protecting the features and functions of the Town's *Natural Environment System*.

7.1.1.5 Nothing in this Section is intended to limit the ability of *agricultural uses* to continue in the *Natural Environment System*. Agriculture, agriculture-related, and on-farm diversified uses and normal farm practices are permitted in the Town's *Natural Environment System* subject to the policies of Section 2.2 of this Plan. New activities cannot negatively impact natural heritage or hydrological features. The need to protect and conserve the *Natural Environment System* is balanced with the need to protect and conserve *specialty crop lands* and agricultural viability.

## 7.1.2 Objectives

Planning for the *Natural Environment System* will take 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.

7.1.2.1 The objectives for the *Natural Environment System* are to:

- a) promote the responsible protection of the Town's natural heritage system and water resource system;
- b) apply an ecosystem-based approach to planning and decision-making;
- c) promote and recognize environmental stewardship including restoration where possible, as part of all municipal decision-making;
- d) recognize the role and value of *compatible* and complementary agricultural and rural uses within and adjacent to the *Natural Environment System*;
- e) encourage acquisition of *significant* natural features and areas;
- f) maintain, restore, and enhance the biodiversity and connectivity of natural features and their associated ecological and hydrological functions, including all species with significance towards habitat for native pollinators and beneficial species critical to both natural systems and agricultural productivity;
- g) protect *woodlands* and their biodiversity, restore their *ecological function*, and enhance *woodland* cover through reforestation and restoration, including the identification and protection of *other woodlands*;
- h) protect *Significant Areas of Natural and Scientific Interest*; *wetlands*, *woodlands*, *wildlife habitat*, *fish habitat* and *valleylands*;

- i) identify and maintain *hydrologic functions* and connections among groundwater features, natural features, and *surface water features* including *shoreline areas*;
- j) protect and maintain wetland area and the hydrological and *ecological functions* they provide, and enhance wetland cover where possible;
- k) protect the *habitat of endangered species and threatened species* and *fish habitat* in accordance with Provincial and Federal legislation;
- l) control *development* within the 100-year erosion limit of Lake Ontario and work toward stabilization of the Lake Ontario shoreline;
- m) restrict *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;
- n) preserve and enhance the recreational amenities and natural resources offered by waterways, *wetlands* and natural areas;
- o) encourage landscape restoration and enhancement, including natural vegetation along *shoreline areas*, as part of the *development* approval process, and support the long-term *ecological integrity* of the *Natural Environment System*;
- p) implement the Greenbelt Natural Heritage System in accordance with the direction of the Province;
- q) support climate change adaptation through the enhancement of ecosystem resilience, soil health, and natural carbon sinks within the *Natural Environment System*;
- r) integrate nature-based solutions such as *buffer* strips, hedgerows, *wetlands*, and cover crops to deliver ecosystem services like water filtration, habitat connectivity, and flood control.
- s) protect and enhance water resources through proactive watershed and subwatershed planning;
- t) protect and restore the ecological health of Lake Ontario, consistent with the provisions of the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of watershed planning and coastal or waterfront planning initiatives;
- u) minimize the impacts of invasive species through the proper management and control, and the promotion of native species plantings;

- v) consider cumulative impacts through watershed planning and the *development* application process;
- w) recognize that flexible approaches to existing uses in the *Natural Environment System* are required;
- x) support incentive programs and partnerships with landowners, First Nations and Indigenous communities, conservation authority and other organizations to enhance long-term stewardship of natural features and agricultural lands; and
- y) monitor and evaluate the cumulative impact of *development*, agriculture, and climate change on the *Natural Environment System* to support evidence-based policy and adaptive management.

### **7.1.3 Components of the Natural Environment System**

7.1.3.1 The definitions for each of the features and components within the *Natural Environment System* are included in Section 10.4.

7.1.3.2 The features and components of the *Natural Environment System* include:

- a) *natural heritage features and areas*, as outlined in Section 7.2.1;
- b) *shoreline areas*;
- c) *seepage areas and springs*;
- d) *supporting features and areas*;
- e) *enhancement areas*; and
- f) *hazardous lands*.

7.1.3.3 In addition to the features and components listed in Section 7.1.3.2 and Schedule C1 the following features and areas are also required components of the *Natural Environment System*:

- a) Groundwater features;
  - i. recharge/discharge areas;
  - ii. water tables; and
  - iii. aquifers and unsaturated zones.
- b) Surface water features:
  - i. headwater drainage features;

- ii. recharge/discharge areas; and,
  - iii. associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
- c) Other *hydrologic functions*.

7.1.3.4 The features and areas identified in Section 7.1.3.3 shall be screened for during the completion of a watershed plan or subwatershed study. If identified, appropriate land use planning policies or other natural resource management tools should be put in place for their protection, enhancement, or restoration, as appropriate.

7.1.3.5 The Natural Environment System policies of Section 7 apply to all features and components listed in policy 7.1.3.2-7.1.3.3 across the municipality, unless specified otherwise by a provincial plan. Where a provincial plan applies, the policies of that plan shall be implemented through the relevant sections in this Plan.

7.1.3.6 To be identified as *significant*, a *woodland* must meet the Ecological Land Classification definition of forest (as per the definition of '*woodland*'), and then meet one or more of the following criteria:

- a) two hectares or greater in size;
- b) one hectare or greater in size meeting at least one of the following criteria:
  - i. naturally occurring (i.e., not planted) trees;
  - ii. treed areas planted with the intention of restoring *woodland*;
  - iii. 10 or more trees per hectare greater than 100 years old or 50 cm or more in diameter;
  - iv. wholly or partially within 30 m of a provincially *significant* wetland or habitat of an *endangered or threatened species*;
  - v. overlapping or abutting one or more of the following features:
    - *permanent streams* or *intermittent streams*;
    - *fish habitat*;
    - *significant valleylands*;
- c) 0.5 hectares or greater in size meeting at least one of the following criteria:
  - i. a provincially rare treed vegetation community with an S1, S2 or S3 in its ranking by the MNR's N.H.I.C.;

- ii. habitat of a *woodland* plant species with an S1, S2 or S3 in its ranking or an 8, 9, or 10 in its Southern Ontario Coefficient of Conservatism by the NHIC, consisting of 10 or more individual stems or 100 or more sqm of leaf coverage;
- iii. any *woodland* overlapping or abutting one or more of the following features:
  - *significant wildlife habitat*;
  - habitat of threatened species and *endangered species*; or
  - non-provincially *significant wetlands*
- d) any size overlapping or abutting one or more of the following features:
  - i. provincially *significant wetland*; and
  - ii. life science area of natural and scientific interest
- e) *Woodlands* that abut another feature are considered adjacent when located within 20 m of each other.

#### **7.1.4 Mapping of the Natural Environment System**

- 7.1.4.1 The components of the Town's *Natural Environment System* are identified on Schedule C1. Where features or components of the *Natural Environment System* are not mapped, they may be defined more precisely through subwatershed studies, environmental impact studies, hydrologic evaluations, or other studies prepared to the satisfaction of the Town.
- 7.1.4.2 Lands designated on Schedules B2 to B6 as Conservation reflect components of the *Natural Environment System*.
- 7.1.4.3 Where features or components of the *Natural Environment System* listed in Schedule C1 and Section 7.1.3.2 are not mapped, detailed area specific or site-specific studies such as an EIS, hydrological evaluation, or subwatershed study are required for their identification.
- 7.1.4.4 Where through the review of an application for *development* or *site alteration*, or through the completion of a subwatershed study, it is found that there are features or components of the *Natural Environment System* or related ecological and/or *hydrologic functions* that have not been adequately mapped, evaluated, or protected, the applicant shall have an evaluation prepared by a qualified professional in accordance with the policies of Section 7.9.2.
- 7.1.4.5 Changes to the limits of classification of individual features or components of the *Natural Environment System* may be defined more precisely through the findings of a subwatershed plan or through the submission of an

environmental impact studies and/or hydrologic evaluations based on a terms of reference approved by the Town in accordance with the policies of Section 7.9.2. If the change to the limit or classification of an individual feature or component of the *Natural Environment System* can be justified to the satisfaction of the Town, an amendment to this Plan shall not be required.

7.1.4.6 Changes to the limit or classification of individual features of the *Natural Environment System* identified through Provincial criteria requires approval from the Province. If the change to the limit or classification of an individual feature has been approved by the Province, an amendment to this Plan shall not be required.

7.1.4.7 Where the limits of a feature or component of the *Natural Environment System* have been refined through an approved EIS, hydrological evaluation, or subwatershed study, the lands that are no longer included as part of the *Natural Environment System* shall continue to be designated based on the underlying land use, unless otherwise determined through a Planning Act application.

7.1.4.8 Natural hazards, including lands susceptible to flooding or erosion, represent constraints to *development* that impact the quality of the natural environment and may be designated Conservation on Schedules B2 to B6.

### **7.1.5 Enhancement Areas**

7.1.5.1 The Town supports enhancements to the *Natural Environment System* to support *ecological functions* and improve its *ecological integrity* as a whole. Enhancements can result from a range of specific actions undertaken by a landowner, developer, or public agency.

7.1.5.2 *Enhancement areas* are intended to consist of *natural self-sustaining vegetation* that increase the ecological resilience and function of individual key *natural heritage features*, *key hydrologic features* and/or natural features and areas, or groups of such features, by:

- a) increasing the size of key *natural heritage features*, *key hydrologic features* and/or *natural heritage features and areas*;
- b) connecting key *natural heritage features*, *key hydrologic features* and/or *natural heritage features and areas* to create larger contiguous natural areas;
- c) improving the shape of key *natural heritage features*, *key hydrologic features* and/or *natural heritage features and areas* to increase interior habitat conditions; or
- d) including critical function zones and important catchment areas for sustaining *ecological functions*.

- 7.1.5.3 The presence of potential *enhancement areas* shall be screened for by a proponent when an EIS and/or hydrological evaluation is required to support an application for *development* and *site alteration* both inside and outside of settlement areas or when a subwatershed study is being undertaken.
- 7.1.5.4 When carrying out an EIS, hydrological evaluation, or subwatershed study to determine whether *enhancement areas* should be identified within or adjacent to a feature, an evaluation shall be completed that:
- a) assesses the potential ecological benefit of an *enhancement area* to the nearby *key natural heritage feature*, *key hydrologic feature* and/or natural heritage feature and area. An example would be an *enhancement area* to fill in a gap, close in an indent, or connect two separate features;
  - b) considers the most appropriate shape/extent of an *enhancement area* so that the *ecological functions* of the nearby *key natural heritage feature*, *key hydrologic feature* and/or natural heritage feature and area are enhanced;
  - c) considers how the function and spatial extent of an *enhancement area* can be incorporated into the design and layout of the proposed development; and
  - d) assesses the potential for *compatible* uses such as stormwater management facilities within the *enhancement area* to ensure that the intended ecological function of the *enhancement area* is achieved.
- 7.1.5.5 Where the preparation of a subwatershed study or an EIS is required, the study shall demonstrate how enhancements to *ecological function*, *ecological integrity*, or biodiversity of the *Natural Environment System* can be achieved, and will be implemented, through for example:
- a) increases in the spatial extent of a feature or features;
  - b) increases in biological and habitat diversity;
  - c) enhancement of ecological system function;
  - d) enhancement of *wildlife habitat*;
  - e) enhancement or creation of *wetlands*, water systems or woodlands;
  - f) enhancement of riparian corridors;
  - g) enhancement of ecological services;
  - h) enhancement of *significant groundwater recharge areas*; and

- i) establishment or enhancement of *linkages* or connectivity between *key natural heritage features*, and/or *natural heritage features and areas*.

7.1.5.6 *Enhancements areas* are identified where they:

- a) connect natural features and areas to create larger contiguous natural areas;
- b) reduce edge habitat and increase proportion of interior conditions (> 100 m from edge); and
- c) include critical function zones and important catchment areas critical to sustaining ecological functions.

7.1.5.7 The identification of supporting features and areas is to be determined through a detailed study, such as an environmental impact study, hydrological evaluation, or subwatershed study which would evaluate the ecological contribution of the supporting feature and area to other components of the *Natural Environment System*.

7.1.5.8 *Enhancement areas* are identified where:

- a) the area is comprised of natural vegetation communities (as determined according to Ecological Land Classification); or
- a) the area is currently under agricultural production; or
- b) the area does not contain a permanent form of development (i.e., house, road, or related *infrastructure*).

7.1.5.9 *Enhancement areas* inside of settlement areas are to be identified as follows:

- a) in 'bays and inlets' along the edge of features - < 60 m wide • interior gaps in features - < 0.5 ha
- b) gaps between features - < 60 m

7.1.5.10 *Enhancement areas* outside of settlement areas are to be identified as follows:

- a) in 'bays and inlets' along the edge of features - < 120 m wide
- b) interior gaps in features - < 1 ha
- c) gaps between features - < 120 m

7.1.5.11 In a case where an *enhancement area* is identified in accordance with Section 7.1.5.4, the lands within the *enhancement area* shall be planted and left as *natural self-sustaining vegetation*. The *enhancement area* may also be designed to include other *compatible* land uses and *infrastructure*, such as stormwater management ponds, if it can be demonstrated that the long-term *ecological function* of the *enhancement area* would be retained.

## **7.1.6 Cumulative Impacts**

7.1.6.1 The consideration of cumulative impacts shall be required when an EIS, hydrological evaluation, or subwatershed study is undertaken.

7.1.6.2 Where cumulative impacts are being considered, the proponent shall be required to provide an overview of previous studies as provided by Town, if available, related to development impacts on the same or adjacent feature as it relates to impacts on the *Natural Environment System*.

## **7.1.7 Stewardship**

7.1.7.1 Following a long tradition of voluntary environmental stewardship practiced by farmers, the Town encourages landowners to maintain, enhance or, wherever feasible, restore natural features on their property through a range of measures including, but not limited to, plantings, riparian restoration, conservation easements, vegetative *buffers*, invasive species identification and removal, and wherever appropriate, fencing.

7.1.7.2 The Town, in collaboration with the NPCA, and organized interest groups, will provide advice and information on other land stewardship programs to landowners wishing to exercise good stewardship of lands within the *Natural Environment System*.

7.1.7.3 In addition to the above, the Town supports community outreach programs related to natural environment enhancement and climate change initiatives.

7.1.7.4 The Town promotes, in conjunction with other public agencies and through stewardship programs, the donation of privately owned lands in the *Natural Environment System* to public agencies or charitable organizations, or the transfer of the protection of the *ecological functions* and features on such lands to a public agency or charitable organization through a conservation easement agreement.

## **7.2 The Natural Heritage System**

### **7.2.1 General Policies**

7.2.1.1 Individual *natural heritage features and areas*, hydrological features, and other individual components that are considered mapped features of the *natural heritage system*, as shown on Schedule C2, include:

- a) *significant wetlands*, including the six (6) provincially significant wetland complexes identified within the Town:
- One and Two Mile Creek Wetland Complex
  - Four Mile Creek Estuary Wetland Complex
  - Laurent Wetland Complex
  - Welland Canal North Turn Basin Wetland Complex
  - Fireman’s Park Wetland Complex
  - Eight Mile Creek Estuary Wetland Complex;
- b) significant coastal *wetlands*;
- c) other coastal *wetlands*;
- d) other *wetlands*;
- e) *fish habitat*;
- f) *significant woodlands*;
- g) *significant valleylands*;
- h) *habitat of endangered species and threatened species*;
- i) *significant wildlife habitat*;
- j) *significant Areas of Natural and Scientific Interest (ANSI)*, including the Niagara River Bedrock Gorge and St. Davids Buried Gorge *Earth Science ANSIs*, and the Two Mile and Four Mile Creek Plain, Paradise Grove Plain, Homer Escarpment, Queenston Escarpment, and McNab Marsh *Life Science ANSIs*;
- k) *other woodlands*;
- l) *permanent and intermittent streams*; and
- m) *linkages*.

7.2.1.2 *Development* shall maintain, enhance or restore ecosystem health and integrity, and climate resilience. Priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required.

7.2.1.3 *Development*, including *infrastructure*, shall be designed to maintain or enhance the natural features and functions of a site, and where possible, to incorporate *green infrastructure* techniques (e.g. permeable surfaces, bioswales, bird-safe design standards (CSA A460), green roofs) to enhance sustainability.

- 7.2.1.4 Stormwater management facilities shall not be constructed in *natural heritage features and areas*, *key hydrologic features*, *key hydrologic areas*, or in any required setbacks from these features unless otherwise permitted in this Plan.
- 7.2.1.5 Where *development* or *site alteration* is proposed within or adjacent to the *natural heritage system*, new lots shall not be created which would fragment a natural heritage feature or area, *key natural heritage feature*, or *key hydrologic feature*. The lands to be retained in the *natural heritage system* shall remain in a natural state. The natural feature and any required *buffer* or *vegetation protection zone* shall be maintained in a single block and zoned to protect the natural features and its *ecological functions*. Where feasible, the Town, in coordination with the NPCA and other appropriate public and private conservation organizations, will assume ownership of these lands.
- 7.2.1.6 Applications for a lot boundary adjustment shall avoid further fragmentation of provincially *significant wetlands* and *significant woodlands*, and should avoid the fragmentation of other *natural heritage features and areas*, *key natural heritage features* or *key hydrologic features* wherever possible and practical.
- 7.2.1.7 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, hydrologic study, or equivalent assessment for the proposed use has been approved under Provincial or Federal legislation.
- 7.2.1.8 Where infrastructure does cross the *Greenbelt Plan Natural Heritage System* or intrude into or result in the loss of a key natural heritage feature, key hydrologic feature or key hydrologic areas, including related landform features, planning, design and construction practices shall minimize negative impacts on and disturbance of the features or their related functions and, where reasonable, maintain or improve connectivity.
- 7.2.1.9 Where site plan control is required for *development* or *site alteration* in the *natural heritage system*, the applicant is encouraged to address the following matters, as applicable:
- a) appropriate location of buildings, structures and sewage disposal systems;
  - b) retention or restoration of a natural vegetative *buffer* to prevent erosion, siltation and nutrient migration;
  - c) maintenance or establishment of native tree cover and vegetation on the lot as terrain and soil conditions permit;

- d) appropriate location and construction of roads, driveways and pathways, including the use of permeable materials;
- e) the use of appropriate soils for on-site sewage systems;
- f) implementation of stormwater management and construction mitigation techniques with an emphasis on lot level controls, *low impact development* practices and a treatment train approach to promote filtration, infiltration and detention, which may include proper re-contouring, discharging of roof leaders, use of soak away pits, other measures to promote infiltration, and silt fencing for temporary sediment control;
- g) the establishment of dark sky compliant lighting from all structures with full cut-off fixtures being required in order to minimize light spillage into the surrounding environments, while maintaining safety;
- h) the use of bird-safe design standards (CSA A460) and,
- i) securities and processes to ensure implementation and long-term monitoring and compliance with site plan agreements and/or other agreements if required.

7.2.1.10 Where a natural heritage feature and area, *key hydrologic feature*, or key natural heritage feature has been removed without authorization in advance of making, or prior to approval of, an application for *development* or *site alteration*, Town and/or Conservation Area staff shall use all available information to determine the limit and classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for *development* or *site alteration*.

## 7.2.2 Development and Site Alteration in the Natural Heritage System

7.2.2.1 *Development* and *site alteration* is not permitted within the following *natural heritage features and areas*:

- a) provincially *significant wetlands*;
- b) *significant coastal wetlands*; and
- c) *significant woodlands*.

7.2.2.2 *Development* and *site alteration* shall not be permitted in the following *natural heritage features and areas* unless it has been demonstrated through the preparation of an EIS that there will be no negative impacts on the natural features or their *ecological functions*:

- a) *other woodlands*;
- b) *significant valleylands*;

- c) *significant wildlife habitat;*
- d) *areas of natural and scientific interest;*
- e) *other wetlands;* and
- f) *permanent and intermittent streams*

7.2.2.3 Notwithstanding Section 7.2.2.2, permitted uses in a *natural heritage feature and area* are limited to:

- a) forest, fish, and wildlife management;
- b) conservation and flood or erosion control projects where it has been demonstrated that the project is necessary in the public interest and other alternatives are not available;
- c) activities that create or maintain *infrastructure* authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the Environmental Assessment Act;
- d) expansions to existing buildings and structures, accessory structures and uses, and *conversions* of legally existing uses that have less of an environmental impact subject to demonstration that the use does not expand into a natural heritage feature or area unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
- e) expansions or *alterations* to existing buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:
  - i. there is no alternative, and the expansion or *alteration* in the feature is minimized and, in the *buffer* is directed away from the feature to the maximum extent possible; and
  - ii. the impact of the expansion or *alteration* on the feature and its *ecological functions* is minimized and mitigated to the maximum extent possible;
- f) small-scale structures for recreational uses and accessory uses, including, but not limited to boardwalks, footbridges, fences, docks, and picnic facilities that will have no significant negative impact on natural features or their *ecological functions* of the *Natural Heritage System*; and

- g) passive recreational uses and conservation/education facilities on lands owned and managed by the Town or a public agency.

7.2.2.4 Notwithstanding any other policies of this Plan, *development* and *site alteration* in, and adjacent to watercourses, shorelines and steep slopes, provincially *significant wetlands*, and all wetlands regulated by the NPCA, may also be subject to the regulations and land use planning policies of the NPCA. When *development* or *site alteration* is proposed in or adjacent to any watercourse, provincially significant wetland, *significant valleyland*, or other *wetland* the applicant shall contact the NPCA at which time NPCA staff will advise the applicant and other relevant agencies of the land use or regulatory policies that will apply.

7.2.2.5 Notwithstanding Section 7.2.2.4, while the NPCA may permit offsetting of *wetlands* under its policies and in accordance with its regulatory role, the use of offsetting for any natural heritage feature and areas, *key natural heritage features*, or *key hydrologic features* is not supported by the policies of this Plan.

7.2.2.6 If the evaluation finds one or more other *natural heritage features and areas*, the appropriate other policies of the Plan shall be applied to the lands and natural features that are subject to the application to *development* or *site alteration*.

### 7.2.3 Buffers Outside of Settlement Areas

7.2.3.1 A *buffer* refers to an area of land located adjacent to *natural heritage features and areas*, other *wetlands*, and watercourses and usually bordering lands that are subject to *development* or *site alteration*. The purpose of a *buffer* is to protect the features and areas and their *ecological functions* by mitigating impacts of the proposed *development* or *site alteration*.

7.2.3.2 *Buffers* shall consist of *natural self-sustaining vegetation* as a condition of *development* except where certain *agricultural uses* are exempt from the requirement of a *buffer* as outlined in this Plan.

7.2.3.3 Outside of *settlement areas*, a minimum *buffer* on all *natural heritage features and areas* is required, as set out in Table 5-1.

**Table 5-1: Minimum Prescribed Buffer to a Natural Heritage Feature and Area outside of Settlement Areas and Outside the Greenbelt Plan Natural Heritage System**

Natural Heritage Feature and Area	Minimum Buffer
Provincially Significant Wetland	30 metres
Significant Woodland	20 metres
Other Woodland	10 metres
Significant Valleyland	15 metres
<i>Life Science Areas of Natural and Scientific Interest</i>	20 metres
Other Wetlands	30 metres
Permanent and Intermittent Streams	30 metres

- 7.2.3.4 Given the variability in the type, form, and function of *significant wildlife habitat* existing on the landscape, the width of the required minimum *buffer* is to be established through the completion of an EIS or subwatershed study.
- 7.2.3.5 Notwithstanding Section 7.2.3.3, outside of *settlement areas*, consideration can be given to include passive recreational uses such as trails in *buffers* if it has been demonstrated that the *buffer* will continue to provide the *ecological function* for which it was intended.
- 7.2.3.6 Notwithstanding Policies 7.2.3.3 and 7.2.3.5, the following types of minor construction is permitted within the minimum *buffers* set out in Table 5-1 and the adjacent lands set out in Table 5-2 provided there is no alternative, without an EIS and/or hydrologic evaluation:
- a) New buildings and structures for *agricultural uses, agriculture-related uses*, or on-farm diversified uses below 200 square metres;
  - b) Expansions to existing buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* below 50 percent of the size of the original building, provided the expansion is less than 200 square metres;
  - c) New *accessory buildings* to a residential use (garage, workshop, etc.) below 50 square metres;
  - d) Expansions to existing *accessory buildings* for a residential use below 50 percent of the size of the original building;

- e) Expansions to existing residential buildings below 50 percent of the size of the original building; and
- f) Reconstruction of an existing residential dwelling of the same size in the same location.

**7.2.4 Buffers in Settlement Areas**

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

7.2.4.2 *Development* or *site alteration* shall not be permitted in the mandatory *buffer*, with the exception of that described in Section 7.2.2.3 or *infrastructure* serving the agricultural sector unless it has been demonstrated through the preparation of an EIS that there will be no negative impacts and the *buffer* will continue to provide the *ecological function* for which it was intended.

7.2.4.3 Notwithstanding any other policy in this Plan, the NPCA has its own *buffer* requirements for watercourses which shall apply. Reductions in any *buffer* required by the NPCA may be considered in settlement areas where supported by a site-specific study that is approved by the Town and the NPCA.

7.2.4.4 Notwithstanding Section 7.2.4.2, within settlement areas, consideration can be given to including passive recreational uses such as trails in *buffers*, provided an appropriate *buffer* width is maintained, as determined through the EIS and/or hydrological evaluation.

**7.2.5 Development and Site Alteration in Adjacent Lands to the Town’s Natural Heritage System**

7.2.5.1 A proposal for new *development* or site which is adjacent to a *natural heritage feature or area* shall require an EIS and/or hydrological evaluation to determine that there will be no negative impacts on the feature, *ecological function*, or *hydrologic function* in accordance with the *adjacent lands* distances outlined in Table 5-2.

