



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

*Consolidated July 2021*

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**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 Region of Niagara implements provincial policy over all of the Regional Municipalities of Niagara, including the Township of West Lincoln. As a result, the Township of West Lincoln Official Plan must implement the policy of the Regional Official Plan.
2. Sections 1 to 18 inclusive and the attached Schedules 'A', 'B-1' to 'B-4', 'C-1' to 'C-6', 'D-1' to 'D-4', 'E-1' to 'E-4', and 'F' 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. This Official Plan replaced the 1975 Official Plan, was approved in 1998 and was amended through several site specific amendments and one municipal amendment to implement the Provincial Policy Statement.

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.

The Township Official Plan must now implement the policies and goals of the Provincial Policy Statement (PPS) Places to Grow Plan (P2G) Greenbelt Plan and the Regional Policy Plan. This represents a comprehensive review as established in the PPS and P2G.

#### **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. Schedule 'A' to this plan provides the context for the development of the Township, and the relationship between major features of the Township with respect to the foregoing.

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 for informing and obtaining the views of the public with respect to a proposed amendment to, or a proposed revision of, the Plan, or in respect of the Zoning By-law.

This Plan, as amended, has superseded the original Official Plan.

Notwithstanding any other general or specific legislation, upon the approval of this Plan, no public work or development shall be undertaken and no by-law shall be passed for any purpose that does not conform with the Plan.

#### **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 13,170<sup>1</sup> persons, lying within the Niagara Region between Hamilton and St. Catharines. The community is characterized by a number of key attributes including prime agricultural lands, natural heritage areas, principal residential and business areas in Smithville and other scattered small settlement areas. 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 agriculture on prime agricultural lands in the Township, including flexibility to adapt new techniques and farm practices to sustain agriculture and related services. Supportive accessory uses, value added, and tourism related agricultural uses are encouraged.

Protection of lands within the Provincial Greenbelt Plan.

Protection of the Natural Heritage and Hazard Areas, including watercourses, wetlands and forested areas from incompatible development.

Recognition of Smithville as the centre of residential, commercial and industrial growth in the Township. Projected growth can be accommodated through upgrades, if required, to municipal services and infrastructure.

Recognition of the existing Hamlet Areas. Limited residential growth inside these small settlement area boundaries will provide a choice of living places for Township residents.

Primary economic growth and employment opportunities will be focused on business, and industrial 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 sector to provide recreational

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<sup>1</sup> 2006 Census Population

opportunities for all citizens and economic growth through tourism opportunities in Niagara Region.

The Leisureplex shall be the focus of outdoor public recreational activities while the Fairgrounds will be the focus of indoor recreational activities for the Township as implemented through a parks and recreation master plan.

## **2.4 GOALS OF THE PLAN**

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

- (a) To provide an environment for sustainable agriculture and related activities through the protection of prime agricultural lands and by preventing incompatible land uses. To protect agricultural lands located within the Provincial Greenbelt Plan.
- (b) To promote agricultural uses, agricultural related commercial uses and secondary uses including value added operations and agri-tourism.
- (c) To recognize the mixed use landscape of agricultural areas and to encourage nonfarm uses to locate within the existing settlement areas.
- (d) To protect, preserve and enhance the Natural Heritage Features of the Township including water courses, wetlands, other ground and surface water resources, woodlots, aggregate resources, fish and wildlife habitat, areas of natural and scientific interest and important corridors in recognition of significant social, economic and recreational benefits provided.
- (e) To be consistent with Provincial Guidelines including: Provincial Policy Statement (PPS), Greenbelt Plan and Places to Grow Plan (P2G).
- (f) To maintain conformity with the Regional Municipality of Niagara Policy Plan and compatibility with adjacent Municipal Official Plans and to co-operate with the Region and adjoining municipalities in respect of common concerns.
- (g) 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; and to promote the efficient use of land and services to meet population growth.
- (h) To provide a policy framework that will promote the Smithville downtown area as the primary commercial and business area in the municipality.
- (i) 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.

- (j) To encourage more diversified employment opportunities for residents of the Township through the promotion new and expanding industrial uses, commercial businesses and institutional uses.
- (k) To promote the protection, preservation, enhancement and maintenance of Heritage Resources.
- (l) To provide and maintain a safe, convenient, economical and efficient transportation system for all persons and goods.
- (m) To develop and implement a comprehensive parks and recreation master plan.
- (n) To ensure the provision of adequate parkland, trails, 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.
- (o) To develop and implement a Community Improvement Plan for the downtown of Smithville and the redevelopment of brownfield properties.
- (p) 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.
- (q) 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 striving to keep the Township taxes to a minimum.
- (r) To ensure that water supply, sewage services, emergency services, and transportation services are planned and developed in accordance with long term planning and growth management objectives.
- (s) To ensure that the requirements of the *Accessibility for Ontarians with Disabilities Act* is considered during the review of all development applications.
- (t) To encourage the engagement of residents, community groups, and other stakeholders, including Aboriginal groups, in the planning process.

## **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 2030. Council shall, from time to time, and no later than 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.

The Official Plan is also based on applicable provincial policies and guidelines and is designed to implement the Regional Policy Plan, as amended.

