

**OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN**

Approved by Region of Niagara

June 16, 1998

**BLS PLANNING ASSOCIATES
Burlington - St. Catharines**

**in conjunction with:
GARTNER LEE LIMITED
Environmental Consultants**

Consolidated Version November, 2006

This is an Office Consolidation of the Official Plan of the Township of West Lincoln as passed by the Council of the Corporation of the Township of West Lincoln, and the Regional Municipality of Niagara.

For accurate reference, reference should be made to the original Official Plan Amendments and noted Ontario Municipal Board Orders.

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Amendment No. 2	Township of West Lincoln
Amendment No. 4	Streamside Development Corp.
Amendment No. 5	934624 Ontario Inc.
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SCHEDULES

(following text)

Map 1 - Schedule "A" - Land Use Plan

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Map 3 - Schedule "A" - Hamlet Maps

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Schedule "B" - Environmental Plan

Schedule "C" - Major Roads Plan

SECTION 1

TITLE AND COMPONENTS OF THE PLAN

1. This Plan shall be referred to as the Official Plan of the Township of West Lincoln.

The Township of West Lincoln was established on January 1, 1970 under the authority of Bill 174, an Act to establish the Regional Municipality of Niagara. The Township of West Lincoln, a subsidiary to the Niagara Planning Area comprising the Regional Municipality of Niagara, is hereafter referred to as the Township.

2. Sections 1 to 12 inclusive and the attached Schedules "A", "B" and "C" constitute part of this Official Plan.

SECTION 2

PREAMBLE

2.1 Background

The previous Official Plan for the Township of West Lincoln was adopted by the Council of the Corporation of the Township of West Lincoln in 1975, and was approved by the Minister of Housing in 1979. Since 1979, a number of general and site specific amendments were considered, adopted by Council and subsequently approved.

The preparation of this Plan has occurred in an environment of change, where increasing responsibilities are being delegated to the lower tier government by the Province and Region. Increasingly the interpretation and implementation of Provincial Policies is the responsibility of lower levels of government. The preparation of this Plan is intended to provide policies to guide the management of land use in this new regime.

2.2 Purpose of the Plan

The purpose of this Plan is to provide detailed development and land use policies for the Township of West Lincoln and to direct and guide development where it will best contribute to the long-term social, economic and environmental stability of the Township. The Plan will also provide guidance to Council, the various government agencies, landowners and the general public in the decision-making process affecting proposals for development in the Township.

The Plan will include a description of the measures and procedures proposed to attain the objectives of the Plan. The Plan will also describe the measures and for informing and obtaining the views of the public with respect to a proposed amendment to, or of a proposed revision of, the Plan, or in respect of the Zoning By-law.

When approved, this Plan will supersede the existing Official Plan, as amended.

Notwithstanding any other general or specific legislation, upon the approval of this Plan, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with the Plan, except as specifically provided for in Subsections 24(2) and 24(3) of The Planning Act, R.S.O. 1990.

2.3 Vision Statement

An Official Plan is a statement of goals, objectives and policies established to manage and direct physical (land use) change and the effects on the social, economic and natural environment of the municipality within a prescribed time frame.

As a part of the Official Plan, a Vision Statement is a concise statement of Council's vision for the community over the time frame of the Official Plan.

The Township of West Lincoln is a rural community of 11,513¹ persons, lying within the Niagara Region between Hamilton and St. Catharines. The community is characterized by a number of key attributes including prime farmland, scenic natural areas, principal residential and business areas in Smithville and scattered hamlet development. These and other attributes provide an enjoyable rural and small town environment that the residents wish to maintain.

In recognition of the attributes that make West Lincoln a vibrant community with a sense of place, it is important to manage change and growth to determine an acceptable balance between what the Township is today and what it might be in the future.

Future growth must be managed to preserve, protect and enhance the irreplaceable attributes of the Township and to foster stewardship of the community for the present and future generations.

The vision includes:-

Continued viability of farming in the Township, including flexibility to adapt new techniques and farm practices to sustain agriculture and related services.

Protection of the natural environment, including watercourses, wetlands and forested areas from incompatible development.

Recognition of the existing Rural Residential community. Limited residential growth in hamlets and rural clusters to provide a choice of living places to Township residents.

Recognition of Smithville as the centre of residential, commercial and industrial growth in the Township. Growth will be managed within known constraints, particularly the limitation of municipal services and infrastructure.

Primary economic growth and employment opportunities will be focused on business and commercial enterprises in Smithville and secondly, in the balance of the Township.

Safety and security is important and will be managed to meet the needs of the community in concert with Provincial and Regional authorities, the local fire department and others, as appropriate.

Leisure time activities and tourism is recognized as an important aspect of community. Such activities will be encouraged in conjunction with the private

¹ 1996 Census Population

sector to provide recreational opportunities for all citizens and economic growth through tourism opportunities in Niagara Region.

2.4 Goals of the Plan

The following goals form the basis for the policies of this Plan.

- (a) To provide for sustained farming and related activities through the protection of prime agricultural lands and by preventing incompatible land uses.
- (b) To recognize the mixed use landscape of agricultural areas and to encourage additional nonfarm uses to locate within the existing settlement areas.
- (c) To protect, preserve and enhance the natural resource base of the Township including lakes, streams, wetlands, other ground and surface water resources, woodlots, aggregate resources, fish and wildlife habitat and areas of natural and scientific interest in recognition of significant social, economic and recreational benefits provided.
- (d) To maintain conformity with the Regional Municipality of Niagara Official Plan and compatibility with adjacent Municipal Official Plans and to co-operate with the Region and adjoining municipalities in respect of common concerns.
- (e) To accommodate the majority of residential growth of the Township in Smithville in well-planned, residential areas with sufficient housing types and tenures to meet population forecasts.
- (f) To provide a policy framework that will promote the Smithville core area as the primary commercial and business area in the municipality.
- (g) To recognize the benefits of tourism, recreation, and related commercial establishments as it relates to the economy of the Township and make provisions for its continued growth.
- (h) To encourage more diversified employment opportunities for residents of the Township through the promotion of the industrial and commercial sector serving the needs of the residents of the Township and the travelling public.
- (i) To promote the protection, preservation, enhancement and maintenance of heritage resources.
- (j) To provide and maintain a safe, convenient, economical and efficient transportation system for all persons and goods.
- (k) To develop and implement a comprehensive recreational strategy to ensure the provision of adequate parks, open space and other indoor and outdoor recreational facilities to meet the need of residents of the Township throughout the plan period of this Official Plan.

- (l) To co-operate with other government agencies, groups and private individuals in the development and maintenance of public recreational facilities and the provision of complimentary services and facilities throughout the Township.
- (m) To plan, programme and budget public financial resources to provide services and facilities which will meet the realistic priorities and needs of the residents while attempting to keep the Township portion of the taxes to a minimum.
- (n) To ensure that water supply and sewage services are planned and developed in accordance with long term planning and growth management objectives.

2.5 Plan Period

The policies and designations of the Plan are intended to guide development in the Township for a twenty-year period to the year 2016. Council shall, from time to time, and at least once every five (5) years, hold a special meeting of Council, open to the public, for the purpose of determining the need for a revision of the Plan pursuant to Section 26 of *The Planning Act, R.S.O. 1990*, as amended. The Plan may then be subsequently amended, as is required, to reflect changing conditions or to extend the planning period.

2.6 Relationship Between the Official Plan and Zoning By-law

The Official Plan is a document containing goals, objectives and policies to manage and direct future growth and development of the municipality. The Zoning By-law, which must comply with the Official Plan and the Regional Niagara Policy Plan, is a set of detailed regulations which control the use of all land, buildings and structures within the municipality. The Official Plan provides a basis for the Zoning By-law. The Zoning By-law implements, on a day-to-day basis, the policies set out in the Official Plan.

SECTION 3

BASIS OF THE PLAN

3.1 General

The Official Plan is based on the results of studies undertaken as an integral part of the preparation of the Plan, on special studies and reports commissioned by the Township and on studies and policies of the Regional Municipality of Niagara and the Province. Those aspects of the studies which most directly affect the policies set out in this Plan are summarized in the following Subsection.

3.2 Population

The population of the Township as of the 1996 Census was 11,513 persons. The future population, based on past trends, is expected to reach 14,068 persons by the year 2016, the end of this document's planning period.

Population growth can vary significantly due to a variety of circumstances, consequently, population projections should be carefully reviewed and updated regularly - at least every five (5) years.

3.3 Economy

The primary economic activity within the Township is agriculture or agriculturally related activities. However, the largest segment of the Township's labour force is involved in manufacturing industries and most commute to the adjacent, more industrialized municipalities. The number of employment opportunities will increase if the Township is successful in attracting additional industries to the Smithville Industrial Park.

The locational advantages of the Township for industrial growth include proximity to the Queen Elizabeth Way, the Regional Road 20 transportation corridor and the CP Railway Line.

Because of the proximity and good accessibility to nearby large urban centres, the tertiary sector of the economy will remain relatively small. Much of the existing commercial development in the Township is oriented towards serving the day-to-day needs of the local population only. Consequently, these developments are concentrated in the Smithville Urban Area, established hamlets or along arterial roads.

3.4 Land Use

There are a variety of land uses in the Township. These uses are discussed below.

(a) Agricultural Area

The Township of West Lincoln is predominantly a rural municipality within the Regional Municipality of Niagara. The essence of the rural area includes farm land supporting agricultural and related uses, natural features, including forests, streams and wetlands, and existing residential uses. The Plan supports the health of the agricultural industry, and the economic growth of the Township. Non-agricultural uses are encouraged to locate within existing settlements.

This Plan promotes the preservation of high quality agricultural lands for food production now and in the future. Farm-related residential uses and small-scale uses which are directly related to agriculture and need to be located in near proximity to farm operations are also permitted.

(b) Residential

Residential development in the Township consists primarily of single-detached dwellings. Smithville contains a range of housing types, while the rural clusters, hamlets and homes scattered throughout the agricultural area are almost exclusively single detached dwellings.

The forecast population growth of the Township can be accommodated within the existing urban areas, rural clusters and hamlets of the Township, as well as within many of the existing lots of record that exist throughout the Township; although it is recognized that the development of these individual lots is subject to the requirements of the Township Zoning By-law.

The severance of lands for non-farm residential uses in the agricultural area is not permitted by this Plan. This Plan promotes the development of residential uses in existing settlement areas, hamlets and urban areas.

(c) Commercial

The commercial uses within the Township are generally limited to those uses which directly serve the day-to-day requirements of the agricultural and residential community, and the traveling public. This Plan promotes the role of Central Smithville as the commercial hub of the Township.

This Plan promotes additional commercial development on lands designated for commercial purposes to improve the tax base and employment opportunities in the community, and to increase the range of services available within the Township.

(d) Industrial

This Plan promotes additional industrial development on lands designated for such purposes to improve the tax base of the community and to provide increased employment opportunities. It is the intent of this Plan to provide opportunities for a wide range of industrial activities, provided that these activities do not interfere with the health and enjoyment of residents in the Township or neighbouring municipalities.

(e) Recreation

Recreation is recognized as a significant activity within the Township. Lands designated for recreational purposes are available for the enjoyment of residents of the Township and its visitors.

Recreational opportunities in the Township include passive recreational areas, golf courses, arenas and playing fields, the fairgrounds and hiking/bicycling trails.

This Plan promotes the development of recreational trails linked to adjoining municipalities.

(f) Natural Resources

The natural resources of the Township consist of all natural areas and features in the municipality, including the Welland River, Twenty Mile Creek, woodlots, wetlands, wildlife and both Environmentally Sensitive Areas and Areas of Natural and Scientific Interest.

This Plan shall protect the natural resources of the Township.

SECTION 4

LAND USE POLICIES

4.1 Introduction

The Land Use Plan, Schedule "A", forms part of this Plan and sets out the generalized distribution of the major land use categories. It is intended that lands in the Township of West Lincoln will be developed in accordance with the land use pattern shown on Schedule "A". The Environmental Plan, Schedule "B", establishes further constraints on development and shall be considered as an 'overlay' on Schedule "A". The policies of Section 6 hereof shall apply to the various categories depicted on Schedule "B".

4.2 General Policies Relating to Existing Uses

- (a) Uses of land which legally exist at the date of adoption of this Plan may be deemed to conform with the intent of this Plan for the purposes of any Zoning By-law passed under Section 34 of *The Planning Act, R.S.O. 1990*, as amended. Such uses may be zoned in accordance with their present uses and performance standards, provided:
 - (i) the zoning will not permit any significant change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses,
 - (ii) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate,
 - (iii) they do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property, and
 - (iv) they do not interfere with the desirable development or enjoyment of the adjacent area.
- (b) Development of existing vacant undersized lots may be permitted in any Zoning By-law passed under Section 34 of *The Planning Act, R.S.O. 1990*, as amended, provided it meets the requirements of the Ministry of the Environment and Energy and is used for a purpose permitted in the relevant land use category of the Plan.
- (c) Existing urban uses of land which are zoned in accordance with clause (a) hereof, shall be considered a non-conforming use of land and shall only be allowed to expand in accordance with the requirements of Subsection 11.18 hereof.

4.3 **Official Plan Amendments**

An Amendment to the Official Plan is required to permit the establishment of land use areas other than those shown on the Land Use Plan, Schedule "A". In considering an Amendment to the Official Plan, to change the land use designation, the Council shall have due regard to the following criteria:-

- (a) The need for the proposed use and the need to preserve agricultural land, significant natural resources, and environmental features.
- (b) The desirability of the proposal.
- (c) The extent to which the existing areas in the proposed categories are developed and the nature and adequacy of such existing development.
- (d) The physical suitability of the land for such proposed use shall be examined.
- (e) Conformity with the Regional Niagara Policy Plan.
- (f) The impact of Hazard Lands, or potential hazards on the proposed use shall be carefully considered by evaluating:-
 - (i) the extent of the existing environmental and/or physical hazard; and,
 - (ii) the proposed methods, in a manner consistent with accepted engineering techniques and resource management techniques, by which these impacts may be overcome.
- (g) The location of the area under consideration with respect to:-
 - (i) suitability of the existing and proposed roadway system to service the use;
 - (ii) convenience and accessibility of the site for vehicular and pedestrian traffic; and
 - (iii) traffic safety.
- (h) The adequacy of the potable water supply, sewage disposal facilities and other municipal services in view of the policies of Subsection 10.2 of this Plan and in accordance with technical reports or recommendations which the Council shall request from any appropriate authority, such as the Ministry of the Environment and Energy.

- (i) The compatibility of the proposed use with adjoining uses shall be examined, including methods that may be employed to mitigate any possible depreciating or deteriorating effect upon adjoining properties and/or environments.
- (j) Council shall not support any application to amend the Official Plan unless the application is accompanied by sufficient documentation to justify the proposed development or use as may be required by the Council or any provincial authority or other agency.

4.4 Agricultural

(a) Definition

- (i) The predominant use of land in this category shall be for all types of agricultural uses, including specialty farm uses such as greenhouses and mushroom farms. Forestry and conservation uses shall also be considered a primary use of land.
- (ii) Other uses which may be permitted in the Agricultural designation and which shall be compatible with and subordinate to agricultural uses include:-
 - (a) farm-related residential uses including help houses;
 - (b) uses secondary to the principal farm use of the property, including home occupations, bed and breakfast establishments, and uses that produce value-added agricultural products from the farm operation on the property;
 - (c) non-farm related residential uses including home occupations and bed and breakfast establishments on existing lots of record **(As Amended by OPA No. 11)**;
 - (d) farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation by Zoning By-law Amendment **(As Amended by OPA NO. 11)**;
 - (e) home industries by zoning by-law amendment;
 - (f) water supply, sewage treatment facilities and essential linear public utility uses that cannot reasonably be located outside of Agricultural Areas; and
 - (g) passive open space recreational uses such as trails.

(b) Policies

- (i) Designated 'Agricultural' areas, as shown on Schedule "A", Land Use Plan, which consist of the best agricultural soils in the Township, being Classes 1 through 3 as defined by the Canada Land Inventory, shall be preserved for agricultural purposes. The policies of this Plan must protect these agricultural lands for present and future agricultural uses and must minimize the impact of non-farm uses on agriculture. Uses of land which are not related to agriculture shall not be permitted in the agricultural area except as otherwise permitted in this section.
- (ii) The size of farm parcels shall be maintained in units which are large enough to maintain flexibility to adapt to economic conditions in agriculture in the future. A minimum lot size of 32 hectares will generally be maintained in the Agricultural area; although smaller agricultural lots may be permitted for such uses as greenhouses, market gardening and intensive livestock operations. No farm parcel shall be reduced to a size that is not a viable economic unit.
- (iii) The Minimum Distance Separation Formulas, as amended from time to time, shall be utilized to determine separation distances between new or expanding livestock operations and non-farm uses in the agricultural area. New dwellings shall be separated from livestock operations in accordance with the Minimum Distance Separation Formulas or 300 metres, whichever is the greater. The Zoning By-law shall prescribe the specific implementation of the Minimum Distance Separation Formulas. **(As Amended by OPA No.11)**.
- (iv) Small-scale farm related commercial and industrial uses may be permitted by amendment to the Zoning By-law provided such uses are directly related to agriculture and necessary in close proximity to farm operations. Uses which do not require close proximity to farm operations should be located in appropriately designated commercial or industrial areas elsewhere in the municipality. Such uses should be located on the least productive agricultural land and on a major road if possible.
- (v) Home industries by Zoning By-law Amendment, home occupations, and value added agriculture related uses, including farm markets, shall be clearly secondary and subordinate to the use of the property. These uses shall not compromise the integrity of the principal agricultural operations where applicable.

- (vi) Forestry and conservation uses are encouraged and in particular woodlots and windbreaks which control soil erosion and act as groundwater recharge areas.
- (vii) Water supply, sewage treatment facilities and essential linear public utility uses including communication and transportation facilities may be permitted in the 'Agricultural' area. Such uses shall be designed and constructed to have a minimum impact on agriculture.
- (viii) Limited passive open space recreational uses may be permitted in the Agricultural designation. Such uses shall only include trail systems and facilities for the viewing and observation of the natural environment including plants and animals. No buildings shall be permitted.
- (ix) Additional farm-related dwellings may be permitted without severance for full-time farm help where the size and/or nature of the farm operation makes the employment of such help necessary, and where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability. Both the farmer and the employee shall be employed full-time on the farm. A farm help house should not be constructed with the intention for a severance from the farm operation in the future. **(As Amended by OPA No.11)**
- (x) Land severances in the 'Agricultural' area shall only be permitted in accordance with the provisions of Subsection 11.14 hereof.

(c) Special Policies

- (i) Within the 'Agricultural' designation, a number of commercial uses exist primarily along Regional Road 20 and various other Regional Roads. These commercial uses shall be recognized in the Zoning By-law and shall be permitted to change to similar or like uses serving the local area and the traveling public. Any expansions shall be in scale with the original use. In no case shall compatibility with adjacent uses be compromised.
- (ii) Lands within the 'Agricultural' designation and which are located within 1.6 km of the "Solid Waste Landfill Site" designated on Schedule "A" shall also be subject to the policies of Section 4.11 (c) of this Plan.
- (iii) An existing seasonal recreational trailer park forming part of Lot 34, Concession 9 (South Grimsby), is recognized as a permitted use within the Agricultural designation subject to the following policies:-
 - (a) The existing use shall be recognized in the Zoning By-law;

- (b) A site plan and agreement pursuant to Section 41 of The Planning Act, R.S.O. 1990 shall be required;
 - (c) Water and sewer systems shall be in accordance with the requirements of the Ministry of Environment and Energy;
 - (d) Land use compatibility shall be maintained at all times with surrounding land uses.
 - (e) Trailer park operations shall not compromise the integrity of the Twenty Mile Creek or floodplain.
 - (f) Notwithstanding the Agricultural Polices contained in Section 4.4, a church with a rectory is permitted on part of the site located east of Boyle Road and north of Canborough Road, in the Township of West Lincoln, which shall be recognized in the Zoning By-Law. **(As Amended by OPA No.7)**
- (iv) Notwithstanding the land use provisions permitted in the Agriculture designation, an existing agriculturally-related industrial manufacturing, storing and distribution operation 3505.4 square metres in size, as well as a 1951.0 square metre expansion of the operation is permitted. This manufacturing, storing and distribution operation shall produce primarily agriculturally-related products with limited production of non-agriculturally related products also permitted. The amendment will also recognize the existing residential dwelling as a permitted accessory use on the same property. The location of the buildings shall be recognized in the Zoning By-law and Site Plan Agreement. **(As Amended by OPA No.9)**

4.5 Urban Residential

(a) Definition

The predominant use of land in this category shall be for dwellings. A variety of housing types shall be allowed, however, housing forms, such as single-detached and semi-detached shall continue to be the preferred housing type. Multiple residential uses, including townhouses, walk-up apartments and residential care facilities, may be allowed at appropriate densities. Other uses necessary to serve the residential area are permitted and include schools, churches, parks, neighbourhood commercial uses, home occupations, bed and breakfast establishments, day care centres, and public utility uses. Group homes shall also be permitted as per Policy 10.21.

(b) Policies

- (i) Development within the Residential areas shall proceed in a controlled and progressive manner so that new development will be contiguous to the easily-serviced fringes of the existing built-up areas. Certain areas designated in an Urban Residential category may be zoned in a special holding category until required for their ultimate development.
- (ii) Development in Urban Residential areas shall be permitted only with the provision of full municipal services including municipal water supply, municipal sanitary sewers and storm water drainage. Where appropriate, alternate design standards will be considered.
- (iii) The uses permitted in Urban Residential areas and regulations for such uses shall be set forth in the Zoning By-law. Regard shall be had to the protection of residential uses which are deemed not compatible. Provision will, therefore, be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage.