**Table 5-2: Adjacent Lands for Natural Heritage System Features**

Natural Heritage Feature and Area	Adjacent Lands
Provincially Significant Wetland	120 metres <sup>1</sup>
Significant Coastal Wetland	120 metres <sup>1</sup>
Significant Woodland	120 metres <sup>1</sup>
Other Woodland	50 metres
Significant Valleyland	50 metres <sup>1</sup>
Significant Wildlife Habitat	50 metres <sup>1</sup>
Habitat of Endangered Species and Threatened Species	50 metres
<i>Life Science Areas of Natural and Scientific Interest</i>	50 metres
Other Wetlands	50 metres
Permanent and Intermittent Watercourse	120 metres

1. Development and site alteration shall not be permitted on adjacent lands to the *natural heritage features and areas* identified in policies unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

- 7.2.5.2 Notwithstanding Table 5-2, the requirement for an EIS and/or hydrological evaluation may be waived if justification in a justification report demonstrates that the proposed *development* or *site alteration* is minor with Section 7.2.2 of this Plan.
- 7.2.5.3 Notwithstanding Section 7.2.5.1, an EIS will not be required for a proposal for *development* or *site alteration* on a site where the only *natural heritage feature and area* is the *habitat of endangered species and threatened species*.
- 7.2.5.4 Notwithstanding Section 7.2.5.1, new buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* will not be required to undertake an EIS and/or hydrological evaluation if a minimum 30 metre *buffer* is provided from a *natural heritage feature and area*.

## 7.3 Watershed Planning

**7.3.1** Water is a vital, finite resource that sustains aquatic and wetland habitats, supports biodiversity, provides safe drinking water, enables resilient agricultural production, and supports residential, industrial and recreational uses. Protecting the integrity of surface water and groundwater systems is central to ensuring climate-resilient growth and ecological health. Watershed planning shall serve as the foundational framework for managing these resources by guiding land use, *infrastructure*, and development decisions to prevent degradation, restore hydrological functions, and enhance adaptive capacity in the face of climate change.

- a) Efficient and sustainable use of water resources shall be promoted, including practices to conserve water and protect or enhance water quality. The Town shall promote the efficient, sustainable, and equitable use of water resources by:
- b) supporting *water conservation* and demand management measures, including greywater reuse, rainwater harvesting, and drought-tolerant landscaping;
- c) encouraging water-efficient technologies (e.g., smart irrigation systems);
- d) integrating climate-resilient and nature-based solutions to protect and enhance water quality and supply;
- e) promoting infiltration and groundwater recharge through permeable surfaces and vegetated areas; and
- f) avoiding water-intensive development patterns in areas of groundwater vulnerability.

**7.3.2** The Town will work in cooperation with the NPCA to develop watershed planning initiatives, guidelines and policies as required.

**7.3.3** The Town will work to ensure best practices in stormwater management to ensure water quantity, erosion control and water quality control.

**7.3.4** Watershed planning, subwatershed planning, or their equivalent shall inform:

- a) the identification and refinement of the *Natural Environment System* through the preparation of subwatershed studies;
- b) the protection, enhancement, or restoration of the quality and quantity of water by making careful decisions on where development should be located;
- c) the consideration of cross-jurisdictional and cross-watershed impacts;

- d) proposals for large-scale development; and
- e) planning for water, wastewater, and stormwater *infrastructure* to ensure that decisions on *infrastructure* are integrated with decisions that are designed to protect the *Natural Environment System*.

**7.3.5** The Town will use subwatershed planning as a basis for environmental, land use and *infrastructure* planning. Subwatershed planning informs the *Natural Environment System* and may serve as a comprehensive EIS framework but will not replace the need for detailed environmental impact studies required in support of *development* applications.

**7.3.6** Subwatershed studies, prepared in conjunction with the NPCA and in alignment with a master servicing plan will be used:

- a) to identify *surface water features*, ground water features, *hydrologic functions* and *natural heritage features* and *linkages* which are necessary for the ecological and hydrological integrity of the watershed;
- b) to ensure *linkages* and related functions among *surface water features*, ground water features, *hydrologic functions* and *natural heritage features* are maintained;
- c) as the basis for stormwater management plans, augmenting natural heritage feature protection, restoration and enhancement where applicable and the requirements for major municipal *infrastructure*;
- d) to provide guidance for monitoring, mitigation measures and alternative *development* approaches within the watershed and the intended purpose of maintaining and enhancing the natural health and quality of surface water and ground water features, *natural heritage features* and associated ecological and hydrological functions within the subwatershed; and
- e) to inform and assist in the land use planning process.

**7.3.7** A subwatershed study is required to inform the identification and refinement of the *Natural Environment System* and the development of policies to protect the *Natural Environment System* when secondary plans are prepared for *designated built-up areas* or other large undeveloped areas. A subwatershed study should generally include, but is not limited to:

- a) an inventory of existing ecological and hydrological data and conditions;
- b) the identification of existing and proposed land uses and the modelling of potential development impacts;
- c) water quality targets in accordance with the watershed plan, Provincial guidelines or other industry standards and best practices;

- d) procedures for monitoring water quality and quantity before, during and after *development*;
- e) completion of water balance;
- f) consideration of all elements of the *natural heritage system*;
- g) refinement to the boundaries of the *natural heritage system*;
- h) identification of opportunities for and constraints to *development*;
- i) guidelines for best management practices for *development* design, environmental design, construction management etc.;
- j) the recommendation of appropriate stormwater management techniques in accordance with Provincial, Regional and Town guidelines and industry best practices;
- k) an analysis of the cumulative impact of *development*; and
- l) implementation and adaptive monitoring plans.

**7.3.8** Planning studies and *development* applications will consider the recommendations of watershed/subwatershed studies and related master plans. Schedule C2 displays the Town's *surface water features*, including rivers, creeks, and wetland areas.

**7.3.9** Proposed *development* in *designated built-up areas*, including the associated water, wastewater and stormwater servicing, shall be planned to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the Town's overall water resource system, including the quality and quantity of water.

**7.3.10** The findings and recommendations of watershed/subwatershed studies and EIS may be used for initial benchmarking for monitoring and implementing mitigation measures.

**7.3.11** The Town, NPCA, applicable parties, and affected landowners, if appropriate, shall determine the terms of reference for the subwatershed study.

**7.3.12** New buildings and structures for *agricultural uses, agriculture-related, or on-farm diversified uses* are permitted within 30 metres of *permanent streams* or *intermittent streams* subject to the policies of Section 7.4.3, and demonstrate how they will:

- a) minimize runoff and contamination of watercourses;
- b) implement nutrient and pest management plans to protect water quality;
- c) integrate vegetative *buffers* and erosion control measures; and

- d) align with climate-smart agricultural practices.

**7.3.13** *Surface water features* which have not been mapped as key hydrologic features are to be identified through more detailed studies such as watershed plans and subwatershed studies completed in accordance with watershed planning guidelines and best practices.

**7.3.14** The Town supports opportunities to maintain and restore wetland functions at a watershed and subwatershed scale based on historic reference conditions.

## **7.4 Water Resource System**

**7.4.1** *Development* or *site alteration* shall only be permitted if it can be demonstrated that it will not have negative impacts on:

- a) the quantity and quality of water in *key hydrologic areas*, *key hydrologic features*, *sensitive surface water features*, and *sensitive* ground water features;
- b) the *hydrologic functions* of *key hydrologic areas*, *key hydrologic features*, *sensitive surface water features*, and *sensitive* groundwater features;
- c) the interaction and *linkage* between *key hydrologic areas*, *key hydrologic features*, *sensitive surface water features*, and *sensitive* groundwater features and other components of the *Natural Environment System*;
- d) the natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;
- e) natural drainage systems, stream forms, and shorelines; and
- f) flooding or erosion.

**7.4.2** Mitigative measures and/or alternative development approaches may be required to protect, improve, or enhance *key hydrologic areas*, *key hydrologic features*, *sensitive surface water features*, *sensitive* groundwater features, and their *hydrologic functions*. The Town may require establishment of appropriate *development* conditions and monitoring programs through the *development* approval process.

**7.4.3** *Development* or *site alteration* shall not have negative impacts on *wetlands*, lakes, *permanent streams* or *intermittent streams*, seepage areas or springs or their *hydrologic functions*. In areas where *development* and *site alteration* could have negative impacts on groundwater quality or quantity, the Town shall require further review of potential impacts through the completion of a subwatershed study or through the completion of a hydrological evaluation during the review of an application.

**7.4.4** Outside of settlement areas, proposals for large-scale *development* proceeding by way of secondary plan, plan of subdivision, vacant land plan of condominium or site plan may be permitted within a wetland, *permanent streams* or *intermittent stream*, lake, or seepage area or spring where it is demonstrated through a hydrological evaluation that the *hydrologic functions*, including the quality and quantity of water, of these areas will be protected and, where possible, enhanced or restored through:

- a) the identification of planning, design, and construction practices and techniques;
- b) meeting other criteria and direction set out in a watershed plan or subwatershed studies if applicable; and
- c) meeting any applicable Provincial standards, guidelines, and procedures.

**7.4.5** Section 7.4.4 does not apply to *development* in the Greenbelt Plan area that is a new or expanding building or structure for *agricultural uses*, *agriculture-related uses* or *on-farm diversified uses* where the total impervious surface does not exceed 10 percent of the lot.

**7.4.6** The Town will require site plan approval on all lots within *key hydrologic areas* where individual on-site sewage services are proposed.

**7.4.7** Actively used farm and irrigation ponds are not considered *wetlands* according to the Ontario Wetland Evaluation System. As such, where such actively used farm and irrigation ponds are mapped as *wetlands* on the Schedules to this Plan, they will not be considered *wetlands* in areas that are an active agricultural operation and the policies of this section will not apply to such ponds.

**7.4.8** Further to Section 7.4.7, the Town recognizes the critical role irrigation ponds play in supporting sustainable agriculture, including water conservation, crop irrigation, and drought resilience. The Town encourages best management practices for these ponds to optimize water use efficiency, protect water quality, and minimize ecological impacts, in alignment with broader environmental and sustainability objectives, and in accordance with the Niagara-on-the-Lake Act.

**7.4.9** *Sensitive surface water features* which have not been mapped as key hydrologic features are to be identified through more detailed studies such as watershed plans and subwatershed studies completed in accordance with watershed planning guidelines and best practices.

**7.4.10 Other Wetlands**

7.4.10.1 The Town supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:

- a) requiring a naturally vegetated shorelines along *permanent streams* and *intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development* or *site alteration*;
- b) working with private landowners and the agricultural community to support stewardship efforts such as planting and maintaining native riparian vegetation adjacent to watercourses;
- c) land acquisition or dedication of private land to Town, NPCA, or other public or private organizations for planting and restoration efforts; and
- d) the development of a strategy for land protection, preservation, and securement.

7.4.10.2 *Development* or *site alteration* shall not be permitted in *fish habitat* except in accordance with Federal and Provincial requirements. To determine whether *fish habitat* is present, proponents of *development* or *site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Town.

7.4.10.3 Where an other wetland in a settlement area has been identified:

- a) the Town shall require that an evaluation be undertaken through an EIS, and if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrological evaluation as part of an application for *development* or *site alteration*, or through a subwatershed study to determine the appropriate classification and protection or management of the feature;
- b) outcomes of the evaluation completed with Policy 7.4.10.3 a) could include the in-situ protection with appropriate *buffers* or incorporation of the *hydrologic function* into the design of the development in accordance with the following:
  - i. if the other wetland is a treed community with a canopy coverage greater than 25 percent, and the other criteria for *other woodlands* are met, the *other woodland* policies of this Plan shall apply;
  - ii. if the other wetland is a treed community with a canopy coverage greater than 60 percent, and the other criteria for *significant woodlands* are met, the *significant woodland* policies of this Plan shall apply;
  - iii. no negative impact on the ecological function of the *other wetland*; and
  - iv. maintain the *hydrologic function* of the *other wetland*.

- c) if the evaluation finds one or more other *natural heritage features and areas*, the appropriate other policies of the Plan shall be applied to the lands and natural features that are subject to the application to *development or site alteration*.

#### **7.4.11 Riparian Vegetation**

- 7.4.11.1 Naturally, vegetated riparian areas adjacent to *permanent streams* and *intermittent streams*, *wetlands*, and other waterbodies shall be maintained or enhanced in the Town to support the protection and maintenance of aquatic functions.
- 7.4.11.2 The Town supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:
  - a) requiring a naturally vegetated shorelines along *permanent streams* and *intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development or site alteration*;
  - b) working with landowners and the agricultural community to support stewardship efforts such as planting and maintaining native riparian vegetation adjacent to watercourses;
  - c) land acquisition or dedication of private land to the Town, NPCA, or other public or private organizations for planting and restoration efforts; and
  - d) the development of a strategy for land protection, preservation, and securement.

#### **7.4.12 Fish Habitat**

- 7.4.12.1 *Development or site alteration* shall not be permitted in *fish habitat* except in accordance with Federal and Provincial requirements. In order to determine whether *fish habitat* is present, proponents of *development or site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Town.
- 7.4.12.2 For screening purposes, and until such time appropriate studies are completed to assess watercourses and waterbodies, *fish habitat* will be presumed to be:
  - a) any *permanent* or *intermittent stream* or waterbody excluding constructed and actively managed offline ponds (e.g., stormwater ponds, active farm irrigation ponds, etc.);

- b) intermittent or ephemeral watercourses, or Headwater Drainage Features that provide contributions in terms of baseflow, material (e.g., substrates, etc.) or allochthonous inputs that are important to the maintenance of downstream *fish habitat*; or
- c) shoreline features that provide contributions in terms of material (e.g., substrates, etc.) or allochthonous inputs that are important to the maintenance of *fish habitat* in the Great Lakes 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.

7.4.12.3 If *fish habitat* is determined to be present, a *fish habitat* assessment undertaken by a qualified professional shall be required for *development* or *site alteration* within or adjacent to *fish habitat*. *Development* or *site alteration* may be exempt from this requirement provided that:

- a) the *development* satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority; and
- b) the regulated setback, vegetated shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major *development*.

### 7.4.13 Shorelines

7.4.13.1 Landowners are encouraged to maintain and restore the shorelines of watercourses and Lake Ontario 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. Specifically:

- a) the vegetated shoreline should span the entire water frontage and be at least 15 metres in depth from the normal high water mark;
- b) where *redevelopment* is proposed, the vegetated shoreline should be achieved through ecological enhancements and the regeneration of natural features to the extent feasible;
- c) on waterfront lots, outside of the vegetated *shoreline area*, every effort shall be made to retain existing native vegetation where possible and to augment existing vegetation where needed; and
- d) preference shall be given to non-structural, nature-based shoreline protection such as bioengineering techniques that enhance bank stability, filter runoff, sequester carbon, and provide habitat for aquatic and terrestrial species.

- 7.4.13.2 *Shoreline areas* include any natural vegetation community (as determined according to Ecological Land Classification) and will be identified based on the following criteria:
- a)  $\geq 0.1$  hectares in size; and
  - b) located within 30 m of the limits of the shoreline flood hazard associated with the Great Lakes, or within 15 m of a *surface water feature*, as defined by the Provincial Policy Statement.
- 7.4.13.3 Public access to shorelines will be maintained or enhanced. Road closings that would reduce public access shall not be permitted unless an equivalent or superior shoreline access is provided nearby. Consideration should also be given to universal accessibility, flood-resilient design, and shoreline-sensitive trails or boardwalks.
- 7.4.13.4 Where major *development* or secondary plans are proposed along shorelines:
- c) public access to the shoreline shall be integrated into site planning in a manner that supports *ecological integrity* and climate resilience;
  - a) *development* shall be designed to protect and enhance natural shoreline viewsheds, minimizing visual disruption of the natural landscape;
  - b) suitable shoreline lands should be dedicated, where possible, to a public agency where such lands would contribute to climate adaptation efforts or biodiversity corridors, and or are identified as part of a planned public trail system. Generally, these lands shall be located above the stable top of bank;
  - c) all shoreline development proposals to assess climate change risks and incorporate resilience measures; and
  - d) post-construction monitoring and adaptive management plans are encouraged to be submitted for shoreline restoration projects.
- 7.4.13.5 Along the Lake Ontario and Niagara River shorelines, design guidelines will include consideration for protecting viewscales, 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.
- 7.4.13.6 The NPCA regulates shorelines, and development may require a permit from the NPCA.

## 7.5 Greenbelt Plan Area

### 7.5.1 Lands Within the Greenbelt Plan Natural Heritage System

- 7.5.1.1 The policies of Section 7.5.1 apply to lands within the mapped Greenbelt Plan Area and *Greenbelt Plan Natural Heritage System*.
- 7.5.1.2 The Greenbelt *Natural Heritage System*, as shown on Schedule C1, includes areas and *linkages* of the Protected Countryside with the highest concentration of *sensitive* and/or *significant natural features and functions*.
- 7.5.1.3 A *vegetation protection zone* is a vegetated *buffer* area surrounding a *key natural heritage feature* or *key hydrologic feature*. Uses within the *vegetation protection zone* are the exceptions described in Section 7.5.1.6 and shoreline development as permitted in accordance with Section 7.4.13. *Infrastructure* serving the agricultural sector, such as agricultural irrigation systems, may need certain elements to be located within the *vegetation protection zone* of a key natural heritage feature or key hydrologic 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 *key natural heritage features*, key hydrologic features, and their associated *vegetation protection zones*.
- 7.5.1.4 Required within the Greenbelt *Natural Heritage System* is a 30 metre wide *vegetation protection zone* adjacent to *significant woodlands*, *wetlands* as well as *permanent streams* and *intermittent streams*, seepage areas and springs, fish habitat, and inland lakes.
- 7.5.1.5 Notwithstanding Section 7.5.1.4, a 15 metre wide *vegetation protection zone* applies to certain *key hydrologic features* in parts of the Greenbelt Plan Area in accordance with the policies of the Greenbelt Plan.
- 7.5.1.6 *Development* or *site alteration* shall not be permitted in *key natural heritage features* that are within the Greenbelt *Natural Heritage System* or in any *key hydrologic features* within the Protected Countryside except for:
- a) forest, fish, and wildlife management;
  - b) conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;
  - c) activities that create or maintain *infrastructure* authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the Environmental Assessment Act;
  - d) all existing uses in the Greenbelt Plan Area;

- e) mineral aggregate operations and wayside pits and quarries except in accordance with Provincial policy;
- f) recreational uses in the *Greenbelt Plan Natural Heritage System*;
- g) small-scale structures for recreational uses, including but not limited to, boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their negative impacts.
- h) expansions to existing buildings and structures, accessory structures and uses, and *conversions* of legally existing uses that have less of an environmental impact, subject to demonstration that the use does not expand into the *key hydrologic feature* or feature or *vegetation protection zone* unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
- i) expansions or *alterations* to existing buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:
  - i. there is no alternative, and the expansion or *alteration* in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
  - ii. the impact of the expansion or *alteration* on the feature and its functions is minimized and mitigated to the maximum extent possible; and
  - iii. nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on a site that has a *key natural heritage feature* or *key hydrologic feature*.
- j) new *development* or *site alteration* within the *Greenbelt Natural Heritage System* shall demonstrate that:
  - i. there are no negative impacts on *key natural heritage features* or *key hydrologic features* or their functions;
  - ii. connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;

- iii. the removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- iv. except for uses described in and governed by the policies dealing with mineral aggregate resources, the disturbed area, including any buildings and structures, will not exceed 25 percent of the *total developable area*, and the impervious surface will not exceed 10 percent of the *total developable area*;
- v. with respect to golf courses, the disturbed area will not exceed 40 percent of the *total developable area*; and
- vi. at least 30 percent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in Section 3.3.4 dealing with mineral aggregate resources.

7.5.1.7 Notwithstanding Section 7.5.1.6, the full range of existing and new *agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices* are permitted as outlined in this Plan.

7.5.1.8 Notwithstanding Section 7.5.1.6, the following types of minor construction is permitted within a *vegetation protection zone* provided there is no alternative, outside of a *key natural heritage feature* or *key hydrologic feature*, without an EIS and/or hydrological evaluation:

- a) new *accessory buildings* to a residential use (garage, workshop, etc.) below 50 square metres;
- b) expansions to existing *accessory buildings* to a residential use below 50 percent of the size of the original building;
- c) expansions to existing residential buildings below 50 percent of the size of the original building;
- d) reconstruction of an existing residential dwelling of the same size in the same location;
- e) new buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* below 200 square metres; and
- d) expansions to existing buildings and structures for *agricultural uses, agriculture related uses, or on-farm diversified uses* below 50 percent of the size of the original building, provided the expansion is less than 200 square metres.

- 7.5.1.9 A proposal for new *development* or *site alteration* within 120 metres of any *key natural heritage feature* within the Greenbelt *Natural Heritage System* or key hydrologic feature anywhere within the Protected Countryside will require an EIS and/or hydrological evaluation that identifies a *vegetation protection zone*, which:
- a) is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function;
  - b) is established to achieve and be maintained as *natural self-sustaining vegetation*; and
  - c) for *wetlands*, seepage areas and springs, *fish habitat*, *permanent streams* and *intermittent streams*, inland lakes and *significant woodlands*, is no less than 30 metres measured from the outside boundary of the feature.
- 7.5.1.10 Studies and evaluations undertaken in accordance with Section 7.5.1.9 will, consider best management practices for vegetation protection within and adjacent to riparian zones, including control of invasive species, erosion control, water contamination, selection of species to support production of specialty crops, and pest management for agricultural activities.
- 7.5.1.11 Studies and evaluations undertaken in accordance with Section 7.5.1.9 will also identify any additional restrictions to be applied before, during, and after development to protect the *hydrologic functions* and *ecological functions* of the feature.
- 7.5.1.12 Notwithstanding Section 7.5.1.3 and Policies 7.5.1.9 to 7.5.1.11, an EIS will not be required for a proposal for *development* or *site alteration* on a site where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.
- 7.5.1.13 Notwithstanding Section 7.5.1.3 and Policies 7.5.1.9 to 7.5.1.11, new buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* shall not be required to undertake an EIS and/or hydrological evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*.
- 7.5.1.14 Uses permitted in accordance with Section 7.5.1.13:
- a) 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;

- b) will pursue best management practices to protect and restore *key natural heritage features*, *key hydrologic features*, and their functions; and
- c) may include *working landscapes*, crops, and deep-rooted grasses (or similar vegetation), and reflect best management practices in reference to issues related to plantings in riparian zones and pest prevention techniques in tender fruit and grape growing areas.

## 7.5.2 Special Policies for Recreational Uses subject to the Greenbelt Plan

- 7.5.2.1 Residential dwelling units, other than for an employee, shall not be permitted in association with recreational uses.
- 7.5.2.2 An application to establish or expand a major recreational use in the *Greenbelt Plan Natural Heritage System* shall be accompanied by a vegetation enhancement plan that incorporates planning, design, landscaping, and construction measures that:
- a) maintain or, where possible, enhance the amount of *natural self-sustaining vegetation* on the site and the connectivity between adjacent *key natural heritage features* or *key hydrologic features*;
  - b) wherever possible, keep *intermittent stream* channels and drainage swales in a free-to-grow, low-maintenance condition;
  - c) minimize the application and use of pesticides and fertilizers; and
  - d) locate new *natural self-sustaining vegetation* in areas that maximize the *ecological functions* and ecological value of the area.
- 7.5.2.3 An application to expand or establish a major recreational use shall be accompanied by a conservation plan demonstrating how water, nutrient, and biocide use shall be kept to a minimum, including through the establishment and monitoring of targets.
- 7.5.2.4 Small-scale structures for recreational uses, including but not limited to, boardwalks, footbridges, fences, docks, and picnic facilities are permitted within *key natural heritage features* and *key hydrologic features*; however, the number of such structures and the negative impacts on these features should be minimized. In order to determine potential impacts, the Region may require that an EIS and/or hydrological evaluation be prepared.

### 7.5.3 Niagara Peninsula Tender Fruit and Grape Area

- 7.5.3.1 Notwithstanding any other policies in this Plan, within the Niagara Peninsula Tender Fruit and Grape Area of the Greenbelt Plan, new buildings or structures for *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted within 30 metres of *permanent streams* and *intermittent streams*, where:
- a) the *permanent stream* or *intermittent stream* also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;
  - b) a minimum 15 metre *vegetation protection zone* is established between the building or structure and the *permanent stream* or *intermittent stream*; however, the *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 designated *specialty crop area*;
  - d) a new or replacement individual on-site sewage system will not be located within 30 metres of the stream; and
  - e) *agricultural uses*, *agriculture-related uses*, and *on-farm diversified uses* shall pursue best management practices to protect or restore *key hydrologic features* and functions.

## 7.6 Niagara Escarpment Plan Area

### 7.6.1 Policies

- 7.6.1.1 *Development* and *site alteration* within and adjacent to key *natural heritage features* and *key hydrologic features* in the Niagara Escarpment Plan Area is subject to the policies of the Niagara Escarpment Plan.
- 7.6.1.2 Notwithstanding Section 7.6.1.1, Section 7.2.3.6 and Section 7.7.1 applies in the Niagara Escarpment Plan Area.

## 7.7 Other Natural Environment System Policies

### 7.7.1 Other Woodlands

- 7.7.1.1 *Other woodlands* are identified and considered a *natural heritage feature and area* in all geographic areas of the Town. The location of known *other woodlands* is shown on Schedule C2.
- 7.7.1.2 To be identified as an *other woodland*, a terrestrial treed area must have  $\geq 25$  per cent tree cover and meet one or more of the following criteria:

- a) an average minimum width of 40 m and is  $\geq 0.3$  ha, measured to crown edges; or
- b) any size abutting a *significant woodland*, wetland, or permanent stream.
- c) Treed areas that “abut” a *significant woodland*, wetland or permanent stream are considered adjacent when located within 20 m of each other.