#### **3.2 Population**

The population of the Township as of the 2006 Census was 13,170 persons. The future population, based on past trends, is expected to reach 16,990 persons by the year 2031. The population projection is based on the results of the Township of West Lincoln Growth Management Plan and the Region's Growth Management Strategy.

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 municipalities. The number of local employment opportunities has been increasing in recent years and is expected to continue since the Township and Smithville are an attractive and cost effective location for business and industry.

The location 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. Further the Township is strategically located between the international border crossings and the Greater Golden Horseshoe Area.

Much of the existing commercial development in the Township is oriented towards serving the day-to-day needs of the local population. Consequently, these developments are concentrated in the Urban Settlement Area of Smithville, established Hamlets or along arterial roads. Future commercial growth is expected to be focused in Smithville.

#### **3.4 Land Use**

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

## **(a) Agricultural**

The Township of West Lincoln is predominantly an agricultural municipality within the Regional Municipality of Niagara. The essence of the agricultural area includes farm land supporting agriculture 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 settlement areas.

Agricultural lands fall into two main categories: Unique Agricultural lands and Good General Agricultural lands. Policies of this plan will promote and enhance agriculture in these areas. One small area of the Township is designated as Rural Area and is predominately used for non-agricultural uses.

This Plan promotes the preservation of high quality agricultural lands for food production now and in the future. Agricultural-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. The Urban Area of Smithville contains a range of housing types, while the hamlets and rural residential homes scattered throughout the agricultural area are almost exclusively single detached dwellings.

The forecast population growth of the Township will require amendments to the urban area boundary of the Smithville settlement area. New development and infill development will be promoted in Smithville. The Hamlet Areas are not a focus of growth, but shall be recognized as established settlement areas of historical importance.

The severance of lands for non-farm residential uses in the agricultural area is not permitted by this Plan, or by Provincial and Regional policy. This Plan recognizes the development of residential uses in existing settlement areas, but the focus of growth shall be in Smithville on full municipal services.

## **(c) Commercial**

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 Downtown 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) Employment**

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 sports fields, the fairgrounds and hiking/bicycling trails. The Leisureplex lands shall be the prime location for future outdoor recreational activities.

This Plan promotes the development of recreational trails linked to adjoining municipalities and a trail network within Smithville.

#### **(f) Natural Features**

West Lincoln has many natural areas that should be protected and enhanced for the benefit of current and future residents.

In accordance with Provincial and Regional policy, the natural features of the Township are to be protected and preserved. Natural features include: rivers and valley lands, woodlots, wildlife habitat, habitat for threatened and endangered species, wetlands, areas of natural and scientific interest and fish habitat. This plan will identify and protect these features.

Further, in accordance with Provincial and Regional policy, development should generally be directed to areas outside of hazardous sites, as well as hazardous lands adjacent to rivers and streams that are impacted by flooding and/or erosion.

### **3.5 Healthy Communities**

Municipalities in Ontario face many challenges in planning for growth and development, including: working with changing population projections; developing land for a variety of uses; building to suit the needs of the population; protecting the environment; and planning for economic prosperity and a sustainable future. At the same time, municipalities must ensure their planning decisions protect the health and well-being of their residents.

Land use decisions and the way communities are designed have multiple impacts on people's physical health as well as on their mental health and well-being. The physical form of a community affects the quality of the air they breathe, the types of physical activity choices they make and how they interact with their neighbours. It defines the character of a community, impacts real estate values and tax revenues, impacts the cost of providing

services, and influences the community's ability to attract business and residents.

### **3.5.1 Objective**

- a) Ensure land use designations and zoning bylaws have a positive impact on health and protect the environment;
- b) Promote renewable energy systems (where deemed appropriate), conserve energy and protect air quality;
- c) Incorporate climate change adaptation and mitigation strategies to protect the built and natural environments;
- d) Design roads and transportation networks that support all users;
- e) Improve road safety by reducing automobile dependency, while creating a safe environment for both pedestrians and cyclists;
- f) Ensure a built environment that supports and promotes safe active transportation as a priority travel option;
- g) Provide greenspaces, places to play and gather, and recreational facilities and opportunities for all;
- h) Ensure natural and built shade features are available at outdoor public spaces;
- i) Create complete neighbourhoods that include mixed densities and affordable housing options for people of all ages and socioeconomic status;
- j) Provide public spaces, parks and greenspaces where residents can meet, connect and congregate for social interaction.

### **3.5.2 Policies for Healthy Communities**

- a) Agricultural land and environmentally sensitive areas shall be protected through land use designations and transportation planning to sustain the economic viability of agriculture within the community;
- b) A compact urban form shall be developed that incorporates mixed land uses and promotes active transportation;
- c) Opportunities shall be provided to use or develop renewable energy sources through design regulations and land use and zoning requirements;
- d) Design standards shall be developed that require the use of natural and/or naturalized landscapes to improve air and water quality throughout the community;
- e) Development patterns shall maximize opportunities for active transportation;
- f) Design standards shall include necessary infrastructure to provide for the safety and convenience of pedestrians and cyclists;
- g) Road design and transportation planning shall be done within a complete streets design framework. Active transportation infrastructure shall be developed that is accessible, connected to the street system and linked to various uses in the community;

- h) Traffic calming and control measures shall be integrated into the road network to protect pedestrians and cyclists, with an emphasis on school zones and areas frequented by other vulnerable populations (e.g. seniors' residences, parks, etc.);
- i) Land use and development shall be planned using a complete streets approach considering the needs of all users - pedestrians, bicyclists, and motorists of all ages and abilities, and shall give priority to street connectivity and active transportation infrastructure.