(c) Housing Type and Density

- (i) Single detached and semi-detached dwelling units shall be regulated by the Zoning By-law and shall not exceed twenty-five (25) units per hectare.
- (ii) Multiple residential developments shall include townhouse and walk-up apartments.
 - (a) Townhouses shall be subject to a rezoning and shall not exceed forty (40) units per hectare. Prior to the passing of such an amending by-law, the Council shall consider the adequacy of services, schools, parks, landscaping area, setbacks from lot lines, access to a major road and commercial area and effect upon adjacent low density residential areas in respect of excessive traffic generation, noise and environmental deterioration.
 - (b) Walk-up apartments, at a maximum density of sixty (60) units per hectare, shall only be permitted by rezoning and when Council is satisfied that the proposal can meet the following criterion:-
 - (i) The proposed building does not exceed three (3) storeys in height;
 - (ii) The property is located on an arterial or collector road;

- (iii) The development does not negatively impact adjacent residential uses;
 - (iv) The following amenities can adequately be provided:-
 - Parking
 - Landscaped open space
 - Recreational opportunities
 - Safe access and egress into traffic flow, both on and off the site
 - (c) Council shall require a Site Plan of the proposed development. In addition to the requirements of Section 41 of *The Planning Act, R.S.O. 1990*, Council may require the Owner to provide technical reports relating to such matters as soil conditions, municipal services, surface drainage and traffic congestion.
- (iii) Housing policies in Section 7 shall also be adhered to.

4.6 Hamlet Community

(a) Definitions

The predominant use of land in this category shall be for single-detached dwellings. Other uses which are considered necessary to serve the Hamlet Community or the surrounding agricultural area may be permitted including schools, parks, churches, bed and breakfast establishments, home occupations, nursing homes, government and institutional uses and public utilities. This category may include commercial uses deemed necessary to serve the surrounding residential and agricultural area and commercial or industrial uses such as a builders' supply, feed mill, public garage, farm implement dealer or other similar commercial or industrial uses which primarily serve the surrounding agricultural community.

(b) Policies

- (i) The general intent of this designation is to recognize and encourage the further development of those significant hamlets that provide both residential accommodation and a service function to the larger agricultural and rural community.
- (ii) The uses permitted in Hamlet Community areas and regulations for such uses shall be set forth in the Zoning By-law. Regard shall be had to the protection of residential uses, especially in case of neighbouring uses which are deemed not compatible. Provision will therefore be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage.

- (iii) New multi-unit dwellings shall not be permitted because of the absence of public water and sewerage facilities in the designated Hamlet Communities.
- (iv) New development requiring the subdivision of land shall be in accordance with the policies of Sections 11.12 to 11.13 inclusive of this Plan. Residential development shall be at a low density, shall proceed in a controlled and progressive manner so that new development will be contiguous to existing development and preferably by Registered Plan of Subdivision; and every lot in such Plan of Subdivision shall be of at least an area deemed sufficient by the Ministry of the Environment and Energy or the authority having jurisdiction for obtaining an adequate supply of potable water and installing suitable facilities for the disposal of waste material, since public water and sewerage facilities are not intended to be provided in Hamlet Community areas. The proponent of any subdivision shall be required to prepare a hydro geological study in support of the proposed development.
- (v) With respect to new development not requiring the subdivision of land, the Council shall have due regard to the provision of an adequate supply of potable water and suitable facilities for disposal of sewage which are deemed adequate by the Ministry of the Environment or the authority having jurisdiction. It is not anticipated that piped municipal services will be provided to Hamlet Communities within the foreseeable future, consequently, the density and character of new development will be strictly regulated by the Council in order to ensure a satisfactory hamlet environment.
- (vi) New commercial and industrial uses shall be permitted only by an amendment to the Zoning By-law, and in considering an application to rezone for such uses, the Council shall have due regard to the criteria set out in Sections 4.8 and 4.9 of this Plan. Such uses should be encouraged to locate in groups and preferably at the junction of major roads where safe access points can be provided.
- (vii) Where Hamlet Community boundaries have been established closer to an existing livestock operation than determined by the Minimum Distance Separation Formulas, new Hamlet Community development must still comply with the Minimum Distance Separation Formulas.
- (viii) It is recognized that lands designated "Hamlet Community" in the vicinity of the Welland River or Twenty Mile Creek may be subject to flooding. No development shall be permitted in flood prone areas as identified by the Niagara Peninsula Conservation Authority.
- (ix) The policies of Subsection 10.21 shall apply to Group Homes permitted as normal residential use of land within this designation.

4.7 Rural Cluster

(a) Definition

The predominant use of land within this category shall be for single-detached rural residential dwellings. Other uses may include home occupations, home industries, bed and breakfast establishments, existing commercial and institutional uses, public parks and public utilities.

(b) Policies

- (i) The general intent of this designation is to recognize certain existing clusters of rural residential development, and to permit the infilling of clusters with additional similar development. Rural Clusters are identified schematically on Schedule "A" to this Plan. Other Rural Clusters may be added by amendment to this Plan based on the merits of the proposed Rural Cluster.
- (ii) The boundary of each identified Rural Cluster shall be precisely delineated in the Township Zoning By-law. Each Rural Cluster shall be limited in size and shall be confined to existing groups of houses and other physical or natural boundaries such as roads and watercourses. Council shall not consider the recognition of any Rural Cluster which encroaches on active agricultural lands. The Minimum Distance Separation formulas shall be used to maintain adequate separation from existing livestock and poultry operations.
- (iii) New rural residential development shall only be permitted by land severance within the Rural Cluster boundaries delineated in the Zoning By-law.
- (iv) All development shall be in accordance with the requirements of the Township Zoning By-law and the requirements of the Regional Public Health Department concerning private sewage disposal systems and the supply of potable water. Lots shall generally have a minimum frontage of 45 metres and be 0.4 hectares in size or as deemed appropriate by the Regional Public Health Department and Township Council.

4.8 Commercial

(a) General Commercial

The lands designated as "General Commercial" on Schedule "A", Map 2 to this plan shall be subject to the following:

(i) Permitted Uses

A full range of commercial uses are permitted including retail, office and service commercial uses including retail shopping centres and entertainment facilities.

Residential uses, primarily in the form of apartment dwelling units on upper storeys, shall be permitted as a secondary use only, and shall not threaten the primary focus of the General Commercial land use designation for commercial uses.

In addition to the uses permitted within the General Commercial designation, a car dealership shall be permitted on part of the site located in the Village Square Mall in the Town of Smithville, Township of West Lincoln. The location of which shall be recognized in the Zoning By-Law. **(As Amended by OPA No.8)**

(ii) Criteria for New Development and Re-development

The Commercial core area of Smithville contains the main concentration of retail and office commercial, and service commercial uses in the Township. To encourage the future role of the core area as the commercial focus for the community, new development and redevelopment in this area should conform to the following criteria:

- (a) Where residential units are proposed, private amenity areas, separate entrances and adequate parking be provided.
- (b) The maximum building height be limited to three (3) storeys.
- (c) Where a major development or redevelopment project is proposed, a detailed study by a qualified traffic engineer may be required to identify parking and traffic flow impacts and outline alternative solutions to those problems.
- (d) Adequate buffering be provided between commercial and residential zones.
- (e) Shall be subject to site plan control.

(iii) Parking

In the commercial core:

- (a) The Township recognizes the need for additional parking and supports the development of common parking areas in this area. The Township will co-operate with the business community in the provision of parking.

- (b) The Township shall work together with local businesses in this area to establish a program for the acquisition and development of additional off-street parking facilities.

(iv) **Area Aesthetics**

In the commercial core:

The Township recognizes the benefits of providing an aesthetically pleasing commercial core business environment. The Township will work in conjunction with local businesses to strengthen the area as a whole through the restoration, maintenance and improvement of existing public and private facilities including landscaping, street furniture and other amenities and through the promotion of the area as a whole as a shopping and business focal point for the community.

(v) **Commercial Development Beyond the Core Area**

The General Commercial land use designations located outside of the commercial core area recognize existing long standing established commercial activities in the community. These areas include:

- (a) the northwest corner of Industrial Park Road and Regional Road 20 (Village Square Mall).
- (b) the southwest corner of Station Street and the Canadian Pacific Railway (Merritt Funeral Home).
- (c) the lands located at 214 West Street (Old Farm In Restaurant).
- (d) the lands located at 230 Canborough Street (Smithville Medical Centre).

In an effort to direct additional commercial development to the core area, these General Commercial areas beyond the core are intended to recognize only the lands used for commercial purposes at the date of adoption of these policies. In consideration of the expansion of these various uses, Council shall require a balance with the uses and services available in the core area. No expansion shall be permitted that would be detrimental to or would jeopardize the vitality of the core area. With the exception of the lands at 230 Canborough Road (Smithville Medical Centre) changes in the uses within these areas are permitted subject to the policies of Section 4.8 (a).

(vi) **Special Policy Area**

Notwithstanding the General Commercial designation, only the following uses may be permitted for the property shown as Part 2

located at 121 St. Catharine Street Smithville: **(As Amended By OPA No.10)**

- (a) One single-family detached dwelling and accessory uses, buildings and structures; **(As Amended By OPA No.10)**
- (b) Permitted Commercial uses shall include the following:
 - Business and professional office uses as defined in the Zoning By-Law;
 - Doctor or Dentist Offices;
 - Clinics;
 - Custom Workshops;
 - Service Shops as defined in the Zoning By-Law;
 - Personal service shops;
 - Studios as defined in the Zoning By-Law;
 - Or other similar and compatible uses as established in the Zoning By-law;
 - And; **(As Amended By OPA No.10)**
- (c) One single family dwelling unit on the second floor of the building as a secondary use to one of the permitted commercial uses outlined in Section 4.8 (a) (vi) (b). **(As Amended By OP! No.10)**

(b) Highway Commercial

Lands designated as Highway Commercial on Schedule "A" to this plan shall be subject to the following:

(i) Permitted Uses

Commercial facilities providing services to the traveling public and oriented towards vehicular traffic including automobile service stations, automobile and recreational vehicles sales and service, hotels, motels, restaurants, and places of entertainment and amusement are permitted. Commercial uses catering to services to the agricultural community such as farm equipment sales and service, feed and fertilizer dealers, and farm implement sales and service are permitted. Commercial retail or wholesale uses requiring significant outdoor display areas, such as nurseries, are permitted.

(ii) Criteria for New Development and Redevelopment

- (a) Where residential zones abut this designation, adequate measures will be required in the site and building design to ensure sufficient buffering.
- (b) Where development or redevelopment is proposed in the vicinity of Regional Road 20 and Industrial Park Road, the

overall design shall enhance the prestige location at the eastern entrance to the Smithville Urban Area.

- (c) Outdoor display areas for retail or wholesale sales shall be landscaped or screened.
- (d) Outdoor storage (excluding outdoor display areas for retail or wholesale sales) is prohibited.
- (e) In view of Regional Road 20 access limitations, common access points will be encouraged wherever feasible.

4.9 Industrial

(a) Definition

The predominant use of land in this category shall be for light and general industrial uses including warehousing and recycling uses, offices, service commercial, lumber and building supply yards and factory retail uses.

(b) Policies

- (i) Industrial areas are designated in this Plan to increase employment opportunities and to strengthen the Municipality's tax base. Care shall be taken to ensure that industrial development is commensurate with employment needs. The Council shall exercise discretion in the zoning of such Industrial areas in order that those establishments deemed obnoxious will not be permitted in close proximity to residential areas.
- (ii) All industrial development shall be adequately regulated by suitable provisions in the Zoning By-law including adequate setbacks from property lines, appropriate off-street parking and loading requirements, landscaped area or buffering requirements in certain cases, prohibition of nuisances, and control over outside storage and by suitable provisions in the Building By-law.
- (iii) An area designated Industrial in this Plan need not be zoned Industrial in its entirety and all or a portion of such area may be zoned in an agricultural or holding category. It is intended that the Council will consider applications for rezoning for industrial uses and will rezone area for industrial uses in a progressive and orderly manner.
- (iv) In order to avoid detracting from the area for industrial development and to prevent haphazard commercial uses within all Industrial areas, the implementing Zoning By-law shall establish commercial zones separately from Industrial zones so that new commercial uses will require an amendment to such By-law.

(c) Prestige Industrial

It will be a policy of Council to promote high quality prestige industrial use in the area designated Prestige Industrial at the eastern gateway to Smithville on the north side of Regional Road 20. Prestige Industrial uses shall include light industrial uses, offices, research and development, hotel, motel and banquet facilities, commercial recreational uses and service commercial uses. Development within this industrial park shall comply with the following design policies:

- (i) All development will be subject to the site plan control provisions of The Planning Act, R.S.O. 1990.
- (ii) Generous provision will be made for landscaping, building setbacks and on-site amenities.
- (iii) All industrial operations will be carried on entirely within wholly enclosed buildings.
- (iv) Outdoor storage of products and/or equipment shall be prohibited except as may be provided for in interior lot locations.
- (v) High standards of professional design and land use regulation will be applied to ensure environmental quality.
- (vi) Employee parking and loading facilities shall generally be restricted to side and rear yards.

(d) Special Provisions

- (i) Area 4

Special Policy Area 4 includes all designated industrial lands within 500 metres of the intersection of Spring Creek Road and Thompson Road, as shown on Schedule "A", Map 2. Drilling, vibration, blasting, bedrock excavation and taking of groundwater shall be restricted and may only be undertaken subject to a professional assessment of such activities and the approval of the Ministry of Environment.

4.10 Public Parks

(a) Definition

The predominant use of land in this category shall be for active and passive recreational purposes, public and private parks, golf courses, playing fields, indoor and outdoor recreation facilities, playgrounds, nature trails and wildlife management. Limited ancillary commercial uses may also be permitted.

(b) Policies

- (i) Parks within the Township shall be used for a wide variety of recreational areas or facilities, including passive and active areas, forestry, fish and wildlife management and conservation areas.
- (ii) Council recognizes the importance of lands under the jurisdiction of the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources and other public agencies and shall support the conservation activities of these agencies.
- (iii) The Council shall develop parks in conjunction with school sites and private parks wherever possible to meet the recreational needs of the community. Joint use agreements between the Township Council and Boards of Education shall be encouraged to maximize the use of recreational facilities.
- (iv) When reviewing an application to amend the Official Plan, Zoning By-law or commenting on plans of subdivision, Council will consider the need for park developments in accordance with this section.
- (v) Council shall acquire park land by requiring the conveyance of land or money in lieu thereof when there is a development or redevelopment of residential land through applications for subdivision or consent. Parkland dedication or cash in lieu of parkland dedication in the amount of five percent (5%) for residential development shall be made pursuant to Sections 42 or 51.1 of *The Planning Act, R.S.O. 1990*. Cash-in-lieu of parkland dedication in the amount of 2% shall be provided for all other development. Land values for determination of cash in lieu of parkland shall be determined immediately prior to issuance of site plan approval and/or building permit. Cash-in-lieu in the case of residential consents pursuant to Subsection 11.14 shall be \$500.00 per lot or other figure as may be determined by Council.

(c) Parks Hierarchy and Standards

In order to accommodate the needs of the different age groups within the Township, a hierarchy of parks and open space shall be provided for both active and passive recreational pursuits. The hierarchy shall include, Urban Parks, Community Parks, Township Parks and Linear Parks.

(i) Urban Parks

The purpose of Urban Parks is to provide Recreational Facilities for young children and youths for unorganized recreational activity within the urban area of Smithville. Common characteristics include playground equipment, scrub baseball diamonds, junior soccer fields, and passive areas. Urban parks should be centrally located and developed in conjunction with the elementary schools. The Park size

is to be a minimum of 1 hectare and have off street parking facilities of five (5) spaces for the first hectare and two (2) spaces of each additional hectare thereafter.

(ii) Community Parks

Community Parks are designed for senior caliber and organized recreational activities. Characteristics often include regulation soccer fields, soft ball diamonds for league play, night lighting and major playground facilities. Community Parks should be centrally located and developed in conjunction with secondary schools, community centres or recreation complexes. Parks should be a minimum of four (4) hectares in size and provide off street parking facilities at a rate of ten (10) spaces per hectare.

(iii) Township Parks

Township parks are characterized by serving a Township wide function including such facilities as a track and field facilities, baseball diamonds, grandstands, picnic areas. These parks vary in size but should be a minimum of ten hectares in order to serve the entire Township. Off street parking facilities should be provided at a rate of 10 to 15 spaces per hectare.

(iv) Linear Parks

Linear parks have the purpose of providing the opportunity of passive recreational activities such as walking, hiking and jogging along a trail system which takes advantage of features in the natural environment. These park systems will vary in size and scope and shall be guided by the following policies:-

- (a) The development of a continuous system of open space shall be encouraged for the enjoyment of the natural environment.
- (b) This system is to be continuous in nature and, where possible, will establish linkages from adjacent parks, and with Trail Systems in neighbouring municipalities.
- (c) Where lands are in their natural state, the flora and fauna will be preserved as much as possible except for the provision of maintenance and the establishment of the linear park facilities.

(d) Locational Criteria

- (i) Parks shall not be located in areas which will adversely affect surrounding land uses. Adequate off street parking shall be provided as outlined in the Parks Hierarchy in Subsection 4.10 (c).

- (ii) Where possible, parks will be located adjacent to schools, in order to provide efficient use of land and economies of scale. Alternatively, parks should be located adjacent to environmentally sensitive areas or conservation areas in order to incorporate both passive and active recreational opportunities.
- (iii) In general, the lands for park facilities shall be gentle sloping and well drained and provide slight variations in topography and landscaping.
- (iv) When appropriate, new parks shall be developed and located in conjunction with secondary plans for large parcels of land. When possible, parks will be located adjacent to medium density developments.
- (v) Parks should be located so as to maximize the amount of pedestrian access via sidewalks and walkways. Parks should not be separated from the residents they are intended to serve by physical barriers such as streets, creeks, utility corridors or railway lines.
- (vi) Parks will have accessibility and visibility from public streets including park identification signs. Parks should have a minimum of 30 metres of frontage. Township Parks should be located in close proximity to major arterial roads (such as Regional Road 20) in order to maximize accessibility and visibility.

4.11 Solid Waste Landfill Site

(a) Definition

The Solid Waste Landfill Site designation is delineated on Schedule "A". The predominant uses of land in this category shall be active landfilling, buffer area and hazard lands. Within the buffer area, as contained in the designation Solid Waste and Landfill Site on Schedule "A", Map 1, other uses necessary to the landfill operation are also permitted and may include weigh scales, landfill utility, servicing and control structures, facilities and operations, equipment and maintenance buildings, composting and recycling and reuse facilities and operations, household hazardous waste collection facilities, monitoring wells and sampling stations, screening measures, including the construction of berms, and other accessory uses.

(b) Policies

- (i) Only solid residential, municipal, institutional, commercial and non-hazardous industrial waste may be landfilled at the Niagara Road 12 Landfill Site.
- (ii) The uses permitted in the area designated as Solid Waste Landfill Site and regulations for such uses shall be set forth in the Zoning By-

law. Regard will be given to the protection of neighbouring uses. Provisions will, therefore, be made for adequate setback from property lines and for buffering.

- (iii) Following closure of the landfill operation, which includes the landfilled area and any land set aside for gas and leachate control, the site shall be used for Municipal purposes.

Residential development will not be permitted within the area designated as the Solid Waste Landfill Site.

- (iv) Where development is proposed on the Niagara Road 12 - Landfill Site, or within 500 metres of the landfill site, whether open or closed, development may be permitted subject to the policies described in Section 4.11 (c) (iii).
- (v) A Committee comprised of residents and property owners living in the vicinity of the landfill shall be formed to assist the Township by providing comment on the design, operation, closure and post-closure of the landfill site.
- (vi) Notwithstanding the above policies, permitted agricultural uses may be established within the area designated as Solid Waste Landfill Site other than on the landfill site itself without the approval of the Township, provided that the construction of buildings, structures or wells will not occur within the area other than non-habitable buildings or wells which are erected with the approval of the Ministry of the Environment and Energy.

(c) Adjacent Areas

- (i) The Area of Possible Influence includes lands generally located within 500 metres of the boundary of the Niagara Road 12 Landfill Site as shown on Schedule "A". The Area of Possible Influence recognizes that the landfill may have potential effects on neighbouring land uses and alerts potential developers/land purchasers to the existence of a landfill located within 500 metres. Policies are provided that address potential development proposals within the Area of Possible Influence of the Niagara Road 12 Landfill Site.
- (ii) The Area of Notification is an administrative need which will require that residents living within an area generally described as a 1.6 kilometre radius from the Niagara Road 12 Landfill Site be advised and allowed to comment on the development, design, conditions of approval, operation, closure and post-closure of the landfill.
- (iii) Development within the Area of Possible Influence, and in accordance with the underlying land use designation, may be permitted subject to the following policies:-

- (a) The lands shown outside the Niagara Road 12 Landfill Site described in Schedule "A" as Area of Possible Influence are generally within 500 metres of the proposed waste disposal or fill area of the landfill. In order to ensure the safety of the Landfill and the Area of Possible Influence:-
- (i) Council will require proponents seeking an amendment to the implementing Zoning By-law or making a consent application to consult with the Ministry of the Environment and Energy to ensure that the provisions contained in the Ministry's Policy Manual 07-07, dated November 18, 1987, comprised of guidelines for land uses near the landfill, are fully satisfied. In this regard, the proponent must demonstrate that an assessment has been carried out to the satisfaction of the Ministry of the Environment and Energy and Township of West Lincoln with respect to how a proposed land use will adversely affect and/or be adversely affected by the presence of the landfill.
 - (ii) The proponent must also implement any preventative, mitigative, and/or remedial measures to the satisfaction of the Ministry of the Environment and Energy and the Township of West Lincoln. Specific factors which must be considered in the assessment include, but are not limited to the following:-
 - Engineering design of the landfill.
 - Landfill generated gases.
 - Quality and quantity of ground and surface water.
 - Odour, litter and dust.
 - Traffic and noise.
- (b) That the Land Division Committee be requested to require, as a condition of severance approval, that notification of the location of the Niagara Road 12 Landfill Site be registered on the title to any new lot created within the Area of Possible Influence.

4.12 Special Policy Areas

(a) Area 1 - (Plazek Auto Recyclers)

This area provides for the recognition and expansion of an existing motor vehicle recycling and salvage operation being part of Lots 19 and 20, Concession 4, former Township of Caistor.

Motor vehicle recycling and salvage operations shall be strictly limited to the storage of motor vehicles, the storage and sale of motor vehicle parts, the dismantling of motor vehicles and the periodic crushing (flattening) of motor vehicle bodies by means of portable equipment only. The crushing (flattening) of motor vehicle bodies from other recycling, salvage, wrecking or processing operations shall be prohibited. Scrap processing of any kind shall strictly be prohibited. Appropriate buffering shall also be included around the periphery of the Special Industrial designation. Accessory uses, buildings and structures and agricultural uses shall also be permitted.