7.7.1.3 *Other woodlands* would not include *woodlands* meeting the criteria as *significant woodlands*.

7.7.1.4 *Development* or *site alteration* shall not be permitted in *other woodlands* unless it has been demonstrated through the preparation of an EIS that there will be no negative impacts on the *other woodland* or its *ecological functions*.

7.7.1.5 Notwithstanding Policies 7.7.1.1 to 7.7.1.4, policies related to *other woodlands* do not apply to new or expanding mineral aggregate operations.

7.7.1.6 Notwithstanding Policies 7.7.1.1 to 7.7.1.4, policies related to *other woodlands* do not apply to new or expanding buildings or structures for *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* if they are located, designed, and constructed to minimize impacts on the *Natural Environment System*.

7.7.1.7 Where a feature was identified as a *significant woodland* or *other woodland* as of the date of approval of this Plan, and no longer meets the definition of *significant woodland* or *other woodland* because of either a natural or anthropogenic disturbance, the feature shall retain its status as either a *significant woodland* or *other woodland* and the policies of this Plan shall continue to apply.

## 7.7.2 Linkages

7.7.2.1 Large, medium, and small *linkages* outside of settlement areas and outside of the Greenbelt Plan Area and *Greenbelt Plan Natural Heritage System*, and small *linkages* inside of settlement areas which are identified between *natural heritage features and areas*, *key natural heritage features*, and *key hydrologic features* are shown on Schedule C2.

7.7.2.2 Only *linkages* which have been mapped as part of the Town’s *Natural Environment System* are shown on Schedule C2. Opportunities for additional, ecologically appropriate, *linkages* shall be screened for when a subwatershed study is being completed in support of a secondary plan.

7.7.2.3 Known *linkages* are identified between *natural heritage features and areas* and *key natural heritage features* consisting of natural areas (e.g., watercourses, *valleylands*, meadow, thicket, *woodland*, wetland, and hedgerows, etc.) or rural/ agricultural lands without major barriers (i.e., developed areas or major roads greater than 30 m in width) based on the following set of criteria:

- a) large *linkages* (outside settlement areas and outside of the Provincial Natural Heritage System) that are:
  - i. 200-400 m in width; and
  - ii. connect core areas (i.e., a group of natural features and areas within 30 m of each other) with a combined area of  $\geq 50$  hectares in size;
- b) medium *linkages* (outside of settlement areas and outside of the Provincial Natural Heritage System) that are:
  - i. 100-200 m in width; and
  - ii. connect core areas (i.e., a group of natural features and areas within 30 m of each other) with a combined area of  $\geq 20$  hectares in size;
- c) small *linkages*, both inside and outside of settlement areas and outside of the Provincial Natural Heritage System) that are:
  - i. 60-100 m in width; and
  - ii. connect core areas (i.e., a group of natural features and areas within 30 m of each other) with a combined area of  $\geq 10$  hectares in size;

7.7.2.4 When a subwatershed study is being undertaken, or when development or *site alteration* is proposed in, or within 30 metres of a *linkage* shown on Schedule C2, an evaluation shall be completed that:

- a) assesses the ecological features and functions of a *linkage*, including its vegetative, wildlife, and/or landscape features or functions;
- b) identifies appropriate boundaries/widths that permit the movement of wildlife between nearby *key natural heritage features*, *key hydrologic features*, and/or *natural heritage features and areas*;
- c) describes the *ecological functions* the *linkage* is intended to provide and identifies how these *ecological functions* can be maintained or enhanced within a *development* proposal;

- d) assesses the potential for *compatible* uses including, but not limited to, stormwater management ponds, passive recreational uses, and trails within the *linkage* to determine how the intended *ecological functions* of the *linkage* can be maintained or enhanced;
- e) assesses potential impacts on the *linkage* as a result of the *development*; and
- f) makes recommendations on how to protect, enhance, or mitigate impacts on the *linkage* and its *ecological functions* through avoidance and planning, design, and construction practices.

7.7.2.5 Possible outcomes of an evaluation carried out in accordance with Section 7.7.2.4 include:

- a) the incorporation of the *linkage* into the *development*, such that *development* would not occur on those lands;
- b) the incorporation of the *linkage* into the *development*, with linear *infrastructure*, and other *infrastructure* and associated small scale structures permitted in the *linkage* in such a manner that protects the long-term *ecological function* of the *linkage*;
- c) the refinement of the location, form, size, shape, or *ecological function* of the *linkage*; or
- d) the elimination of the *linkage* based on area or site-specific analysis. If a *linkage* is proposed to be eliminated it must be demonstrated to the satisfaction of the Town that:
  - i. maintaining a *linkage* is not necessary for ecological reasons;
  - ii. the loss of the *linkage* will not decrease the overall ecological connectivity in the area; and
  - iii. the *linkage* is not required to support the long-term sustainability of the overall *Natural Environment System*.

7.7.2.6 In a case where all or part of a *linkage* area is retained in accordance with Section 7.7.2.5 a), b), or c), the lands within the *linkage* area shall be planted and left as *natural self-sustaining vegetation* (except for those lands used for *infrastructure* - if permitted) or remain in *agricultural use*. The *linkage* may also be designed to permit *compatible* uses as evaluated in Section 7.7.2.4 so long as the *ecological function* of the *linkage* is maintained.

- 7.7.2.7 Notwithstanding Section 7.7.2.4 the full range of existing and new *agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices* are permitted within a mapped *linkage* shown on Schedule C2.
- 7.7.2.8 Notwithstanding Section 7.7.2.4, the following types of minor construction is permitted within a *linkage* shown on Schedule C2, provided there is no alternative, without a requiring an evaluation:
- a) new *accessory buildings* to a residential use (garage, workshop, etc.) below 50 square metres;
  - b) expansions to existing *accessory buildings* to a residential use below 50 percent of the size of the original building;
  - c) expansions to existing residential buildings below 50 percent of the size of the original building; and
  - d) reconstruction of an existing residential dwelling of the same size in the same location.
- 7.7.2.9 Notwithstanding the above, the policies of Section 7.7.2 do not apply to new or expanding mineral aggregate operations.

### **7.7.3 Tree Preservation**

- 7.7.3.1 The existing tree canopy in the Town is an important component of the character of the Town and its *community design* features. Tree preservation and management will be subject to the Region's Woodland Conservation By-law, and the Town's Private Tree Protection By-law, as applicable.
- 7.7.3.2 The Town supports opportunities for enhancement of *woodland cover*, which may be achieved through a number of means including, but not limited to:
- a) tree planting efforts, as well as tree planting programs of the NPCA and other public or private organizations;
  - e) private land stewardship that includes protection of existing tree cover and tree planting efforts;
  - f) land acquisition or dedication of private land to the Town, the NPCA, or other public or private organizations for tree planting and reforestation efforts;
  - g) identification of *woodland enhancement areas* through the completion of watershed plans, subwatershed studies, or similar plans;

- h) required tree and *woodland* protection and planting through the application process for *development* or *site alteration*; and
- i) the development of a strategy for land protection, preservation, and securement.

#### 7.7.4 Cultural and Regenerating Woodlands

7.7.4.1 The *ecological functions* of some *significant woodlands* or *other woodlands* in settlement areas may be substantially compromised as a result of prior land use activity and as a result would be difficult to restore and/or manage as a native *woodland* in an urban setting. In these circumstances, consideration can be given to reclassifying all or a portion of such a *significant woodland* or *other woodland* as a *cultural and regenerating woodland*.

- a) A *significant* or *other woodland* can be classified as a *cultural and regenerating woodland* if all of the following are met:
  - i. the *woodland* is less than two hectares in size;
  - ii. the removal of a portion of *woodland* will not result in a negative impact to the *ecological functions* of the remaining portion;
  - iii. there are no other important *ecological functions* that the *woodland* provides (e.g., critical function zone for *wetlands*, etc.);
  - iv. the *woodland* is not identified as another component of the *natural environmental system* (e.g., significant *wildlife habitat*, *linkage*, *enhancement area*, *buffer*);
  - v. the canopy is dominated by invasive, non-native species including, but not limited to: Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, Black Locust and White Poplar, or any combination thereof;
  - vi. the area was not treed approximately 20-25 years ago as determined through air photo interpretation or other suitable techniques;
  - vii. the soil is deemed to preclude the development of a native *woodland*; for example: soil that is degraded, soil that is compacted, the top soil has been removed, soil displaying substantial erosion from over-use and/or the *woodland* is regenerating on fill or spoil that was introduced to the site;
  - viii. there is limited ability to maintain or restore self-sustaining *ecological functions* typical of native woodlands; and

- ix. the *woodland* provides limited social values (e.g., does not contain sanctioned trails, nor currently provides organized research or educational opportunities). *Woodlands* (including plantations) established and/or managed for the purpose of restoring a native tree community (e.g., naturalization or restoration projects) would still qualify as *significant woodland*.

7.7.4.2 If it has been determined, through the completion of an EIS, that a *woodland* has met all of the criteria outlined in 7.7.4.1 and the corresponding definition in Section 10.4 to be reclassified as a *cultural and regenerating woodland* to the satisfaction of the Town, the removal of the treed area, or a portion thereof, may be permitted subject to preparing a *woodland* enhancement plan that demonstrates an enhancement in *woodland* area is achieved, either on the same property or in a reasonable proximity.

7.7.4.3 *Woodlands*, including plantations, established and/or managed for the purpose of restoring a native tree community cannot be classified as cultural and regenerating *woodlands*.

#### **7.7.5 Significant Areas of Natural and Scientific Interest**

7.7.5.1 *Development* and *site alteration* shall not be permitted within a provincially or regionally *significant earth science ANSI* or within 50 metres of the feature unless it can be demonstrated that there will be no negative impacts on the geologically significant features, or the interpretative and scientific value for which the *earth science ANSI* was identified. Applications for *development* and *site alteration* which have the potential for negative impacts shall be accompanied by an earth science heritage evaluation which shall be reviewed in consultation with the Provincial Ministry with jurisdiction. The earth science heritage evaluation shall:

- a) identify planning, design and construction practices that will ensure protection of the geological or geomorphological attributes for which the *earth science ANSI* was identified; and
- b) determine whether a *buffer* is required, and if so, specify the width of that *buffer*.

7.7.5.2 Notwithstanding Section 7.7.51, policies related to regionally significant *earth science ANSI* do not apply to new or expanding mineral aggregate operations.

#### **7.7.6 Habitat of Threatened and Endangered Species and Species at Risk**

7.7.6.1 *Development* or *site alteration* shall not be permitted in *habitat of endangered species* and *threatened species*, except in accordance with Provincial and Federal requirements.

- 7.7.6.2 Where the potential for the *habitat of endangered species and threatened species* is identified, the Provincial Ministry with jurisdiction shall be contacted by the proponent for technical advice and to delineate and confirm the presence of habitat.
- 7.7.6.3 To determine the presence of, and to assess the impacts that proposed *development* and activities may have on the *habitat of endangered species and threatened species*, a site assessment by a qualified professional is generally required to be completed using accepted protocols. The assessment shall identify whether the habitat is present and whether the proposed activities will have any impact on *endangered species and threatened species* or their habitat. The site assessment may be combined with a broader EIS. The Province should be contacted for further direction regarding site-specific proposals.
- 7.7.6.4 It is the responsibility of a proponent to work directly with the Province to determine that the Endangered Species Act has been, or will be, complied with as a condition of any permit received from the Provincial Ministry with jurisdiction.
- 7.7.6.5 In accordance with Federal requirements, where *development* or *site alteration* is proposed that could have an impact on aquatic species at risk an EIS shall be required to demonstrate that:
- a) All reasonable alternatives have been considered to reduce and minimize impacts to natural features and *ecological functions*, and the best solution has been adopted; and
  - b) The proposed *development* or *site alteration* activities will not jeopardize the survival, recovery, and conservation of species at risk protected in Schedule 1 of the Species at Risk Act, including their residences and critical habitat.

## 7.7.7 Supporting Features and Areas

- 7.7.7.1 *Supporting features and areas* are lands that have been restored or have the potential of being restored, and include:
- a) grasslands, thickets, and meadows that support the *ecological functions* of adjacent *key natural heritage features*, *key hydrologic features*, and/ or *natural heritage features and areas*;
  - b) *valleylands*, which includes lands that may have ecological and/or *hydrologic functions*, that are not *significant valleylands*, and are not the site of a *permanent stream* or *intermittent stream* that is regulated by the NPCA;
  - c) *wildlife habitat* that is not considered to be *significant wildlife habitat*; and

d) *enhancement areas*.

7.7.7.2 The presence of *supporting features and areas* shall be screened for by a proponent when an EIS and/or hydrological evaluation is required to support a *development* or *site alteration* application both inside and outside of settlement areas or when a subwatershed study is being undertaken.

7.7.7.3 If *supporting features and areas* are identified through an EIS, hydrological evaluation, or subwatershed study an evaluation shall determine:

- a) the extent of the supporting feature or area along with its *ecological functions* and relationship to nearby *key natural heritage features, key hydrologic features* and/or *natural heritage features and areas*;
- b) whether the supporting feature or area should be protected because it supports the ecological and/or *hydrologic functions* of nearby *key natural heritage features, key hydrologic features* and/or *natural heritage features and areas*; and
- c) conditions to be attached to the approval of the proposed *development* or *site alteration*.

7.7.7.4 The identification of *supporting features and areas* is to be determined through a detailed study, such as an environmental impact study, hydrological evaluation, or subwatershed study which would evaluate the ecological contribution of the supporting feature and area to other components of the *natural environment system*.

## **7.7.8 Native and Invasive Species**

7.7.8.1 The Town requires individuals and agencies to use native species appropriate to the locality when planting within the *Natural Environment System* or contiguous to elements of the *Natural Environment System*.

7.7.8.2 *Development* and *site alteration* applications may be required to plant appropriate native species as conditions of approval.

7.7.8.3 The Town will use native species plantings at all Town facilities and along transportation and utility corridors which fall outside the *development* approval process.

7.7.8.4 The Town, in consultation with the NPCA, may develop policies and programs that require or promote measures to eliminate and/or manage invasive species and discourage the use of non-native invasive species plantings in new *developments* adjacent to the *Natural Environment System*.

## 7.8 Natural and Human-Made Hazard Lands

### 7.8.1 Natural Hazard Lands

#### 7.8.1.1 Policies

- a) *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.
- b) *Development* and *site alteration* within *hazardous lands* will only be permitted in accordance with the NPCA, and applicable provincial and federal requirements. Proposals must demonstrate no adverse impact on natural systems, water quality, or ecosystem functions, including consideration of climate change projections and increasing weather volatility.
- c) Development shall be directed, in accordance with guidance developed by the Province, as amended from time to time, to areas outside of:
  - i. *hazardous lands* adjacent to the shorelines of Lake Ontario which are impacted by *flooding hazards*, erosion hazards, and/or dynamic beach hazards;
  - ii. *hazardous lands* adjacent to river, stream, and small inland lake systems which are impacted by *flooding hazards* and/or erosion hazards; and
  - iii. *hazardous sites*.

#### 7.8.1.2 *Development* or *site alteration* shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the *flooding hazards* along the Niagara River;
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, erosion hazards, and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

7.8.1.3 Notwithstanding Section 7.8.1.2, *development* or *site alteration* may be permitted in certain areas associated with the *flooding hazard* along a river, stream, and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of the Provincial Ministries with jurisdiction prior to the approval authority approving such changes or modifications; or
- b) where the development is limited to uses that by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows.

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

- a) institutional uses associated with hospitals, assistive housing, 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;
- c) uses associated with the disposal, manufacture, treatment, or storage of hazardous substances;
- d) electrical substations, *telecommunications facilities*, and water or wastewater treatment systems; and
- e) sites containing environmental remediation *infrastructure* or contaminant containment systems unless it can be demonstrated through appropriate risk assessment and monitoring that the use will not be compromised by the hazard conditions.

7.8.1.5 Further to Section 7.8.1.4, and except where prohibited in Section 7.8.1.2 and 7.8.1.3, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor and could be mitigated in accordance with Provincial standards, the following criteria will be demonstrated:

- a) *development* and *site alteration* are carried out in accordance with flood proofing, protection works, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area

- c) during times of flooding, erosion, and other emergencies;
- d) new hazards are not created, and existing hazards are not aggravated; and
- e) no adverse environmental impacts will result.

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

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

7.8.1.8 The Town may request an assessment and list of studies undertaken by a qualified professional during the appropriate time of year and using accepted protocols to determine the wildland fire risk and required mitigation measures where development is proposed.

7.8.1.9 Mitigation measures required as per Section 7.8.1.5 to support development in areas shall not negatively impact key natural heritage features, key *hydrologic features* and/or *natural heritage features and areas*.

7.8.1.10 *Development* and *site alteration* within *floodplains* or within the 100 year erosion limit of Lake Ontario shall only be permitted where it has been demonstrated to the satisfaction of the NPCA that it is in accordance with the Authority's policies, and subject to the Authority's approval. All watercourses in the Town are regulated to the 1:100 year flood level.

7.8.1.11 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 NPCA, provincial and federal requirements.

7.8.1.12 No buildings, structures, or 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 the NPCA, provincial and federal requirements.

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

- a) Along *valleylands* where the valley bank height is equal to or greater than 3 metres stable top-of-bank and required setbacks are determined by NPCA and subject to appropriate studies.

- 7.8.1.14 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.

## 7.8.2 Human-Made Hazard Lands

### 7.8.2.1 Policies:

- a) *Development* on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
- b) Minerals and petroleum resources shall be protected for long-term use in accordance with the PPS.
- c) Mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact.
- d) Known mineral deposits, known petroleum resources, and significant areas of mineral potential shall be identified, and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - i. resource use would not be feasible; or
  - ii. the proposed land use or development serves a greater long-term public interest; and
  - iii. issues of public health, public safety and environmental impact are addressed.
- e) Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

- f) Extraction of minerals and petroleum resources is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

## 7.9 Implementation and Interpretation

### 7.9.1 Strategies

- 7.9.1.1 The Town is encouraged to consult with the Environmental Advisory Committee for matters related to the Town's natural environment system.
- 7.9.1.2 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.
- 7.9.1.3 Where lands are mapped or identified as two or more features or components of the *Natural Environment System*, the policies which provide the highest level of environmental protection shall apply in the event of any conflict.
- 7.9.1.4 In situations that do not adversely impact agricultural crop production, the Town will develop and implement strategies to maintain, enhance existing *natural heritage features* and the *natural heritage system*. These strategies shall include:
  - a) identification of target restoration areas;
  - b) identification of appropriate areas for naturalization on public and private lands;
  - c) identification and implementation of *linkages*, where appropriate;
  - 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.
- 7.9.1.5 Lands within the *Natural Environment System* may be part of the Town's open space and trails system, provided the *Natural Environment System* is not adversely affected and private landowners consent to allow public access across portions of their private property.

## 7.9.2 Environmental Impact Study Requirements

- 7.9.2.1 The Town, in consultation with the NPCA and other commenting bodies, shall review proposed *development* or *site alteration* to determine whether an EIS and/or hydrologic evaluation is required, the scoping of the requirements, and whether requirements can be waived.
- 7.9.2.2 The Town or approval authority (e.g. NPCA) may waive the requirement for an EIS and/or hydrological evaluation and may be subject to conditions.
- 7.9.2.3 Where an EIS or hydrologic evaluation is required under this Plan it shall be submitted with the *development* application and shall be prepared by a qualified professional in accordance with the Town's Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines.
- 7.9.2.4 The scope and content of the EIS and/or hydrologic evaluation shall be determined in accordance with the Town's Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines by the Town, in consultation with the NPCA and other commenting bodies.
- 7.9.2.5 An EIS and/or hydrologic study shall be prepared to the satisfaction of the Town, in consultation with the NPCA and other commenting bodies. The Town shall ensure that:
- a) an EIS and/or hydrologic evaluation is prepared in accordance with an approved terms of reference; and
  - b) the conclusions of the EIS and/or hydrologic evaluation are considered through the *development* approval process and appropriate conditions are established to implement the recommendations of the study and/or evaluation.
- 7.9.2.6 The Town shall not accept an EIS and/or hydrologic evaluation unless the terms of reference has been approved.
- 7.9.2.7 The draft terms of reference shall be prepared by a qualified professional and reviewed by the Town and the NPCA. It shall be the responsibility of the Town to approve the terms of reference.
- 7.9.2.8 The Town may require an independent peer review of an EIS and/or hydrologic evaluation, with the costs to be borne by the applicant.
- 7.9.2.9 An EIS and/or hydrologic evaluation is not required for uses authorised under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.
- 7.9.2.10 An EIS and/or hydrologic evaluation is not required for *agricultural uses* permitted under Section 2.2.3.

## SECTION 8      Infrastructure

A coordinated, integrated, and comprehensive approach using the minimum *intensification* and density targets of this Plan, should be used for the planning, *development*, and management of *infrastructure* within the Town, and with other orders of government, agencies, and boards.

The Region shall provide *infrastructure* and services within its jurisdiction and financial capability in order to accommodate existing *development* and anticipated growth in alignment with the Region's Transportation Master Plan and Master Servicing Plan.

The Town will circulate the Region on planning projects and applications where applicable for the engineering review of Regional water, wastewater, stormwater, and transportation *infrastructure*.

### 8.1    Transportation

#### 8.1.1    Background

- 8.1.1.1      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.
- 8.1.1.2      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.
- 8.1.1.3      The Town will adopt a complete streets approach in the design or reconstruction of the planned or existing local street network.

#### 8.1.2    Objectives

- 8.1.2.1      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 and establishment of a transit hub 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 human-made environments, especially on established residential areas, areas of agricultural significance, and to ensure the conservation of *built heritage resources* and *cultural heritage landscapes*;
- 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.

### 8.1.3 Transportation Demand Management

- 8.1.3.1 *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.
- 8.1.3.2 The Town may 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.
- 8.1.3.3 The Town will protect 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*.
- 8.1.3.4 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 accordance with the Transportation Master Plan and in cooperation with the Province, Region, and neighbouring municipalities.
- 8.1.3.5 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.

- 8.1.3.6 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.

#### 8.1.4 Active Transportation

- 8.1.4.1 The Town recognizes that *active transportation* is an important element of a sustainable and healthy community and encourages all means of *active transportation*.
- 8.1.4.2 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.
- 8.1.4.3 The Town will prepare development engineering guidelines, a transportation master plan, 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.
- 8.1.4.4 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.
- 8.1.4.5 *Active transportation* initiatives are encouraged to include both off-road and on-road cycling facilities in appropriate locations that consider the impacts of the facilities on adjacent lands.
- 8.1.4.6 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.

8.1.4.7 The Town supports the maintenance and expansion of publicly-owned trails, such as the Heritage Trail, located throughout the Town, in appropriate locations that consider the impact of the facilities on adjacent lands, including farmlands. Measures to prevent trespassing on-farm properties to avoid risks to farm biosecurity and crop damage will be identified and implemented as part of the trails program.

8.1.4.8 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.

### **8.1.5 Transit**

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

8.1.5.2 The Town supports the continued expansion of the local transit system and on-demand services available in the Town. 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 recognizes the role of the Niagara Region Transit Commission in the provision of public transit. 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.

### **8.1.6 Provincial Highways**

8.1.6.1 Schedule E1 identifies the provincial highways in the Town.

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

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

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

### **8.1.7 Regional Roads**

8.1.7.1 Schedule E1 identifies the regional roads in the Town.

8.1.7.2 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.

8.1.7.3 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.

8.1.7.4 Access to existing regional roads will be controlled, but not prohibited, and will be subject to approval by the road authority.

a) Access to individual residential lots is discouraged where options to local roads are available.

b) The design of access to regional roads will ensure safe and convenient ingress and egress.

8.1.7.5 The minimum required right-of-way widths for regional roads are listed in Schedule E2(ii).

### **8.1.8 Arterial Roads**

8.1.8.1 Schedule E1 identifies the arterial roads in the Town.

8.1.8.2 The main function of the arterial 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.

8.1.8.3 The arterial 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.

8.1.8.4 Access to existing arterial roads will be controlled, but not prohibited, and will be subject to approval by the road authority.

a) access to individual residential lots is discouraged where options to local roads are available.

b) the design of access to arterial roads will ensure safe and convenient ingress and egress.

8.1.8.5 The minimum required right-of-way widths for arterial roads are listed in Schedule E2(ii).

### **8.1.9 Collector Roads**

- 8.1.9.1 Schedule E1 identifies the collector roads in the Town.
- 8.1.9.2 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.
- 8.1.9.3 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.
- 8.1.9.4 The minimum required right-of-way widths for collector roads are listed in Schedule E2(i).
- 8.1.9.5 Access to individual residential lots is discouraged where options to local roads are available.
- 8.1.9.6 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.

### **8.1.10 Local Roads**

- 8.1.10.1 Schedule E1 identifies the local roads in the Town.
- 8.1.10.2 Local roads are intended to provide access to individual properties.
- 8.1.10.3 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.
- 8.1.10.4 The minimum required right-of-way width for individual local roads are listed in Schedule E2(i).
- 8.1.10.5 Design of access to local roads will ensure safety and ease of entry and exit of traffic.
- 8.1.10.6 Local roads may be subject to specific *Community Design* and *Streetscape* criteria.