## 3.6 Sustainability

### 3.6.1 Definition of Sustainability for West Lincoln

The Township of West Lincoln considers sustainability to mean development or activities that have minimal negative impacts on the natural environment, economy, or social well-being of current and future residents of West Lincoln.

### 3.6.2 Four Pillars of Sustainability

In the Township of West Lincoln, the four pillars of sustainability are cultural vitality, economic health, environmental responsibility, and social equity. To achieve, community sustainability, it is important that equal attention is paid to each of the four pillars. The four pillar model of sustainable development recognizes that a community's vitality and quality of life is closely related to the vitality and quality of all four pillars. Therefore, each of the four pillars should be considered when making decisions.



### 3.6.3 Objective

- a) To ensure the long term sustainability of the Township;
- b) To promote the protection and enhancement of the natural environment;
- c) To increase the efficiency of the use of existing municipal infrastructure;
- d) To increase the supply of affordable housing;
- e) To increase economic development opportunities;
- f) To increase the amount of parkland within the Township;
- g) To reduce the impact of stormwater runoff on watercourses within the Township;
- h) To ensure the development of the Urban Area of Smithville as a complete community;
- i) To promote recycling programs within the Township;
- j) To encourage the use of renewable sources of energy;
- k) To promote and encourage alternative forms of transportation such as bicycling and walking;

- l) To promote trails and corridors and linkages across the Township; and
- m) To promote and encourage the recognition of heritage features in the Township.

#### **3.6.4 Policies for Sustainability**

- a) The policies of this section are intended to be interim policies relating to sustainability. The Township is committed to developing a comprehensive policy set in the future that will detail the Township's overall goals towards sustainability and provide a clear and comprehensive strategy to make West Lincoln a sustainable community.
- b) The Township of West Lincoln will develop Design Guidelines for urban and rural areas that will contain detailed requirements to achieve sustainability.
- c) All new commercial, institutional and industrial development will be encouraged to incorporate sustainable design features into their site layout and building design.
- d) All new municipal facilities and renovation of existing facilities will incorporate sustainable design features.
- e) The Township shall support initiatives from other levels of Government that further the advancement of sustainability.

## **SECTION 4**

### **AGRICULTURAL LAND USE POLICIES**

#### **4.1 Background**

The intent of this section of the Official Plan is to identify the agricultural land forms and areas that contribute to the social and economic well-being of the Township. The agricultural area represents a mix of well diversified uses that will help to ensure the sustainability and viability of the Township's agricultural industry. The agricultural industry represents a variety of intensive livestock operations, field crops, specialty crops such as tender fruits and grapes and greenhouse operations that are an important asset for West Lincoln. It is important to ensure that these areas and agricultural operations are protected for the prosperity and social well-being of current and future West Lincoln residents. It is also the responsibility of the Township to ensure that these agricultural uses are protected against loss and fragmentation from incompatible uses and development.

Agricultural Lands within the Township are comprised of Unique Agricultural Lands, Good General Agricultural Lands and Rural Lands. The Agricultural Lands shall be protected in accordance with their level of agricultural viability with the Unique Agricultural Lands receiving the highest level of protection and the Rural Lands receiving the lowest level of protection.

Agricultural Lands shall be identified on Schedule 'B-1' – 'B-3' Land Use Plan.

#### **4.2 Objectives for all Agricultural Areas**

All Agricultural Areas shall be subject to the following Objectives and should be read in conjunction with the Objectives for each specific agricultural designation.

- a) To promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.
- b) Support a pattern of agricultural land holdings that increase the flexibility of agricultural operations and avoid the fragmentation of land ownership.
- c) To promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.
- d) To minimize the impact of non-farm uses on the agricultural area by encouraging incompatible uses to locate within designated settlement areas and hamlets.
- e) To promote, where feasible, opportunities for agricultural related value added activities to support, promote, and develop the agricultural areas.