- (i) The use shall only be continued and expanded with every effort made to mitigate the impact on nearby residential uses. To this end, the implementing zoning by-law shall require adequate setbacks from property lines, particularly residential uses, appropriate off-street parking and loading requirements, landscaped areas and buffering requirements and control over outside operations. Specifically, the subject operation and use shall be fenced and an effective tree screen provided to mitigate the impact on adjacent uses.
- (ii) The implementing zoning by-law shall require that no dismantled or wrecked motor vehicles be stored within a minimum distance of 165 metres of Regional Road 2 or Regional Road 65 except as existing or within 230 metres of Concession 3 Road. Appropriate setbacks for all buildings, structures and storage areas shall be included.
- (iii) A new warehouse, office and customer parking area shall be permitted as part of the expanded operation. Any building shall be located a minimum distance of 210 metres east of Regional Road 2 (distance to be measured perpendicular to Regional Road 2). An effective treed buffer area shall be immediately established west of the proposed warehouse and office to mitigate any impacts of an existing adjacent residential use.
- (iv) The crushing (flattening) of motor vehicle bodies shall be restricted to the east half of Lot 20, Concession 4, south of the Ontario Hydro tower line and 456 metres north of Concession 3 Road.

- (v) All motor vehicle fluids, including gasoline and diesel fuels, oil, battery acid and coolant shall be collected from wrecked motor vehicles, stored and disposed in an environmentally sound manner acceptable to the Ministry of the Environment.
- (vi) The site shall be considered a site plan control area pursuant to Section 41 of *The Planning Act, R.S.O. 1990*. The site plan and agreement will include all facilities and works associated with the operation including buildings, fencing, landscaping and buffering, drainage, motor vehicle storage and parking areas.

(b) Area 2

This Special Policy Area includes lands forming part of Lots 19 and 20, Concession 4, former Township of Caistor, fronting on the east side of Regional Road 2 between Regional Road 65 to and including the north side of Concession 3 Road, shall only be used for rural residential purposes in accordance with Policy 6.B.10 of the Regional Policy Plan, subject to the required separation from livestock and poultry uses and the requirements of the Regional Health Services Department. The implementing Zoning By-law shall require an adequate separation distance and screening between new dwellings and the adjacent motor vehicle recycling and salvage operation. Development shall only proceed by plan of subdivision. No motor vehicle access to the adjacent Special Industrial designation shall be permitted within the lands affected by subsection 4.12 (c).

(c) Area 3

This Special Policy Area consists of the milling operation of Niagara Grain & Feed Limited. This use shall be permitted to continue and will be specifically zoned in the Zoning By-law. When this site is redeveloped, the policies of Section 4.8 shall apply.

(d) Area 4

Special Policy Area 4 is located in Section 4.9 (d).

(e) Area 5

Use of the land located at 230 Canborough Street (Smithville Medical Centre) will be limited to medical and dental offices, medical ancillary uses including a drug dispensary, lab facilities, x-ray and ultrasound facilities, physiotherapy and business and professional offices. Retail uses and service commercial uses shall not be permitted.

SECTION 5

SECONDARY PLANS

5.1 Neighbourhood Plan and Policies

- (a) Maps 4, 5 and 6 to Schedule “A” delineate the boundaries of various neighbourhoods that will develop within the plan period of this Official Plan. Three (3) Secondary Plans are included in this Official Plan. It is the intention of the Township to prepare further detailed Secondary Plans for other neighbourhoods when conditions warrant. Major Plans of Subdivision or other development proposals will be required to be in conformity with an approved Secondary Plan.
- (b) Secondary Plans will contain such information and policies as relevant to the particular neighbourhood. In general, Secondary Plans will contain:-
- (i) Policies with respect to residential mix, housing type, densities, tenure, location and development standards;
 - (ii) Mapping of the allocation of the various land uses and the major road patterns;
 - (iii) Policies with respect to residential, commercial, industrial, institutional, environmental conservation and open space and recreation uses as required;
 - (iv) Policies with respect to the alterations, non-conformity, upgrading, etc., of existing uses;
 - (v) Design policies governing the major principles affecting the design of the neighbourhood and the protection of historical or culturally significant sites or buildings;
 - (vi) Policies with respect to the servicing and staging of development and the protection of the natural environment;
 - (vii) Policies concerning the provision of municipal services such as fire protection, recreation, health services and education;
 - (viii) Policies with respect to any special features which occur in a particular neighbourhood;
 - (ix) Policies with respect to the conservation of energy;
 - (x) Methods to reduce potential conflict between urban and agricultural uses.

- (c) In the preparation of a Secondary Plan, the Township will consider the following matters:-
- (i) The effect of the proposed uses on existing uses, residents and facilities;
 - (ii) The effect of growth on environmentally sensitive areas, environmental conservation lands and floodplains;
 - (iii) The effect on municipal financial capabilities including the provision of both hard and soft services;
 - (iv) Policies established by other levels of government and affected agencies, as well as previous studies and commitments of the Township.
 - (v) The needs of the residents of the neighbourhood, such as access to parks and open space, variety of housing type, convenient opportunities for shopping, employment and transportation and energy conservation.
- (d) Secondary Plans will be adopted as amendments to the Official Plan.
- (e) Various land use categories are delineated on the map schedule which accompanies each Secondary Plan (i.e. Map 4 to Schedule "A"). Policies relative to each land use category are contained in this Section. Land use boundaries shall only be considered flexible to the extent necessary to follow property boundaries.

5.2 Spring Creek Heights Secondary Plan

(a) Introduction

The Spring Creek Heights Secondary Plan has been prepared:

- (i) To co-ordinate development within the Secondary Plan area; and
- (ii) To develop a Secondary Plan design to segregate existing industrial uses (Smithville Industrial Park) from adjacent future residential use through the provision of suitable landscape buffering to maintain land use compatibility.

The Spring Creek Heights Secondary Plan is set out on Map 5 to Schedule "A".

(b) Residential

- (i) The predominant use of land shown as low density residential shall be for single and semi-detached dwellings at a maximum density of 15 units per hectare. Single detached dwellings shall have a minimum lot frontage of 15 to 18 metres. Twenty-five percent (25%) to thirty percent (30%) of each subdivision may be developed with lot frontages for single detached dwellings less than 15 metres. Accessory uses to a low density residential use may include home occupations, bed and breakfast, day care and group homes subject to the regulations of the Zoning By-law. Residential lots adjacent to the south side of Spring Creek Road shall be reversed frontage lots. Landscape buffering in the form of a berm/privacy fence shall be provided and maintained along the south side of Spring Creek Road to minimize the impact of industrial traffic on residential development. The proposed street design is flexible to the extent necessary to incorporate increased buffering between the residential and industrial areas.
- (ii) Medium density residential development shall consist of townhouses or low rise apartment development not exceeding three storeys or 11 metres in height. Maximum site density shall be twenty-four units per hectare. Building design and location of parking lots shall be designed to minimize the impact on existing single detached residential development on Station Street. Adequate buffering shall be provided between medium density residential development and existing adjacent uses. The form of buffering will be determined at the time of site plan approval and is expected to consist of berm/fence/landscape plantings or any combination of these. Home occupations may be permitted as an accessory use subject to the regulations of the Zoning By-law.
- (iii) The area shown as Special Residential on the north side of Spring Creek Road shall be developed as single-detached or semi-detached or townhouse dwellings. Individual driveway access shall not be provided from Spring Creek Road. Vehicular access shall be provided from an internal service road. Landscape buffering in the form of a berm/ privacy fence shall be provided along the north side of Spring Creek Road to minimize the impact of industrial traffic on residential development.
- (iv) In consideration of the close proximity of the proposed residential development to the existing industrial park, a substantial landscape buffer is required. Although a buffer area has been illustrated on Schedule "A", a comprehensive environmental impact assessment will be a prerequisite for all residential development to establish the parameters for an appropriate buffer. The assessment should consider servicing, effects of proximity to industrial uses including a noise assessment due to proximity to the industrial uses and

the CP Railway, and should indicate the measures that will be taken (i.e. screening, separation distances, etc.) to compensate for the proximity to the industrial uses. Also, due to possible PCB contamination in the area, a comprehensive soils analysis shall be required.

(c) Parkland

The park shown on Map 4 to Schedule "A" shall be considered a neighbourhood park for the purpose of this Secondary Plan. This neighbourhood park shall be used as an active play and leisure area for neighbourhood residents.

Parkland dedication or cash in lieu of parkland dedication in the amount of five percent (5%) for residential development shall be made pursuant to Sections 42 or 51.1 of *The Planning Act, R.S.O. 1990*. Cash-in-lieu of parkland dedication in the amount of 2% shall be provided for all other development. Land values for determination of cash in lieu of parkland shall be determined immediately prior to issuance of site plan approval and/or building permit.

(d) Industrial

The area shown as Industrial on Map 4 to Schedule "A" shall be subject to the industrial policies of the West Lincoln Official Plan. Industrial uses which require a railway siding will be encouraged in this area.

(e) Servicing

All development within this Secondary Plan area will only be permitted on the basis of full urban municipal services, including sanitary sewers, storm sewers and municipal water supply. In recognition of sanitary sewer capacity restrictions, industrial uses that require significant quantities of water as a part of the industrial process will be discouraged. All drainage plans and storm sewers shall be designed to meet the requirements of the Smithville North Master Drainage Study.

(f) Transportation

The street pattern, as shown on Map 4 to Schedule "A", has been developed to provide access to both the residential and industrial areas, and to segregate industrial and residential traffic to extent possible. To this end, the street design within the Secondary Plan area may be considered somewhat flexible to accommodate subdivision design variations. No road connections shall be permitted between industrial and residential areas and all subdivision designs must be co-ordinated with and facilitate access and design requirements of adjacent properties in the Secondary Plan area.

For the purpose of this Secondary Plan, Spring Creek Road shall be considered an industrial collector road providing a primary access to the industrial park. Direct residential access to Spring Creek Road shall not be permitted. Lots shall be reversed frontage onto an interior local street or a service road shall be provided.

(g) Implementation

The land use proposals contained in this Secondary Plan, as well as those aspects of the Official Plan which control development, shall be implemented through the combined actions of the public and private sector associated with the development/redevelopment of lands in the Secondary Plan area.

Development or redevelopment proposals will be required to be in conformity with the policies contained in this Secondary Plan and with the land use categories established on Map 5 to Schedule "A" hereto.

The land uses shown on Map 5 to Schedule "A" and the land use policies of this Secondary Plan shall be progressively implemented through Section 34, 41 and 51 of The Planning Act, R.S.O. 1990.

5.3 Northwest Smithville Secondary Plan

(a) General Provisions

- (i) Map 4 to Schedule "A" identifies the Plan Area of the Northwest Smithville Secondary Plan. Policies applicable to each of the land uses identified on Map 4 to Schedule "A" are contained within subsequent sections of this document. Land use boundaries shall only be considered flexible to the extent necessary to follow property boundaries.
- (ii) Before any development takes place, before any land division is permitted, before any amendment to a zoning by-law is granted, or before any building permit is issued, it shall be established to the satisfaction of the Council and all other agencies and bodies having jurisdiction that:
 - (a) Soil and drainage conditions are suitable to permit the proper siting of buildings;
 - (b) Adequate water supply, sewage disposal, storm drainage, and other necessary engineering services are provided for the site, and that there is no danger of pollution;

- (c) No traffic hazards will be created because of excess traffic generation or limited site lines on curves or grades, and that the land fronts on a public road which is of an acceptable standard of construction and is intended for that purpose;
 - (d) Adequate protection and preventive services for persons and property are available including health, fire and police, and that access to emergency services be assured through appropriate site or subdivision design;
 - (e) The privacy of residents of existing residential neighbourhoods shall not be unduly interfered with;
- (iii) Land use conflicts at the urban/agricultural interface are to be minimized through the incorporation of appropriate buffering measures.
 - (iv) Natural vegetation will be maintained and the planting of indigenous trees and shrubs will be encouraged. In cases where it is necessary to remove vegetation for construction purposes, such plant material will be replaced with indigenous species, where appropriate.
 - (v) The grading of development proposals should encourage - wherever possible - natural runoff and groundwater absorption to maintain the flow of natural water systems.
 - (vi) In recognition of the location of the Plan Area adjacent to a main railway line of the CP Rail System, appropriate safety measures such as setbacks, berms, noise walls, and security fencing shall be provided by the developer/developers of the Plan Area, to the satisfaction of the Township, in consultation with CP Rail System.

(b) Residential

The predominant use of land shown as low density residential shall be for single and semi-detached dwellings at a maximum density of 15 units per hectare. Single detached dwellings shall have a minimum lot frontage of 15 to 18 metres. Twenty-five percent (25%) to thirty percent (30%) of each subdivision may be developed with lot frontages for single detached dwellings less than 15 metres. Accessory uses to a low density residential use may include home occupations, bed and breakfast, day care and group homes subject to the regulations of the Zoning By-law.

(c) Parkland

- (i) Pedestrian and bicycle linkage to the park/open space area will be developed.
- (ii) As a condition of development/redevelopment, the Municipality may require the dedication of land for the construction of pedestrian walkways in order to access park and open space areas. The dedication of land for this purpose shall not be considered a component of the required land dedication for park purposes pursuant to Sections 41 and 51 of The Planning Act, R.S.O. 1990.
- (iii) Land uses within the areas designated on Map 4 to Schedule "A" as Open Space - Detention Ponds, shall be limited to stormwater management facilities and passive open space uses. Buildings and structures not related to stormwater management shall be prohibited from this area. The implementing Zoning By-law shall include specific provisions for these areas that reflect the policies of this Subsection and other relevant policies of this Plan.
- (iv) To ensure that adequate recreational opportunities are available in Smithville, a neighbourhood park of approximately 1 hectare (2.65 acres) will be developed in this Plan Area. The parkland shall be acquired through parkland dedication or cash in lieu of parkland dedication in the amount of five percent (5%) for residential development, and shall be made pursuant to Sections 42 or 51.1 or Section 53 in accordance with The Planning Act, R.S.O. 1990. Land values for the determination of cash in lieu of parkland shall be determined in accordance with The Planning Act, R.S.O. 1990.

(d) Servicing and Transportation Policies

- (i) The provision of sewerage, water, roads and other municipal services will be achieved with minimum costs to the Township and phased in an orderly and efficient manner. All drainage plans and storm sewers shall be designed to meet the requirements of the Smithville North Master Drainage Study.
- (ii) In order to accommodate the development contemplated by this plan, road improvements, storm sewer extensions and other services will be required. The cost of undertaking such works shall be borne by the developers through the provisions of the Development Charges Act, R.S.O. 1990 or other agreement with the Township.
- (iii) To provide for the proper co-ordination of services, and consistency of development standards, the orderly subdivision of land by way of plan of subdivision will be required.

- (iv) Subdivisions are expected to conform to the Secondary Plan design; however, modifications to the design of the Secondary Plan to accommodate subdivision designs will be considered where the general intent of the Secondary Plan is maintained.
- (v) The Open Space - Detention Pond area identified on Schedule "A" shall be designed to operate under major storm conditions as part of an overall Stormwater Management Plan. The specific size of this detention facility shall be established to detain waters to the 1 in 100 year storm using standards acceptable to the Township's Engineering Department.

(e) Implementation

- (i) The land use proposals contained in this Secondary Plan, as well as those aspects of the Official Plan which control development, shall be implemented by both the public and private sector as the lands in the secondary plan area are developed/redeveloped.
- (ii) Development and redevelopment proposals shall be in conformity with the policies contained in this Secondary Plan and with the land use categories established in Map 4 to Schedule "A".
- (iii) The land uses shown on Map 4 to Schedule "A" and the land use policies of this Secondary Plan shall be progressively implemented through Sections 34, 41 and 51 of The Planning Act, R.S.O., 1990.

5.4 Wade Road Secondary Plan

(a) Introduction

The Wade Road Neighbourhood shall develop in accordance with the Wade Road Secondary Plan, as set out on Map 6 to Schedule "A".

(b) Residential

The predominant use of land shown as low density residential shall be for single and semi-detached dwellings at a maximum density of 15 units per hectare. Single detached dwellings shall have a minimum lot frontage of 15 to 18 metres. Twenty-five percent (25%) to thirty percent (30%) of each subdivision may be developed with lot frontages for single detached dwellings less than 15 metres. Accessory uses to a low density residential use may include home occupations, bed and breakfast, day care and group homes subject to the regulations of the Zoning By-law.

- (i) The predominant use of land in the Medium Density designation shall be for street and/or block townhouse development. Development of these lands shall take place at a maximum density of thirty (30) units per hectare. Development proposals shall incorporate design features which are cognizant of the need for parking as well as private and public amenity areas. Home occupations may be permitted as an accessory use subject to the regulations of the Zoning By-law.

(c) Open Space

- (i) The predominant use of land in the Open Space designation shall be for park purposes, and do not include lands physically unsuitable for residential development and for engineering facilities, such as stormwater management facilities. The size and configuration of the Open Space designation is considered representative and subject to detailed topographical information and a stormwater management study.
- (ii) To ensure availability of recreational opportunities in the community, parkland dedication representing 5% of the lands to be developed shall be dedicated to the municipality for parkland purposes. Lands which are physically unsuitable for development or that are otherwise required for engineering purposes, will not be considered in the calculation of the 5% parkland dedication. At the discretion of Council, the 5% land dedication may be waived in favour of the construction and dedication of alternative recreational facilities, i.e. walk/bike paths which meet the recreational needs of the community.

(d) Hazard Lands

- (i) The lands designated Hazard Lands are representative of the 100 year floodplain elevation of the Twenty Mile Creek. Lands so designated are intended for the protection, preservation and enhancement of the natural environment and habitat.
- (ii) Development adjacent to the Hazard Lands designation shall be designed so as not to adversely impact the Hazard Lands. At the discretion of Council, an environmental impact study may be required as a pre-condition to any development approval.
- (iii) The lands in the Hazard Lands designation are intended for the enjoyment of all residents. Natural walk/bike paths will be encouraged and linked to the rest of the community with the design and construction being sensitive to the need for careful stewardship of the natural environment.

(e) Development Policies

- (i) All municipal services (water, sanitary sewer and storm sewer) will be designed, and constructed by the Developer. The cost of undertaking such works shall be in accordance with the Development Charges Act, R.S.O. 1990, and through a Subdivision Agreement with the municipality. No works will be undertaken which will adversely impact the financial position of the municipality.
- (ii) All servicing for the development will be designed in accordance with the Townships Municipal Design Standards and approved by the Public Works Department. Alternative design standards will be considered by Council where it is determined to be in the best interest of the municipality.
- (iii) The lands will only be permitted to develop via Plan of Subdivision and in accordance with the intent of the Secondary Plan. Vehicular access via lands adjacent to Twenty Mile Creek shall be limited to an emergency access only unless otherwise agreed upon by the municipality and the Niagara Peninsula Conservation Authority.

SECTION 6

ENVIRONMENTAL PLAN AND POLICIES

6.1 Introduction

The natural environment of the Township of West Lincoln forms an essential ingredient to the area's quality of life and its economic prosperity. The conservation of a sustainable natural environment is a key goal of this Official Plan, so that this and future generations will be able to live in a healthy ecosystem. The natural heritage of West Lincoln includes wetlands, forests, creeks and river systems, and landscape features, all of which provide habitat for a wide variety of plants and animals. The environmental policies of this Plan are designed to identify and protect the critical components of this valuable natural resource, including Hazard Lands, Significant Natural Heritage Areas, Provincially Significant Wetlands, Fishery Resources and Forest Resources.

6.2 Hazard Lands

(a) Definition

The Hazard Lands designation includes all lands having inherent environmental hazards such as poor drainage, organic soils, flood susceptibility, erosion, steep slopes, or any other physical condition that, if developed, poses a risk for the occupants to loss of life, property damage and social disruption. Floodline mapping presently exists for the entire length of the Welland River within West Lincoln (see Schedule "B") but flooding limits have not been established for the Township's other watercourses. Lands designated as hazard lands are intended primarily for preservation and conservation of the natural environment. Such uses as agricultural, passive outdoor recreation, nursery gardening, forestry, conservation of soil or wildlife, public or private recreational facilities such as golf courses, may be permitted subject to the Policies below:-

(b) Policies

- (i) The regulatory floodline established for the Welland River by the Niagara Peninsula Conservation Authority (NPCA) is shown on Schedule "B". In the absence of more detailed fill, floodline, or valley contour mapping for other watercourses within West Lincoln, the boundaries of the Hazard Lands as shown on Schedule "B" will be used as guides for the preparation of Zoning By-law provisions, which will implement the policies of this Section. If and when more detailed mapping becomes available through the Niagara Peninsula Conservation Authority, the Municipality may amend this Plan and the implementing Zoning By-law, as required.

Building setbacks will be imposed from the margins of the Hazard Lands related to the extent or severity of the hazard. Specific determination of top-of-bank shall be staked in the field with Conservation Authority staff. To determine appropriate building setbacks from watercourses other than the Welland River, particularly Fifteen, Sixteen and Twenty Mile Creeks, consultation with the Niagara Peninsula Conservation Authority is required.

- (ii) No buildings, structures, fill nor removal of fill of any kind, shall be permitted in areas subject to periodic flooding or physical limitations of any kind without the written consent of the Niagara Peninsula Conservation Authority. It is recognized that areas designated as Hazard Lands are to be managed so as to complement adjacent land uses and protect them from any physical hazards or their effects.
- (iii) Where designated Hazard Lands fall under private ownership, it is not the intention of this Plan that such lands will necessarily remain undeveloped indefinitely; nor is it implied that such designated areas are free and open to the general public or that they will be purchased by the Municipality or the Niagara Peninsula Conservation Authority. If proposals are made to develop any such lands that are under private ownership, and the Municipality, the Niagara Peninsula Conservation Authority or other public agency declines to purchase such lands in order to maintain them in their natural state, then an application for the redesignation of such lands for other purposes will be given due consideration by the Council of the Township of West Lincoln. Development and site alteration may be permitted in Hazard Lands provided that all of the following can be achieved:-
 - (a) the hazards can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
 - (b) new hazards are not created and existing hazards are not aggravated;
 - (c) no adverse environmental impacts will result;
 - (d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
 - (e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Any application for the redesignation of Hazard Lands for other purposes may require a Natural Hazards Assessment for the consideration of the Municipality which shall take into account:-

- (a) the existing environment and/or physical hazards;
- (b) the potential impacts of these hazards,
- (c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- (d) the local significance of these lands prior to a land use change and/or any development;
- (e) the importance of these lands to the Township in a municipal open space system, especially watercourses; and
- (f) the potential impacts of development on these lands and resulting loss of open space and lands with natural/recreational features.