8.1.10.7 Desirable minimum widths for municipal roads are outlined in Table 6.

**Table 6 – Desirable Minimum Widths for Municipal Roads**

<b>Road Class</b>	<b>Width (Metres)</b>
<b>Arterial</b>	26.2 metres to 45.7 metres
<b>Collector</b>	20.1 metres to 26.2 metres
<b>Local</b>	20.1 metres

**8.1.11 Niagara River Parkway**

8.1.11.1 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. The Niagara River Parkway is a primary residential corridor and functions as a gateway between Old Town and the Village of Queenston. It is characterized by unique and sometimes iconic residential architecture, interspersed with wineries, open spaces and agricultural lands. Properties typically display large lots and ample green space.

8.1.11.2 The Niagara River Parkway is a processional roadway that provides a north-south *linkage* from Lake Ontario to Lake Erie for tourists and local residents. *Residential development* outside the settlement area is located predominantly along the west side of the Parkway and is generally not permitted direct access to the Parkway but rather obtains access through a service road system which is also controlled by the Niagara Parks Commission.

8.1.11.3 In order to preserve and enhance the scenic and natural amenities associated with the Niagara River 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.

8.1.11.4 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.

**8.1.12 Transportation Master Plan**

8.1.12.1 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.

### 8.1.13 General Transportation Policies

- 8.1.13.1 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.
- 8.1.13.2 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.
- 8.1.13.3 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.
- 8.1.13.4 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.
- 8.1.13.5 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.
- 8.1.13.6 On-street parking in residential areas may be restricted and/or prohibited.
- 8.1.13.7 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.

- 8.1.13.8 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.
- 8.1.13.9 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.
- 8.1.13.10 Roundabouts or other traffic calming opportunities may be considered at intersections.
- 8.1.13.11 The *transportation system* in the Protected Countryside will be planned and managed to accommodate agricultural vehicles and equipment, as appropriate.
- 8.1.13.12 The Town shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs.
- 8.1.13.13 The Town shall not permit *development* in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) of which it was identified.
- 8.1.13.14 New *development* proposed on adjacent lands to existing or planned corridors and transportation facilities should be *compatible* with, and supportive of, the long-term purposes of the corridor and should not be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities.
- 8.1.13.15 The Town may consider the implementation of Community Safety Zones.
- 8.1.13.16 The consolidation of vehicular entrances and sharing of streets among neighbouring uses shall be strongly encouraged;
- 8.1.13.17 Road Widenings
- a) As conditions of the approval of a *development* application under the Planning Act:
    - i. the Region or Town may acquire land from the landowner required for the road allowance at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and
    - ii. the Region or Town shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey

documentation on the widened road allowance is in place.

- iii. The conveyance of land may be required at no cost to the Region or Town as a condition of the approval of a *development* application, beyond the designated road allowance widths, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, *active transportation*, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.
- b) Further to Policy 8.1.7.3, the Town may, without an amendment to this Plan, update the designated road allowance widths in Schedule E1 where an alternate width has been approved through a completed Municipal Class Environmental Assessment or by Regional Council.
- c) Additional land that exceeds the road allowance widths identified in Schedule E2 (ii) or Policy 8.1.7.3 may be acquired by the Region at its own expense, without an amendment to this Plan.
- d) As part of the *development* application process, a road allowance not yet owned by the Region and identified in the Region's Transportation Master Plan should be protected in the following cases:
  - e) local street that could be ultimately assumed by the Region; and
    - i. plans for the extension of an existing road allowance.

#### **8.1.14 Goods Movement**

- 8.1.14.1 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.
- 8.1.14.2 The Town will work with the Niagara Region and the Province to plan for and expedite improvements to major goods movement facilities and corridors to support freight supportive employment development and *redevelopment*.
- 8.1.14.3 The Town supports the expeditious and efficient movement of goods through its priority routes, being the arterial road system, as well as alignment with the Strategic Goods Movement Network (SGMN) as identified in Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe.

### 8.1.15 Frontage on a Public Street

- 8.1.15.1 *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:
- 8.1.15.2 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;
- a) the lot can support a dwelling unit, driveway and private amenity areas, private water and sanitary sewage disposal systems; and
  - b) written approval is received from the NPCA regarding slope stability and erosion control.
- 8.1.15.3 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.

## 8.2 Water and Wastewater Services

### 8.2.1 General Policies

- 8.2.1.1 New *development* will be limited by the available capacities of services as determined in consultation with the Niagara Region. With the creation of a municipal servicing plan, within any *settlement area boundary*, full municipal services are not available, *development* will be restricted.
- 8.2.1.2 As local municipal services become available along property frontage, adjacent owners will be required to connect to them where service capacity is available and will be subject to service area charges even if peripheral to a settlement boundary area. Where farm property is peripheral to a *settlement area boundary*, and is located outside the NEP, the Town may enter into agreements with the property owner so that the cost of servicing recognizes the farm use.
- 8.2.1.3 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.

8.2.1.4 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.

8.2.1.5 Any proposed works for water and wastewater services must ensure the conservation of *built heritage resources* and *cultural heritage landscapes*.

## **8.2.2 Urban Growth on Full Municipal Services**

8.2.2.1 The provision of water and wastewater services is a shared responsibility with the Region. The Region is responsible for providing a supply of municipal sanitary sewer and water services within the Town, while 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. The Town will work closely with the Region to ensure there is a sufficient planned supply of sanitary and water services to meet long-term growth projections outlined in this Plan, and to ensure that such services are optimized, feasible and financially viable over the long term. The Town recognizes the Region's Water and Wastewater Master Servicing Plan. Stormwater management strategies will be based on current, innovative, best practices and are subject to the approval of the Town.

8.2.2.2 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.

8.2.2.3 Construction of new, or expansion of existing municipal water, wastewater and stormwater *infrastructure* should only be considered where the following conditions are met:

- a) strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;
- b) plans for expansion or for new services shall serve growth that achieves the growth management targets and policies for *intensification* and density in this Plan; and
- c) plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

#### 8.2.2.4 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 consider *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 Region 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.

#### 8.2.2.5 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) Outside of the NEP, the extension of watermains beyond any settlement area for agricultural or agricultural related purposes in compliance with the requirements for the waterline extensions will be given due consideration by the municipality and approved where deemed appropriate.
- d) Municipal water supply mains or municipal sewers shall not be extended outside the urban areas except:

- i. where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and
- ii. where extensions of the water supply system are for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.

8.2.2.6 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.

8.2.2.7 Private lateral connections to Regional water or wastewater mains are discouraged.

8.2.2.8 Lateral connections to Regional water or wastewater mains are not permitted outside the urban area boundaries.

8.2.2.9 Where development is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of development shall be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.

**8.2.3 Private Water and Sewer Services**

8.2.3.1 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.

8.2.3.2 Each OSSDS will require approval by the appropriate approval authority. Generally, the use of an OSSDS will be restricted to *residential development and wineries*. 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.

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

8.2.3.4 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.

### 8.3 Stormwater Management

8.3.1 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) provide controls on invasive species;

- f) promote stormwater management best practices, including stormwater attenuation and re-use, and *low impact development*; and
  - g) develop stormwater master plans for serviced settlement areas.
- 8.3.2** 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.
- 8.3.3** 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.
- 8.3.4** 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.
- 8.3.5** 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) establishes 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.
- 8.3.6** Design of *development* proposals will incorporate on-site control techniques to minimize peak stormwater flows, and to ensure adequate water quality treatment.
- 8.3.7** Permanent or temporary sediment retention basins may be required to control quantities of suspended materials washed from the sites.
- 8.3.8** 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*.
- 8.3.9** *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.

- 8.3.10** 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.
- 8.3.11** Combined sewer overflows and sewage bypasses have *significant* environmental impacts. The elimination of sewer overflows and bypasses is a Town priority.
- 8.3.12** Any proposed works for stormwater management must ensure the conservation of *built heritage resources* and *cultural heritage landscapes*.
- 8.3.13** Stormwater management facilities that service *development* within a settlement area shall be located within the Settlement Area.

## **8.4 Utilities**

- 8.4.1** 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.
- 8.4.2** 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 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.
- 8.4.3** In the Protected Countryside or Conservation designation only, the essential operations of public utilities will be permitted where no other reasonable location is available. The impact of these facilities on the *Agricultural System* and the environment will be minimized. Public utilities will only be permitted 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 agricultural and 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) the Town will consult with the authority having jurisdiction prior to allowing any public utility to locate in the Protected Countryside or a Conservation designation.

- 8.4.4** 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.
- 8.4.5** 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.
- 8.4.6** Rights-of-way for utilities may be provided without amendment to this Plan.
- 8.4.7** TransCanada PipeLines Limited (TCPL) operates two high pressure natural gas pipelines within its rights-of-way crossing the Town, as identified on Schedule B1 to this Plan.
- 8.4.8** TCPL is regulated by the Canada Energy Regulator (CER) which has a number of requirements regulating *development* in proximity to its pipelines. This includes approval requirements for activities within thirty (30) metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.
- 8.4.9** New *development* can result in increasing the population density in the area that may result in TCPL being required to replace its pipeline to comply with CSA Code Z662. The Town will require early consultation with TCPL or its designated representative for any *development* proposals within 200 metres of its facilities.
- 8.4.10** New development in proximity to a TCPL pipeline right-of-way shall incorporate appropriate setbacks in accordance with TCPL's development standards and the Town's Zoning By-law.
- 8.4.11** In areas of more urban *development*, the Town will encourage the use of TCPL's right-of-way for passive parkland or open space purposes subject to TCPL's easements rights.
- 8.4.12** Any proposed utilities works must ensure the conservation of *built heritage resources* and *cultural heritage landscapes*.
- 8.4.13** The construction of utilities shall comply with the *Natural Environment System* policies of this Plan.
- 8.4.14** Utility providers proposing to locate, relocate, or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards, and guidelines.

## 8.5 Green Energy Planning

- 8.5.1 The Town will develop a community energy plan, designed to improve energy efficiency, reduce gas emissions and foster local sustainable energy solutions.
- 8.5.2 The Town encourages Leadership in Energy and Environmental Design (LEED) certification or other similar appropriate programs for public and private facilities.
- 8.5.3 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).
- 8.5.4 The Town encourages *development* and land use patterns that promote design and green building standards which will maximize energy efficiency and considerations, 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. Potential negative impacts on the *Agricultural System* due to any of these measures must be considered and avoided.
- 8.5.5 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.

## 8.6 Waste Management

- 8.6.1 Existing waste disposal sites are not mapped.
- 8.6.2 No person, the Region, the Province, or the Town, will establish, *alter*, enlarge or extend a waste management system, a waste disposal site or treatment plant and facilities unless a Provisional Environmental Compliance approval has been issued by the Ministry of The Environment, Conservation and Parks (MECP). Waste disposal sites are subject to the requirements of the Environmental Assessment Act.
- 8.6.3 No waste disposal site, sanitary landfill site, sewage treatment site for any kind of waste, solid or liquid, will be established on lands not designated for such uses without obtaining an official plan amendment. Waste does not include the placing or removal of fill as regulated by the NPCA.
- 8.6.4 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.

- 8.6.5** 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.
- 8.6.6** Proposed development within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all waste management facilities shall demonstrate that the solid waste disposal site will not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety.
- 8.6.7** Notwithstanding Policy 8.6.6, the following compatible uses may not require a study provided that the solid waste disposal site water table is not affected and excavations shall not result in landfill gas migration or removal of a visual screen buffering of the landfill from the public view: utilities, waste-processing facilities, above-grade transportation routes, forestry activities, and gravel pits, quarries and other mining activities. No new land-use shall be permitted within 30 metres of the licensed perimeter of an operating solid waste disposal site.
- 8.6.8** Development on, or within 250 metres of a non-operating waste disposal site (e.g., old closed landfills) shall address Provincial requirements for contaminated sites.
- 8.6.9** Development within 500 metres of a non-operating waste disposal site shall also demonstrate that there is no risk to human health and safety from landfill gas.
- 8.6.10** 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.
- 8.6.11** 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 *built heritage resources* and *cultural heritage landscapes*.
- 8.6.12** The Town encourages and promotes reduction, reuse and recycling objectives for waste management.

- 8.6.13 The implications of *development* on waste generation, management and diversion will be assessed as part of the review of *development* applications.
- 8.6.14 The Region will provide for the disposal and treatment of solid wastes to the Town, and in alignment with the Region's Long Term Waste Management Strategic Plan.
- 8.6.15 The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.

## 8.7 Telecommunications Facilities

- 8.7.1 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.
- 8.7.2 The Town supports initiatives to improve telecommunications coverage and capacity in the Town.
- 8.7.3 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 *built heritage resources* and *cultural heritage landscapes* in the vicinity; and
  - d) Consistent with the Telecommunications Facilities Protocol.

## 8.8 Municipal Drains and Agricultural Irrigation Systems

- 8.8.1 Municipal drains are part of the Town's *infrastructure* and are developed and maintained in accordance with the requirements of Drainage Act.
- 8.8.2 The Town recognizes that the primary function of the municipal drains shown on Appendix 1 is to provide drainage for agricultural lands. These drains may also be used to convey irrigation water for *agricultural use*. The Town supports ongoing drain maintenance in accordance with 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 *vegetation protection 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.

- 8.8.3 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*.
- 8.8.4 Municipal drains may be identified as *floodplain* and may have setback restrictions identified in the implementing Zoning By-law, and have setback restrictions identified and regulated by NPCA.
- 8.8.5 The Niagara on the Lake Act, 1990, grants the Town specific legislative authority to establish and manage an agricultural irrigation system throughout the Town. Currently five individual irrigation systems are in place with plans to expand and add additional systems. These irrigations systems are part of the *Niagara-on-the-Lake Agricultural Infrastructure System* that services the *specialty crop area*.
- 8.8.6 Within the Protected Countryside, *drainage and irrigation infrastructure* serving the agricultural sector, may need certain elements to be located within a natural feature or area or within the *vegetation protection zone* of such a feature. In such instances, these elements of the *drainage and irrigation infrastructure* may be established within the feature itself or its associated *vegetation protection zone* subject to Section 7.

## 8.9 Municipal Servicing Standards

- 8.9.1 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 *built heritage resources* and *cultural heritage landscapes*.
- 8.9.2 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.

## **SECTION 9      Implementation and Administration**

### **9.1 Introduction**

- 9.1.1      This Plan will be implemented in accordance with the Town’s authority under the Planning Act, Municipal Act, Niagara-on-the-Lake Act, and any other applicable statutes. The Town will 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.

### **9.2 Official Plan Review and Amendments**

- 9.2.1      The Town will, from time to time, and not less frequently than every five (5) years, hold a special meeting of Council, open to the public, and an Open House for the purpose of determining the need for revision of the Planning Act.
- 9.2.2      Municipally-initiated amendments may be proposed at more frequent intervals if found necessary or desirable to incorporate provincial policy, meet changing conditions or to permit the realization of specific municipal objectives.
- 9.2.3      The Town may adopt new or updated secondary plans as amendments to this Plan at any time.
- 9.2.4      Circumstances may arise where privately-initiated amendments are proposed to the Plan. These applications will be reviewed and processed in accordance with the provisions of the Planning Act.

### **9.3 Zoning By-laws**

#### **9.3.1 Comprehensive Zoning By-laws**

- 9.3.1.1      The Town will review its Comprehensive Zoning By-Law(s) to ensure that it Implements the provisions of this Plan, by providing adequate *development* standards, zones, *Minimum Distance Separation Formulae* implementation, and permitted uses.

#### **9.3.2 Holding Provisions**

- 9.3.2.1      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.

- 9.3.2.2 The objective of the holding provisions is to identify the ultimate use of land and to limit the ultimate use in order to achieve orderly development.
- 9.3.2.3 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.
- 9.3.2.4 Specific actions or requirements for the lifting of the holding provision will be set out in the zoning by-law.
- 9.3.2.5 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 required supporting studies to the satisfaction of the Town, in consultation with other agencies;
  - 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 *built heritage resources* and *cultural heritage landscapes* are identified and appropriately protected and/or *conserved*.
- 9.3.2.6 Prior to removing the holding symbol, the Town may require the execution and registration of *development* agreements.
- 9.3.2.7 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 will consider passing a by-law to remove the holding symbol and allow *development* to take place in accordance with the applicable zoning provisions.

- a) Once the conditions of lifting the holding and other requirements (e.g. deeming by-laws, part lot control exemptions) have been satisfied by the Town, the applicant shall submit a new application for that process under the Planning Act.

### **9.3.3 Interim Control By-law**

9.3.3.1 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.

### **9.3.4 Temporary Use By-law**

9.3.4.1 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 *built heritage resources* and *cultural heritage landscapes*;
- 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.

### **9.3.5 Conditional Zoning**

9.3.5.1 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 *built*

*heritage resources, cultural heritage landscapes, and sustainability plans.*

### **9.3.6 Inclusionary Zoning**

9.3.6.1 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.

### **9.3.7 Community Benefits Charges By-law**

9.3.7.1 A by-law may be passed under Section 37 of the Planning Act to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of *development* or *redevelopment* in the area to which the by-law applies, subject to the requirements of Section 37 of the Planning Act.

## **9.4 Community Planning Permit System**

### **9.4.1 Areas subject to Community Planning Permit System**

9.4.1.1 All or specific parts of the Town 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.

9.4.1.2 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 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.

9.4.1.3 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.

## 9.4.2 Objectives

- 9.4.2.1 The objectives of the Town in implementing the Community Planning Permit System include but are not limited to:
- a) the preservation of the existing town character;
  - b) the conservation of *built heritage resources* and *cultural heritage landscapes*;
  - c) ensuring that new development reflects the *community 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;
  - f) protection and support for agricultural production in the *Specialty Crop Lands*; and
  - g) streamlining the development approval process while providing certainty with respect to future uses and built form.

## 9.4.3 Conditions of Approval

- 9.4.3.1 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 9.4.2, 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.

#### **9.4.4 Evaluation Criteria**

- 9.4.4.1 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 are not limited to, Council approved *Community Design Guidelines* , 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 the Region.
- 9.4.4.2 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.

#### **9.4.5 Application Requirements**

- 9.4.5.1 In addition to the requirements for an application for a zoning by-law amendment as set out in Section 9.3 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; and
- 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.

9.4.5.2 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 *built heritage resource*.

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

## 9.4.6 Discretionary Uses

9.4.6.1 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.

9.4.6.2 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.

#### **9.4.7 Variations**

9.4.7.1 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.

9.4.7.2 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.

#### **9.4.8 Delegation of Approval Authority**

9.4.8.1 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.

### **9.5 Site Plan Approval**

9.5.1 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.

9.5.2 Where *development* consists of properties designated under Part IV and/or Part V of the Ontario Heritage Act, site plan control may apply for new buildings and structures.

9.5.3 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 *Estate and Farm Wineries* and similar uses and cannabis production facilities.

9.5.4 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 *built heritage resources* and *cultural heritage landscapes*; and
- j) ensuring that the *development* proposed is built and maintained as approved by Council.

**9.5.5** 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 for local roads 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.

**9.5.6** As part of the site plan approval process, the Town will encourage an architectural review, which may include a review of the exterior design, character, scale, colour, building materials and design features of buildings as well as the impact on any of the *heritage attributes* and landscape features.

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

- 9.5.8 The Town will consult the Region, NPCA, Niagara Escarpment Commission, Niagara Parks Commission, Parks Canada and any other relevant agency when considering applications for site plan approval, where applicable.
- 9.5.9 The Town shall encourage a high standard of design be applied and that the proponent may be subject to an Urban Design Review Panel and/or the Municipal Heritage Committee, to the satisfaction of the Town.
- 9.5.10 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.

## 9.6 Community Improvement

### 9.6.1 Definition and Identification

- 9.6.1.1 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.
- 9.6.1.2 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.
- 9.6.1.3 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 be prepared for the area.

### 9.6.2 Purpose of Community Improvement Initiatives

- 9.6.2.1 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 *built 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; and
- o) improve and maintain the existing building inventory, including energy efficiency upgrades and alternate energy sources.

### **9.6.3 Implementation Methods**

9.6.3.1 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.

## 9.7 Lot Creation

### 9.7.1 General Policies

- 9.7.1.1 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, Niagara Region, and Provincial Plans and is consistent with the PPS;
  - 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; and where hauled sewage disposal facilities are available;
  - 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, agricultural production, *cultural heritage landscapes*, and *built heritage resources*;
  - f) provides opportunities for healthy living, including *active transportation* and accessibility;
  - g) addresses issues of sustainability and energy conservation;
  - h) generally be directed away from natural hazards;
  - i) meets the Community Design policies of this plan and any adopted *Community Design Guidelines*, and applicable development standards of the Town; and
  - j) has a lot configuration that is appropriate to the site and the proposed *development*, and that does not include irregular lot configurations such as lots with inadequate public road frontage.

## 9.7.2 Draft Plan of Subdivision

9.7.2.1 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
- e) development are required; and
- f) centralized stormwater management facilities are required, as opposed to on-site management on individual lots.

9.7.2.2 Approvals of draft plans of subdivision shall include a lapsing date in accordance with Section 51(32) of the Planning Act.

9.7.2.3 An extension a lapsing draft plan of subdivision shall include a time period specified in accordance with Section 51(33) of the Planning Act.

## 9.7.3 Draft Plan of Condominium

9.7.3.1 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.

9.7.3.2 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*.

9.7.3.3 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:
  - i. The average rental vacancy rate within the Local Area Municipality is at or above three percent over the preceding three year period; and
  - ii. The *conversion* to ownership housing would result in the creation of *affordable* housing; or the demolition or *conversion* is needed to address existing health and safety issues through retrofits and renovations, which would result in an increase in rental levels above the threshold for affordability.
- d) Approval of draft plans of condominium shall include a lapsing date in accordance with Section 51(32) of the Planning Act.

## 9.7.4 Consent to Sever Land

- 9.7.4.1 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.
- 9.7.4.2 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.
- 9.7.4.3 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 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.
- 9.7.4.4 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) *Built heritage resources* and *cultural heritage landscapes* shall be *conserved*.
- 9.7.4.5 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.

9.7.4.6 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.

9.7.4.7 *Additional residential units* are not eligible for severance.

### **9.7.5 Part Lot Control**

9.7.5.1 Where the Town determines that it is appropriate, lot creation applicable registered plans of subdivision 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.

### **9.7.6 Deeming**

9.7.6.1 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.

## **9.8 Parkland Dedication**

9.8.1 Whenever *development* or *redevelopment* of land is proposed for commercial or industrial purposes up to a maximum of 2% 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 5% of such lands be conveyed to the Town for park or other public recreational purposes.

9.8.2 As an alternative to requiring the conveyance provided in Section 9.8.2 of this Plan, land will be conveyed to the Town for park or other public recreational purposes at a rate of 1 hectare for each 600 net residential units proposed or at such lesser rate in accordance with the provisions of the Planning Act.

9.8.3 The payment of money will equal to 5% of the value of the land being developed or redeveloped; or the payment of money equal to the alternate rate of one 1 hectare for each 1,000 dwelling units proposed, whichever is greater.

9.8.4 The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or *redevelopment* or, if more than one building permit is required for the development or *redevelopment*, as of the day before the day the first permit is issued in accordance with the provisions of the Planning Act.

- a) If a development was subject to more than one application referenced in this section, the later one is the applicable application for the purposes of the Planning Act provisions.

**9.8.5** Where the lands are subject to site plan approval or a Zoning By-law amendment, the amount of the cash in lieu payment is to be based on the value of the land at the time of:

- a) the approval of the site plan application, or the approval of a Zoning By-law amendment, in accordance with the provisions of the Planning Act.
- b) Section 9.8.5 does not apply if, on the date the first Building Permit is issued for the *development*, more than 2 years have elapsed since the approval of the site plan application or the approval of the Zoning By-law amendment.

**9.8.6** The dedication of land required to be conveyed or the amount of a cash in lieu shall not exceed, as follows:

- a) if the land included in the plan of subdivision is 5 hectares or less in area, 10% of the land or the value of the land, as the case may be; or
- b) if the land included in the plan of subdivision is greater than 5 hectares in area, 15% of the land or the value of the land, as the case may be.

**9.8.7** Permitted exceptions from the conveyance of lands for park purposes and cash in lieu of parkland payments are set out as follows for residential unit types in accordance with the provisions of the Planning Act:

- a) *affordable* dwelling units,
- b) attainable dwelling units,
- c) inclusionary zoning units,
- d) *additional residential units*, and
- e) non-profit dwelling units.

**9.8.8** The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- a) the day an application for an approval of *development* in a site plan control area under Subsection 41(4) of the Planning Act was made in respect of the *development* or *redevelopment*;
- b) if Section 9.8.8 a) does not apply, the day an application for an amendment to a by-law passed under Section 34 of the Planning Act was made in respect of the *development* or *redevelopment*; or

- c) if neither Section 9.8.9 a) or b) applies, the day a building permit was issued in respect of the *development* or *redevelopment* or, if more than one building permit is required for the *development* or *redevelopment*, the day the first permit was issued.

**9.8.9** If parkland dedication or cash-in-lieu of parkland is required, an appropriate allowance will be made for previously proven dedicated land or cash for the site.

**9.8.10** Where cash in lieu of parkland is provided, the value of the lands will be determined in accordance with the provisions of the Planning Act.

**9.8.11** 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 *built heritage resources*. It will also be considered where such a dedication will ensure the conservation of *built heritage resources* and *cultural heritage landscapes*.

**9.8.12** 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.

**9.8.13** Sites dedicated as parkland shall be consistent with the Town's Parks and Recreation Master Plan.

## **9.9 Complete Application and Pre-Consultation Requirements**

**9.9.1** Pre-consultation between the applicant and the Town is encouraged 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.

**9.9.2** Pre-consultation may 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, NPCA or other agencies that may have an interest in the application as determined by the Town.