#### **4.2.1 General Agricultural Policies**

**a) Uses permitted within all Agricultural Areas:**

- i. All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.
  - ii. Small scale agriculturally related uses related directly to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of this plan.
  - iii. Agricultural-related residential uses including help houses.
  - iv. Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property.
  - v. Linear infrastructure facilities, and associated equipment, that are to serve the Township and Region including, but not limited, to: water supply and sewage treatment facilities, communication/telecommunication facilities and transportation networks. New infrastructure facilities will be of a size and nature to serve both the existing and future needs of Township residents and shall minimize the effects on surrounding farm operations. Proposals for new infrastructure facilities shall be in accordance with all provincial and regional requirements.
  - vi. Passive open space and recreational uses such as trails in the Good General Agricultural Areas.
- b) Additional agricultural-related dwellings, whether these dwellings are permanent or modular in nature may be permitted without severance for full-time farm help where the size and/or nature of the agricultural 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 shall not be eligible for a severance from the farm operation in the future and the owner shall sign an undertaking to this effect. These uses shall be permitted through a zoning by-law amendment.
- c) The Minimum Distance Separation Formulae, as amended from time to time, shall be utilized to determine separation distances between new or expanding livestock operations and new or expanding non-farm uses in all Agricultural



areas. The implementation of the Minimum Distance Separation Formulae shall be through the Township's Zoning By-law. New and expanding uses within all Agricultural Designations including the creation of new lots as permitted by Section 17.13 of this plan and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

- d) All development within all Agricultural Areas shall be supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of the Environment and/or the Ministry of Municipal Affairs and Housing:
  - i. Approvals for servicing that are less than 10,000 L/day will be issued by the Township as per the requirements in the Ontario Building Code;
  - ii. Approvals for servicing that are greater than 10,000 L/day will be issued by the Ministry of the Environment as per the requirements of the Ontario Water Resources Act.
- e) 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.
- f) Applications for consent within the Agricultural Areas shall be subject to the policies of Section 17.13: (Land Severance) of this plan.
- g) New Non-Agricultural Uses shall not be permitted within the Agricultural Areas. These uses shall be encouraged to locate within existing Settlement Areas to minimize the impact on existing and future agricultural operations.

### **4.3 Unique Agricultural Areas**

The Unique Agricultural Lands comprise those lands that were designated by the Greenbelt Plan 2005 as being Tender Fruit and Grape Lands and designated accordingly by the Regional Policy Plan and are given the highest level of protection and preservation. Unique Agricultural Lands shall consist of those areas that are well suited for specialty crops because of the unique climate and soil structure. Lands within the Unique Agricultural designation shall be used for a full range of agricultural uses and agriculture-related secondary uses that can adapt to changing farming needs and practices.

#### **4.3.1 Objectives for Unique Agricultural Areas**

- a) To encourage the preservation of Unique Agricultural Areas for agricultural purposes and to direct non-farm uses to designated settlement areas, and hamlets.
- b) To provide the highest level of protection to Unique Agricultural Areas suitable for tender fruit and grape production.

#### **4.3.2 Policies**

- a) Unique Agricultural Lands shall be given the highest priority for preservation and protection as shown on Schedule 'B-3' Land Use Maps.
- b) The size of agricultural 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 16.2 hectares (40 acres) will generally be maintained in the Unique 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.
- c) The location of greenhouses within the Unique Agricultural Area shall take into consideration the proximity of adjacent residential and non-agricultural uses. The Township's Zoning By-law shall provide specific standards for locating greenhouse operations and buffering these uses from surrounding uses. New greenhouse operations shall be encouraged to locate within the Good General Agricultural designation.
- d) In Unique Agricultural Areas, legal non-conforming uses and buildings lawfully existing prior to December 14, 2004, the date the Greenbelt Plan came into effect, are permitted. The enlargement of uses and buildings lawfully existing for such purpose shall be subject to the provisions of Section 17.14, (Non-Conforming Standards and Non-Conforming Uses) of this plan.
- e) Small scale agriculturally related uses shall be located so that the effect on surrounding agricultural areas and the viability of agricultural operations is minimized. Small scale agriculturally related uses may be permitted by Zoning By-law Amendments which shall implement the standards devoted to this use. These uses shall also be located in such a manner that minimizes the potential for future severance possibilities.
- f) Unique Agricultural Lands shall not be re-designated for non-agricultural uses, with the exception for infrastructure purposes, natural resources, cultural heritage resources, existing uses, and lot creation as outlined in the Greenbelt Plan 2005, and the Regional Policy Plan.

- g) Forestry and conservation uses are encouraged and in particular woodlots and windbreaks which control soil erosion and act as groundwater recharge areas.
- h) Single detached dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16<sup>th</sup>, 2004 or where an application for an amendment to a zoning by-law is required as a condition of severance granted prior to December 14, 2003 but which did not proceed.

#### **4.4 Good General Agriculture Areas**

The Good General Agricultural Areas comprise those lands designated by the Township Official Plan and are accorded the second highest level of protection and preservation. Good General Agricultural lands include Classes 1 through 7, but are predominantly Classes 1 through Class 3 soils according to the Canada Land Inventory, and are well suited for a wide range of field crops and agricultural uses. Lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

##### **4.4.1 Objectives for Good General Agricultural Areas**

- a) To encourage the preservation of Good General Agricultural Lands for agricultural purposes and to direct non-farm uses to Urban and Hamlet Areas.
- b) To provide the second highest level of protection to Good General Agricultural Lands next to the Unique Agricultural Lands, and are suitable for all types of field crops, livestock operations, and other agricultural uses.
- c) To promote the consolidation of larger agricultural holdings to strengthen the economic strength of the agricultural land base of the Township of West Lincoln.