There is no public obligation, however, either to redesignate or to purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome.

- (iv) Where new development is proposed on a site, part of which has physical or environmental hazards, then such Hazard Lands shall not necessarily be accepted as part of the five percent dedication for parkland under *The Planning Act, R.S.O. 1990*. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open watercourse is involved, adequate space shall be provided for maintenance and operations.
- (v) In the case of a natural catastrophe where an existing building is destroyed in a Hazard Lands area, permission may be granted by the Council to permit the dwelling to be rebuilt on the site, subject to the regulations of the Conservation Authority.
- (vi) The conservation of soil, water, flora and fauna shall be encouraged in all Hazard Lands.
- (vii) Notwithstanding the provisions of Subsection 6.2 (a), private recreational uses shall not be permitted where 'Hazard Lands' abut an 'Agricultural' designation.

6.3 **Environmental Constraint Area**

(a) **Definition**

The Environmental Constraint Area identifies areas which are known as existing or past waste disposal sites.

(b) **Policies**

- (i) The construction of buildings, structures and hard surface paving in Environmental Constraint Areas (as shown on Schedule “A”) will only be permitted subject to the following policies.
 - (a) Written approval has been given by the Ministry of Environment and Energy (MOEE) pursuant to the Environmental Protection Act R.S.O. 1990.
 - (b) Studies have been carried out by an engineer/ scientist qualified in waste management impact assessment to the satisfaction of the Township and the MOEE. Such studies shall indicate that development can take place without adverse effects to public health and safety and/or the environment.
- (ii) The construction of residences will not be permitted on areas which were used for waste disposal.
- (iii) Where development is proposed within 500 metres of lands used for waste disposal,
 - (a) The Township and the MOEE shall be consulted regarding necessary actions to identify and mitigate for potential public health and safety, and environmental concerns.
 - (b) Evidence shall be provided to the Township and MOEE that such development, including construction of buildings, structures, hard surface paving and underground utilities, can take place without adverse effects to public health and safety, or the environment.

6.4 **Significant Natural Heritage Areas**

(a) **Definition**

The intent of this plan is to maintain the existing biological diversity and functionally important ecosystems which presently make up the natural heritage of the Township of West Lincoln.

Areas of remnant natural vegetation which are identified as biologically significant according to a series of ecological criteria are designated as Significant Natural Heritage Areas, and include provincially significant life science Areas of Natural and Scientific Interest (ANSIs) and Regional Environmentally Sensitive Areas (ESAs). These criteria include: representation, hydrological/hydrogeological function, species diversity, large size, lack of disturbance, unusual landforms, presence of uncommon vegetation type or the presence of vulnerable, threatened or endangered plant and/or animal species. Identification of ANSIs/ESAs is subject to a reconnaissance field assessment and subsequent scientific evaluation using accepted protocols designed by the Ministry of Natural Resources (ANSIs) and Brock University (ESAs).

The predominant land use to be encouraged on lands designated as Significant Natural Heritage Areas shall maintain and preserve the significant attributes and functions of these lands. Compatible uses may include: passive recreation, research, education, wildlife management, maple sugar extraction and low intensive selective forestry.

Provincially and regionally significant life science ANSIs identified by the Ministry of Natural Resources and ESAs as identified by Brady (1980) for the Regional Municipality of Niagara, are designated as Significant Natural Heritage Areas. There are two (2) provincially significant life science ANSIs and fifteen (15) Regional ESAs within the Township of West Lincoln, the approximate boundaries of which are shown on Schedule "B". These are:-

Provincially Significant Life Science ANSIs

- Caistor - Canborough Slough Forest (also a Regional ESA)
- St. Ann's Slough Forest (also Regional ESA)

Regional ESAs

- McCready's Bush
- Hardy's Woodlot
- Sucker Creek
- Silverdale Woodlot
- Hafeman's Bush
- Pot's Woodlot
- Bismarck Bush
- Garber's Grove
- Spring Creek Bush
- Bartell's Bush
- Leyburn Bush
- Comfort's Bush
- Upper 20 Mile Creek
- Durham Oak Grove
- Moore Woodlot

(b) Policies

- (i) In order to preserve Significant Natural Heritage Areas, Council will support and encourage the acquisition of these lands for passive public recreation (e.g. hiking, nature study) and conservation purposes by the appropriate agencies. Identification of Significant Natural Heritage Areas in this plan, however, does not infer a commitment to purchase such areas, nor does it imply that such areas under private ownership are open to the public.
- (ii) Council shall encourage the owner of a Significant Natural Heritage Area to enter into an agreement with the appropriate agency to maintain all or part of the Significant Natural Heritage Area in a natural state.
- (iii) In order to minimize environmental effects where development is proposed on land designated as, or adjacent to (within 50 metres), a Significant Natural Heritage Area, Council shall require that the proponent conduct an Environmental Impact Study (EIS) when seeking approval. The purpose of the EIS is to demonstrate that the Significant Natural Heritage Area will be minimally impacted and shall include the following:-
 - (a) A statement describing existing environmental conditions including: soils and geology, hydrological and hydrogeological conditions, vegetation communities, wildlife, ecological function, and sensitivities.
 - (b) A description of the proposed development and how it relates to the Significant Natural Heritage Area.
 - (c) A description of the expected impacts of the proposed development or land use change on the existing environmental resources described above in (A).
 - (d) An evaluation of development alternatives, if appropriate, and the formulation of recommendations and mitigation measures which will reduce the anticipated development impacts.
- (iv) Council will provide Regional Niagara and the appropriate public agencies with the opportunity to review and comment on the acceptability of the EIS.
- (v) The ANSI/ESA boundaries may be redefined as a result of the findings of an accepted EIS without an amendment to this plan, provided that any changes are of a minor nature. Since the identification of ANSIs is a provincial responsibility, any proposed changes to an ANSI boundary would require the consent of the Ministry of Natural Resources.

- (vi) An amendment to this Official Plan shall be required to add any new ANSI or ESA to Schedule “B”, Environmental Plan. Existing ANSI/ESA boundaries may be redefined as new information comes to light. In cases where changes occur, the appropriate abutting land use category shall apply and the Zoning By-law shall be amended accordingly.
- (vii) Uses in or adjacent to Significant Natural Heritage Areas shall be those that minimize the potential for impacts on the natural features of such areas. For example, maple sugar tapping, seed collection, recreational trails, nature study, hunting and fishing are permitted uses.

6.5 **Provincially Significant Wetlands**

(a) **Definition**

The Township of West Lincoln contains a number of wetlands which have been delineated and evaluated by the Ministry of Natural Resources following the Ontario Wetland Evaluation System for Southern Ontario. Boundaries of wetlands have been defined based on the presence of wetland indicator vegetation, organic soils and a ground water table which is situated at or very near surface. The Township's 37 wetlands have been assigned a score according to criteria set out in the evaluation system and, based on this score, all have been classified as **provincially significant**. The 37 provincially significant wetlands that have been identified in the Township range in size from 2.8 hectares to 104.5 hectares. The entire length of the Welland River and Twenty Mile Creek is considered a provincially significant wetland, as are portions of Beaver Creek, Mill Creek, Moore's Creek and Wolf Creek. Most of the other wetlands in West Lincoln are wetland complexes, meaning that they consist of more than one (1) wetland unit. In West Lincoln, most of the wetland complexes are made up of many small swamp sloughs contained within larger woodlots. Because of their small size, the precise locations of these individual wetland pockets are difficult to map at a scale of 1:50,000. Accordingly, the boundaries of the provincially significant wetland complexes depicted on Schedule “B” are defined by the larger woodlot within which they occur. More detailed maps are available through the Ministry of Natural Resources and should be consulted to determine the precise locations of individual wetland units within these larger blocks.

(b) **Policies**

- (i) According to the Provincial Policy Statement, development and site alteration is not permitted within Provincially Significant wetlands.

- (ii) Preparation of an Environmental Impact Statement (EIS) is required for any development or site alteration proposed within "adjacent lands" (defined as all lands within 120m of the provincially significant wetland). The purpose of the EIS is to demonstrate that the wetland features and functions will be minimally impacted, and to make appropriate recommendations which ensure that the wetland is adequately protected from adjacent land uses.
- (iii) The boundaries of individual wetlands and wetland complexes will need to be defined more precisely in the EIS.
- (iv) Existing agricultural activities are permitted to continue within provincially significant wetlands or on adjacent lands. An EIS is required if the adjacent lands are currently zoned for uses other than agriculture and the landowner wishes to actively farm it or if a new land use is proposed on agricultural land that would require rezoning.
- (v) Depending upon the type and size of the proposed undertaking and its impact potential, the Municipality may reduce the scope of the EIS requirements and, therefore, the level of detail required. This may be determined through initial consultation among the proponents, the Municipality, Regional Niagara and the review agencies to identify the key issues.
- (vi) Protection of wetlands not designated as provincially significant (i.e., locally significant wetlands) is encouraged where possible. At present, none of the evaluated wetlands in West Lincoln is locally significant.
- (vii) The identification of wetlands does not infer a commitment to purchase such areas, nor does it imply that such areas under private ownership are open to the public.

6.6 Natural Resources

(a) General

This subsection describes development policies related to the natural resources located within the Township. These consist of both resources to be utilized for economic benefit and resources to be protected to sustain an ecologically viable, functioning environment. Policies are provided to encourage sustainability of renewable resources and access of non-renewable resources, particularly in the context of changing land uses.

A sustainable natural environment is capable of meeting the needs of the present without compromising the ability of future generations to meet their own needs. In addition to the Significant Natural Heritage Areas and Provincially Significant Wetlands discussed in Sections 6.4 and 6.5, the Municipality's natural resources include numerous river and creek systems, wooded areas, and extensive agricultural lands. These areas provide critical habitat for a high diversity of plant and animal species which play an important role in the ecology of West Lincoln as well as the entire Region of Niagara. Unlike the previous Official Plan, this section does not include policies specific to wildlife. Instead, the focus is placed on the identification and protection of woodlands and watercourses that function as important habitats for vegetation, fish and wildlife.

The purpose of this section of the Plan is to identify the functions and attributes of natural areas and corridors to link them together into a municipal greenlands system. Some of these areas and corridors are already in public ownership, such as conservation authority owned lands, but most are privately owned. The policies in this section are largely based upon natural resource inventory information collected and provided by the Ministry of Natural Resources which emphasizes significant features. Long-term environmental protection relies on more than the preservation of individual features, however. An understanding of the interrelationships between these features is also critical.

(b) Fishery Resources

- (i) Council recognizes the importance and value of fishery resources within the Municipality. High quality fish habitat provides the following benefits to the community:
 - (a) recreational opportunities;
 - (b) economic benefits in terms of income generated through fishing and tourism;
 - (c) environmental and aesthetic benefits that accrue from the presence of high quality fish habitat; and
 - (d) useful indicators of the health of the aquatic environment.

Council shall encourage development in the Municipality to take place in a manner that does not adversely affect habitat essential to the maintenance of a healthy fish population. The *Federal Fisheries Act (Department of Fisheries and Oceans 1985)* promotes the principal of no net loss of fish habitat or productive capacity.

- (ii) The Ministry of Natural Resources has classified the watercourses in West Lincoln according to a fish habitat classification system developed by the Federal Department of Fisheries and Oceans. Fish habitat falls into one (1) of three (3) types:- Type 1, Type 2 and Type 3.

Type 1 habitat is the most sensitive of the three (3) and requires the highest level of protection. Examples include critical spawning and rearing areas for fish with stringent habitat requirements, migration routes, and productive feeding areas. Within West Lincoln, the Welland River, Mill Creek, Fifteen Mile Creek, Sixteen Mile Creek and Twenty Mile Creek have been identified as Type 1 fish habitat. These are shown on Schedule "B".

Type 2 habitat is less sensitive than Type 1, requires a moderate level of protection and includes feeding areas for adult fish and unspecialized spawning habitat. Wolf Creek, Moore's Creek, North Creek, the headwater tributaries of Mill Creek and the lower reaches of Beaver Creek are considered to be Type 2 habitat (Schedule "B").

Type 3 habitats are marginal or highly degraded and do not contribute directly to fish productivity. Examples of Type 3 habitat include channelized streams and artificially created drainage swales not shown on Schedule "B".

- (iii) In considering development proposals through the planning review process on or adjacent to Type 1 and 2 habitats, Council shall, in consultation with Regional Niagara and the Ministry of Natural Resources, consider the following matters:
- (a) the effect the proposal will have on the fish habitat;
 - (b) methods to mitigate or compensate for any negative impacts on the fish habitat; and
 - (c) the need to provide or maintain public access.
- (iv) Prior to making a final decision on amendments referred to in clause (iii) above, Council may require additional studies, special engineering works or design controls, to ensure that the proposed development does not adversely affect the ability of the fish habitat to sustain healthy fish populations.

- (v) Council shall encourage and support the Ministry of Natural Resources, Regional Niagara and the Conservation Authority in their efforts to maintain or improve the quality of fish habitat within the Municipality in accordance with relevant fish management legislation, such as the Game and Fish Act, R.S.O. 1990, the Federal Fisheries Act and the Lakes and Rivers Improvement Act.
- (vi) Council shall encourage landowners to consult with Regional Niagara and the Ministry of Natural Resources prior to commencing works of any kind on or adjacent to important fish habitats, to determine means by which adverse effects on fish habitat may be eliminated or minimized.
- (vii) Prior to constructing, funding or supporting public projects such as municipal road or drainage work carried out pursuant to the Drainage Act, R.S.O. 1990, on land on or adjacent to "Important Fish Habitat", Council shall consult with Regional Niagara and the Ministry of Natural Resources to determine what design requirements are necessary to eliminate, mitigate or compensate for adverse effects on the fish habitat.

(c) Forest Resources

- (i) Council recognizes the importance and value of forest resources within the Municipality. In addition to their value as a source of wood and non-wood products, forested areas are important for wildlife habitat, recreation, aesthetics, and soil and water conservation capabilities. Council shall consider the social, economic and ecological benefits that a forest provides, when considering the value of forest resources within the Municipality. Many of the larger woodlots within West Lincoln have been identified as Significant Natural Heritage Areas (ESAs and ANSIs and/or Provincially Significant Wetlands and are covered by specific policies under 6.4 and 6.5.
- (ii) Prior to making a final decision on development proposals affecting other forest resource areas (i.e. those that are neither ANSI, ESA nor Provincially Significant Wetland), Council shall ensure:-
 - (a) where appropriate, that development is carried out in accordance with the Regional Municipality of Niagara's Tree Conservation By-law Number 8541-96.
 - (b) the proponent retains as much of the existing tree cover as possible;
 - (c) where possible, necessary tree removal is diverted to less valuable treed areas; and

- (d) trees that must be removed are properly harvested and provisions are made for their proper utilization insofar as it is possible.
- (iii) Council will encourage the management and harvesting of forest products in accordance with sound management practices. In this regard, Council shall encourage and generally support the Ministry of Natural Resources and Conservation Authority in the implementation of their forest management programs.
- (iv) In areas designated "Agricultural" on the Land Use Schedule, landowners shall be encouraged to recognize the forest resources as an integral part of their total agricultural operation, both as a source of income from various forest products, and as an important agent in providing essential soil and water conservation benefits. In this respect, landowners will be encouraged to:
 - (a) manage forest resources in accordance with proper forest management practices, in consultation with the Ministry of Natural Resources;
 - (b) retain existing tree cover, insofar as it is practical;
 - (c) maintain tree and shrub cover or encourage regeneration of natural vegetation on soils with low agricultural capability and in hazardous areas such as steep slopes, major drainage swales and flood prone areas, in order to reduce runoff rates and minimize soil erosion;
 - (d) discourage the grazing of livestock within woodlots; and
 - (e) encourage the retention and establishment of windbreaks to reduce wind erosion;
- (v) In areas designated Hazard Lands on Schedule "B", forestry uses are permitted that do not adversely affect the environmental and social benefits of forest resources.

Council will maintain existing trees and plant additional trees along municipal roads insofar as highway safety requirements will permit, to enhance the attractiveness of the roadway.

- (vi) Provisions will be incorporated into the Zoning By-law that:
 - (a) permit the management of forest resources and the harvesting of forest products in appropriate zones; and

- (b) limit uses in other forest resource areas to low intensity developments such as passive recreation and agriculture, which do not require extensive land coverage by buildings, roads and structures.

(d) Petroleum Resources

- (i) Council recognizes that the presence of gas and oil resources in the Municipality can provide a significant contribution to the local economy. Accordingly, petroleum exploration and extraction activities are encouraged throughout the Municipality subject to the provisions of the Petroleum Resources Act, R.S.O. 1990 and its attendant regulations.
- (ii) However, Council also recognizes that:
 - (a) The presence of old, improperly capped gas and oil wells can pose hazards to human health and safety and property;
 - (b) The erection of buildings and structures too close to existing gas and oil wells can result in potential land use conflicts. Concentrations of both active and abandoned gas and oil wells are known to exist.
- (iii) In reviewing development proposals such as zoning by-law amendments, subdivision plans and land severances, Council shall consult with the District Office of the Ministry of Natural Resources to determine:
 - (a) The presence of any gas and oil wells (both active and abandoned) in the vicinity of the application;
 - (b) Any potential hazards these wells pose to the proposed development; and
 - (c) The means by which these hazards may be overcome.
- (iv) The location and regulation of gas and oil wells will be controlled by the Ministry of Natural Resources, in accordance with the provision of the Petroleum Resources Act, R.S.O. 1990. Council may include provisions in the Comprehensive Zoning By-law:
 - (a) To establish setbacks for buildings and structures from gas and oil wells; and
 - (b) To control the location of uses ancillary to the development and production of gas and oil wells such as bulk storage facilities.

(e) Mineral Aggregate Resources

- (i) The Ministry of Natural Resources has identified several bedrock resource areas of “Primary Significance” in the northwest portion of the Township. However, because these limestone and dolostone deposits are generally found at depths of up to 15 metres below ground, they are not easily accessible, making extraction of the resource economically unfeasible. At present, there are no commercial mineral extraction operations in the Township and, therefore, no land is designated for “Extractive Industrial” purposes in this Plan.
- (ii) Prior to any future extraction, the necessary approvals shall be required from the Municipality, the Region and the Province. The establishment or expansion of a pit or quarry (other than a wayside pit or quarry) shall require an amendment to this Plan, the Regional Policy Plan, an amendment to the Zoning By-law, and the issuance of a license from the Ministry of Natural Resources pursuant to the Aggregate Resources Act, R.S.O. 1990.
- (iii) Wayside pits and wayside quarries, including portable asphalt plants and portable crushing plants, shall be permitted in all land use designations subject to the requirements of the Provincial Policy Statement and the Aggregate Resources Act, R.S.O. 1990. Wayside pits and wayside quarries will not be permitted on or adjacent to Significant Natural Heritage Areas or Provincially Significant Wetlands or in areas of existing development.
- (iv) Prior to the issuance of any permit for a wayside pit or quarry, the Minister of Natural Resources shall circulate the application to the Township for comments. Council shall have regard to:
 - (a) the need for the proposed wayside pit or wayside quarry, including a review of:
 - (i) proposed haul routes;
 - (ii) the proximity of the wayside pit or wayside quarry to the project(s) it will supply;
 - (iii) impacts on adjacent land uses and residents;
 - (iv) the site plan and operation of the proposed wayside pits and quarries;
 - (v) type of rehabilitation;

- (vi) availability of alternate aggregate resources;
- (vii) the impact of the operation on the environment, including ground and surface water quality and quantity.

Any public road authority or the Ministry of Natural Resources shall respond to any comments made by the Township before issuing a permit for a wayside pit or quarry.

- (b) Any 'Agricultural' area used for a wayside pit or quarry shall be rehabilitated back to agriculture and shall have substantially the same acreage and average soil capability restored for agriculture.
- (c) Existing wayside pits and quarries shall be protected from the development of incompatible land uses on adjacent properties.
- (d) It is Council's understanding that the Ministry of Natural Resources will not alter or renew any permit for a wayside pit or wayside quarry without consulting with Council.

SECTION 7

HOUSING

7.1 Background

It is the intent of Council to encourage the provision and maintenance of an efficient and pleasant living environment for West Lincoln residents. To this end, Council will endeavour to provide for a variety of dwelling unit types and tenures with necessary amenities to foster affordable, safe and attractive residential areas.

7.2 Objectives

- (a) To maintain a ten (10) year supply of vacant residential land available for development, and lots and blocks in development plans to meet the needs of the housing market;
- (b) To ensure that the servicing requirements of residential areas are met and provided for in a timely and cost efficient manner; the timing of which will be directed by rate of development, and the costs equitably born by the users;
- (c) To encourage affordable and alternative forms of housing within the Smithville urban service area;
- (d) To ensure that all development applications are processed in an efficient and timely manner;
- (e) To encourage a range of housing types to meet the needs of all household types and income ranges within the Township;
- (f) To facilitate rehabilitation, infill and redevelopment within Smithville; and
- (g) To provide for a system of monitoring the housing market and the effectiveness of housing policy in meeting the dwelling needs of the community.

7.3 Policies

(a) Provision of Housing

Council shall require a safe and attractive living environment in all residential areas of the Township. Accordingly, when considering all new housing development or redevelopment of established areas in the Township, Council will have regard to the following factors, in determining the compatibility with surrounding land uses;

- (i) the provision and maintenance of adequate off-street parking;
- (ii) the improvement and maintenance of street landscaping;
- (iii) the maintenance of adequate separation distances and use of buffering features between residential and adjacent land uses; and,
- (iv) the provision of adequate recreation facilities in the vicinity of the site.

(b) Maintenance of Housing Supply

Council shall encourage the maintenance of affordable housing stock, both by type and tenure.