- 9.9.3 In order to ensure that all possible information is available to the Town, its committees, 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, such as the matters outlined in Table 7, Information and Reports in Support of Complete Applications.
- 9.9.4 Information and/or reports will be prepared by a qualified professional in accordance with Town requirements. Where the Town, Region, or NPCA, or other agencies 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.
- 9.9.5 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 adequate supporting information and/or reports, and any application review fees required by the Town or any other public agency, the application may be deemed to be incomplete, and processing will not proceed until such time as the Town and agencies are satisfied that the requirements have been fulfilled for the purpose of deeming the application complete.

**Table 7: Information and Reports in Support of Complete Applications**

Submission Requirement	Description
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 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 1.6.1).
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.

Community Design, Urban Design, Streetscape Study and Landscape Plans	Any proposal for infill development, redevelopment or intensification 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.
Archaeological Assessment	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 <i>areas of archaeological potential</i> .
Heritage Impact Assessment	A heritage impact assessment is required when any <i>development</i> or <i>site alteration</i> is proposed on or <i>adjacent to built heritage resources</i> or <i>cultural heritage landscapes</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 tree</i> , boundary trees or group of trees, or on vegetative <i>buffers</i> between commercial activities and residential lands including a <i>woodland</i> as defined by the Region's Tree and Forest Conservation By-law. A <i>significant tree</i> 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.
Property Index Maps and Parcel Registers	-----
Floodplain and Hazard Lands Assessment	Any development or site alteration proposed near Floodplain or hazard lands identified by regulations of the NPCA will be supported by a floodplain and hazard lands assessment.
Geotechnical Report	A geotechnical report will be required for any development or site alteration 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 development or site alteration 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. The studies will be prepared in accordance with provincial guidelines, standards and procedures and per the PPS policy 3.5.1.
Agricultural Impact Assessment	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.
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. This submission requirement may include the Surplus Farm Dwelling Information Form in support of an application for consent.

Farm Business Plan	Demonstrate that the use will support the viability and sustainability of an agricultural operation, aligns with provincial and local planning policies, and provides justification for the proposed use prepared by the business owner of the subject agricultural operation or agricultural-related use with support from a financial advisor.
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.
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 will be required where a proposed <i>development</i> impacts 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.
Conceptual Site Plan and Building Elevations	-----
Shadow Study	A shadow study may be required to demonstrate that there are no negative impacts on adjacent properties and how the development fits within the existing site and surrounding area.
Legal Opinion	-----
Commercial Market Study	A commercial market study may be required to demonstrate the viability, need, and potential impacts of proposed commercial development or land use changes. The commercial market study shall be prepared by a qualified professional typically experienced in conducting commercial market feasibility, impact, and demand analyses.

## 9.10 Procedures for Public Engagement & First Nations and Indigenous Communities Engagement

- 9.10.1 The Town will provide ongoing opportunities for public engagement and engagement with First Nations and Indigenous communities in the planning process related to the implementation of this Plan.
- 9.10.2 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 will 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 allow residents to view Site Plan application materials at Town Hall.
- 9.10.3 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.
- 9.10.4 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.
- 9.10.5 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.
- 9.10.6 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.
- 9.10.7** Public consultation processes under the Ontario Heritage Act will be consistent with the requirements of this Act.
- 9.10.8** The Town will consider the consultation protocols of the First Nations and Indigenous communities that have traditional territory in this area, including the Mississaugas of the Credit First Nation and the Six Nations when engaging on planning matters or public works projects.
- 9.10.9** Proponents shall engage with First Nations and Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing *built heritage resources* and *archaeological resources*.
- 9.10.10** Proponents are encouraged to engage with all relevant First Nations and Indigenous communities as determined by treaty, traditional territory, and/or cultural affiliation to the site and/or *archaeological resources* and in whose *traditional territories* the *archaeological resources* were found, to address their interests in the resource, when planning for sustainability and climate change, and relative to *Natural Environment System*. Proponents should confirm whether the First Nation or Indigenous community would like to repatriate the *archaeological resources*, and if not, define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location.

## **9.11 Property Standards By-law**

- 9.11.1** The Town will enact a property standards by-law authorized pursuant to the Planning Act.
- 9.11.2** The Town may incorporate special provisions in the property standards by-law for *built heritage resources* and *cultural heritage landscapes*, as authorized pursuant to the Ontario Heritage Act.

## **9.12 Site Alteration By-law**

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

## 9.13 Special Provisions for Specific Land Uses

### 9.13.1 Additional Residential Units

9.13.1.1 The *development of additional 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 *additional residential units* in single-detached, semi-detached and townhouse dwellings, or in *accessory buildings and 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;
- d) maintains the overall character and stability of the surrounding neighbourhood; and
- e) has no adverse impact on adjacent *built heritage resources* and/or *cultural heritage landscapes* on the property.

9.13.1.2 The following policies apply to parcels designated and zoned for residential use:

- a) *Additional residential units* shall be permitted in any one of the following configurations for a total of three *dwelling units* located on a residential parcel:
  - i. 1 *additional residential unit* in the primary *dwelling unit* and one *additional residential units* in a building accessory to the primary *dwelling unit*, or
  - ii. 2 *additional residential units* in the primary *dwelling unit*, provided there are no *dwelling units* in a building accessory to the primary *dwelling unit*, or
  - iii. 1 *additional residential unit* in a building accessory to the primary *dwelling unit* if the primary *dwelling unit* contains no more than 2 *dwelling units*.
- b) 2 *additional residential units* shall be permitted, within an existing or planned single-detached, semi-detached dwellings, and on-street townhouse dwellings, or within a detached *accessory building* on the same lot.

- c) 1 *additional residential unit* shall be permitted within an existing or planned duplex dwelling or within a detached *accessory building* on the same lot.
- d) Parking for *additional residential units* shall be provided at the rate of 1 space per unit and is subject to the sizing and setback requirements of the implementing Zoning By-law. Parking spaces for *additional residential units* are permitted in tandem with other required parking spaces on-site.
- e) *Additional residential units* must be serviced appropriately by municipal water and wastewater connections.
- f) *Additional residential units* shall not pose negative impacts to stormwater management and site drainage, including on abutting properties and the Town boulevard.
- g) *Additional residential units* will be regulated by the provisions of the implementing Zoning By-law with respect to setbacks, encroachments, heights, and/or *accessory building* provisions. The total combined lot coverage permitted on residential lots with *additional residential units* is 45% unless the Zoning By-law permits lot coverages in excess of 45%.
- h) *Additional residential units* shall be *compatible* with and not pose adverse impacts to the residential nature of the property and surrounding neighbourhood.
- i) *Additional residential units* may be subject to any applicable urban design guidelines prescribed for specific neighbourhoods.
- j) *Additional residential units* located on or adjacent to lands identified on the Municipal Heritage Register or *protected heritage property* must not detract from the cultural heritage value and heritage attributes of the property and may be subject to obtaining a Heritage Permit.
- k) Any proposed *additional residential unit* shall obtain a building permit from the Town prior to its construction.
- l) All applicable permits and/or approvals are required to be obtained from the Niagara Peninsula Conservation Authority or any other agencies prior to the construction of *additional residential units*.

9.13.1.3 The following policies shall apply to all lands designated for *agricultural use*:

- a) 1 *additional residential unit* is permitted on an agricultural lot where the main use includes a single-detached dwelling for a total of 2 dwelling units on one lot.
- b) An *additional residential unit* shall only be permitted in the main dwelling or in an existing detached *accessory building or structure* outside of the *Greenbelt Plan Natural Heritage System*.
- c) The floor area of the *additional residential unit* shall be less than the gross floor area of the main dwelling unit to ensure that it remains secondary and subordinate to a main use.
- d) In the instance that an *additional residential unit* is located within an existing detached *accessory building or structure*, the unit must be located within the building cluster of the property.
- e) An *additional residential unit* must be appropriately serviced.
- f) 1 parking space is required for an *additional residential unit* and must be accommodated on-site, subject to the provisions of the implementing Zoning By-law.
- g) An *additional residential unit* must comply with the *Minimum Distance Separation Formulae*.
- h) An *additional residential unit* must be *compatible* with and not hinder surrounding *agricultural uses*.
- i) The severance of an *additional residential unit* is prohibited.

9.13.1.4 Where an *additional 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 *built heritage resource* and no modification to the building's bulk, height or massing are permitted.

9.13.1.5 Where an *additional residential unit* is proposed outside the settlement area, the following additional policies apply:

- a) OSSDS and water systems have the capacity to support the use;
- b) the *additional residential unit* is only permitted within the main residential unit or in a detached *accessory building or structure* outside of the *Natural Heritage System* as defined by the Greenbelt Plan and outside of the Natural Environment System as defined by the Niagara Official Plan;
- c) the proposal is consistent with any applicable provisions of the Greenbelt Plan and the NEP;

- d) no new entrances are required from the road; and
  - e) comply with the *Minimum Distance Separation Formulae*.
- 9.13.1.6 Where *additional residential units* are established in *accessory buildings and structures*, they will not be subdivided or separated from the main residential dwelling on the property.
- 9.13.1.7 *Additional residential units* will not be utilized for vacation rentals or short-term apartment rentals.
- 9.13.1.8 The Town may consider a licensing program for *additional residential units* to monitor and track the number and location of *additional residential units*, and to ensure compliance with applicable municipal regulations.
- 9.13.1.9 Site plan approval may be required for *additional 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.
- 9.13.1.10 The zoning by-law will establish specific performance standards for *additional residential units*, consistent with the provisions of this section.
- 9.13.1.11 For greater certainty, the two *additional residential units* that are permitted on a *lot* in a *prime agricultural area* in accordance with the PPS are in addition to farm worker housing permitted as an *agricultural use*.

### **9.13.2 Short-Term Rentals**

- 9.13.2.1 Short-term Rentals (STRs) are an important part of the cultural landscape, tourism *infrastructure* and the economy of the Town. The Town has identified various types of STRs 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*.
- 9.13.2.2 STRs will be regulated through the implementing zoning by-law, site plan approval and/or licensing by-law. Any application for a zoning amendment for an STR shall be accompanied by a planning justification report and heritage impact assessment for any *built heritage resource*.
- 9.13.2.3 STRs must not negatively impact agricultural production or remove land from production. An *agricultural impact assessment* may be required to accompany a zoning application for STRs. The assessment will identify potential impacts on agriculture and acceptable, mitigating measures to address negative impacts.

9.13.2.4 The existence of STRs in or near on-site *built heritage resources* could contribute to the conservation of their heritage character and provide financial support for the ongoing maintenance of the *heritage attributes* of the property.

#### 9.13.2.5 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 settlement 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 *built 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 *built heritage resources* and supports their use as *Bed and Breakfast Establishments*, where appropriate.

#### 9.13.2.6 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 applications for *country inns* located outside of the NEP providing that the *heritage attributes* of any *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 subject to the NEP policies.

- 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 *built heritage resources* and/or *cultural heritage landscapes* 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.
- j) *Country inns* are subject to site plan control in accordance with the Town's Site Plan Control By-law.

#### 9.13.2.7 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 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*.

9.13.2.8 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.

9.13.2.9 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.

**9.13.3 Garden Suites**

9.13.3.1 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 includes 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 *built heritage resources* and *cultural heritage landscapes* located on the property or adjacent to it.
- f) Meets the regulations of the Fire Code and Ontario Building Code.
- g) A lot will not have both an *ARU* and a *garden suite*.
- h) A *garden suite* will not be permitted a consent to separate it from the main dwelling lot.

#### **9.13.4 Home Occupations and Home Industries**

- 9.13.4.1 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 *built heritage resources* and *cultural heritage landscapes*.
- 9.13.4.2 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.
- 9.13.4.3 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 with the exception of being permitted in an *accessory building* on site, 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.

### **9.13.5 Additional Needs Housing**

9.13.5.1 The following types of *additional needs housing* 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) seniors housing.

9.13.5.2 In addition to the above, homes for physically disabled adults are also permitted when the province licenses, funds, or approves an *additional needs housing* program for physically disabled adults. Halfway houses and community resources centres are permitted in this Plan but may require an amendment to the zoning by-law where deemed necessary by the Town.

### **9.13.6 Flag Lots**

9.13.6.1 While *flag lots* provide opportunities for *intensification*, they are generally incompatible with the established neighbourhood and are out of character with the surrounding community. As such, *flag lots* will not be permitted.

## **9.14 Potentially Contaminated Sites**

**9.14.1** 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, pesticides for crops on lands that were previously in agricultural production, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.

**9.14.2** Prior to considering a proposal for *redevelopment* of potentially contaminated sites, the Town and the 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.

- 9.14.3** The Town may support the clean-up of potentially contaminated sites through Community Improvement Plan initiatives.
- 9.14.4** A phase I 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.
- 9.14.5** 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.
- 9.14.6** A Phase I Environmental Site Assessment may trigger a Phase II Environmental site assessment and require the proponent to file a Record of Site Condition.
- 9.14.7** 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.
- 9.14.8** 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.
- 9.14.9** 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.
- 9.14.10** 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.

## 9.15 Lands for Easements

- 9.15.1 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.

## 9.16 Non-Conforming Uses

- 9.16.1 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) *Built heritage resources* and *cultural heritage landscapes* 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.
- 9.16.2 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.
- 9.16.3 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.
- 9.16.4 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 settlement area boundaries or involve a major *intensification* of land use.

**9.16.5** Non-conforming use applications may be pursued to permit a continued non-conforming use.

## **9.17 Public Acquisition of Land**

**9.17.1** 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 10 Interpretation

### 10.1 Boundaries

- 10.1.1 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.
- 10.1.2 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.
- 10.1.3 Settlement area boundaries and the Niagara Escarpment Planning Area boundaries are considered to be exact.
- 10.1.4 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 EIS, in consultation with the appropriate agencies. Boundaries of Regulated Areas under the NPCA are subject to approval by the NPCA.
- 10.1.5 The extent of a provincially *significant wetland* (PSW) where mapped in this Plan 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.
- 10.1.6 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.

### 10.2 Dimensions, figures and quantities

- 10.2.1 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 will not necessitate an amendment to this Plan.

## 10.3 Monitoring

- 10.3.1** The Town will monitor the policy directions in this Plan to ensure it is successfully implemented.
- 10.3.2** 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 Plan, and will, over time, allow the Town to respond to changing circumstances and continuously improve on the effectiveness of the Plan.
- 10.3.3** 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 *designated growth area development* and densities, and *intensification* targets.

## 10.4 Definitions

### 10.4.1 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.

- 10.4.2** The following definitions apply to the interpretation of the Plan. Where a term used in this Plan is not specifically defined, the definitions from the PPS and Greenbelt Plan apply, where applicable. In other respects, terms would be as defined in the Town Zoning By-law or would follow their common usage.

**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.

**Accessory Buildings and structures:** A building or structure that is clearly related to and subsidiary to the main use of the lot. The zoning by-law may contain restrictions with respect to size, location and the amount of floor area. *Accessory buildings and structures* may be used as *additional residential units* subject to satisfaction of criteria outlined in the specific residential designations of properties.

**Additional Residential Units (ARUs):** Separate and self-contained dwelling units with a separate access, kitchen, bathroom facilities and sleeping areas that are secondary to a primary dwelling on the same lot. *Additional residential units* can be located within or attached to a principal dwelling or within an *accessory building or structure* that is detached from the principal dwelling.

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

**Adjacent lands:** Means:

- a) for the purposes of Section 8.1, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives;
- b) for the purposes of Section 7, those lands contiguous to a specific *key natural heritage feature, natural heritage feature and area and/or key hydrologic feature* where it is likely that development or *site alteration* would have a negative impact on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) for the purposes of Section 7.8, those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and,
- d) for the purposes of policy Section 6.4, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**Adjacent (for *built heritage resources* and *cultural heritage landscapes*):** 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 *built 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 Town.

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

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

**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, restored or enhanced; 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 will be maintained, restored or enhanced.

**Agricultural Impact Assessment:** 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:** A system comprised of a group of inter-connected elements that collectively create a viable, thriving agri-food sector. It has two components:

- a) an agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*. It may also include rural lands that help create a continuous, productive land base for agriculture; and
- b) an *agri-food network*, which includes agricultural operations, *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.

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

**Alter:** 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 *archaeological site* and, to the extent required, the cultural heritage value or interest of the site and applicable mitigation measures. There are four levels of *archaeological 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:** 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:** Any areas with the likelihood to contain *archaeological resources*, as evaluated using the processes and criteria that are established under the Ontario Heritage Act.

**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. The identification of both provincial and regional *Life Science ANSIs* and *Earth Science ANSIs* is determined by the Province using criteria established by the Province.

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

**Bed and Breakfast Establishment:** A single-detached dwelling with no more than three (3) guest *bedrooms* for overnight guest lodging, where only breakfast may be included, for the temporary accommodation of the traveling or vacationing public and includes the living accommodation of the residents of the dwelling. Such establishment shall be licensed by the Town of Niagara-on-the-Lake and shall not include a restaurant, hotel, motel, boarding or rooming house, nursing home, or any home licensed, approved or supervised under any general or special Act. The principal use of the dwelling unit shall be for residential purposes and the *bed and breakfast establishment* shall be an ancillary use to the main residential use. Guest *bedrooms* shall not be suites.

**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.

**Bonafide Farmer:** A person who has a current farm operation with a valid Farm Business Registration Number issued by the province and demonstrates a commitment to the farm operation.

**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.

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

**Built-Up Area:** The limits of developed urban areas as defined by the and the Town for the purpose of measuring the minimum *intensification* target.

**Built Heritage Resource:** 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 a First Nations or Indigenous community.

**Business Area:** Lands that are intended to provide opportunities for a broad range of employment-generating uses in the Town.

**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.

**Compatibility/Compatible:** *Development* or *redevelopment* which may not be the same or similar to existing *development* in the vicinity but rather *development* or *redevelopment* can co-exist without causing any undue adverse impact and enhances the surrounding community by providing choice and diversity in built form.

**Complete Communities:** Places such as mixed use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

**Conserved:** The identification, protection, management and use of *built heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, *archaeological assessment*, and/or heritage impact assessment that has been

approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative *development* approaches can be included in these plans and assessments.

**Conversion:** Alteration or change of use of any existing building or structure to some other use.

**Cottage Rental:** The commercial use of a single detached dwelling unit with up to three (3) guest *bedrooms* that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one (1) household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a *cottage rental* can be used as a single detached dwelling. A *cottage rental* use is not a *villa*.

**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.

**Cultural and Regenerating Woodland:** *Woodlands* where the *ecological functions* of the site are substantially compromised as a result of prior land use activity and would be difficult to restore and/or manage as a native *woodland* and which provide limited *ecological function* and ecosystem services.

**Cultural Heritage Landscape:** 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 a First Nations or Indigenous 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.

**Density, Net:** The total number of residents and jobs per hectare of land intended for *development* excluding public and private roads, lands dedicated or acquired by the municipality for parkland purposes, and excluding any undevelopable lands identified in this Plan and the following features in the *Natural Heritage System*:

- a) *key natural heritage features*;
- b) *key hydrologic features*;
- c) any related *vegetation protection zone*;
- d) *Floodplain areas*.

**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:

- e) activities that create or maintain *infrastructure* authorized under an environmental assessment process or identified in provincial standards;
- f) works subject to the Drainage Act;
- g) for the purposes of policy 4.1.4 of PPS, 2024, underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 4.1.5.a) of PPS, 2024;
- h) works subject to the Niagara on the Lake Act; or
- i) normal farm practices.

**Earth Science Areas of Natural and Scientific Interest (ANSIs):** An area that represent the best examples of geologic and geomorphic landforms and areas (e.g., a moraine) in each Ecodistrict in the province (provincially significant) and the Region (regionally significant). They may encompass a single feature or a group of related features (e.g., a drumlin field). As geologic / geomorphic landforms, the overlying land use may include a composite of natural and anthropogenic uses (e.g., *woodland*, agricultural, rural residential, etc.). *Earth Science ANSIs* include areas identified as provincially significant and regionally significant by using evaluation procedures established by the Province, as amended from time to time.

**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 functions* are to be identified and assessed through the completion of an environmental impact study, hydrologic evaluation, or subwatershed study.

**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:** Areas designated in an official plan for clusters of business and economic activities including manufacturing, research and *development* in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An *employment area* also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary *employment use* listed above.

**Enhancement Areas:** Ecologically supporting areas adjacent to *natural heritage features and areas, key natural heritage features, key hydrologic features*. *Enhancement areas* can also be measures internal to features that increase the ecological resilience and function of individual features or groups of natural features and areas.

**Endangered Species:** A species that is classified as an *endangered species* on the Species at Risk in Ontario List as 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 occupies 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 or 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, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which 'fish' depend directly or indirectly in order to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

**Flag Lot:** An interior lot that would be located within a block of land surrounded by other lots and which is accessed by a narrow frontage from a public street. The only orientation of the lot to the street is from the access driveway; buildings and structures tend to be located to the rear of the property, behind and surrounded by other existing lots.

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

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

- a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the *flooding hazard* limit is based on the one hundred year flood level plus an allowance for wave effects and other water-related hazards;
- b) along river, stream and small inland lake systems, the *flooding hazard* limit is the greater of:
  - 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  - 2. the one hundred year flood; and
  - 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

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

**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:** 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.

**Greenbelt Plan Natural Heritage System:** The *natural heritage system* mapped and issued by the Province in accordance with the Greenbelt Plan.

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

**Habitat of Endangered Species and Threatened Species:** Habitat within the meaning of section 2 of the Endangered Species Act, 2007.

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

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

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

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

**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, *active transportation* systems, oil and gas pipelines and associated facilities.

**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*.

**Intermittent Streams:** 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. Criteria for the identification of an *intermittent stream* should follow protocols established by the Province, such as the Ontario Stream Assessment Protocol.

**Key Hydrologic Features:** *Permanent streams*, *intermittent streams*, seepage areas and springs, and *wetlands*.

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

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

**Life Science Areas of Natural and Scientific Interest (ANSIs):** *An area identified as being high quality example(s) of ecological form and function in each Ecodistrict in the province (provincially significant) and the Region (regionally significant) and are generally defined by natural heritage features (e.g., a woodland, valley top of bank, etc.) and generally exclude anthropogenic land uses (e.g., residential areas / properties). Life Science ANSIs include areas identified as provincially significant and regionally significant by the Province using evaluation procedures established by the Province, as amended from time to time.*

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

**Locally Grown Fruit or Local Fruit:** *Fruit grown in Ontario.*

**Low Impact Development:** *An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration and detention of stormwater. *Low impact development* can include: 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:** *An archaeological 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 and anaerobic digesters.*

**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.

**Natural Environment System:** An ecologically integrated system made up of the Provincial *natural heritage systems, natural heritage features and areas, other wetlands, key natural heritage features, key hydrologic features, key hydrologic areas, shoreline areas, hydrologic functions, supporting features and areas, hazardous lands, and linkages* intended to provide connectivity and support natural processes which are necessary to maintain biological and hydrological diversity, ecological functions, ecosystem services, viable populations of indigenous species, and ecosystems.

**Natural Heritage Features and Areas:** Features and areas, including *significant wetlands, significant coastal wetlands, other coastal wetlands* 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 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.

**Natural Self-Sustaining Vegetation:** Vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending but does not include invasive species.

**Niagara-on-the-Lake Agricultural Infrastructure System:** Means agricultural drainage *infrastructure* permitted under the Drainage Act or irrigation *infrastructure* permitted under the Niagara on the Lake Act or a combination thereof as defined in Appendix 1.

**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 and electricity generation facilities and transmission systems, and energy storage systems.

**Other Woodlands:** *Woodlands* determined to be ecologically important in terms of features, functions, representation, or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*.

**Permanent Streams:** Watercourses that contain water during all times of the year. Criteria for the identification of a *permanent stream* should follow protocols established by the Province, such as the Ontario Stream Assessment Protocol.

**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 a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

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

**Protected Heritage Property:** Property designated under Parts IV or VI of the Ontario Heritage Act; property included in an area designated as a heritage conservation district under Part V 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 a provincial ministry or prescribed public bodies as a property having cultural heritage value or interest under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal heritage 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*.

**Residence Surplus to a Farm Operation (Surplus Farm Dwelling):** 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).

**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 *additional residential 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.

**Sensitive:** In regard to *surface water features* and ground water features, means features that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

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

**Shoreline Areas:** The interface between terrestrial and aquatic environments, allowing for interactions between them, providing: specialized habitats (e.g., natural beach, overhanging cover, bird stopover or nesting, etc.), natural cover, areas of shoreline erosion or accretion, nutrient and sediment filtration / buffering, shading, foraging opportunities.

**Significant:**

- a) In regard to *wetlands*, coastal *wetlands* and *areas of natural and scientific interest*, an area identified as provincially *significant* using evaluation criteria and 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 and procedures established by the Province.
- c) In regard to other features and areas, 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 *valleyland*, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*. These are to be identified using criteria established by the Province;
- e) In regard to mineral potential, an area identified as provincially *significant* through provincial guidance, such as the Provincially Significant Mineral Potential Index;
- f) In regard to *wildlife habitat*, ecologically important in terms of features, functions, representation, or amount, and contributing to the quality and diversity of an identifiable geographic area or Natural Environment System;
- g) In regard to cultural heritage and archaeology, resources that have been determined to have *cultural heritage* value or interest. Processes and criteria for determining *cultural heritage* value or interest are established by the Province under the authority of the Ontario Heritage Act.

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 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*.

**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 but does not include normal agricultural operations.

**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.

**Specialty Crop Lands:** are:

- a) lands that have the ability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) lands that are farmed by farmers skilled in the production of specialty crops; and
- c) lands where there has been 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.

**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.

**Supporting Features and Areas:** Lands that have been restored or have the potential of being restored. *Supporting features and areas* include grasslands, meadows, and thickets (defined in accordance with Ecological Land Classification for Southern Ontario); *other valleylands*; and *other wildlife habitat*; and *enhancement areas* where they are determined to contribute to the biodiversity and ecological function of the *natural environment system*.