##### **4.4.2 Policies**

- a) Good General Agricultural Lands shall be given the second highest priority for preservation and protection as shown on Schedule 'B-1' – 'B-3' Land Use Maps.
- b) Agricultural parcels shall be maintained at a sufficient size that is large enough to ensure the flexibility of that operation to adapt to economic conditions in agriculture in the future. Smaller agricultural parcels may be supported through the consent process, subject to the policies of Section 17.13: (Land Severances) provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:
  - i. Is appropriate for the agricultural activities proposed,

- ii. Is suited to the particular location and common in the area, and
- iii. Provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to a condition that any new dwellings on the property are allowed only after the greenhouse or other farm buildings have been constructed or are substantially completed.

- c) The consolidation of existing agricultural holdings into larger agricultural holding shall be generally supported. The consolidation of agricultural holdings through the consent process shall be subject to the policies of Section 17.13: (Land Severances) of this plan.
- d) The location of greenhouses within the Good General Agricultural Area shall take into consideration the proximity of adjacent residential and non-farm uses. Specific standards for greenhouse operations shall be contained within the Township's Zoning By-law.
- e) Small Scale Commercial and Industrial Uses which do not require close proximity to agricultural operations shall be located in appropriately designated commercial or industrial areas within designated Settlement Areas. Small Scale Commercial and Industrial Uses that are required to support the agricultural community shall be located so that they minimize the impact on the viability of existing and future agricultural operations. These uses shall be carefully regulated through a Zoning By-law Amendment as to their location, size and traffic generation in order to minimize potential disturbances and to ensure that private sewage disposal systems can accommodate the increase sewage loading to the satisfaction of the Township of West Lincoln.
- f) New or expanding agricultural, small scale commercial or industrial, or agricultural value-added ancillary uses located within the Area of Possible Influence as defined in Section 16 shall be subject the policies of Section 16: (Waste Management) policies of this plan.
- g) Within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township's Official Plan and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required.

## **4.5 Rural Areas**

The Rural Areas comprises those lands designated by the Regional Policy Plan and are accorded the lowest level of agricultural protection and preservation. The Rural Areas lands are limited to the lands described as Lot 19 & 20, Concession 4, in the former Township of Caistor. These lands may be used for agricultural uses according to the policies for the Good General Agricultural Area as well as for the following uses:

**(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, and limited to those areas designated on Schedule 'B-2' Land Use Map.

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 and natural features. To this end, the implementing zoning by-law shall require adequate setbacks from property lines and natural features, 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 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, and limited to those areas designated on Schedule 'B-2' land use Map, shall be used for rural residential purposes subject to the required Minimum Distance Separation distance and the requirements of the Township of West Lincoln Building 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 Rural designation shall be permitted within the lands affected by subsection 4.5(a).

## **4.6 Agriculture-Related Uses and On-farm Diversified Uses**

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

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

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- a) An adequate and potable water supply is available.

- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.
- h) Outside storage may be limited.
- i) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.
- j) The lands will be appropriately zoned and, where necessary, a development agreement will be required.
- k) *Development* on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.
- l) *Development* may be subject to site plan control.

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

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

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

#### **4.6.1. Agriculture-related uses**

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

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

evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.

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

#### **4.6.2. On-farm Diversified Uses**

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

#### **4.6.3. Agri-tourism uses**

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

- a) Small scale *agri-tourism uses* that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law.
- b) *Agri-tourism uses* indirectly related to agriculture that benefit from a farm location may be permitted but will require an amendment to the zoning by-law. These types of *agri-tourism uses* will be considered based on the following criteria:
  - i. the scale of the operation is limited and appropriate to the site and surrounding farming operations;
  - ii. the use has no or minimal impact on, does not interfere with and is compatible with surrounding *agricultural uses*;
  - iii. the use does not generate potentially conflicting off-site impacts including impacts related to *infrastructure* or transportation;
  - iv. the use is limited to low water and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public *infrastructure*;
  - v. for *special events*, the use represents an occasional activity and is not a regularly recurring activity;
  - vi. the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding lands;
  - vii. the use does not require *significant* improvements to utilities or *infrastructure* such as roads or hydro services;
  - viii. the use complies with all of policies of this Plan and the Regional Official Plan; and
  - ix. the proposed use or *site alteration* and/or development will not negatively impact *cultural heritage* resources.



#### 4.6.4. Wineries, Breweries and Distilleries

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

##### 4.6.4.1 Estate Wineries

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

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

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

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

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

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

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

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

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

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

#### **4.6.4.2. Farm Wineries**

Farm wineries will be permitted in the implementing zoning by-law as part of a farm operation. The minimum acreage required for a *farm winery* will be specified in the implementing zoning by-law.

The production of wine from a *farm winery* will be subject to the following criteria:

- a) the zoning by-law shall specify the detailed criteria, but shall include minimum on site plantings and processing prior to retail sales; and,
- b) retail floor space shall be limited in the zoning by-law to not be more than 18.5 m<sup>2</sup> with gross floor area of the facility not exceeding 500m<sup>2</sup>; and,
- c) an approved site plan.

The retail sale of wine produced on site will be permitted. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.