(c) Housing Supply

- (i) The Township will encourage the development industry to maintain a minimum of a 3-year supply of lots and blocks on new plans of subdivisions. To this end, the Township will ensure that there is sufficient servicing capacity and a minimum 10-year supply of designated vacant developable residential lands.
- (ii) In determining supply for affordable housing, the urban service area of Smithville will be considered as the primary location.
- (iii) To assist in the maintenance of an adequate supply of residential lands in the Township, the Township will maintain an inventory of vacant developable residential lands.

(d) Approval Process

- (i) The Township will ensure that its approval process for housing proposals is efficient and the processing time as short as possible.
- (ii) The Township will prepare, maintain, and update from time to time, a development standards manual and a development procedural manual which respectively outline;
 - (a) development standards for residential development;
 - (b) procedures, responsibilities and targeted time frames for processing of development applications.

(e) Future Housing Requirements

- (i) The Township shall encourage the development of an adequate supply and mix of all types of housing to the residents of West Lincoln, including;
 - (a) owner occupied and rental dwelling units;
 - (b) affordable dwelling units;
 - (c) dwelling units for all socio-economic groups including special needs groups such as the aged, the physically and mentally handicapped, and single parent families.
- (ii) To achieve an adequate supply and mix of housing types, the Township shall endeavour to meet identified housing targets and will take into consideration these targets as guidelines for a housing mix when reviewing proposed subdivisions and housing developments.
- (iii) Affordable housing, including owned and rental dwellings, will be encouraged in various locations and neighbourhoods in Smithville.
- (iv) The Township recognizes the role of community-based housing sponsors as housing providers and will assist with and expedite applications as deemed appropriate on a case-by-case basis.

(f) Housing Intensification

- (i) The Township will encourage the maintenance and rehabilitation of existing housing stock and encourage the creation of new residential units in developed neighbourhoods through infill, conversion of existing buildings and redevelopment.
- (ii) In approving the creation of dwelling units above or secondary to commercial development, Council shall have regard to the provision of adequate amenities, including:-
 - (a) parking;
 - (b) landscaped open space;
 - (c) recreational opportunities;
 - (d) safe access and egress of residents, both pedestrian and automobile oriented.

(g) Monitoring

- (i) The Township will monitor and prepare an annual report on development applications, housing construction and trends in the Township.

SECTION 8

HERITAGE CONSERVATION

(a) Sites and structures of historical, architectural and archaeological value in the Township of West Lincoln should be preserved. These features are unique and all too often irreplaceable. Therefore, it is the objective of Council to preserve and enhance structures, buildings and properties of historical, cultural and architectural significance.

(b) **Policies**

- (i) In order to promote the preservation and maintenance of heritage resources within the Township, Council, as permitted under the Ontario Heritage Act, R.S.O. 1990 may designate various historically or architecturally significant buildings, structures or areas.
- (ii) Council may establish a Local Architectural Conservation Advisory Committee (L.A.C.A.C.) under the terms of the Ontario Heritage Act, R.S.O. 1990 to advise on matters relating to this Act and any other concerns relating to the preservation and maintenance of historic buildings.
- (iii) Major development or redevelopment will not take place within or in close proximity to residential areas having historical or architectural merit where Council determines that such development or redevelopment will detract from or indirectly impair the character, quality, amenities, or stability of the residential areas.
- (iv) Encouragement may be given to proposed commercial development to incorporate a building, or group of buildings with historic character or architectural value and to proposals which utilize buildings or lands serving obsolete functions and which are therefore under-utilized or vacant.
- (v) Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

SECTION 9

TRANSPORTATION

9.1 General

Schedule "C" - Major Roads Plan - shows the system of Major Roads. It is basically an arterial and collector road system which, in general, is an adaptation of the existing system.

- (a) The Major Roads designation is set out in Schedule "C". The road network shown on Schedule "C" is based on the principal that the overall road pattern should be in harmony with the existing and proposed road pattern in adjoining municipalities as well as with the system of Provincial highways and Regional roads.
- (b) It is not intended that the Major Roads, which represent approximate point to point alignment only, be constructed in the exact location shown on Schedule "C". The eventual location and alignment of the Major Roads will be determined after the necessary traffic studies, engineering design and neighbourhood design have been carried out.

9.2 Classification

In constructing a road network for the Township, it is essential that a functional road classification system be established so that traffic volumes may be handled by an integrated road pattern developed in conjunction with the Land Use Plan. The following classification has been used:

(a) Arterial Roads

DEFERRAL #9

Arterial Roads are existing and proposed roads designed to facilitate inter-area or through traffic on two or four traffic lanes. All Regional Roads are classified as arterial roads and include: 2, 6, 8, 9, 12, 14, 16, 18, 22, 24, 27, 63, 65, 69, 73 and Regional Road 20 (formerly Highway 20). These roads will have, where possible, a minimum right-of-way width of 86 feet for two lanes and 86 feet for four lanes. Direct access to abutting property is restricted unless it is absolutely necessary. Regional Roads 14 (south of Smithville), 6 and 65 are classified as arterial, although they do not completely fulfill the minimum standards as set out above.

(b) Collector Roads

A Collector Road has the dual function of carrying medium volumes of traffic and providing land access. The Collector Road distributes traffic between Local Roads and Arterial Roads and generally carries lighter volumes for shorter trips at lower speeds than an Arterial or Provincial Road. Some of the major Township Roads provide this "Collector" function.

(c) Local Roads

A Local Road provides land access and generally carries low volumes of traffic most of which has either an origin or destination along its length. Local Roads are generally designed to discourage through traffic.

9.3 Proposals

- (a) Schedule "C" - Major Roads Plan - shows the minimum right-of-way widths, deemed necessary for each of the Major Roads in the system; however, deviations there from shall be deemed to conform with the intent of this Plan provided such deviations are based on adequate study of the present situation and/or engineering design referred to in Section 9.1 (b).
- (b) Improvements to the road system and road construction and reconstruction should be carried out in accordance with suitable standards. Council will consider the adoption of the Ontario Ministry of Transportation's Design Standards for Rural and Urban Roads.
- (c) It is proposed that intersection improvements such as pavement realignment, provision of turning lanes and other measures will be undertaken at the intersections of Major Roads and various Local Roads as traffic conditions warrant and suitable financing is available for such improvements. Where a major road intersects a minor road, the improvements shall be designed to favour traffic on the Major Road. In considering future subdivision plans, Council shall attempt to keep the number of intersections with Major Roads to a minimum.
- (d) Consideration shall be given to the protection of Major Roads for moving traffic and, where considered feasible, reverse frontage lots or service roads will be required for land abutting Provincial, Arterial or Collector Roads as shown on Schedule "C". Exceptions to this policy may be permitted in certain instances such as infilling of rural non-farm residential uses as permitted in Agricultural areas.

- (e) It is not intended or proposed that all road proposals shall be undertaken in the immediate future. If considered desirable, this Plan will be amended in order to incorporate the recommendations resulting from any future studies undertaken by the Ontario Ministry of Transportation, the Regional Municipality of Niagara and/or the Township.

9.4 Rail

A CP Rail Mainline passes through the Municipality; this line connects West Lincoln to the Canadian and American freight rail network. This important transportation corridor shall be protected for incompatible uses.

All setbacks from the rail line shall be in accordance with the Policies of Section 10.20.

The Municipality, in conjunction with the Niagara Peninsula Conservation Authority, or other public agency, shall consider the acquisition of any abandoned rail lines for public trail and related recreational uses.

SECTION 10

DEVELOPMENT POLICIES

10.1 General

To ensure and facilitate orderly and logical development within the Township of West Lincoln, due regard shall be given to Provincial Policy Statement under Section 3 of *The Planning Act, R.S.O. 1990*, and to the following general provisions and policies applicable to all land use designations.

The uses permitted in this Plan, and regulations for such uses shall be set forth in the implementing Zoning By-law. Regard shall be had for the protection of existing permitted uses, especially in the case of conflicting land use proposals.

10.2 Servicing Requirements

(a) Agricultural Area

In Agricultural areas, development shall be dependent on individual water supply and sewage disposal facilities provided that such development is in accordance with all other policies of this Plan, the policies of the Ministry of the Environment and Energy or the authority having jurisdiction and/or the Water Management Branch and provided Council is satisfied that no adverse effects will be experienced.

(b) Smithville Urban Development Area

The following policies shall apply to the Smithville urban development area, comprising certain areas designated in Schedule "A" for Urban Residential, General Commercial, Neighbourhood Commercial and Industrial purposes.

- (i) As a general policy, all major development shall be accompanied by the provision of the following municipal services:- paved roads, municipal water supply and municipal sanitary sewerage collection systems, storm drainage works and other services which the Council may deem desirable, to the specifications set from time to time by the Council.
- (ii) Exceptions to the policy set out in Clause (i) above may be made in the case of municipal sewerage and water systems for Industrial uses in Industrial areas where sewers and/or public water supply are to be made available shortly, and/or where sewers or water services are shown to be unnecessary, provided that such exceptions are in accordance with the policies of the Ministry of the Environment or the authority having jurisdiction and/or the Water Management Branch

and provided it can be shown by the owner to the satisfaction of the Council and other public agencies that no adverse effects will be experienced and that such services are not necessary in the public interest.

(iii) **(Deleted by OPA No.11)**

(c) Hamlet Community and Rural Cluster

It is not expected that the Hamlet areas or Rural Clusters will be provided with sanitary sewer facilities. Communal systems are not permitted in Hamlets or Rural Clusters.

Development in Hamlet areas, subject to policies set out in Sections 4.6 (b) and 4.7 (b) may proceed with individual water and sewage disposal facilities (i.e. private wells and septic tanks) provided that such development is in accordance with all other policies of this Plan, the policies of the Ministry of the Environment and Energy or the authority having jurisdiction, and provided that Council is satisfied that no adverse effects will be experienced.

(d) Recreational Trailer Park

Recreational Trailer Park developments shall be serviced by either a communal water supply and sewerage disposal system or by a centrally located water supply station and sewage dumping station subject to the requirements of the Ministry of Economic Development, Trade and Tourism, the Ministry of the Environment and Energy or the authority having jurisdiction.

10.3 Residential Uses

New residential lots shall be created by registered plan of subdivision, unless application for consent is deemed appropriate. New Development that requires the construction of new road, the extension of an existing road or the extension of services shall only occur by registered plan of subdivision. Development on private sewer and water services may be permitted for five lots or less, where site conditions are suitable for the long term, and where connection to full or communal service is not available. New Development within Smithville shall be based upon full municipal services. Piecemeal development shall generally not be permitted. **(As Amended by OPA No.11)**

10.4 Mobile Homes

Mobile homes may be permitted for residential purposes, subject to the provisions of the Townships Zoning By-law or a Temporary Use By-law pursuant to Section 39 of The Planning Act, R.S.O. 1990.

Mobile homes may be used as:

- (a) garden suites;
- (b) farm helphouse, or
- (c) as a temporary dwelling in the case where the principal dwelling has been destroyed by fire or other calamity.

10.5 Development Adjacent to Watercourses

All applications for new development or redevelopment shall be expected to demonstrate to the satisfaction of Council, in consultation with the Ministry of Natural Resources, the Ministry of the Environment and Energy and the Conservation Authority, how best available construction and management practices will be used to protect water quality and quantity, both during and after construction. This shall include:

- (a) maintaining and enhancing the minimum base flow of the watercourse;
- (b) protecting sensitive aquatic habitat; and
- (c) establishment and maintenance of "natural" vegetative buffers along the affected watercourses and wetlands.

10.6 Lot Frontage and Access

No building or structure may be developed on any lot for any purpose that does not have frontage and direct access to an open, improved public road which is maintained on a year round basis. The access shall be constructed at a standard appropriate to that use and the road must be able to safely accommodate any increased traffic that may result from the proposed development.

10.7 Development Agreements

No new development shall be recommended for approval if, in the opinion of the Council, such development would result in an undue financial burden to the Township. Proponents of any development shall be required to enter into a subdivisions agreement or development agreements in order to recognize the financial impact of each proposed development, and to protect the existing stable financial position of the Township while meeting the social, recreational and environmental needs of the community.

10.8 Development Standards

Council shall ensure, through the adoption of suitable zoning and site plan control provisions, that adequate standards are required for all development relating to off-street parking and loading facilities, site grading and drainage, and other design criteria, including landscaping and buffering and controls regulating the height, bulk, location, size and floor area. Efforts shall be made to regulate the display of signs and advertisements through adoption of By-laws passed under the Municipal Act, R.S.O. 1990, as amended.

10.9 Public Uses

Uses such as public parks and similar recreational facilities, and the installation of facilities essential to the operation of a public utility, with the exception of landfill and/or waste disposal sites, shall be permitted within all urban designations of this Plan, provided that such uses will be compatible with surrounding uses to the extent practicable. Only essential linear public utility uses (i.e. pipelines, hydro lines, etc.), water supply, sewage treatment facilities and the expansion of other existing public uses shall be permitted within the Agricultural and Hazard Lands designations. The impact of such uses on Hazard Lands and the natural environment shall be minimized.

Wherever possible such public uses should be located outside Provincially Significant Wetlands and Significant Natural Heritage Areas. Where such uses must be located on these lands, design alternatives and mitigation measures shall be implemented to minimize adverse environmental impacts.

An Environmental Impact Statement (EIS) is not required for those public uses in or adjacent to a Provincially Significant Wetland or Significant Natural Heritage Area that are authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation. Other public uses not authorized through an Environmental Assessment process will be subject to an EIS and shall be prepared by the proponent in accordance with Policy 6.4(b)(iii) of this Plan.

10.10 Electric Power Facilities

All existing electric power facilities and the development of any new electric power facilities, including all works as defined in the *Power Corporation Act, R.S.O. 1990*, such as transmission lines, transformer stations and distributing stations, shall be permitted throughout the Township without an Official Plan Amendment, provided that such development satisfies the provisions of the *Environmental Assessment Act, R.S.O. 1990*, including regulations made under the Act and any other relevant statutes.

10.11 Temporary/Portable Hot Mix Asphalt Facilities

Temporary or portable hot mix asphalt facilities and portable concrete crushing plants established for public road projects within the Township shall be permitted in licensed or wayside pits or quarries, for a maximum of eighteen (18) months, provided that the installation and operation of all such facilities is carried out having due regard to the other policies of this Plan and by agreement with Township Council.

10.12 Home Occupations

Home occupations may be permitted in any designation where residential uses are recognized. A wide range of activities may be permitted, provided that the uses are accessory and incidental to the principal residential use and the area occupied by

such a use shall be limited to a maximum of 25% of the gross floor area of the dwelling or attached garage.

10.13 Home Industry

Home industries may be permitted by Zoning By-law Amendment in Agricultural, Hamlet and Rural Cluster designations provided that:

- (i) The use is small in scale and remains secondary to the principal use of the property,
- (ii) In the Agricultural Area, all of the property remains designated and zoned agricultural,
- (iii) New uses are compatible with and do not hinder surrounding agricultural uses,
- (iv) The use complies with other policies in the Plan, and
- (v) No future severance is permitted in the Agricultural Area

The activities permitted in a home industry shall be established in the implementing zoning by-law.

10.14 Bed and Breakfast

Bed and Breakfast establishments may be permitted in any single-detached dwelling subject to a Zoning By-law Amendment and the following criteria:-

- (a) a Bed and Breakfast establishment shall have sufficient site area to accommodate adequate on-site parking and provide adequate buffering for any adjacent use; and
- (b) a Bed and Breakfast establishment shall be located in a residential building which requires no significant external modifications to accommodate the proposed tourist facility.
- (c) the availability of an adequate water supply and a private sewage treatment system that can handle the additional servicing demands to the satisfaction of the Regional Public Health Department.

10.15 Solid Waste Disposal

A rural level of service, consistent with the needs of long term residents of an agricultural community, shall be maintained.

Council shall encourage the application of reduce, reuse and recycle waste management principles in all economic activities.

10.16 Water Resources - Ground and Surface Water

Land use planning policies and decisions shall be co-ordinated with and support related water initiatives such as Watershed Management Plans.

Proposed development should not adversely affect water quality and quantity as measured by indicators such as: minimum base flow, oxygen levels, suspended solids, temperature, bacteria, nutrients, hazardous contaminants etc., in accordance with applicable Provincial policies and guidelines.

Best management practices and stormwater management techniques will be implemented in accordance with applicable Provincial policies and guidelines. For large scale development, subwatershed plans should be prepared. Such plans should demonstrate how water and related resources will be managed to meet surface and groundwater quality and quantity targets.

By-laws to control waste discharges to municipal sewers and to protect and control the removal of topsoil and vegetation will also be adopted.

Development should be directed away from, or otherwise restricted in, hydrogeologically sensitive areas, such as fractured bedrock exposed at surface or covered by very thin permeable overburden, primary groundwater recharge and discharge areas and critical headwaters.

Water conservation measures should be incorporated into new development.

10.17 Municipal Drainage

The policies of this section shall not be construed to restrict or in any way inhibit any Township drainage works pursuant to the *Drainage Act, R.S.O. 1990*.

10.18 Land Use Compatibility

Sensitive land uses shall be protected from the adverse impacts of noise, vibration, odours, emissions, litter, dust and other contaminants.. In order to achieve this, Council will request that appropriate studies be undertaken where sensitive land uses may be impacted. Such studies shall be submitted to Council prior to approval in principle of a development or land use change (i.e.: prior to establishing the principle of development).

No new dwellings or other sensitive land uses are to be permitted within 150 metres of the Smithville Sewage Lagoon outside the Urban Area Boundary as of the date of the approval of this Plan. A buffer area of between 150 metres and 400 metres may be required for proposed uses located downwind of the Lagoon. The purpose of the buffer area is to reduce the potential for any future conflicts over noise and odour emanating from the Lagoon. Warning clauses may be required, where applicable, when land uses are proposed within 400 metres of the Lagoon.

10.19 Site Re-Use

Sites which may be contaminated should be identified in advance of development proposals. Where sites have been identified as being potentially contaminated, an analysis will be required to determine the nature and extent of contamination when development of such sites are proposed.

All identified sites which may be contaminated must be investigated thoroughly and a clean-up plan prepared in accordance with Ministry of the Environment and Energy policies and guidelines prior to approval in principle being granted. All legally binding commitment to implement the clean-up will also be secured.

10.20 Development Adjacent to Rail Corridors

- (a) All proposed development within 300 metres of an active railway right-of-way may be required to undertake noise studies, to the satisfaction of the Township and the Ministry of the Environment and Energy in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.
- (b) All proposed development within 75 metres of an active railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Township and the Ministry of the Environment and Energy in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- (c) All proposed development adjacent to an active railway shall ensure that appropriate safety measures, such as setbacks, berms and security fencing, are provided to the satisfaction of the Township in consultation with the appropriate railways.

10.21 Group Homes

Group homes provide needed housing opportunities for particular individuals within West Lincoln based on residents' physical, mental, emotional, social or legal status. In order that these group homes may locate and operate in the most suitable manner, the following policies shall apply.

- (a) The following types of Group Homes shall be permitted without an amendment to the Zoning By-law:-
 - Approved Homes (Psychiatric Care);
 - Homes for Special Care (Psychiatric Care);
 - Supportive Housing Programs, Adult Community Mental Health Program;
 - Children's Residences;
 - Accommodation Services for the Developmentally Handicapped;
 - Satellite Residences for Seniors;
 - Homes for Physically Disabled Adults.

These group homes will be allowed to establish in all zones which permit residential uses, as well as in any existing residence, provided that the lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas.

The following four (4) types would be permitted subject to a rezoning based on the merits of each application:-

- Halfway Houses for Socially Disadvantaged;
 - Halfway Houses for Alcoholics;
 - Halfway Houses for Ex-Offenders;
 - Community Resource Centre.
- (b) Suitable separation between group homes shall be required in order to achieve a distribution throughout the Municipality and thereby assist with their successful integration into the community. No Group Home shall be located within 450 metres (1,500 feet) of another Group Home within the Smithville Urban Area or any Hamlet Community. Beyond the Urban Area, no Group Home shall be located within one (1) kilometre of another Group Home.
- (c) The proposed expansion of any group home operation shall be subject to municipal review and satisfy these policies and all applicable Provincial, agency and zoning requirements.
- (d) The Township's Zoning By-law will contain provisions to guide group homes. The Township will co-operate with the various agencies having approval authority.
- (e) Existing Group Homes which do not comply with the provisions of the Zoning By-law will be allowed to continue in operation and may only be permitted to expand by amendments to the Zoning By-law based on the merits of each application.
- (f) Group Homes may only operate subject to the provisions of this Section, the provisions of the implementing Zoning By-law and all necessary Provincial approvals. Further, all Group Homes in West Lincoln Township must be registered with the Municipality pursuant to Section 236 of the Municipal Act, R.S.O. 1990.

10.22 Garden Suites

- (a) A garden suite shall be defined as a one-unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable.
- (b) A garden suite in the form of a mobile home or a similarly mobile modular unit, may be permitted as a second dwelling on a lot containing a single detached dwelling to facilitate common living. Where a need is demonstrated for a

separate housing unit in close proximity to the existing housing unit, Council may consider the passage of a by-law for the temporary use. Council may require the Owner of the garden suite or any other person to enter into an agreement with the Municipality for the use and removal of the unit pursuant to Section 39 of *The Planning Act, R.S.O. 1990.*

In considering such proposals for a garden suite, the following shall be considered:

- (i) the unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;
- (ii) the unit shall only be used on a temporary basis for as long as common living is maintained;
- (iii) the housing unit proposed is portable and thus readily removable from the site;
- (iv) the unit is not placed in the front yard of the lot or the required front yard required by the Zoning By-law;
- (v) no additional access is provided to the lot from a public road;
- (vi) placement of the unit is not exclusively removed from the existing dwelling;
- (vii) the proposed site is capable of accommodating an approved septic and water supply system as determined by the Regional Health Services Department;
- (viii) the location of such unit shall be in accordance with the Minimum Distance Separation formula where the use is proposed near any livestock operation.