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

**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:** A species that is classified as “*Threatened Species*” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Total Developable Area:** The total area of the property less the area occupied by *key natural heritage features, key hydrologic features* and any related *vegetation protection zone*.

**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, transit hub, 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.

**Vacation Apartment:** An apartment dwelling or a residential unit above a business on a commercially zoned property that is rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days) a *vacation apartment* can be used as an apartment dwelling or as a residential unit. A *vacation apartment* is not a *villa* or a *cottage rental*.

**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:** Means the commercial use of a single detached dwelling unit with four (4) or more *bedrooms*, that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a *villa* can be used as a single detached dwelling. A *villa* is not a *cottage rental*. *Villas* located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms.

**Vulnerable:** Means surface and/or ground water that can be easily changed or impacted.

**Water Conservation Plan:** A plan that incorporates best practice measures 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.

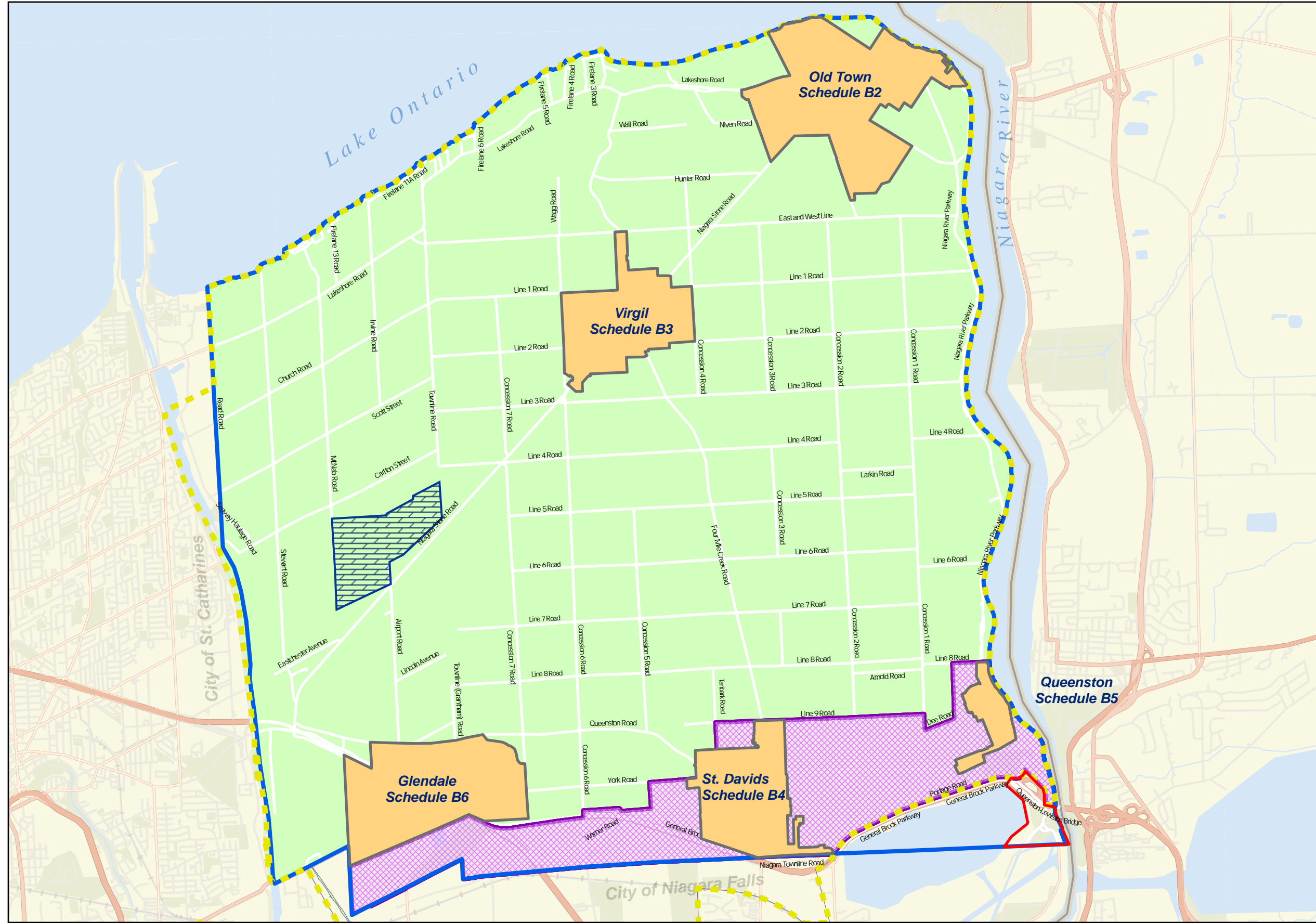
Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be *wetlands* for the purposes of this definition.

**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." For the purposes of this definition, forests include terrestrial vegetation communities as defined in accordance with the Ecological Land Classification (ELC) system, where the tree cover is greater than 60 per cent. Guidance for delineating the boundary of a *woodland* as defined by the Town should follow those of Appendix B in the Greenbelt Plan 2005 – Technical Definitions and

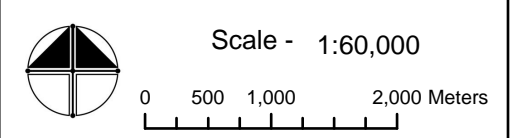
Criteria for *Key Natural Heritage Features* in the *Natural Heritage System* of the Protected Countryside (MNRF, 2012).

**Working Landscape:** 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.



LEGEND:

















-  Municipal Boundary
-  Greenbelt Boundary
-  Greenbelt Plan Protected Countryside
-  Niagara Escarpment Plan Area
-  Niagara District Airport Lands
-  Settlement Area
-  Ontario Power Generation Lands

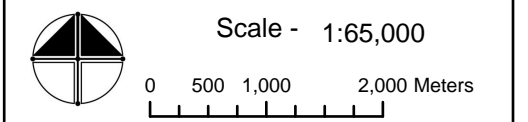


NOTES:  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

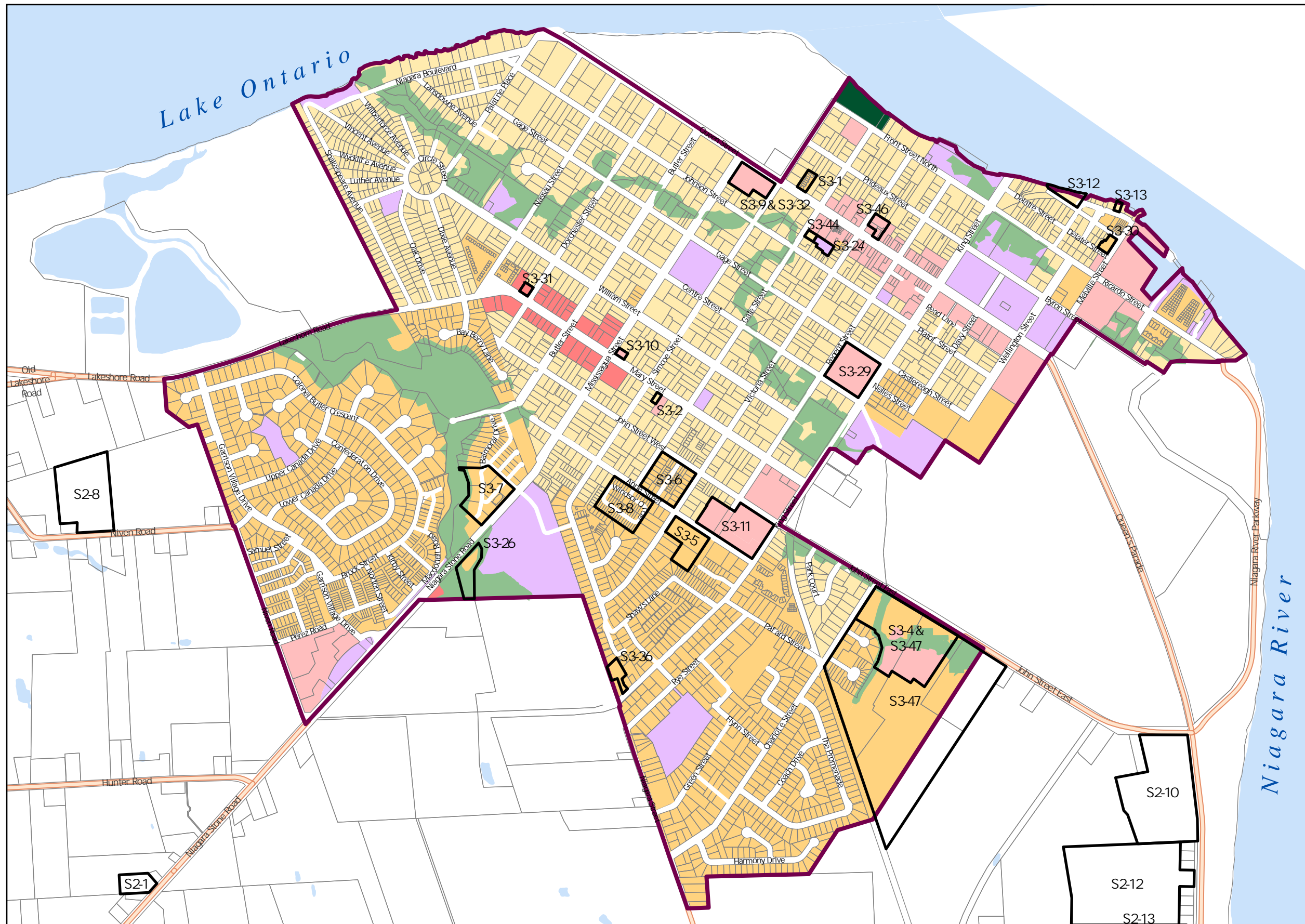


**LEGEND:**










-  Municipal Boundary
-  Settlement Area (see Schedules B2-B6)
-  Niagara Escarpment Plan Area
  -  Escarpment Natural Area
  -  Escarpment Protection Area
  -  Escarpment Rural Area
  -  Escarpment Recreation Area
-  Greenbelt Plan
  -  Specialty Crop Lands
  -  Niagara District Airport Lands
  -  Airport Area of Influence
  -  Major Open Space
  -  Licensed Aggregate Operations
  -  Site Specific Policies
-  Ontario Power Generation Lands
  -  Former Landfill Site
  -  Petroleum Well Abandoned
  -  Petroleum Well Suspended



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**

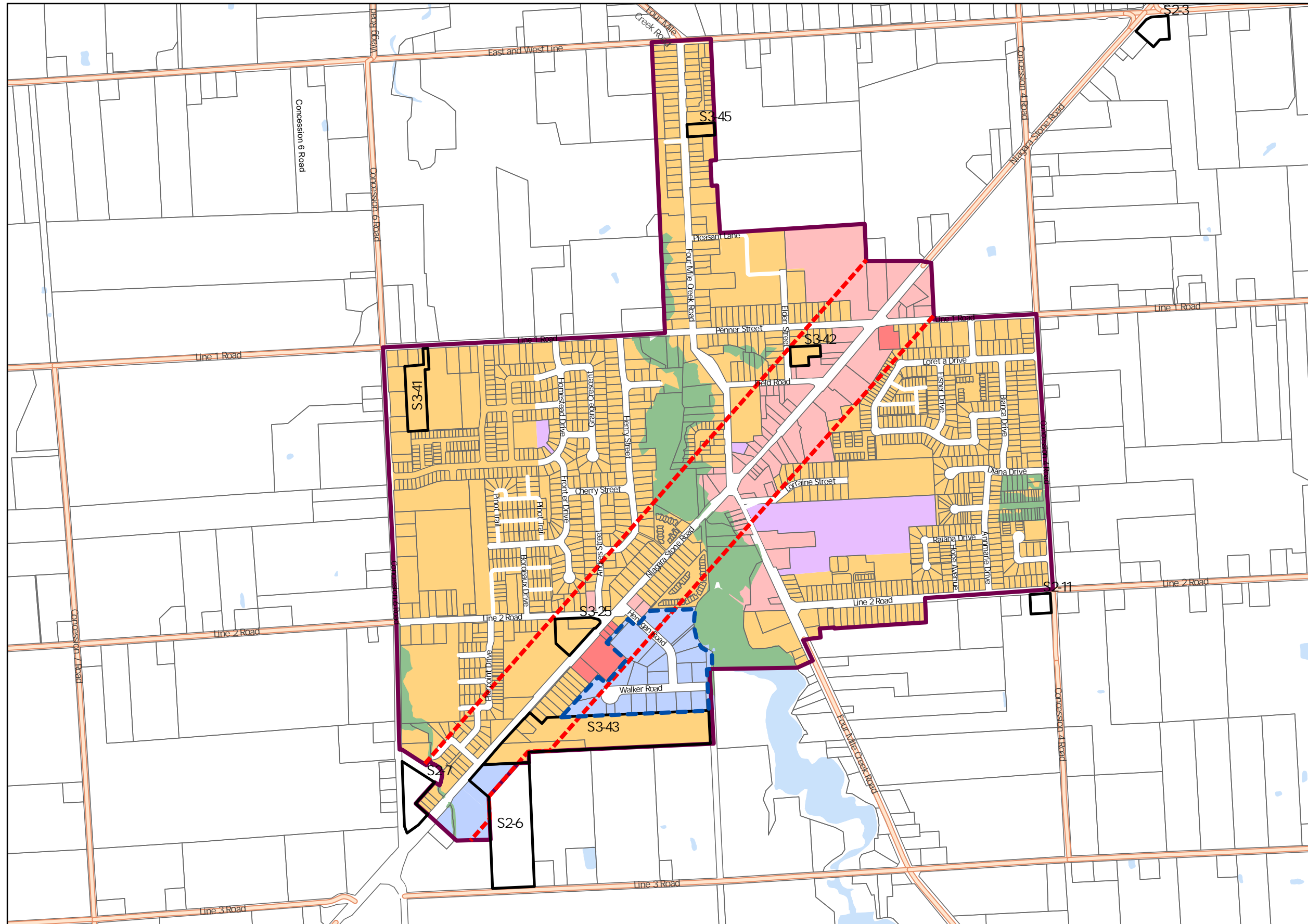
-  Setlement Area Boundary
-  Residential
-  Established Residential
-  Mixed Use
-  Commercial
-  Community Facilities
-  Major Open Space
-  Conservation
-  Site Specific Policies



Scale - 1:12,500

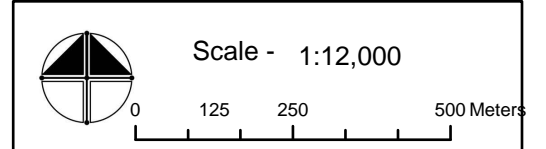


**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

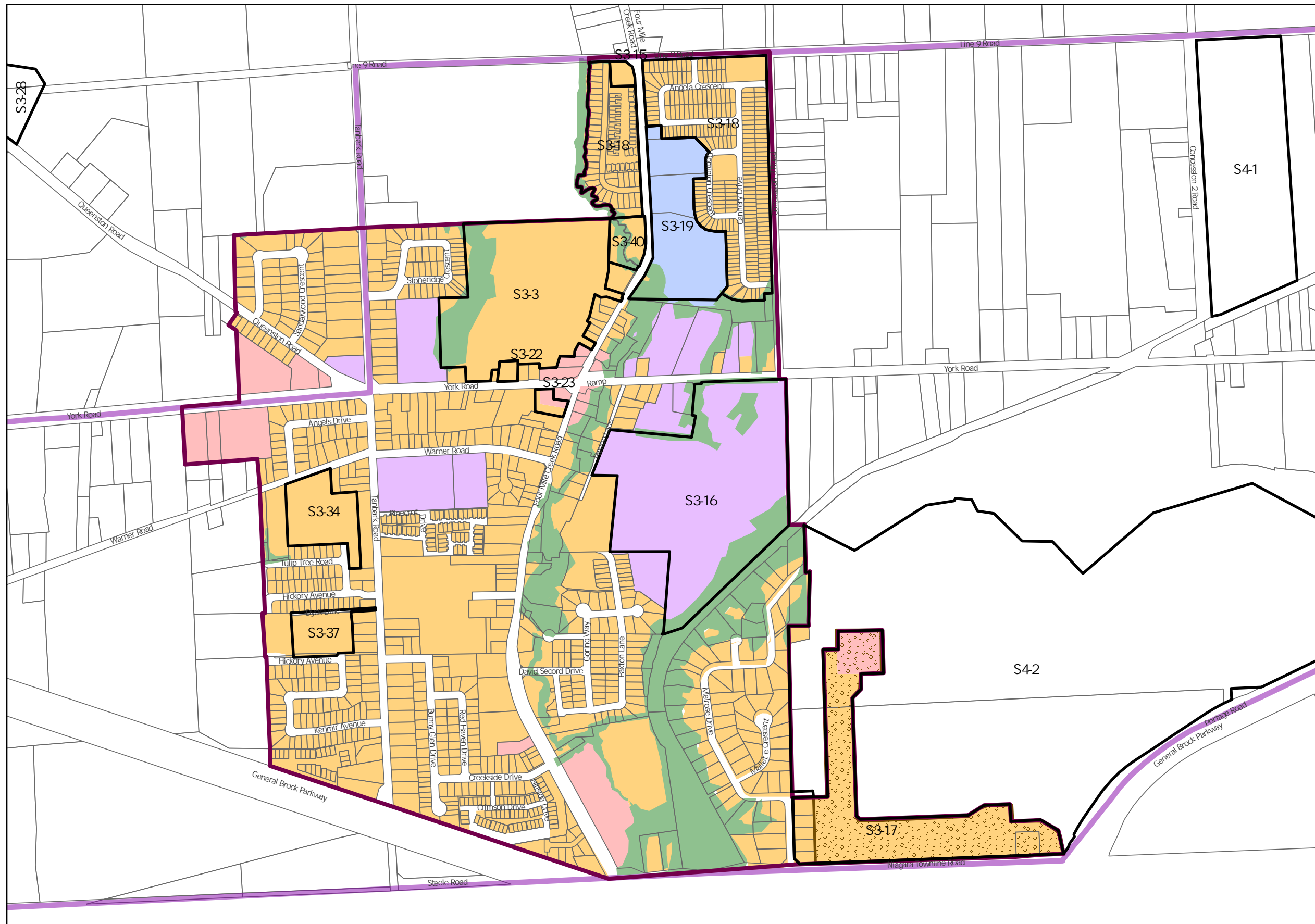


**LEGEND:**

- Settlement Area Boundary
- Residential
- Mixed Use
- Commercial
- Employment
- Community Facilities
- Conservation
- Site Specific Policies
- Niagara Stone Road Corridor
- Employment Area



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



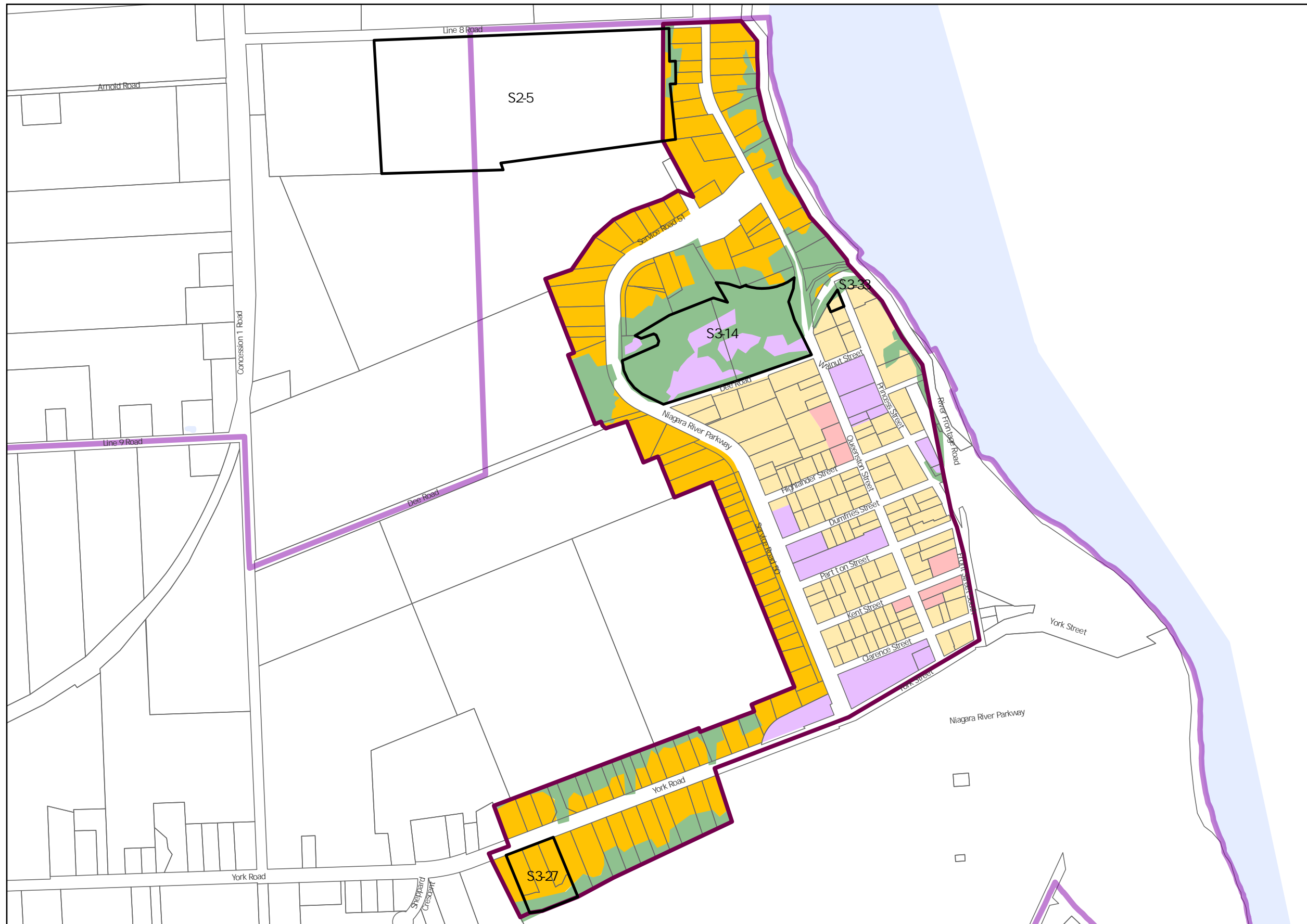
**LEGEND:**

- Settlement Area Boundary
- Residential
- Mixed Use
- Commercial
- Employment
- Community Facilities
- Conservation
- Aggregate Resources
- Site Specific Policies
- Niagara Escarpment Plan Area



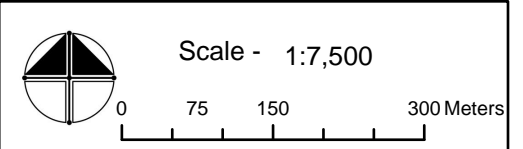
Scale - 1:10,000  
 0 50 100 200 300 Meters

**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

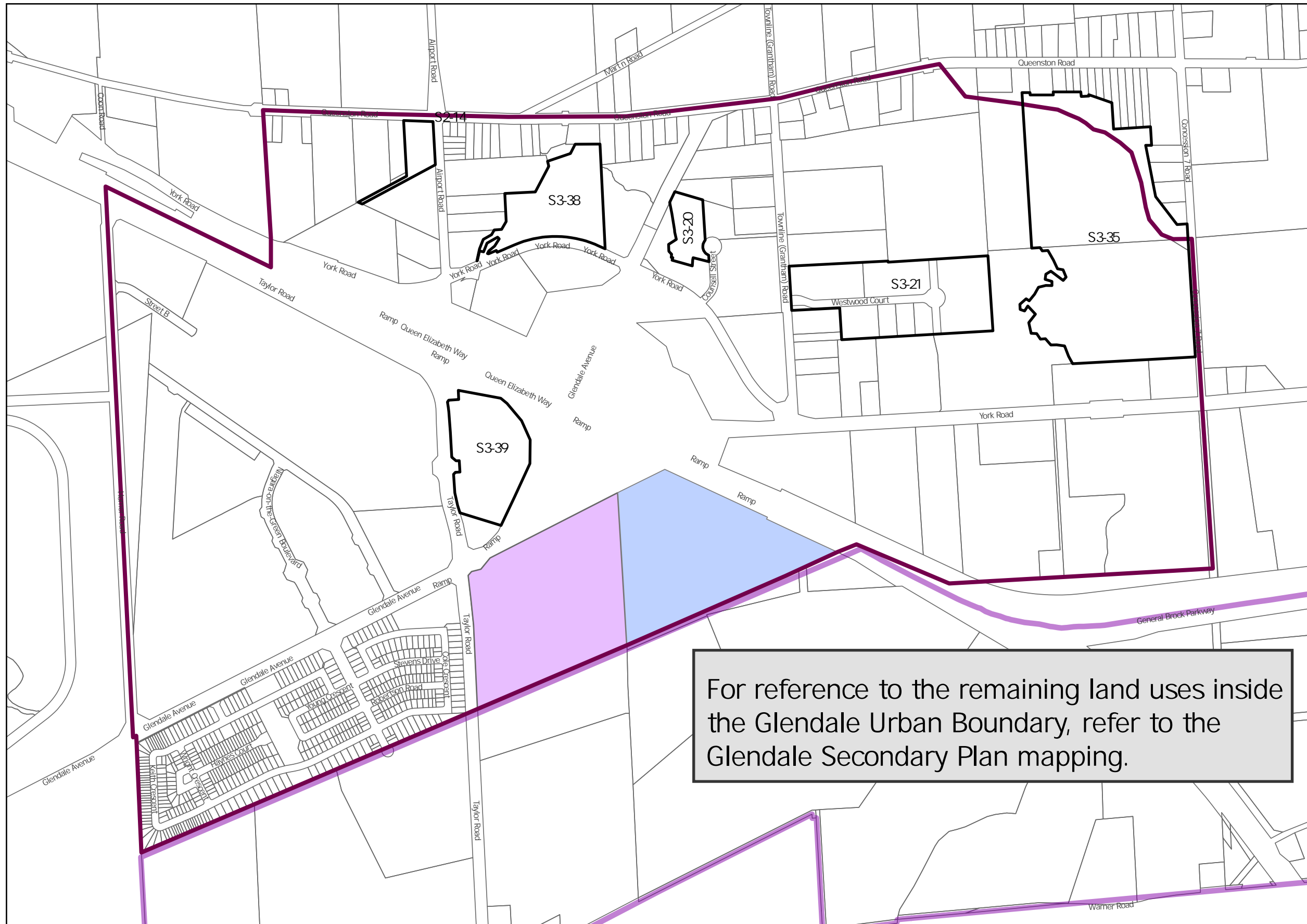


**LEGEND:**

-  Setlement Area Boundary
-  Residential
-  Established Residential
-  Commercial
-  Employment
-  Community Facilities
-  Conservation
-  Aggregate Resources
-  Site Specific Policies
-  Niagara Escarpment Plan Area