To extend the operating season of wineries, allow the efficient operation of processing facilities and contribute to the ongoing viability of the farm some product may be obtained from surrounding local farm operations or from other parts of Ontario provided the majority of product is from the farm or from surrounding local operations. Such facilities may require a site specific zoning by-law amendment prior to expanding the operation to include product from other parts of Ontario.

#### **4.6.4.3 Micro-Breweries & Micro-Distilleries**

Micro-breweries and micro-distilleries may be permitted within the Good General Agricultural designation as an on farm diversified use. Micro-breweries and micro-distilleries up to 500m<sup>2</sup> in size will be subject to the applicable farm winery policies and micro-breweries and micro-distilleries over 500m<sup>2</sup> will be subject to the estate winery policies, with the exception that the crops required on site shall be considered as agricultural uses.

#### **4.6.5. Adaptive Re-use**

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

#### **4.6.6. Special Occasion Facilities**

Special events may be permitted within the Good General Agricultural designation as an on farm diversified use. Special events up to 500m<sup>2</sup> in size will be subject to the applicable farm winery policies and special events over 500m<sup>2</sup> will be subject to the estate winery policies, with the exception that the crops required on site shall be considered as agricultural purposes. All special occasion facilities shall require a rezoning and will be subject to site plan control.

**SECTION 5**  
**GROWTH MANAGEMENT**  
*(updated by OPA No. 38)*

**5.0 GROWTH MANAGEMENT STRATEGY**

**5.1 Background**

The Settlement boundaries, as illustrated on Schedule A and further delineated on Schedule 'B-4' (Smithville), clearly demarcate the current limit of urban growth. The Settlement boundaries serve to distinguish Smithville and Hamlet Areas that are intended for existing and/or future development, from the surrounding agricultural areas where agriculture will remain the predominant use. Sufficient land shall be included within the Settlement boundaries to accommodate the anticipated population and employment needs of the Township for the 20-year time frame of this Official Plan. In order to ensure a continuous 10-year supply of residential land and a competitive housing market, it has been identified by the Township that additional land is needed within the time frame of this Official Plan.

The continued adequacy of the Settlement boundaries shall be assessed during each successive five-year review of the Official Plan, as required by The *Planning Act*. If necessary, a Settlement area boundary expansion may be considered by amendment to this Plan, based on supportive reports and a municipal comprehensive review.

**5.2 Objectives:**

- a) To ensure that Settlement boundaries contain sufficient land to accommodate growth anticipated by this Official Plan over the 20-year time frame of the Official Plan until 2031.
- b) To develop as a complete, balanced community with a diverse mix of land uses, where residents have the opportunity to live, work and play in their community.
- c) To ensure an orderly and logical progression of urban development, and an efficient use of land, infrastructure and services.
- d) To create a balanced community where employment opportunities are consistent with the available labour force. This is generally considered a ratio of one (1) job for every three (3) residents.
- e) To provide a framework for revitalizing Downtown Smithville and framework to support rural Hamlets.

- f) To focus employment growth to designated employment areas in Smithville and the Hamlet areas. Appropriate agricultural employment opportunities may be located in the agricultural area, subject to applicable policies.
- g) To direct the majority of the population growth to the Smithville Urban Area and a limited amount to the Hamlet Settlement areas.
- h) To ensure that adequate municipal sewer and water services are available in Smithville to accommodate the Township's projected growth.
- i) To encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement area of Smithville. Infill is also supported within each of the Hamlet Settlement areas.
- j) To coordinate land use planning with infrastructure planning.
- k) To accommodate development which protects, conserves and manages the health of the Natural Heritage Systems and other environmental features for current and future generations.

### 5.3 Population and Employment Forecast Policies

- a) The projected population for the Township of West Lincoln by the year 2031 is 16,990 people. The Smithville Urban Settlement Area will accommodate the majority of residential and employment growth within the municipality while limited growth may occur within the Hamlet Settlement areas.  
The Urban Settlement Area of Smithville includes a built up area, which reflects the limit of growth on June 16, 2006 and Greenfield lands which were the undeveloped lands on June 16, 2006 inside the urban boundary. The built boundary is shown on Schedule B.
- b) The following Table outlines the population household and employment forecasts reflecting the Township's projected growth to 2031:

**Table 5.3: Forecasts for West Lincoln**

Year	Total Population with Undercount <sup>1</sup>	Total Households	Total Employment
2006	13,700	4,295	3,490
2011	15,100	4,750	3,780
2016	16,000	5,100	3,990
2021	16,600	5,370	4,410
2026	16,800	5,510	4,710
2031	16,990	5,610	4,930

*1 Total population in households excluding institutional population.*

West Lincoln is projected to grow by 1,890 new people, 860 new households and 1,150 new employees and has therefore established these as our forecasts to achieve by 2031.

- c) The projected employment for the Township by the year 2031 is a total of (1,150 new jobs) 4,930 jobs. In order to achieve the employment objective of one (1) job for every three (3) residents, an employment target of 126 new jobs will need to be achieved every five (5) years. The majority of those jobs are to occur within the Employment Area designation through Greenfield development and the intensification of existing development. The remainder of the employment will be located in the urban areas through commercial, institutional and government related jobs and in the agricultural area through agricultural and rural related jobs.
- d) The Township shall forecast for an average gross density of fifty (50) jobs and persons per hectare within the designated Greenfield area.
- e) The Township shall forecast for more than 15% of new dwelling units to be provided through intensification and infill inside the Built Boundary.