SECTION 11

IMPLEMENTATION

11.1 General

- (a) It is the intention of Council to implement this Plan by utilizing the powers conferred upon them by *The Planning Act, R.S.O. 1990*, the *Municipal Act, R.S.O. 1990* and such other statutes as may be applicable. Where any section or subsection of any act referred to in this Plan is superseded by a successor section, such new successor section shall apply. In particular, this Plan shall be implemented by means of the following measures and procedures.
- (b) In the event of a conflict between the local Official Plan and the Regional Policy Plan, the Regional Policy Plan prevails to the extent of such a conflict, but in all other respects this Official Plan remains in full force and effect.

11.2 Zoning By-law

- (a) Following adoption of this Plan, it is intended that a comprehensive Zoning By-law will be enacted by the Township Council to establish development standards and control growth within the Municipality.
- (b) It is not intended to zone each area for the ultimate use as designated on Schedule "A" - Land Use Plan. Certain areas designated for residential, commercial or industrial uses may be zoned as an interim measure in an agricultural, holding or development zone and when such areas are deemed necessary for development, they will be rezoned in an appropriate category to permit the uses set forth in this Plan.
- (c) By-laws may be passed, subject to the policies of Section 11.18 of this Plan, to amend the Zoning Bylaw and to permit the extension and enlargement of existing uses of any land, buildings or structures which do not conform with the land use classification of the Official Plan and of the Zoning By-law. Such an amending by-law passed pursuant to Section 34(10) of *The Planning Act, R.S.O. 1990*, shall be considered in conformity with the Official Plan if it complies with the policies contained in Section 11 of this Plan.
- (d) An amendment to the Zoning By-law is required to permit the establishment of areas for uses other than those included in the initial implementing Zoning By-law. In considering an amendment to the Zoning By-law with a view to zoning additional areas for a particular use or changing the zoning of a particular area, the Council shall have due regard to the policies in this Plan and Schedules "A" and "B".

11.3 Building By-law

It is intended that Council will review its Building By-law from time to time and amend it as may be required. Consideration will be given to incorporating the *Ontario Building Code* into the Building By-law. This By-law will continue to be used to maintain control over the erection, demolition and moving of structures in the Municipality. The By-law will assist in ensuring the health and safety of the Municipality's residents and the general public.

11.4 Minimum Standards of Maintenance and Occupancy By-law

- (a) A minimum Standards of Maintenance and Occupancy By-law (Property Standards By-law) has been enacted by Township Council, will be utilized pursuant to the procedures set out in Section 31 of *The Planning Act, R.S.O. 1990*, to maintain an acceptable level of property standards in the community. This will be accomplished through standards and conditions relating to the following:
- (i) The physical conditions of yards, vacant land and open areas including the accumulation of debris and rubbish and discarded motor vehicles, machinery and trailers.
 - (ii) The adequacy of sanitation including drainage, waste disposal and garbage.
 - (iii) The physical conditions of all buildings or dwellings.

11.5 Exemption From Required Parking Requirements

The Township of West Lincoln may accept cash-in-lieu of parking pursuant to Section 40 of *The Planning Act, R.S.O. 1990* when after reviewing a specific development application, it can be shown that such an arrangement would be in the best interest of the Township. The Township may reduce or eliminate the on-site parking required for a specific development if the required number of parking spaces is provided by agreement in a municipal parking facility or on another site within 30 metres of the development. An amendment to the Zoning By-law is not required to permit cash-in-lieu of parking.

11.6 Temporary Use By-laws

The temporary use of land, buildings or structures may be authorized by council by a by-law passed pursuant to Section 39 of *The Planning Act, R.S.O. 1990*, notwithstanding that such use is otherwise prohibited by the Zoning By-law and no amendment to this Official Plan will be required to permit such by-law to be passed. Such a by-law shall describe the area affected and set an expiry date for the by-law no more than ten (10) years for garden suites and three (3) years for all other uses.

Council may pass subsequent by-laws granting extensions of up to three (3) years, however, once the by-law has lapsed, the use permitted by the by-law must cease and any use which continues will be viewed as an illegal use in regard to the Zoning By-law.

In the consideration of such application, Council shall satisfy itself that the use will be of a temporary nature only, that the use is reasonably compatible with the surrounding area and that the use will not have a deleterious effect on the surrounding area with regard to such matters as type of use, parking, traffic, access and egress and parking.

11.7 Site Plan Control

(a) All of the Township of West Lincoln shall be considered a site plan control area pursuant to Subsection 41(2) of The Planning Act, R.S.O. 1990. Land uses which are exempt from these provisions would be:-

- (i) Single detached, semi-detached and duplex dwellings and group homes, except where such dwellings are located on the same lot as another dwelling.
- (ii) Agricultural uses, but this shall not include greenhouses larger than 4,000m² or farm-related commercial or industrial uses.
- (iii) Notwithstanding (i) and (ii) above, single detached dwellings or mobile homes used for farm help houses shall be subject to site plan control to regulate the location of the dwelling, preferably in close proximity to main farm buildings. In no case shall a road widening be required as a condition of site plan approval for a help house.

Council shall enact a site plan control by-law to designate those lands which it considers desirable as site plan control areas.

(b) Pursuant to Section 41(4) of The Planning Act, R.S.O. 1990, all development within such areas designated by Council as a site plan control area, shall require the approval of Council of one or both of the following as Council may determine based on the merits of each application:

- (i) Plans showing the location of all buildings, structures, facilities and works to be constructed in conjunction with the development.
- (ii) Drawings showing plan and elevation of each building to be constructed including apartment and multiple-residential buildings.

Council may, in its Site Plan Control By-law, delegate approval authority to a designated member of staff.

- (c) As a condition to the approval of plans and drawings referred to in (b) above, Council may require one or more of the following including road widenings abutting the property; access ramps; signage vehicle loading, parking, walkways and surfacing of such areas; lighting; landscaping; refuse storage facilities; easements for municipal purposes; and site grading and drainage facilities. The owner shall enter into an agreement with the Township ensuring the provision of all buildings, structures, facilities and works required under Subsection 11.7 hereof.
- (d) Pursuant to Subsection 41(9) of *The Planning Act, R.S.O. 1990*, local road widenings may be required to the extent shown on Schedule "C" - Major Roads Plan as a condition of development of any lands within a designated site plan control area abutting any local road indicated on Schedule "C" - Major Roads Plan.

Local road widenings will be taken along each side of the subject road to a maximum of one-half the required road widening except where topographic features dictate otherwise. Road widening requirements adjacent to Regional Roads will be added by amendment to this Plan subsequent to the completion of the Regional Roads Right-of- Way Study.

11.8 Holding Zone

- (a) In situations where the ultimate use of land is precisely known, but where Council wishes to delay development, a Holding Zone may be applied by using the Symbol 'H' in conjunction with a land use zoning category under any or all of the following circumstances:-
 - (i) when development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined;
 - (ii) when land assembly is required to permit orderly development or redevelopment;
 - (iii) when the level of engineering and/or community services is not adequate to support the ultimate use, but such services are to be provided at a later date in accordance with the relevant provisions of this Plan.
- (b) The objective of the Holding Zone is to identify the ultimate use of land and to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that the servicing and design criteria established in this Plan have been met prior to the removal of the 'H' symbol.

- (c) The actual Holding By-law shall clearly specify the land uses to be permitted in the interim, the conditions for removal of the holding provision and any regulations applying to the lands during the period of time the holding provision is in place. Interim uses shall be limited to uses that are considered to be compatible with the ultimate use of land. The timing of the removal of the holding provision would be dependent on meeting the conditions identified in the Holding By-law. When all conditions specified in the Holding By-law are met, Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.

11.9 Community Improvement

(a) Goals and Objectives

- (i) To co-ordinate public and private improvement activities to enhance the Smithville urban area.
- (ii) To develop a logical program of building preservation/rehabilitation/redevelopment to ensure the physical integrity of the community.
- (iii) To encourage the co-ordination of private efforts in preservation/rehabilitation/ redevelopment to ensure the stability and growth of the community.
- (iv) To co-ordinate the spending of private and public funds.
- (v) To comply with *Planning Act* requirements to qualify for commercial area improvement funding.

(b) Criteria for Selection of Community Improvement Areas

Areas subject to community improvement initiatives exhibit some or all of the following deficiencies:

- (i) Sidewalks in need of repair or replacement.
- (ii) Roads in need of repair or replacement.
- (iii) Storm sewers, sanitary sewers and watermains in need of upgrading, repair or replacement.
- (iv) Inadequate street lighting or other public utilities.
- (v) Building in need of rehabilitation and renovation according to the municipal property standards by-law.

- (vi) Commercial areas lacking in aesthetic or streetscape improvements.
- (vii) Vacant or under-utilized buildings and lands which have potential for redevelopment to a better use.
- (viii) The presence of buildings or lands of architectural or heritage significance.

(c) Phasing

Community Improvements shall be prioritized according to:

- (i) Financial capacity of the Municipality to fund community improvement projects.
- (ii) Availability of senior government programs to subsidize community improvement efforts.
- (iii) The timing of related capital expenditures from various municipal departments to ensure community improvements are co-ordinated as much as possible with departmental priorities.

(d) Implementation

Community Improvement goals and objectives will be addressed through the establishment by by-law of community improvement project areas and the preparation of community improvement plans. In addition, Council will consider the following avenues to maximize the benefits of community improvements in the Smithville urban area.

- (i) Establishment of a business improvement area.
- (ii) Refinement of zoning controls to maximize community improvement priorities.
- (iii) Use of site plan control to co-ordinate development.
- (iv) Enforcement of the Township property standards by-law.
- (v) Maximize use of government funds and programs to effect community improvement.
- (vi) Encourage rehabilitation and reuse of existing buildings.
- (vii) Assist redevelopment with land acquisition.

- (viii) Preservation of historic structures through L.A.C.A.C. (Local Architectural Conservation Advisory Committee) and Heritage Act, R.S.O. 1990.

11.10 Committee of Adjustment

The Committee of Adjustment or the Land Division Committee, as the case may be, shall be guided by the general intent and purpose of this Plan and implementing Zoning By-law in making decisions on applications pursuant to Sections 45 and 56 of The Planning Act, R.S.O. 1990.

11.11 Subdivision Control

It is intended that the guidelines contained in Sections 11.12, 11.13 and 11.14 shall be considered by Council when reviewing proposed plans of subdivision and consent applications.

11.12 Draft Plans of Subdivision

(a) Urban Residential and Hamlet Community Areas

It shall be the policy of the Council to approve a draft plan of subdivision intended for residential purposes in an Urban Residential or Hamlet Community area only if such plan of subdivision is considered necessary in the public interest, is not deemed premature, can be provided with adequate utilities and services as required by this Plan, and is unlikely to affect adversely the economy or financial position of the Municipality if such subdivision is approved and developed.

(b) Commercial and Industrial Areas

It shall be the policy of Council to approve a draft plan of subdivision intended for commercial or industrial uses only if such plan is located in an area in conformity with the land use designations on Schedule "A" - Land Use Plan.

(c) Agricultural Area

It shall be the policy of Council not to approve any draft plan of subdivision intended for non-farm residential uses in the Agricultural area.

11.13 Consent Policies for Urban Areas

(a) General

- (i) For the purpose of this policy, an urban area shall be deemed to be an area designated in Schedule "A" - Land Use Plan - for Urban Residential, Hamlet Community, Commercial and Industrial purposes.

- (ii) Consents should not be granted for a parcel of land which is subject to flooding or erosion, or other physical hazard, when the use of the parcel requires that a building be erected.
- (iii) Consents will generally be discouraged and will only be granted on land where it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies of the Official Plan, to the matters set out in Sections 50 and 53 of The Planning Act, R.S.O. 1990, pursuant to the requirements of Section 45(9) of The Planning Act, R.S.O. 1990 and to the following criteria in paragraphs (b) to (f) inclusive, when considering an application for consent.

(b) Financial Implications

Approval of the conveyance and the proposed development of the lot being created, or of the remaining parcel, should not be unduly detrimental to the financial position of the Municipality. Consents should be granted only in areas where the undue extension of any major service or facility, such as a road, would not be required.

(c) Adjacent Uses

Regard should be had to the compatibility of the proposed use with uses in adjacent areas and the effect of such use on the surrounding area.

(d) Access

Consents should not be granted if the land does not front on an existing public road which is maintained year-round and is of a reasonable standard of construction. A report should be obtained from the Township or Regional Public Works Department. Ribbon development along highways or major roads should be prevented. Direct access from major roads should be restricted and residential lots should, where possible, have access only from minor Township roads. Consents should not be granted for land adjacent to a road from which access is to be obtained, where a traffic hazard would be created because of limited sight lines on curves or grades.

(e) Services

All proposed uses shall have either a public water supply or adequate supply of potable water and either a sanitary sewer service or such other suitable facilities for the disposal of waste material that are in accordance with the requirements of the provisions of Section 10.2 of this Plan. The size of any parcel to be created by such consent should be appropriate for the use proposed for such parcel having regard to the municipal services available and the soil and drainage conditions of the land.

(f) Zoning By-law

In no case should any parcel be created which does not conform with the provisions of the Zoning By-law of the Municipality. If a rezoning is required to permit the proposed use, it shall be a condition of approval that the by-law to amend the Zoning By-law be passed by Council and granted approval, if required by the Ontario Municipal Board in accordance with the provisions of Section 34 of The Planning Act, R.S.O. 1990, prior to consent being given.

11.14 Consent Policies for Agricultural Areas

- (a) Within the Agricultural land use designation as shown on Schedule "A", land severances will only be permitted in accordance with the following:
- (i) The land being conveyed is to be added to an existing adjoining farm operation, and the parcel retained must be large enough to support a viable farm operation.
 - (ii) When two (2) or more farms, being contiguous or non-contiguous have been amalgamated under ownership of a bona fide farmer and an existing house, which is capable of habitation, is considered surplus and is not required as part of the farming operation, the surplus house may be severed from the farm parcel. As a condition of consent, the vacant remnant farm parcel shall be rezoned for Agricultural Purposes Only and no new dwelling shall be permitted on the vacant agricultural land in perpetuity. **(As Amended by OPA No.11)**
 - (iii) (a) Consents may be permitted for a minor boundary adjustment which do not create a separate lot.

(b) A consent for an easement or right-of-way.
 - (iv) **(Deleted by OPA No.11)**
 - (v) **(Deleted by OPA No.11)**
 - (vi) Where the consent is required for an existing farm-related commercial or industrial use subject to subsection 4.4 (b) (iv); or
 - (vii) **(Deleted by OPA No.11)**
 - (viii) The consent to convey is for a farm parcel which is large enough to support a viable farm operation and the remnant parcel is also large enough to support a viable farm operation. Both the parcel to be severed and the parcel to be retained must have sufficient size to maintain flexibility for future changes in type or size of agricultural operation. Both parcels must be of a size that is suitable for the type of agriculture in the

area and for the type of agriculture proposed. The foregoing includes small lot severances for greenhouses and other intense forms of agriculture subject to the condition that any dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive agricultural uses, such as greenhouse operations, be of a sufficient size so that these uses have ample room for future expansion.

(b) General Conditions for Consent

- (i) The lot shall have adequate frontage on an existing publicly maintained road that has been constructed to appropriate Township standards **(As Amended by OPA No.11)**.
- (ii) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.
- (iii) The minimum lot size for lots created in a Hamlet or a Rural Cluster designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.

New residential lot sizes in an Agricultural designation shall not exceed 0.4 hectare except to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system.

(As Amended by OPA No. 11)

- (iv) An adequate supply of potable water must be available.
- (v) The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils or impact other environmental constraints identified in Section 6.
- (vi) A report shall be requested by Council or the Land Division Committee from any local, regional or other department pertaining to any aspects of the application as may be deemed appropriate.
- (vii) The severance shall comply with the requirements of the Minimum Distance Separation Formulas as implemented through the Township Zoning By-law 79-14, as amended. **(As Amended by OPA No.11)**

11.15 Capital Works Programme

It is intended that Council will prepare a capital works programme in conformity with the proposals and policies of this Plan, in order to assess its immediate and long-

term requirements and plan its major expenditures within its financial resources. The programme should be revised and updated annually.

11.16 Public Works

It is intended that the construction of public works within the Township will be carried out in accordance with the policies of this Plan.

11.17 Alternate Public Notification

Township Council may forego public notification and public meeting(s) in connection with a technical Official Plan Amendment or Zoning By-law Amendment if such will not affect the provisions and intent of the Official Plan or Zoning By-law or an Amendment previously enacted to either document, in any material way, and may include the following matters:

- (a) Altering the number and arrangement of any provision.
- (b) Correcting punctuation or altering language to obtain a uniform mode of expression.
- (c) Correcting clerical, grammatical, diminishing or typographical errors.
- (d) Effecting changes in format.
- (e) Consolidations of previous amendments into the parent document.

11.18 Non-Conforming Uses - Standard of Development

A non-conforming use is a use that legally existed on the day the implementing Zoning By-law came into force and continues to be used for that purpose although it is not recognized in the Zoning By-law. A non-conforming use should cease to exist in the long run and be replaced by a use that conforms to the Official Plan and Zoning By-law. However, non-conforming uses which are generally compatible with the surrounding neighbourhood, may be permitted to expand either by amendment to the Zoning By-law pursuant to Section 34(10) of *The Planning Act, R.S.O. 1990*, or by permission of the Committee of Adjacent pursuant to Section 45(2) of *The Planning Act, R.S.O. 1990*. Prior to permitting any expansion of a non-conforming use, Council or the Committee of Adjustment, as the case may be shall consider the following:

- (a) the need and desirability of the use;
- (b) impact on agricultural activities;
- (c) the urban area boundaries are not superseded;
- (d) no additional municipal services are required;

- (e) it is not possible to relocate such as use to a place where it will conform to the By-law;
- (f) the proposed extension or enlargement will not unduly aggravate the situation already created by the existence of the use and should, if possible, be designed to alleviate adverse effects of the use such as outside storage;
- (g) the abutting uses will be afforded reasonable protection by the provision of appropriate buffering and setbacks;
- (h) the proposed extension or enlargement should be in appropriate proportion to the size of the non-conforming use;
- (i) adequate provision will be made for safe access and adequate off-street parking and loading facilities; and
- (j) all services, including private sewage disposal and water supply systems, shall be or can be made adequate;
- (k) the potential impacts on the proposed development on the natural environment.

SECTION 12

INTERPRETATION

12.1 Land Use and Roads

The boundaries between land use areas designated in Schedule "A" - Land Use Plan - shall be considered as general only, except in the case of roads, railways and other definite physical barriers, and are not intended to define the exact limits of such areas. Minor adjustments may be made in these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than such minor adjustments, no areas or zones shall be created that do not conform with this Plan in respect of land use.

Hamlet boundaries and urban area boundaries, as specifically delineated on Schedule "A" to this Plan, shall not be considered flexible or general within the context of this paragraph.

It is the intention of Council that a detailed review of the basis and policies of this Plan be undertaken within five (5) years, and that any desirable amendments arising out of such a review will be initiated.

The location of roads as indicated on Schedule "C"- Roads Plan - shall be considered as approximate only. Amendments to this Plan, therefore, will not be required in order to make minor adjustments or deviations to the location of roads provided that the general intent of this Plan is maintained.

12.2 Definition of Certain Words

(a) “**Bonafide Farmer**” means an individual who:-

- (i) owns, is employed on, and manages a farm operation;
- (ii) earns a majority of his/her income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions);
- (iii) spends a majority of his/her working time on the farm and is available to work on the farm when required by the farm operation; and
- (iv) demonstrates a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops;

- (v) for the purposes of this definition, a farmer is defined as the principal operator of the farm together with his/her spouse. (**As Amended by OPA No.11**)
- (b) **"Conservation Use"** shall include those uses necessary for and complementary to the protection and management of wetlands, water recharge areas, lakes and streams, wildlife habitat, and identified areas of natural and scientific interest.
- (c) **"Council"** shall mean the Council of the Township of West Lincoln.
- (d) **"Farm Market"** shall mean as a retail outlet primarily for the sale of locally grown produce and farm products in compliance with other policies of this Plan.
- (e) **"Group Home"** shall be defined as a single housekeeping unit in a residential dwelling in which Group Home residents live as a family under responsible supervision and care consistent with the needs of its residents (who may have physical, social or mental handicaps). A maximum of six (6) residents (excluding staff or receiving family) shall be permitted in a single detached dwelling and a maximum of eight (8) residents in an attached dwelling.
- (f) (**Deleted by OPA No.11**)
- (g) **"Official Plan"** shall mean a document approved by the Regional Municipality of Niagara, containing objectives and policies established primarily to provide guidance for the physical development of a Municipality while having regard to relevant social, economic and environmental matters.
- (h) **"Provincial Policy"** shall mean policy statements issued from time to time pursuant to S.3 of The Planning Act, R.S.O. 1990, by the Minister of Municipal Affairs, or the Minister together with any other minister of the Crown that has been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.
- (i) **"Rural Cluster"** means a minimum of six (6) existing single detached non-farm dwellings on lots generally less than 1.5 hectares in area. A rural cluster will be limited in extent to a linear distance of 500 metres of road frontage.
- (j) **"Wayside Pit or Quarry"** unless otherwise specifically defined in this Plan, shall mean a temporary pit or quarry under permit and opened and used for the purpose of a particular project or contract of road construction and not located on the road right-of-way and for a period not to exceed eighteen (18) months.

- (k) **"Zoning By-law"** is the principal means used to implement the Official Plan by prescribing the use of lands, buildings and structures in the Municipality or part thereof.
- (l) **"Sensitive Land Uses"** are residences, schools, hospitals, and senior citizens homes or other land uses, such as outdoor recreational activities, where humans or the natural environment may be adversely affected by emissions from major facilities.
- (m) **"Garden Suite"** is a detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Garden Suites are subject to the criteria contained in Section 10.22. **(As Amended by OPA No.11)**

12.3 Amendments

- (a) Except for amendments initiated by Council to expand the scope of this Plan, it is not intended to amend this Plan unless substantial evidence, in accordance with subsection 4.3, can be presented which will justify such an amendment.
- (b) Council recognizes, however, that any unexpected or unusual growth or event might create a need for modification and adjustment of the planning programme and amendments may be made to the Official Plan accordingly.

12.4 Implementation

The method of implementation and administration of these policies is set out in Section 11 of this Official Plan entitled "Implementation".