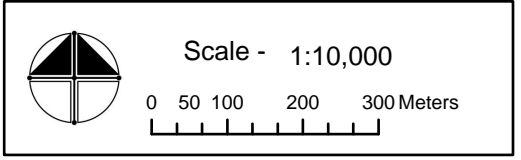
**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



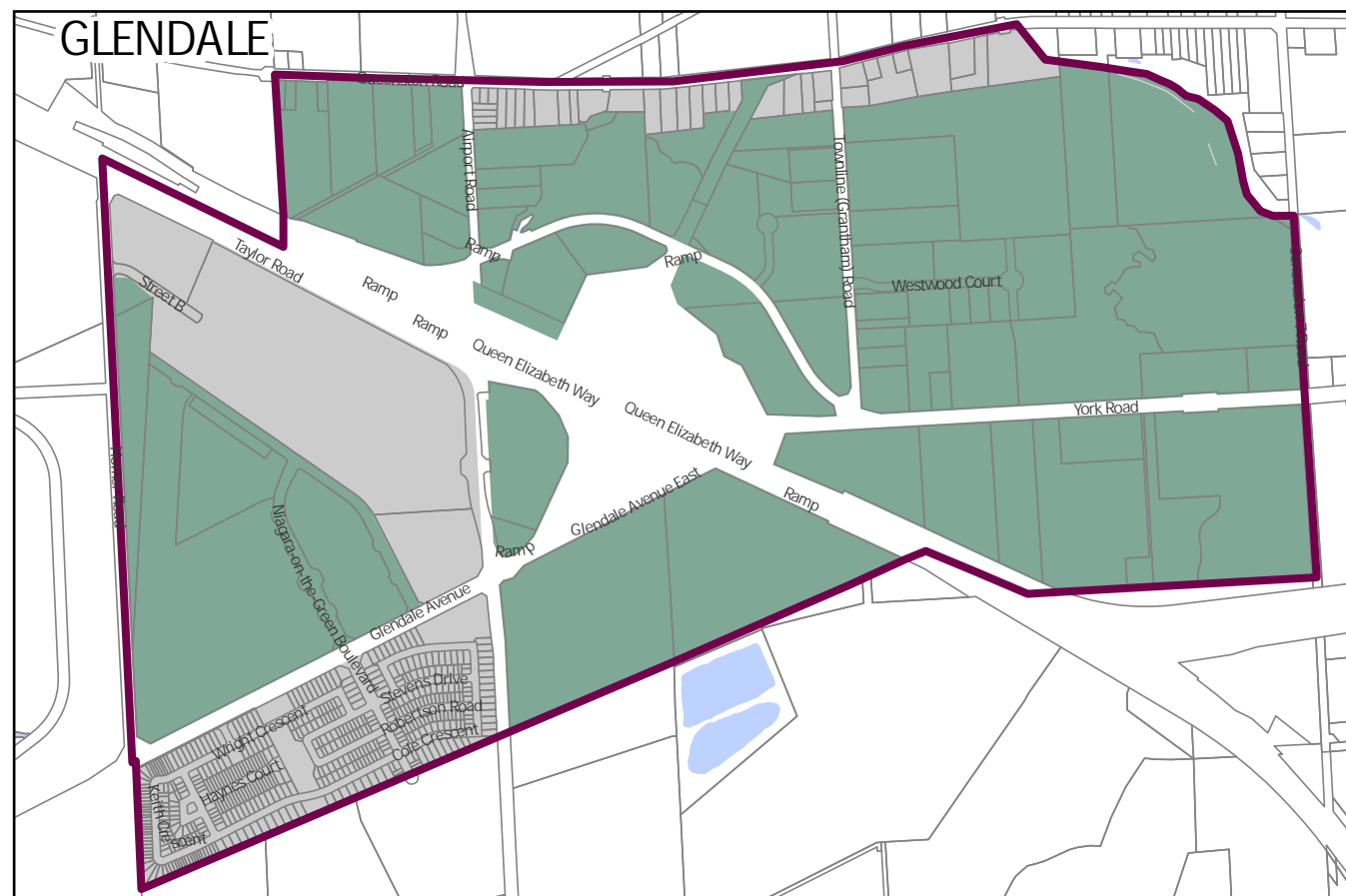
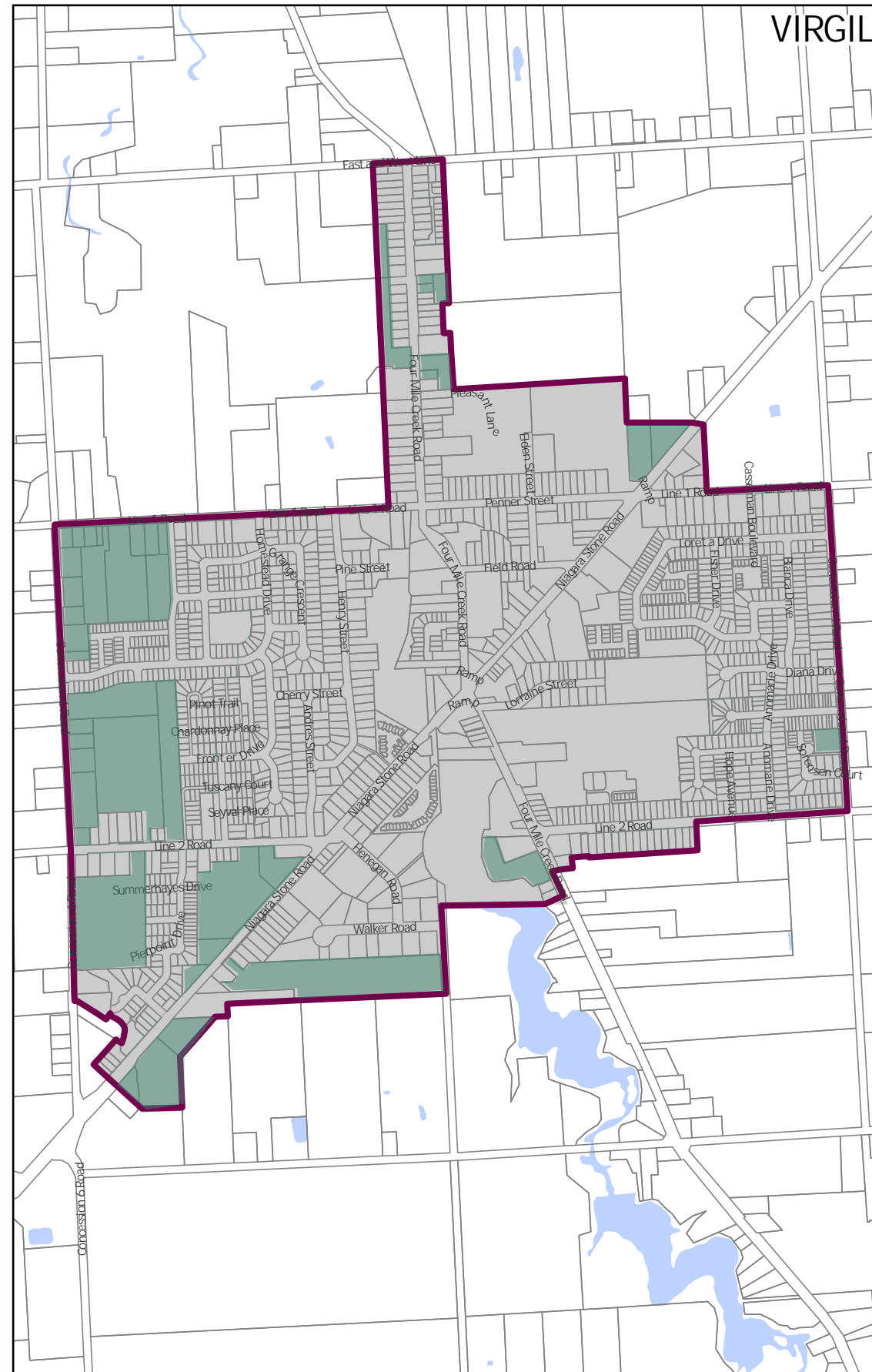
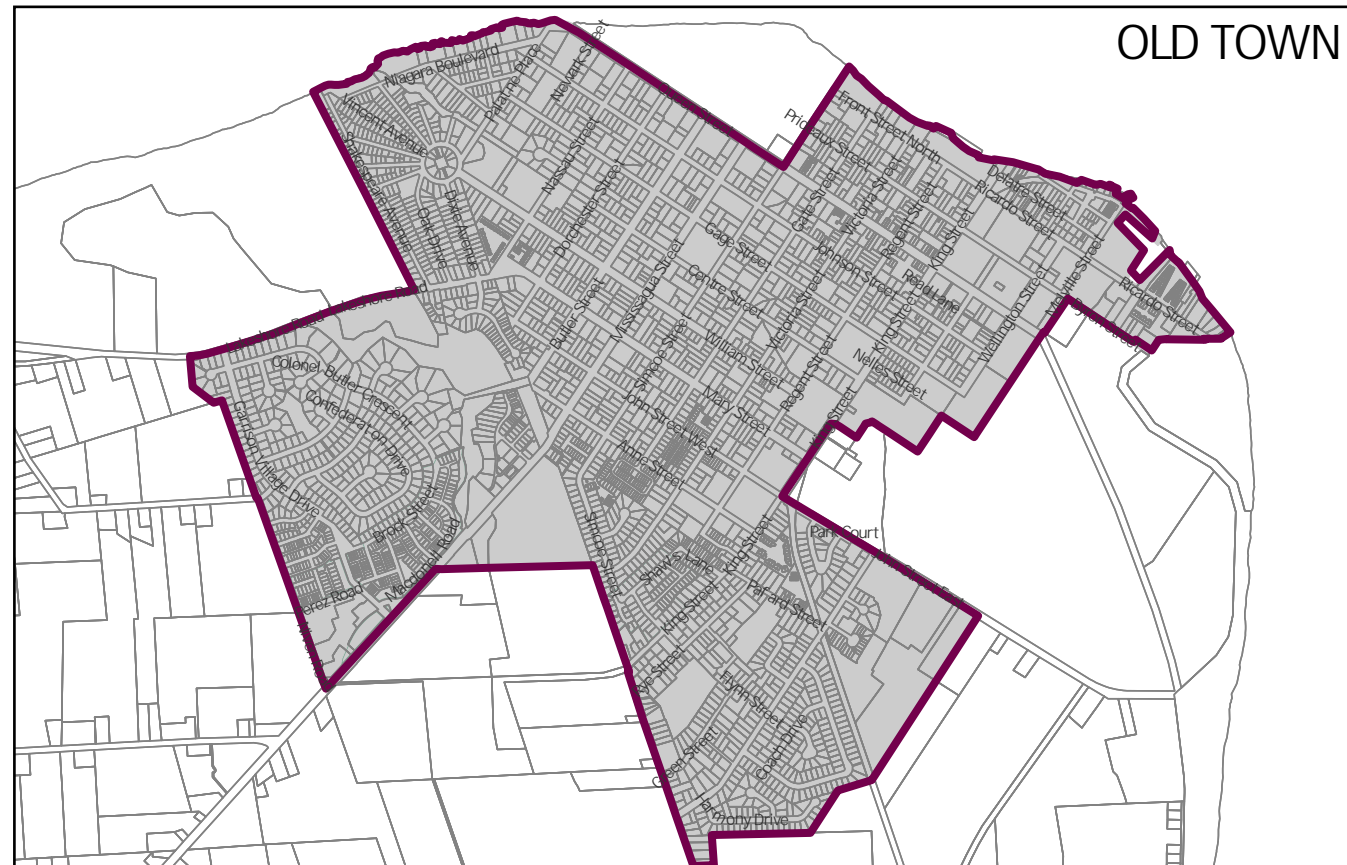
**LEGEND:**

-  Setlement Area Boundary
-  Employment
-  Community Facilities
-  Niagara Escarpment Plan Area
-  Site Specific Policies




For reference to the remaining land uses inside the Glendale Urban Boundary, refer to the Glendale Secondary Plan mapping.



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**





-  Existing Settlement Area
-  Greenfield Areas
-  Built Up Areas





**NOTES:**  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**

-  Municipal Boundary
-  Setlement Areas (see Schedules B2-B6)
-  Niagara District Airport Lands
-  Niagara Escarpment Plan Area

Provincial Natural Heritage System

-  Greenbelt Act
-  Niagara Escarpment Planning & Development Act










Scale - 1:60,000

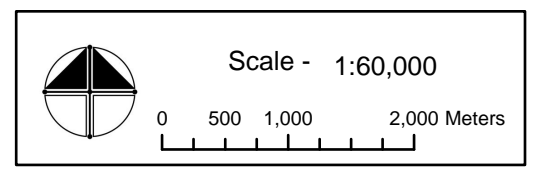


**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

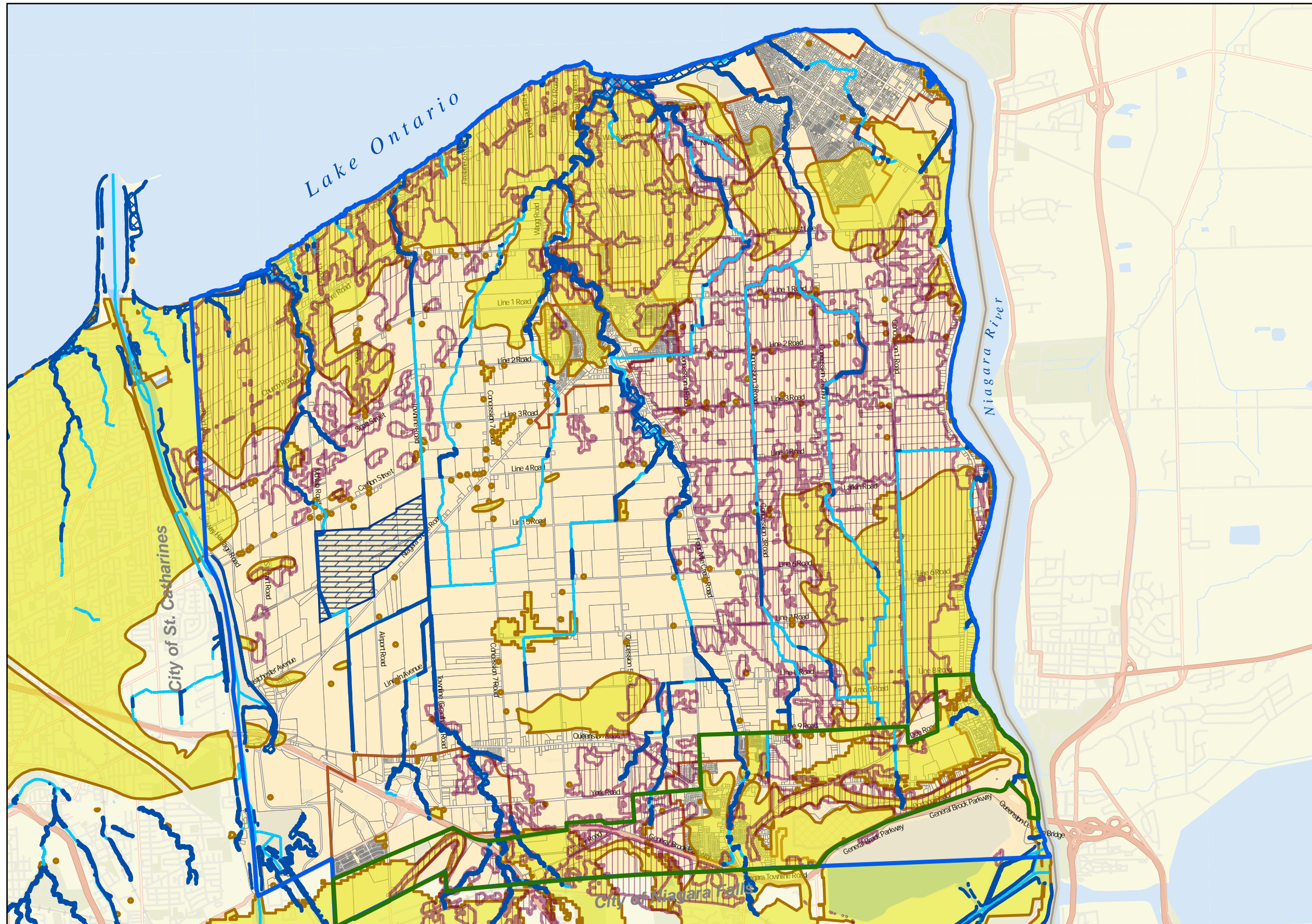


**LEGEND:**

-  Municipal Boundary
-  Settlement Area
-  Inland Lakes
-  Permanent & Intermittent Streams
-  Regulation Wetlands
-  Other Wetlands and NPS Wetlands
-  Significant Woodland
-  Other Woodlands
-  Escarpment Plan Boundary
-  Linkages
-  Parcels
-  Lakes & Rivers
-  Niagara District Airport Lands
-  ANSI

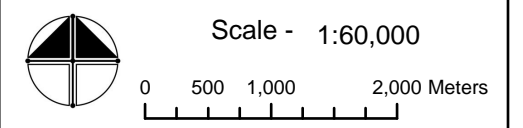


**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**








-  Municipal Boundary
-  NES Shoreline Areas
-  Permanent & Intermittent Streams
-  Significant Ground Water Recharge Area
-  Highly Vulnerable Aquifer
-  Escarpment Plan Boundary
-  Niagara District Airport Lands
-  Settlement Area
-  Parcels
-  Lakes & Rivers

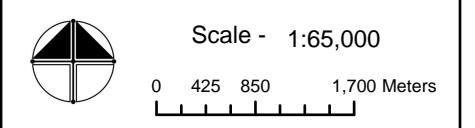


**NOTES:**  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

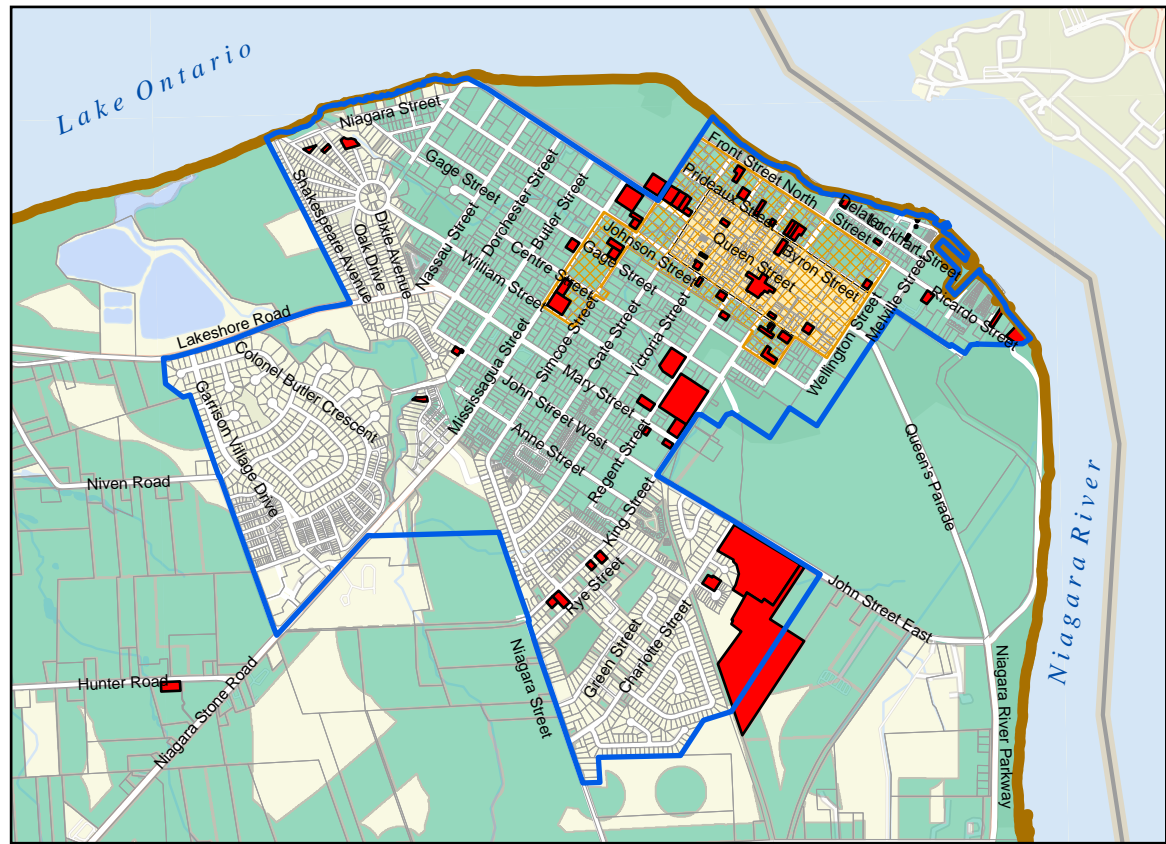


**LEGEND:**

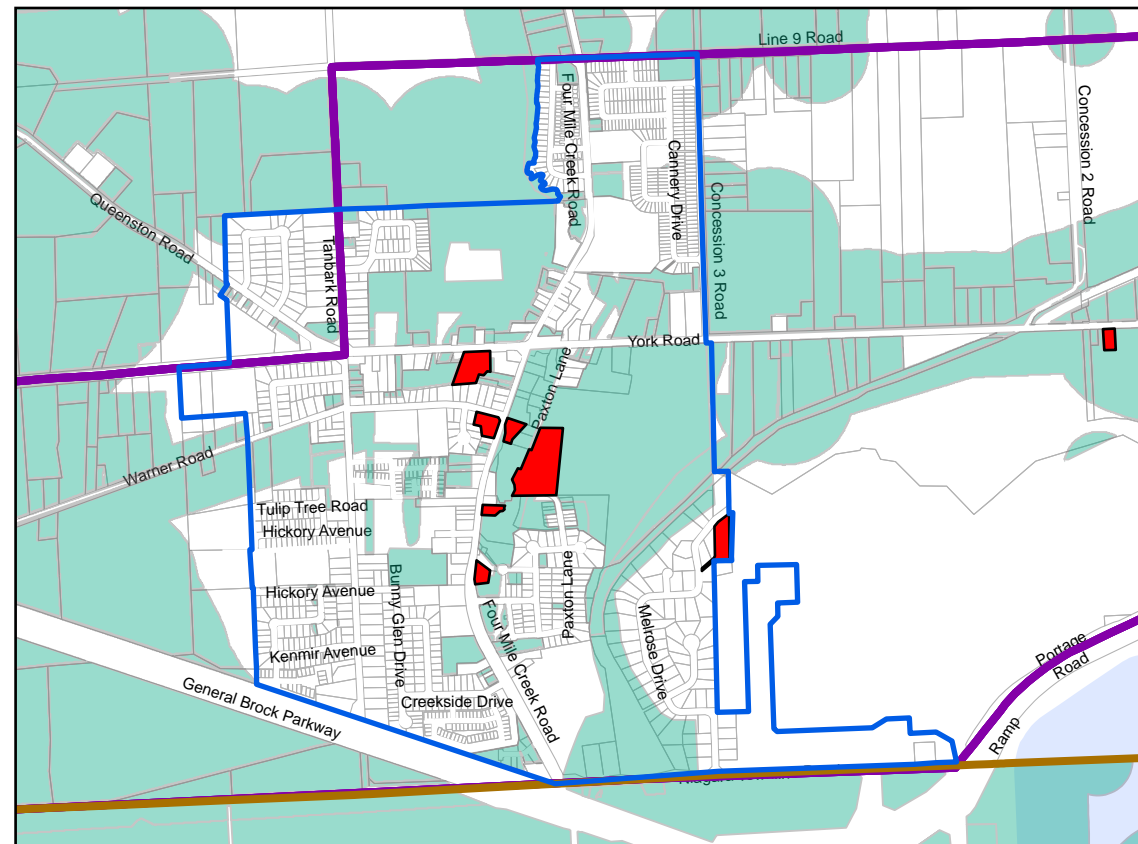
-  Municipal Boundary
-  Settlement Area Boundaries
-  Queen-Picton Heritage Conservation District
-  National Heritage District
-  Heritage Act - Part IV Designated Properties
-  Areas of Archaeological Potential
-  Niagara Escarpment Plan Area