## 5.4 Housing Growth

The projected housing growth by unit type for the Township is shown below. The Official Plan's land use policies are based on serving this forecasted housing mix. The forecasted mix shown below is the basis for planning the Municipality's long term land needs and housing growth and should not be used on a site specific basis. The Figures below shall be used for undertaking long term planning studies and plans, including, but not limited to housing studies, land needs analysis, and infrastructure plans and studies.

**Table 5.4 Township Housing Forecast, Unit Mix**

<b>Year</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Total Housing Starts</b>
2006	N/A	N/A	N/A	N/A
2007-2011	136	1	6	143
2012-2016	178	9	12	199
2017-2021	289	25	27	341
2022-2026	253	36	36	325
2027-2031	214	49	44	307
<b>2006-2031 Growth</b>	<b>1070</b>	<b>120</b>	<b>125</b>	<b>1315</b>
<b>2006-2031 Mix</b>	<b>81.4%</b>	<b>9.1%</b>	<b>9.5%</b>	<b>100%</b>

## 5.5 Housing Mix

- a) Notwithstanding the projected Township wide target housing mix shown above, the Township may use alternative housing mix targets on a secondary plan or site specific basis, depending on site characteristics and constraints, provided that the alternative mix does not adversely impact the Township's ability to meet its overall housing mix. In order to ensure that a sufficient supply of medium and high density lands are available, the Township will monitor its land supply (by type) on an annual basis and include separate land use designations for low, medium and high density uses.
- b) New and updated secondary plans shall identify additional opportunities for infill with appropriate compatibility criteria. Such policies shall ensure that infill and intensification is in keeping with the physical character of those neighbourhoods.
- c) The Township will work with the Regional Municipality of Niagara, not-for-profit housing agencies and the private sector toward the provision of a sufficient supply of housing which is affordable to low and moderate income households. The Township will target 30% of all new housing units constructed over the long term to consist of affordable housing units to be constructed in both intensification areas and throughout the built-up area and also in greenfield areas. The Township will consider reduced requirements in the Zoning By-law for residential lot standards and minimum required floor space for dwelling units which would support the provision of affordable housing.
- d) Affordable in the case of home ownership means the least expensive of:
  - i. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
  - ii. Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
- e) Affordable in the case of rental housing means the least expensive of:
  - i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
  - ii. a unit for which the rent is at or below the average market rent of a unit in the region market area.
- f) The Township discourages the conversion of rental accommodation to condominium ownership where the residential vacancy rate is less than 3% and the development being proposed is not considered to be affordable.

## 5.6 Urban Settlement Area Structure

- a) Smithville is the Urban Settlement Area in the Township of West Lincoln and is the focus for urban development on full municipal services. Any expansion to the Urban Settlement Area boundary is subject to a Municipal Comprehensive Review and the requirements of Section 5.7. The structure of the Urban Settlement Area is comprised of: the built-up area, intensification areas within the built-up area, greenfield areas, the core natural heritage system, and transportation corridors.
- b) The Built-up Area is delineated by the built boundary, which represents the limit of existing urban development, when the Places to Grow: Growth Plan for the Greater Golden Horseshoe came into effect in 2006. Other than the lands identified for intensification, the built-up area is intended to remain stable and any infill development within the built-up area shall be compatible with the surrounding land uses and shall take place at the density prescribed by the existing land use.
- c) The Intensification Area consists of lands within the built boundary that have already been developed but have the opportunity to be redeveloped or to accommodate additional development through intensification of the site. Intensification areas are intended to be designated to accommodate a higher density than currently exists on the site and are chosen for intensification based on their location, access to transportation corridors, access to municipal services, proximity to community services and commercial uses, and ability to accommodate intensification while maintaining the character of the community, and the ability to be compatible with surrounding land uses.
- d) Greenfield Areas are larger tracts of undeveloped lands that are intended to accommodate new residential and employment growth. Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare, it is realized that not every site will be able to individually achieve that target; however, the Township will closely monitor Greenfield developments to ensure that the Township will meet the overall Greenfield target.
- e) The Core Natural Heritage System is the framework for the protection, maintenance, restoration, integration, and where possible the enhancement of the natural systems, ecological health, and biodiversity of the community.
- f) Transportation corridors are an important part of the urban structure as they allow people and goods to connect into and through the urban settlement area. Transportation corridors have to be planned to facilitate these movements and to accommodate a variety of users and modes of transportation. The Township will develop a Transportation Demand Management Strategy which is intended to promote alternative forms of transportation and reduce trip distance and time and increase the modal share of alternatives to the automobile, this will be integrated with the existing trails and corridors master plan.