SECTION 13

Summary of Official Plan Amendments Consolidated with the Official Plan Approved Amendments since June 14, 1998

OPA #	Applicant	Purpose	Date of Approval By Region	Adopted Date
1	Bojanowski	to designate lands to rural cluster to permit residential development from agricultural (Text and Mapping)	May 31, 1999	June 1, 1998
2		to designate lands to Public Parks from Residential To permit lands for park Purposes (Text and Mapping)		August 16, 1999
3	Not Used			
4	Streamside Development Corp.	to designate lands to Commercial, Residential and Hazard lands from Agricultural (Text and Mapping)		June 19, 2000
5	934624 Ontario Ltd.	To designate lands to Residential and Hazard From Public Parks (Text and Mapping provided)		July 24, 2002
6	Not Used			
7	Boyle Church	to permit a Church with Rectory in and Agricultural Area (Text and Mapping provided)	November 11, 2003	August 11, 2003
8	Village Square Mall	To permit a Car Dealership (Text and Mapping)	February 17, 2005	December 13, 2004
9	Agri-Plastics	to permit an existing Industrial property in the Agricultural area (Text and Mapping provided)	August 17, 2006	July 17, 2006
10	Beverley Van Leewuan	to Re-designate the property General-Commercial to Residential (Text and Mapping provided)		OMB Order May 5, 2006
11	Township of West Lincoln	Agricultural Policies Housekeeping (Text provided)	June 1, 2006	March 13, 2006

12	Olde Town Gateway Estates	To Re-designate from Industrial to Urban Residential (Text and Mapping provided)	August 1, 2006	May 8, 2006
13	Industrial Park Road Extension	To Re-designate from Industrial Park Road from Local Road to Collector Road (Text and Mapping provided)	November 2, 2006	August 21, 2006

AMENDMENT NUMBER 1
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 1 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to change the land use designation on a parcel of land from Agricultural to Rural Cluster in order to create four new rural residential lots.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the east side of Westbrook Road and the south side of Regional Road 65. The subject lands are composed of part of Lot 23, Concession 4, in the former Township of Caistor, in the Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Agricultural in the Official Plan of the Township. The purpose of the Official Plan Amendment is to redesignate the lands to a Rural Cluster designation to permit the lands to be used for rural residential purposes. The subject lands and the surrounding lands are currently used for rural residential purposes. Approval of the Amendment will permit the creation of four new rural residential lots.

The Official Plan of the Township provides for a Rural Cluster designation. That designation permits single detached rural residential dwellings. The intent of the designation is to recognize clusters of rural residential development and to permit infilling or rounding out of the cluster. A number of existing rural clusters are designated in the Official Plan. New clusters require an amendment to the Official Plan. The subject lands are appropriate for the designation of a rural cluster due to the amount of non-farm development in the area.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 1 to the Official Plan of the Township of West Lincoln.

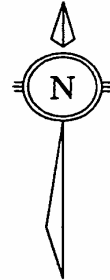
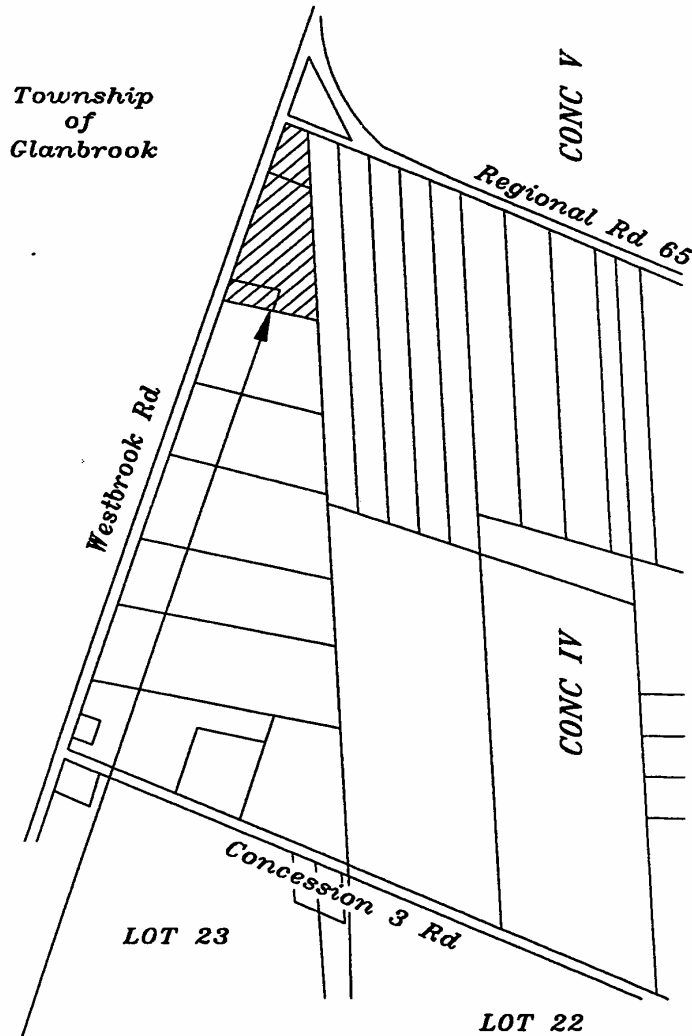
2.2 DETAILS OF THE AMENDMENT

Schedule 'A' is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from an Agricultural designation to a Rural Cluster designation.

2.3 IMPLEMENTATION

This amendment will be implemented by the enactment of an amending zoning by-law to reflect the general intent of the Amendment. The Amendment will also be enacted through the creation of four new rural residential lots.

SCHEDULE 'A'
TOWNSHIP OF WEST LINCOLN
OFFICIAL PLAN AMENDMENT No. 1



Scale: N.T.S.

SUBJECT LANDS
(PART LOT 23 - CONCESSION 4)

AMENDMENT NUMBER 2
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 2 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to change the land use designation on a parcel of land from Urban Residential to Public Parks in order to recognize the use of the lands for park purposes.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located to the north of Regional Road No. 20 (West Street), lying between Regional Road No. 14 (Station Street) and Allen Road. The subject lands are composed of part of Lot 1, Registered Plan M-93, in the former Township of South Grimsby, in the Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Urban Residential in the Official Plan of the Township. The purpose of the Official Plan Amendment is to redesignate the lands to a Public Parks designation to recognize the use of the lands for parks purposes. The subject lands are currently occupied by a baseball diamond and associated structures. The balance of the fairgrounds property lies to the south of the subject lands. The designation of the lands to a Public Park designation ensures that the lands will remain as park lands.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 2 to the Official Plan of the Township of West Lincoln.

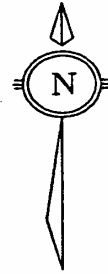
2.2 DETAILS OF THE AMENDMENT

Schedule 'A' is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from an Urban Residential designation to a Public Parks designation.

2.3 IMPLEMENTATION

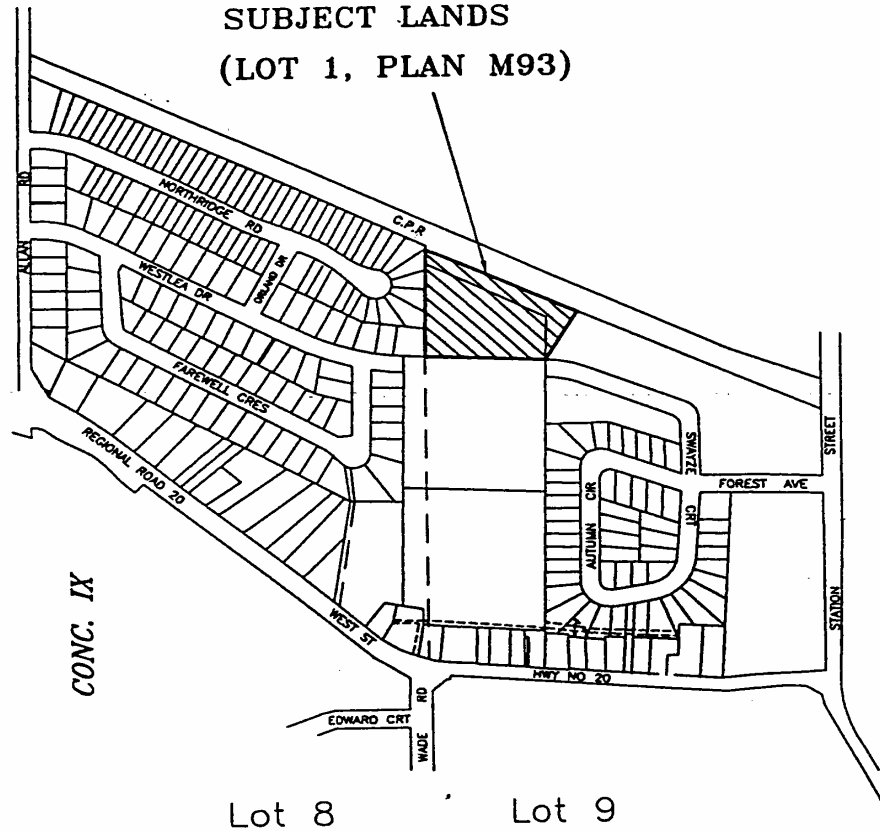
The lands are currently zoned Open Space (01) to recognize their use as a park.

SCHEDULE 'A'
TOWNSHIP OF WEST LINCOLN
OFFICIAL PLAN AMENDMENT No.2



N.T.S.

SUBJECT LANDS
(LOT 1, PLAN M93)



This is Schedule 'A' to By-law No. 99-77 passed the 16th day of
AUGUST, 1999.

AMENDMENT NUMBER 4
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 4 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to change the land use designation on a parcel of land from Agricultural to Commercial, Residential and Hazard.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located to the south side of Regional Road No. 20 lying between South Grimsby Road No. 6 and Allen Road. The subject lands are composed of part of Lots 10 and 11, Concession 9, in the former Township of South Grimsby, in the Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Agricultural in the Official Plan of the Township. The purpose of the Official Plan Amendment is to redesignate the lands to a Commercial, Residential and Hazard designation to permit additional lands inside the Urban Area Boundary and allow future commercial and residential development. The subject lands are currently vacant.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 4 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

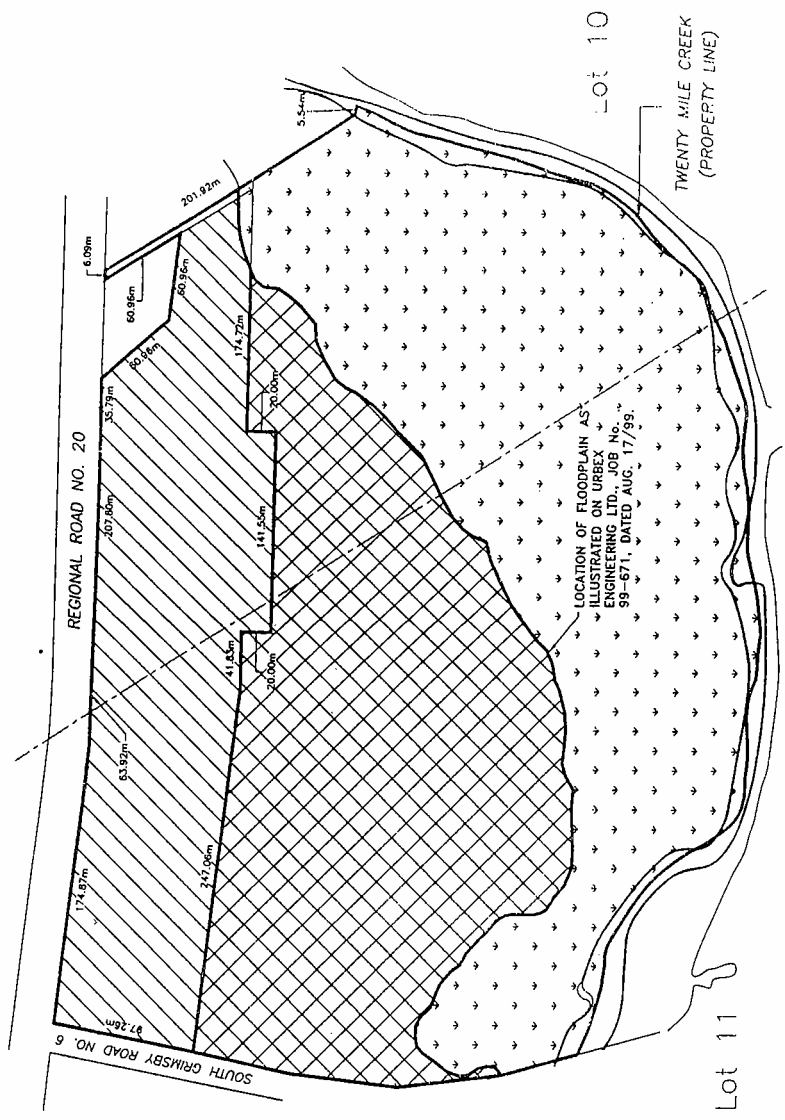
1. Schedule 'A' is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from an Agricultural designation to a Commercial, Residential and Hazard designation.

2.3 IMPLEMENTATION

A Zoning By-law Amendment is also being considered to rezone the lands in accordance with the proposed Official Plan designations.




This Official Plan will not come into effect until the Regional Policy Plan Amendment No. 133 has been given approval.

OFFICIAL PLAN AMENDMENT NO. 4
 SCHEDULE 'A'
 TOWNSHIP OF WEST LINCOLN



Con. IX

Subject Lands

-  Commercial
-  Residential
-  Hazard

This is Schedule 'A' to By-law No. 2000-60 passed the 19th day of
 June _____, 2000.

AMENDMENT NUMBER 5
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by the Township of West Lincoln shall be known as Amendment Number 5 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to change the land use designation on a parcel of land from Public Parks to Residential and Hazard to permit the development of a single detached residential unit.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the south side of Mill Street to the west of the Legion Villa. The subject lands are composed of part of Lot 46, Plan M-84, in the Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Public Parks in the Official Plan of the Township. The purpose of the Official Plan Amendment is to redesignate the lands to a Residential and Hazard designation. The Residential designation is to permit the lands to be severed and a single detached residential dwelling constructed. The Hazard designation is to reflect the floodplain mapping of Twenty Mile Creek and the existing zoning of the lands.

This amendment has been granted an exemption from Regional approval under Section 17 (10) and 17 (11) of the Planning Act as provided in Regional Policy Plan Amendment # 137 for local Official Plan Amendment exemptions.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 5 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

Schedule 'A' is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, from an Public Parks designation to a Residential and Hazard designation.

2.3 IMPLEMENTATION

This amendment will be implemented through notification from the Clerk's Department of Council's decision to adopt. If no appeals are received within the appeal period, the amendment will be in effect.

SCHEDULE A' - DETAILED MAP




TOWNSHIP OF WEST LINCOLN

934624 Ontario Ltd.



Scale: N.T.S



-  Urban Residential
-  Public Parks
-  Hazard

Subject Lands

- Part 1- Change designation from Public Parks to Urban Residential
- Part 2- Change designation from Public Parks to Hazard

This is Schedule 'A' to By-law No. 2002-56 passed the 17th day of
June, 2002.

AMENDMENT NUMBER 7
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 7 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to change the land use designation on a parcel of land from Agricultural to Agricultural with a special exception.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located to the north of Regional Road No. 63 Canborough Road on the east side of Boyle Road. The subject lands are composed of Parts 1, 2, 3, 17 and 18 on Plan 30R-6586, being part of Lot 25, Concession 2, former Township of Gainsborough, Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Agricultural in the Official Plan of the Township. The purpose of the Official Plan Amendment is to redesignate Part 1 of the subject lands as designated on Schedule 'A' to Agricultural with a special exception to allow an Institutional use being for the creation of a church, and a future rectory. The building will also include rooms for a Sunday school, vacation Bible school, baby sitting rooms, and church meeting rooms. In addition, a small hall and a kitchen is proposed within the building.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 7 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

Schedule 'A' is hereby amended by changing the land use designation of the lands, shown as Part 1 on Schedule 'A' attached hereto and forming part of this Amendment, from an Agricultural designation to Agricultural with a special exception to permit a church, a rectory and accessory uses.

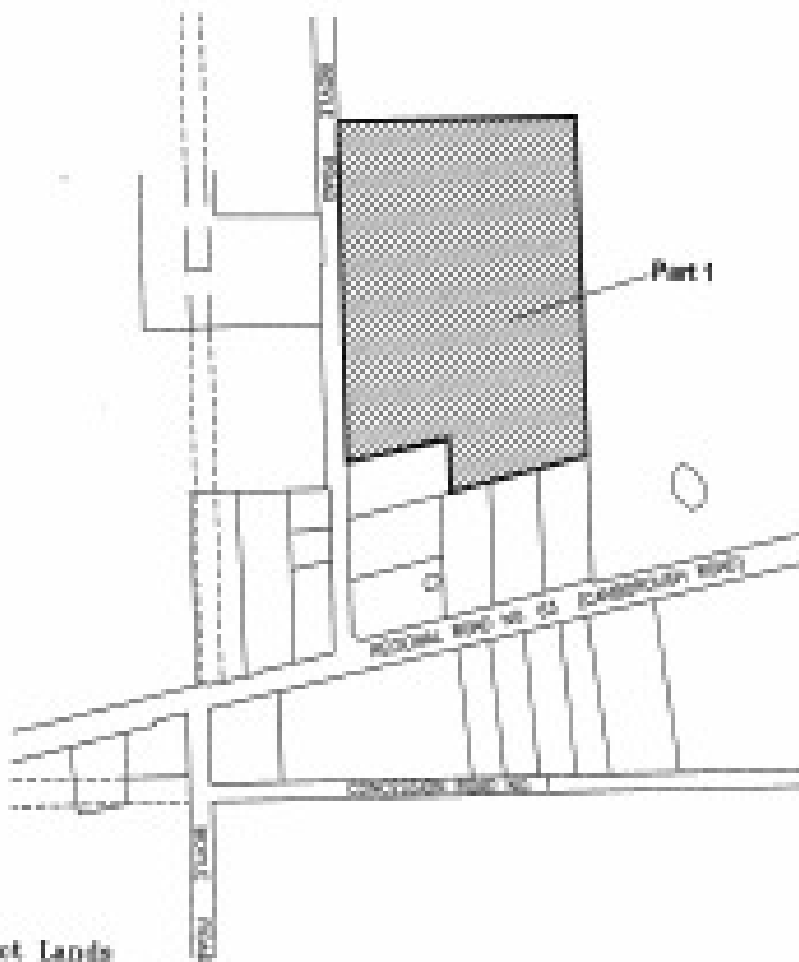
Section 4.4(c) of the Township of West Lincoln Official Plan is hereby amended by adding the following clause which shall apply to the lands illustrated on Schedule 'A' attached hereto and forming part of this Amendment:

4.4(c)(f) Notwithstanding the Agricultural policies contained in Section 4.4, a church with a rectory is permitted on part of the site located east of Boyle Road and north of Canborough Road, in the Township of West Lincoln, which shall be recognized in the Zoning By-law.

2.3 IMPLEMENTATION

A Zoning By-law Amendment is also being considered to rezone the lands in accordance with the proposed Official Plan designations. The Zoning By-law will be approved once the Region has approved the Official Plan Amendment.

SCHEDULE A' - DETAILED MAP
TOWNSHIP OF WEST LINCOLN
Boyle Church
Official Plan Amendment



Subject Lands

-  Part 1 - Redesignate from Agricultural to Agricultural with a special exception to permit a church, a rectory, and accessory uses.

This is Schedule "A" to By-law No. 2003-100 passed the 11th day of August, 2003.

AMENDMENT NUMBER 8
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 8 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to permit a car dealership in addition to the existing uses permitted in the General Commercial designation on the subject property.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located to the north of Regional Road No. 20 (St. Catharines Street) on the west side of Industrial Park Road. The subject lands are composed of Parts 39 and 41 on Plan M-88, being part of Lot 6, Concession 9, former Township of South Grimsby, Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as General Commercial in the Official Plan of the Township. The purpose of the Official Plan Amendment is to allow a car dealership as an additional permitted use in the General Commercial designation. The associated Zoning By-law will implement appropriate site requirements. This will be keeping with the general purpose and intent of the Official Plan.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 8 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

The text of the Section 4.8 (a) of the Township of West Lincoln Official Plan is hereby amended by adding the following clause which shall apply to the land illustrated on Schedule 'A', attached here to and forming part of this Amendment:

4.8 (a) (i) In addition to the uses permitted within the General Commercial designation, a car dealership shall be permitted on part of the site located in the Village Square Mall in the Town of Smithville, Township of West Lincoln. The location of which shall be recognized in the Zoning By-law.

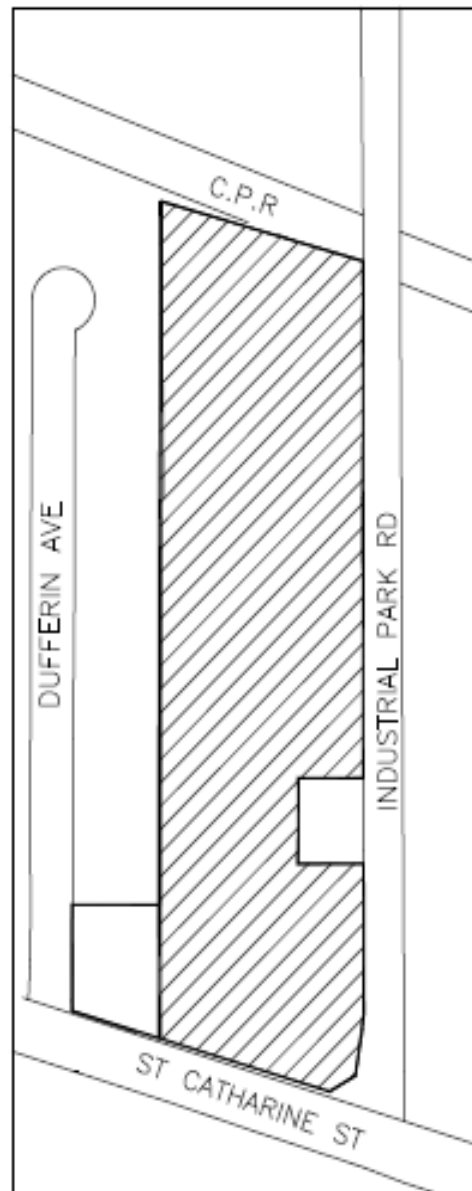
2.3 IMPLEMENTATION

A Zoning By-law Amendment is also being considered to rezone the lands in accordance with the proposed Official Plan designations. The Zoning By-law will be approved once the Region has approved the Official Plan Amendment.