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

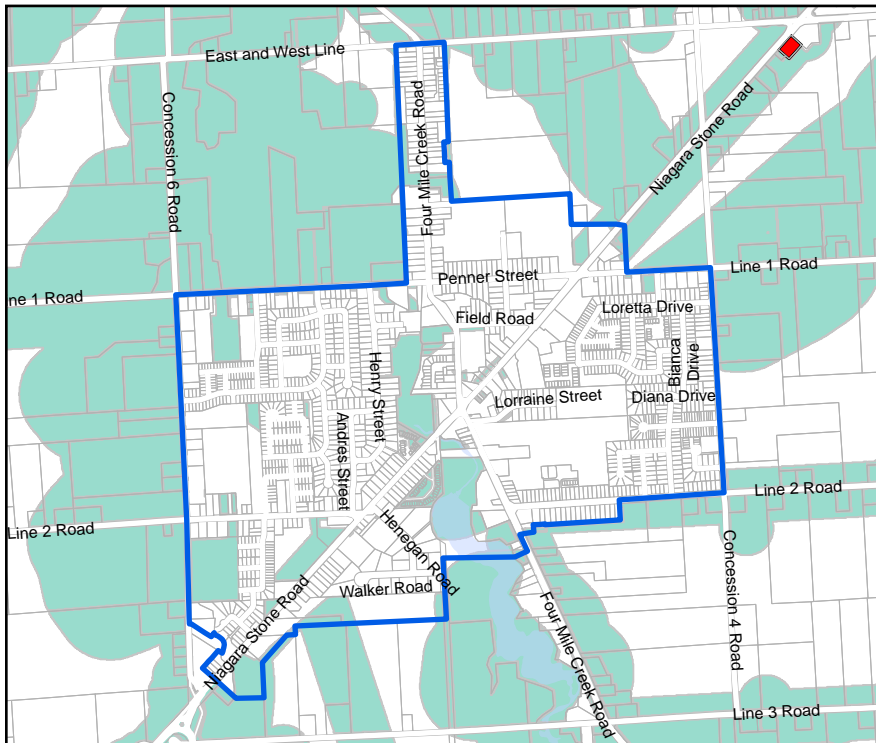


**OLD TOWN**

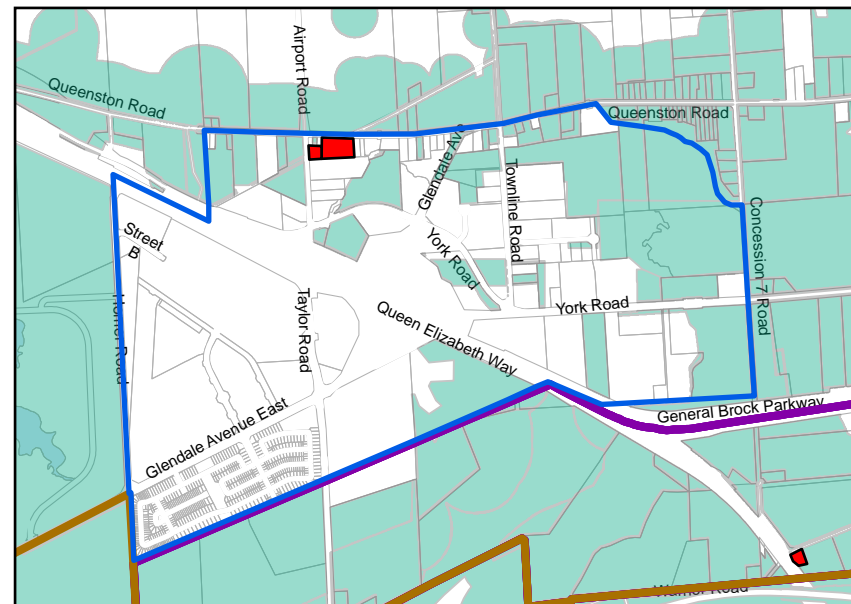


**ST. DAVIDS**

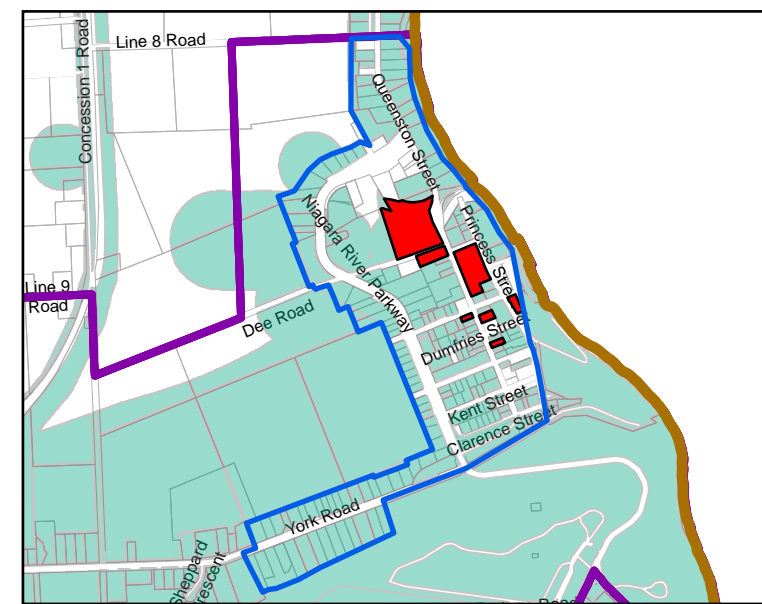
**VIRGIL**










**GLENDALE**



**QUEENSTON**

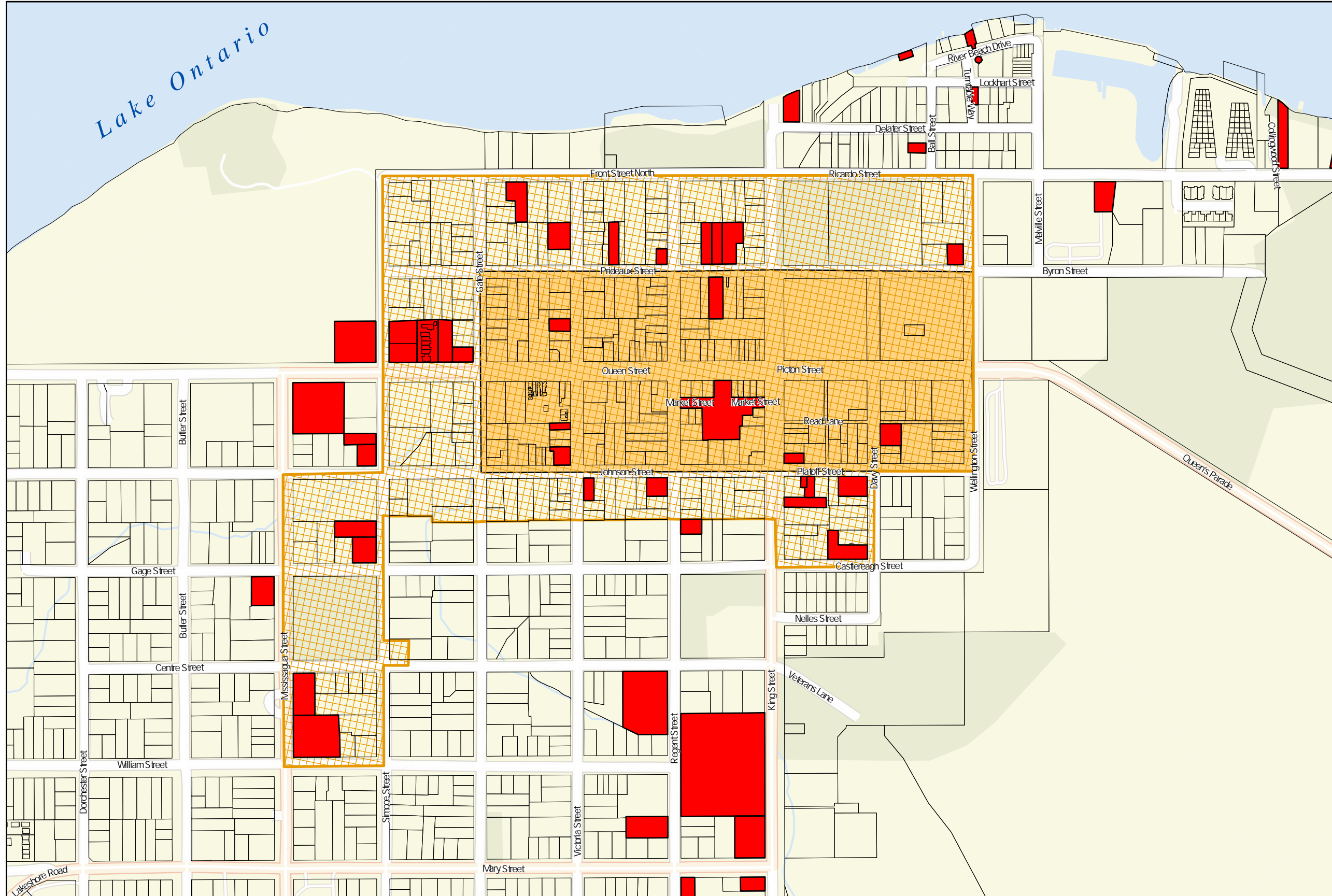


**LEGEND:**

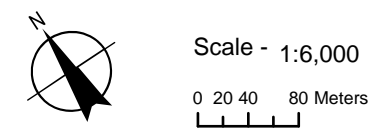
-  Municipal Boundary
-  Settlement Area Boundaries
-  Queen-Picton Heritage Conservation District
-  National Heritage District
-  Heritage Act - Part IV Designated Properties
-  Areas of Archaeological Potential
-  Niagara Escarpment Plan Area



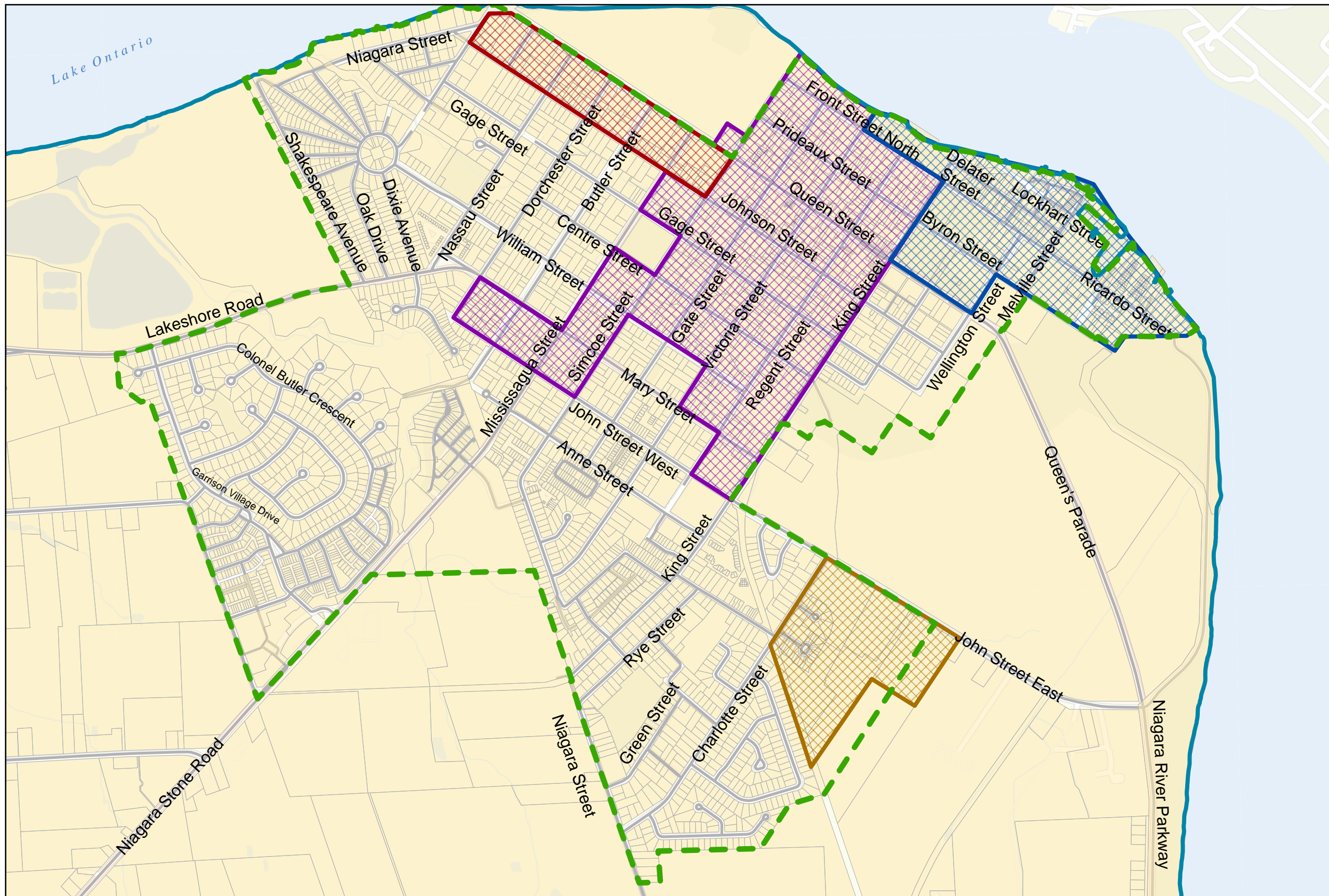
**NOTES:**  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.





- Queen Picton Heritage Conservation District (OHA Part V)
- National Heritage District
- OHA Part IV Designated Properties



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**

-  Municipal Boundary
-  Settlement Area Boundary
-  Former Rand Estate and John Street East Summer Homes Character Area
-  Queen Street Summer Homes Character Area
-  Downtown Character Area
-  Old Dock Character Area

Note: as per Section 6.3 of the Official Plan

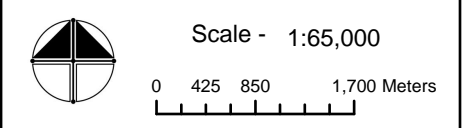


**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**

-  Municipal Boundary
-  Settlement Area Boundaries
-  Provincial Highway & Strategic Goods Movement Network
-  Regional Road - Arterial
-  Regional Road & Strategic Goods Movement Network
-  Municipal Road - Collector
-  Municipal Road - Arterial
-  Municipal Road - Local
-  Niagara River Parkway



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

**ROAD RIGHT-OF-WAY WIDTHS MUNICIPAL ROADS SECTION**

Street/Road	From	To	Designated Road Right-of-way Width
Addison Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft)
Arnold Road	Concession 1 Road	Concession 2 Road	20.12 m (66 ft)
Ball Street	Ricardo Street	Lake Ontario	20.12 m (66 ft)
Campbell Street	Charlotte Street	Green Street	9.14 m (30 ft)
Carlton Street Extension	Carlton St. (Reg Rd 83)	Read Road	20.12 m (66 ft)
Charlotte Street	John Street East	bend n.e. of Niagara Street	19.5 m (64 ft)
Church Road	Read Road	Townline (Grantham) Road	20.12 m (66 ft)
Circle Street	entire roadway		18.29 m (60 ft)
Clarence Street	Niagara River Parkway	Front Street South	18.29 m (60 ft)
Concession 2 Road	East and West Line	York Rd. (Reg Rd 81)	26.21 m (86 ft)
Concession 3 Road <sup>5</sup>	York Road	Line 3 Road	26.21 m (86 ft)
Concession 4 Road	Niagara Stone Road (Reg Rd 55)	Line 3 Road	26.21 m (86 ft)
Concession 4 Road	Line 3 Road	Niagara Stone Road	26.21 m (86 ft)
Concession 6 Road	Niagara Falls/NOTL municipal boundary	East and West Line	26.21 m (86 ft)
Cross Street	Stewart Rd. (Reg Rd 86)	Eastern terminus	18.29 m (60 ft)
Dee Road <sup>1</sup>	Niagara River Parkway	Queenston Street	20.12 m (66 ft)
Delater Street	King Street	Melville Street	15.24 m (50 ft)
Dixie Avenue	Lakeshore Road (Reg Rd 87)	Circle Street	15.24 m (50 ft)
Dumfries Street	Niagara River Parkway	River Frontage Road	15.24 m (50 ft)
Eastchester Avenue	Stewart Road (Reg.Rd. 86)	Western terminus	20.12 m (66 ft)
Flynn Street	Charlotte Street	Rye Street	15.24 m (50 ft)
Froebel Avenue	Circle Street	Northern terminus	15.24 m (50 ft)
Front Street South	York Street	Partition Street	18.29 m (60 ft)
Front Street South	Highlander Street	Maple Street	18.29 m (60 ft)
Green Street	Niagara Street	Flynn Street	18.29 m (60 ft)
Irvine Road	Church Street	Lake Ontario	20.12 m (66 ft)
Highlander Street	Niagara River Parkway	Front Street South	18.29 m (60 ft)
John Street East	King Street	Niagara River Parkway	26.21 m (86 ft)
Kent Street	Niagara River Parkway	Front Street South	18.29 m (60 ft)
King Street	John Street	Queen/Picton Streets	30.0 m (98 ft)
Lakeview Street	Orchard Drive	Niagara Boulevard	15.24 m (50 ft)
Lansdowne Avenue	Niagara Boulevard	Palatine Place	15.24 m (50 ft)
Lincoln Avenue	Airport Road (Reg Rd 90)	Eastern terminus	20.12 m (66 ft)
Line 1 Road/Penner Street	Concession 4 Road	Concession 6 Road	26.21 m (86 ft)
Line 2 Road	Four Mile Creek Road (Reg Rd 100)	Concession 4 Road	26.21 m (86 ft)
Line 2 Road	Niagara Stone Road (Reg Rd 55)	Concession 6 Road	26.21 m (86 ft)
Line 3 Road	Concession 4 Road	Concession 6 Road	26.21 m (86 ft)
Line 9 Road <sup>6</sup>	Concession 3 Road	Four Mile Creek Road	26.21 m (86 ft)
Lockhart Street	Melville Street	Northwestern terminus	15.24 m (50 ft)
Luther Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft)

Street/Road	From	To	Designated Road Right-of-way Width
Market Street	Regent Street	Court House Parking Lot	16.46 m (54 ft)
Market Street	King Street	Court House Parking Lot	16.46 m (54 ft)
Martin Road	Queenston Road	Townline (Grantham) Road	20.12 m (66 ft)
Mary Street	King Street	Mississauga Street	29.21 m (96 ft)
Maple Street	Princess Street	River Frontage Road	18.29 m (60 ft)
McNab Road	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft)
Melville Street	Byron Street	Niagara River	18.29 m (60 ft)
Mississauga Street	Mary Street	Queen Street	29.21 m (96 ft)
Nelson Street	Ricardo Street	Byron Street	23 m (75.47 ft)
Niagara Boulevard	Palatine Place	Vincent Avenue	23 m (75.47 ft)
Niagara Street	East and West Line	Rye Street	26.21 m (86 ft)
Niven Road <sup>2</sup>	Niagara Stone Road (Reg Rd 55)	Village Road	20.12 m (66 ft)
Oak Drive	Lakeshore Road (Reg Rd 87)	Circle Street	15.24 m (50 ft)
Orchard Drive	Lansdowne Avenue	Palatine Place	15.24 m (50 ft)
Paffard Street	Charlotte Street	King Street	15.24 m (50 ft)
Partition Street	Niagara River Parkway	Front St South /Princess St	15.24 m (50 ft)
Paxton Lane	York Road (Reg Rd 81)	Southern terminus	20.12 m (66 ft)
Picton Street	Wellington Street	King Street	30.2 m (99 ft)
Princess Street	Partition Street	Northern terminus	18.29 m (60 ft)
Queen Street	King Street	Mississauga Street	30.2 m (99 ft)
Queen's Parade	Niagara River Parkway	Wellington Street	30.2 m (99 ft)
Queenston Street	Niagara River Parkway (south intersection)	Niagara River Parkway (north intersection)	18.29 m (60 ft)
Read Road <sup>3</sup>	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft)
Riverbeach Drive	Melville Street	Western terminus	18.29 m (60 ft)
Rye Street	Niagara Street	Flynn Street	18.29 m (60 ft)
Scott Street	Read Road	Townline (Grantham) Road	20.12 m (66 ft)
Shakespeare Avenue	Lakeshore Road (Reg Rd 87)	Northern terminus	15.24 m (50 ft)
Townline (Grantham) Rd	Lakeshore Road (Reg Rd 87)	Lake Ontario	20.12 m (66 ft)
Townline (Grantham) Rd <sup>4</sup>	Lakeshore Road (Reg Rd 87)	Carlton Street (Reg Rd 83)	20.12 m to 37 m (66 ft – 116.4 ft)
Townline (Grantham) Rd	Queenston Road	York Road (Reg Rd 81)	26 m (85.3 ft)
Vincent Avenue	Circle Street	Shakespeare Avenue	15.24 m (50 ft)
Walnut Street	Queenston Street	Princess Street	15.24 m (50 ft)
Warner Road	Four Mile Creek Road (Reg Rd 100)	Queen Elizabeth Way	20.12 m (66 ft)
Wesley Avenue	Circle Street	Northern terminus	15.24 m (50 ft)
Wilberforce Avenue	Circle Street	Niagara Boulevard	15.24 m (50 ft)
Wycliffe Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft)
All Other Rural Roads			20.12 m (66 ft)

All Other Urban Roads except those developed under a Plan of Subdivision since 1970 (Plan of Subdivision width prevails)  
 Garrison Village (all phases subsequent to Phase 1) Road widths as established by approved Plans of Subdivision  
 Modero Estates - Road Widths as established by approved Plan of Subdivision



1. Southern edge of the required right-of-way is defined by the southern boundary & projection thereof) of Parts 3 & 4 on Plan 30R-10329
2. Full widening to be taken from the west side of Niven Rd.
3. Read Road is shared with the City of St. Catharines, therefore a maximum of 50% of the widening necessary to
4. Townline (Grantham) Rd. requires a variable widening along the westerly boundary of the road allowance as the
5. Widening from east side only
6. Widening from north side only

**ROAD RIGHT-OF-WAY WIDTHS REGIONAL ROADS SECTION**

<i>Regional Road Number</i>	<i>Road Name</i>	<i>Segment</i>	<i>Width in Metres</i>
55	Niagara Stone Road	York Road – Concession Six Road	26.2
		Concession Six Road – Field Road	20.1
		Field Road – Mary Street	26.2
58	Homer Road	Glendale Avenue – Taylor Road	30.5
61	Niagara Townline Road / Portage Road	Four Mile Creek Road – Niagara Parkway	26.2
70	Taylor Road	South Limit of Niagara-on-the-Lake – Glendale Avenue	26.2
		Glendale Avenue – York Street	30.5
81	York Road	West Limit of Niagara-on-the-Lake – Niagara Parkway	26.2
83	Carlton Street	Seaway Haulage Road – Niagara Stone Road	26.2
86	Stewart Road	Lakeshore Road – Carlton Street	20.1
		Carlton Street – Niagara Stone Road	26.2
87	Lakeshore Road	Read Road – East and West Line	26.2
		East and West Line – Mississauga Road	20.1
88	Seaway Haulage Road	Carlton Street – Read Road	26.2
		Glendale Avenue – Carlton Street	26.2
89	Glendale Avenue	West Limit of Niagara-on-the-Lake – Taylor Road	36.6
		York Road – Queenston Road	36.6
90	Airport Road	York Road – Niagara Stone Road	26.2
100	Four Mile Creek Road	South Limit of Niagara-on-the-Lake – Johanna Drive	26.2
		Line Nine Road – Line Two Road	26.2
		Line Two Road – Niagara Stone Road	20.1

**Minimum Sight Triangle Requirements**

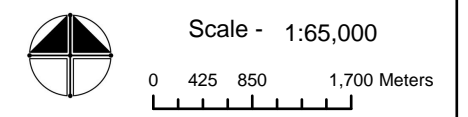
Regional Intersection Type	Minimum Sight Triangle Requirements
Urban (signalized)	10 metres x 10 metres
Urban (non-signalized)	6 metres x 6 metres
Rural	15 metres x 15 metres





**LEGEND:**










-  Municipal Boundary
-  Settlement Area Boundaries
-  Multi-Use Trails
-  On-Road Cycling
-  Improved Multi-Use Trails
-  Unimproved Multi-Use Trails
-  Municipal Parks
-  Major Open Space
-  Niagara Escarpment Plan Area

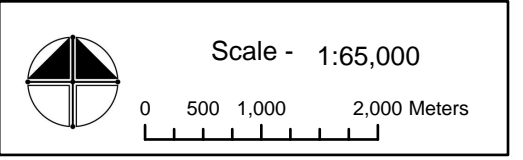


**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



**LEGEND:**

-  Drains
- Includes:  
Irrigation Links, Irrigation Channels,  
Irrigation Piped, Irrigation Road Ditch,  
Irrigation/Natural Watercourse,  
Municipal Drain & Irrigation Channel,  
Municipal Drain, Piped Municipal Drain
-  Weir
-  Lakes & Rivers
-  Pumping Station
-  Siphons
-  Municipal Boundary
-  Settlement Area Boundary
-  Parcels
-  Niagara District Airport Lands



**NOTES:**  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



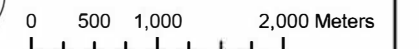
**LEGEND:**

- Fire Behaviour Protection - 30 m
- Extreme - C1, C2, C4
- High - C3, M2>50%, M4
- Pine Needs Evaluation - C5, C6
- Low - D1, M2<25%
- Water
- Moderate - M2 >25% - <50%
- Municipal Boundary
- Settlement Area
- Parcels

Source: Fire - Potential Hazardous Types for Wildland Fire | Ontario GeoHub



Scale - 1:60,000



**NOTES:**  
 This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.