**OFFICIAL PLAN AMENDMENT NO. 8
SCHEDULE 'A'
TOWNSHIP OF WEST LINCOLN**



Scale: N.T.S.



SUBJECT LANDS

 • GENERAL COMMERCIAL w/ EXCEPTION FOR CAR DEALERSHIP

This is Schedule 'A' to By-law No. 2004-127
passed the 13th day of December,
2004.

AMENDMENT NUMBER 9
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when approved by the Region of Niagara shall be known as Amendment Number 9 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map designated Schedule 'A'. Schedule 'B' is attached for information purposes only. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to recognize a primarily agriculturally-related plastic manufacturing, storing and distribution operation, as well as the expansion of the operation, including limited production of non-agriculturally related products in the Agriculture designation.

1.4 LOCATION

As shown on the attached Schedule 'A' and Schedule 'B', the subject area is approximately 3.08 hectares of land comprised of approximately 252 metres of frontage and 122 metres of depth which is located to the north of Young Street. The subject lands are composed of Part of Lots 13 and 14, Gore A, former Township of South Grimsby, Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Agriculture in the Official Plan of the Township. The purpose of the Official Plan Amendment is to recognize an existing 3505.4 square metre agriculturally-related industrial operation, as well as a 1951.0 square metre expansion of the operation, in the Agricultural designation. The amendment will also recognize the existing residential dwelling as a permitted accessory use.

The amendment shall permit notwithstanding the uses permitted in the Agriculture designation, a primarily agriculturally-related plastic manufacturing, storing and distribution operation, with limited production of non-agriculturally related products. The associated Zoning By-law and Site Plan Agreement will implement appropriate site requirements.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached maps designated Schedule 'A,' constitute Amendment No. 9 to the Official Plan of the Township of West Lincoln. Schedule 'B' is attached for information purposes only.

2.2 DETAILS OF THE AMENDMENT

The text of the Section 4.4 (c) of the Township of West Lincoln Official Plan is hereby amended by adding the following clause (iv) which shall apply to the land illustrated on Schedule 'A', attached here to and forming part of this Amendment:

- 4.4 (c) (iv) Notwithstanding the land use provisions permitted in the Agriculture designation, an existing agriculturally-related industrial manufacturing, storing and distribution operation 3505.4 square metres in size, as well as a 1951.0 square metre expansion of the operation is permitted. This manufacturing, storing and distribution operation shall produce primarily agriculturally-related products with limited production of non-agriculturally related products also permitted. The amendment will also recognize the existing residential dwelling as a permitted accessory use on the same property. The location of the buildings shall be recognized in the Zoning By-law and Site Plan Agreement.

2.3 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in effect.

A Zoning By-law Amendment is also being considered to rezone the lands in accordance with the proposed Official Plan designation. The Zoning By-law will be approved once the Region has approved the Official Plan Amendment.

This Amendment is approved with a requirement that the subject lands are merged in title. As a result, this amendment requires the merger of 7793 Young Street with the adjacent lands comprising the industrial operation as described through Township of West Lincoln Consent Application B1/2006 WL. If such merger does not occur, the use will be considered in contravention of this amendment.

**OFFICIAL PLAN AMENDMENT NO. 9
SCHEDULE 'A'
TOWNSHIP OF WEST LINCOLN**



Scale: N.T.S.



SUBJECT LANDS



- AGRICULTURE TO AGRICULTURE SPECIAL POLICY AREA

This is Schedule 'A' to By-law No. 2006-102
passed the 17th day of July, 2006.

AMENDMENT NUMBER 10
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 10 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to redesignate Part 1 on the attached Schedule 'A' from General Commercial to Urban Residential.

In addition, this Amendment will designate Part 2 of the subject lands on the attached Schedule 'A' as General Commercial with a site specific special exception to allow for the primary use of the property as single-family residential, the primary use of the property for limited commercial uses or limited commercial uses with secondary residential uses on the second floor.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located north of Regional Road No. 20 (St. Catharine Street), east of College Street, within the Urban Area Boundary of Smithville. The subject lands are composed of Lot 42 and 43 on Plan M-90, former Township of South Grimsby, Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as General Commercial in the Township's Official Plan and zoned for single family residential uses. The purpose of the Official Plan Amendment is to designate the lands to be used for residential purposes as well as limited commercial uses along St. Catharine Street. The lands are currently being used for residential and this will bring the Official Plan designation and zoning into conformity. This will be keeping with the general purpose and intent of the Official Plan.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 10 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

Schedule 'A' Map 2 of the Township of West Lincoln Official Plan is hereby amended by the following:

2.2.1. Changing the land use designation of Part 1 of the subject lands, shown on Schedule 'A' attached hereto and forming part of this Amendment, from a General Commercial designation to an Urban Residential designation.

2.2.2. The text of the Township of West Lincoln Official Plan is hereby amended by adding the following text to Section 4.8 (a):

"4.8 (a) (vi) Notwithstanding the General Commercial designation, only the following uses may be permitted for the property shown as Part 2 located at 121 St. Catharine Street in Smithville:

(a) One single-family detached dwelling and accessory uses, buildings and structures;

(b) Permitted commercial uses shall include the following:

Business and professional office uses as defined in the Zoning By-law;

Doctor or Dentist Offices;

Clinics;

Custom Workshops;

Service Shops as defined in the Zoning By-law

Personal service shops;

Studios as defined in the Zoning By-law;

Or other similar and compatible uses as established in the Zoning By-law; and

(c) One single family dwelling unit on the second floor of the building as a secondary use to one of the permitted commercial uses outlined in Section 4.8 (a) (vi) (b).

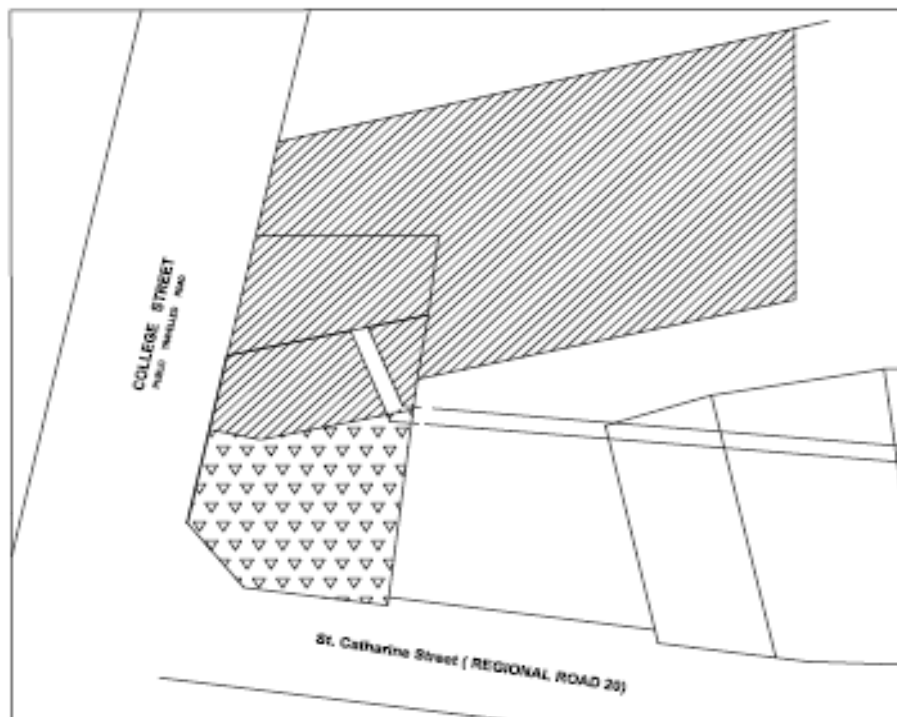
2.3 IMPLEMENTATION

This amendment will be implemented through decision of the Ontario Municipal Board.

**OFFICIAL PLAN AMENDMENT NO. 10
SCHEDULE 'A'
TOWNSHIP OF WEST LINCOLN**



Scale: N.T.S.



SUBJECT LANDS

 PART 1 - FROM GENERAL COMMERCIAL TO URBAN RESIDENTIAL

 PART 2 - FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL WITH AN EXCEPTION

This is Schedule 'A' to By-law No. 2005 -
passed the ___th day of _____, 2005.

AMENDMENT NUMBER 11
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 11 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to amend Section 4.4, Section 10.2, Section 10.3, Section 11.14 and Section 12.2 of the Township's Official Plan to eliminate policies for the creation of retirement lots and infill lots in the agricultural area and any obvious reference to the creation of such lots. This amendment will also make some minor revisions to the servicing policies contained in the plan.

1.4 LOCATION

The amendments to Section 4.4, Section 11.14 and Section 12.2 will affect the agriculturally designated lands within the Township. The amendments to Section 10.2 and 10.3 will affect the lands requiring servicing and proposals for multiple residential lots.

1.5 BASIS OF THE AMENDMENT

This amendment has been proposed in reaction to the recent changes made to the Provincial Policy Statement, 2005. The Township's Official Plan should be amended to be consistent with the Provincial Policy Statement and to provide clear policy direction for the Township. As retirement lots and infill lots are no longer supported in the Provincial Policy Statement, the Township should remove these policies from the Official Plan. Other revisions are being proposed as housekeeping amendments.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text constitute Amendment No. 11 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following from Section 4.4 (a) (ii) (c): or infill lots

The text of the Township of West Lincoln Official Plan is hereby amended by adding the following at the end of clause Section 4.4 (a) (ii) (d): by Zoning By-law Amendment

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following sentence from Section 4.4 (b) (iii):

New farm retirement dwellings or new dwellings on existing lots of record need only meet the requirements of the Minimum Distance Separation formula.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following words from Section 4.4 (b) (ix): for retiring farmers

The text of the Township of West Lincoln Official Plan is hereby amended by deleting Section 10.2 (b) (iii).

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the wording contained in Section 10.3 and replacing it with the following clause:

10.3 New residential lots shall be created by registered plan of subdivision, unless application for consent is deemed appropriate. New development that requires the construction of a new road, the extension of an existing road or the extension of services shall only occur by registered plan of subdivision. Development on private sewer and water services may be permitted for five lots or less, where site conditions are suitable for the long term, and where connection to full or communal services is not available. New Development within Smithville shall be based on full municipal services. Piecemeal development shall generally not be permitted.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting Section 11.14 (a) (ii) and replacing it with the following:

11.14 (a) (ii) When two (2) or more farms, being contiguous or non-contiguous have been amalgamated under the ownership of a bona fide farmer and an existing house, which is capable of habitation, is considered surplus and is not required as part of the farming operation, the surplus house may be severed from the farm parcel. As a condition of consent, the vacant remnant farm parcel shall be rezoned for Agricultural Purposes Only and no new dwelling shall be permitted on the vacant agricultural land in perpetuity.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following sections from the Official Plan:

Section 11.14 (a) (iv)
Section 11.14 (a) (v)
Section 11.14 (a) (vii)

The text of the Township of West Lincoln Official Plan is hereby amended by adding the following to the end of Section 11.14 (b) (i): that has been constructed to appropriate Township standards.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting Section 11.14 (b) (iii) and replacing it with the following:

11.14 (b) (iii) The minimum lot size for lots created in a Hamlet or a Rural Cluster designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for the long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.

New residential lot sizes in an Agricultural designation shall not exceed 0.4 hectares except to satisfy the Township Building Department and Part 8 of the Ontario Building Code for the long term operation of a waste disposal system.

The text of the Township of West Lincoln Official Plan is hereby amended by adding the following to the end of Section 11.14 (b) (vii): as implemented through the Township Zoning By-law 79-14, as amended.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following sentence from Section 12.2 (a) (v): Only one retirement lot shall be permitted in this regard.

The text of the Township of West Lincoln Official Plan is hereby amended by deleting Section 12.2 (f).

The text of the Township of West Lincoln Official Plan is hereby amended by adding the following sentence to Section 12.2 (m): Garden suites are subject to the criteria contained in Section 10.22.

2.3 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in effect.

AMENDMENT NUMBER 12
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 12 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to re-designate the subject lands as shown on the attached Schedule 'A' from Industrial to Urban Residential.

1.4 LOCATION

The subject lands are located north of Regional Road No. 20 (St. Catharine Street), west of Dufferin Avenue, within the Urban Area Boundary of Smithville. The subject lands are composed of Part of Lot 1 on Plan M-96, former Township of South Grimsby, Township of West Lincoln.

1.5 BASIS OF THE AMENDMENT

The subject lands are currently designated as Industrial subject to Deferral #10 in the Township's Official Plan. Deferral #10 previously referred the industrial designation of the CP Rail lands north of Regional Road 20 pending the outcome of future Township public meeting to consider the re-designation of these lands as "Urban Residential." Deferral #10 was placed on the lands following the last review of the Official Plan in 1997 and defers the decision to re-designate the lands until the appropriate process has occurred in accordance with the Planning Act.

The purpose of this Official Plan Amendment is to re-designate the lands for residential purposes to implement a plan of subdivision known municipally as Olde Town Gateway Estates. This amendment will be in keeping with the general purpose and intent of the deferral to the Official Plan.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 12 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

Schedule 'A' Map 2 of the Township of West Lincoln Official Plan is hereby amended by the following:

Changing the land use designation of the subject lands, shown on Schedule 'A' attached hereto and forming part of this Amendment, from an Industrial designation to an Urban Residential designation.

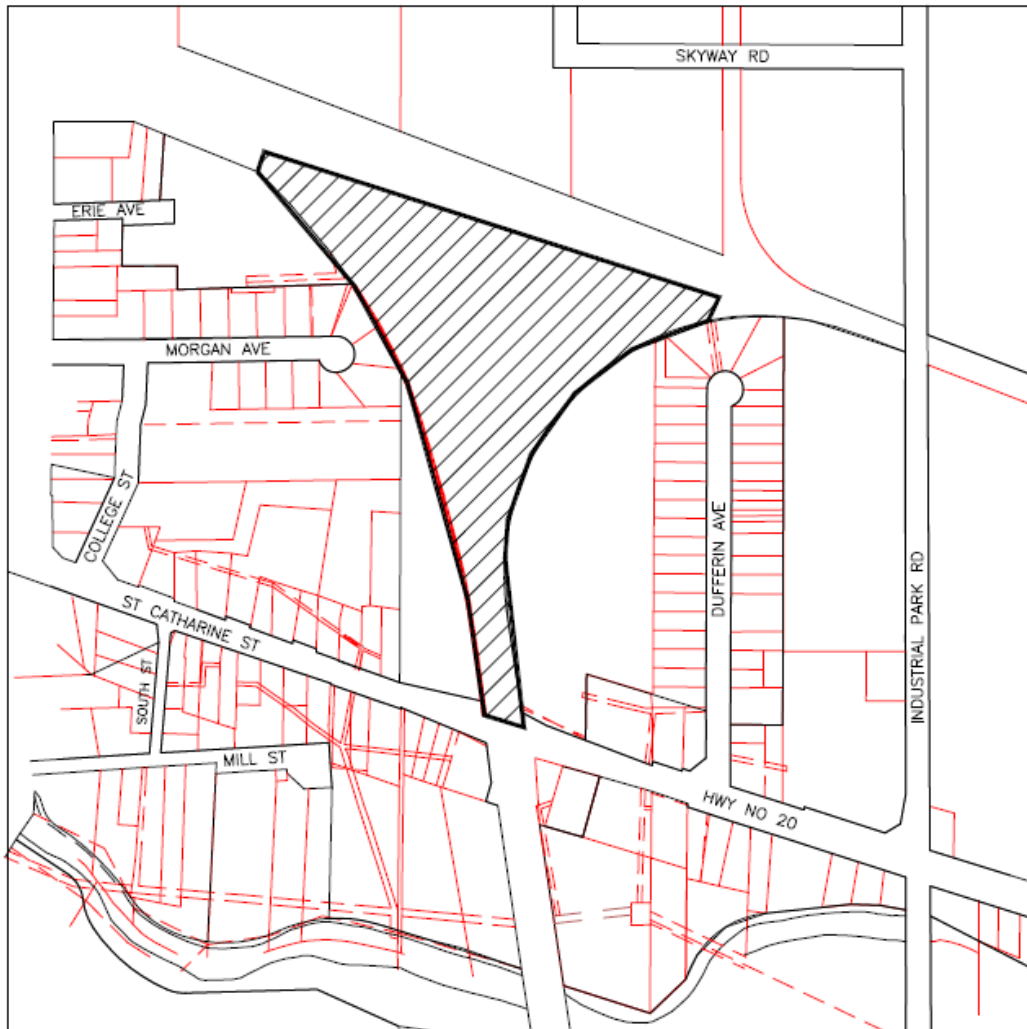
2.3 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in effect.

OFFICIAL PLAN AMENDMENT NO. 12 SCHEDULE 'A' TOWNSHIP OF WEST LINCOLN



Scale: N.T.S.



SUBJECT LANDS

 - FROM INDUSTRIAL TO URBAN RESIDENTIAL

This is Schedule 'A' to By-law No. 2006-70
passed the 8th day of May, 2006.

AMENDMENT NUMBER 13
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 13 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to re-designate a portion of Industrial Park Road and a portion of Young Street to facilitate future use of the roads to access to the Smithville Industrial Park.

1.4 LOCATION

The subject roads are as follows:

Industrial Park Road from Spring Creek Road north to Young Street
Young Street from Industrial Park Road west to Regional Road 14 (Thirty Road)

1.5 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend Schedule 'C' Major Roads Plan to the Township's Official Plan to re-designate the extension of Industrial Park Road from Spring Creek Road to Young Street and the portion of Young Street from Industrial Park Road to Regional Road 14 (Thirty Road) from local road to collector road (see attached map).

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map designated Schedule 'A' constitute Amendment No. 13 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

Schedule 'C' – Major Roads Plan of the Township of West Lincoln Official Plan is hereby amended by the following:

- 2.2.3. Changing the roads designation of subject roads, shown on Schedule 'A' attached hereto and forming part of this Amendment, from Local Road to Collector Road.
(Subject Lands: Industrial Park Road from Spring Creek Road north to Young Street and the portion of Young Street from Industrial Park Road west to Regional Road 14 (Thirty Road))

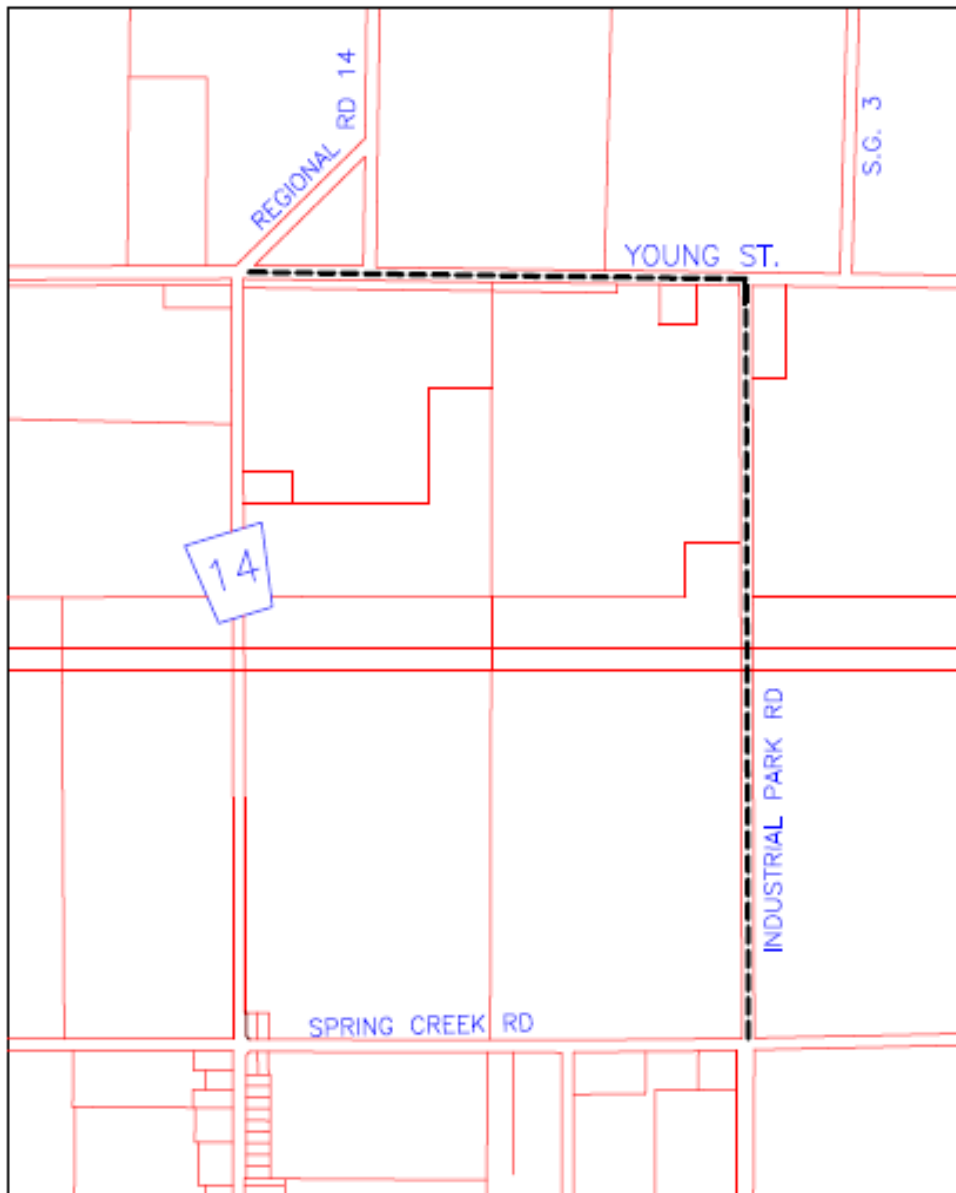
2.3 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in effect.

OFFICIAL PLAN AMENDMENT No. 13 Schedule 'A' TOWNSHIP OF WEST LINCOLN



Scale: N.T.S.



SUBJECT ROAD

----- Re-designate from Local Road to Collector Road

This is Schedule 'A' to By-Law No. 2006-112
passed the 21st day of August, 2006.