- g) The objectives of the Urban Settlement Area Structure are to direct new growth and redevelopment to the appropriate areas of the Urban Area, and to guide the form and density of the growth to achieve a complete community that is vibrant, well-connected, and prosperous. Guiding growth is more than just densities and land use designations, the aesthetics of the development are important in creating a livable community. As such, the Township will prepare Urban Design Guidelines for the Downtown Core and may prepare more detailed Urban Design Guidelines for Infill Development and other forms of development within Smithville to supplement the policies of this Plan.

## **5.7 Settlement Area Expansion**

- a) Expansions to Settlement Areas shall only be considered through a municipal comprehensive review to be completed in conjunction with the Region at the time of the 5-year review of the Official Plan. Such review shall include the preparation of a Growth Management Study. The Growth Management Study will determine if the projected population and employment projections can be accommodated within the current Settlement Area boundary or not. Should it be determined that additional land is required to accommodate the projected growth, a Settlement Boundary Expansion Study will be undertaken to determine how much land is required and appropriate location(s) to accommodate the projected growth.
- b) A Growth Management Study undertaken during the 5-year review shall consider the following matters:
  - i. The population and employment projections of the Region and any revisions to Schedule 3 of the Growth Plan for the Greater Golden Horseshoe;
  - ii. Statistical records of housing unit completions in previous years;
  - iii. Statistical records of the amount of vacant employment land absorbed in previous years;
  - iv. Comparison of employment versus population to determine the Township's success in moving towards its employment target;
  - v. Comparison of these actual development trends to those forecast in the Region of Niagara Policy Plan, as amended by RPPA 2-2009, and any subsequent amendments thereto;
  - vi. Determination of the amount of undeveloped land, including residential and employment designated lands, remaining within the designated greenfield area, and the potential to accommodate future population and employment through redevelopment, infilling or intensification of

developed lands within the built boundary of the Urban Settlement Area;

- vii. Undertake an assessment based on population forecasts and actual development trends, of whether there is sufficient residential land designated to maintain a continuous 10-year supply of land for housing until the next 5-year review. The Growth Management Study shall ensure that there is sufficient land within the Settlement boundaries to accommodate the projected housing needs for up to 20 years. Analysis of supply will consider not just quantitative matters, but also qualitative matters including the provision of a full range of housing to meet the varying needs and preferences of current and future population and households;
  - viii. Undertake an assessment, based on the employment forecasts and actual development trends, of whether there is sufficient land to achieve the employment target ratio and whether the available inventory is adequate and suitable to meet the diverse needs of potential industrial users. Such analysis shall consider both the qualitative and quantitative aspects of the vacant industrial inventory, including the available range in size, exposure, accessibility and other factors; and
  - ix. Changes in Regional or Provincial Policy and other legislative matters that may arise.
- c) When undertaking a Settlement Boundary Expansion Study, the Township shall consider the following matters in assessing potential areas for expansion:
- i. The size of the proposed expansion is to be determined after considering:
    - 1. The additional population and employment that is needed to meet the Regional population projections and which cannot be met through existing designated Greenfield lands and opportunities for intensification within the built boundary as determined through the Growth Management Study in Section 5.7 b);
    - 2. A compact, urban form which can accommodate a range and mix of housing types within the proposed expansion; and
    - 3. The ability to meet a minimum density target of not less than 50 residents and jobs per hectare within areas capable of being fully serviced with municipal services, while also providing an appropriate transition to adjacent residential areas and a housing form in keeping with the character of the Settlement area.
  - ii. The expansion makes available sufficient land for a time horizon not exceeding 20 years;
  - iii. Alternatives for Settlement expansion shall not include lands designated

as Specialty Crop Areas or Greenbelt designated lands;

- iv. Alternatives for Settlement expansion shall only include lands designated Good General Agriculture where it has been demonstrated that alternative locations have been evaluated, and there are no reasonable alternatives to avoid Good General Agriculture Areas; and there are no reasonable alternatives on lower priority agricultural lands in the Good General Agricultural Area (*OPA 38 amended by OMB*);
- v. Alternatives for Settlement expansion shall protect existing licensed aggregate operations and/or demonstrate that the proposed expansion will not result in the preclusion or hindrance of the establishment of new mineral aggregate operations or access to mineral aggregate resources within high potential resource areas;
- vi. Alternatives for Settlement expansion shall only include lands designated Good General Agriculture where it has been demonstrated that alternative locations have been evaluated, and there are no reasonable alternatives which avoid Good General Agricultural Areas; and there are no reasonable alternatives on lower priority agricultural lands in the Good General Agricultural Area;
- vii. Alternatives for Settlement expansion shall protect significant natural environmental features, demonstrate that the Natural Heritage System can be maintained and refined, and minimize the potential impact on the quality or quantity of ground water and surface water;
- viii. The expansion maintains or moves significantly towards a minimum of one full-time job per three residents;
- ix. The areas considered for expansion form logical extensions of the Settlement area;
- x. Areas considered for expansions are physically suitable in terms of topography, soil and drainage characteristics;
- xi. The expansion can be feasibly serviced by public service facilities, transportation infrastructure, public sewage and water services, and storm water management in an environmentally sustainable, efficient, and cost-effective manner. The services must be financially viable over their lifecycle, protect human health and safety and protect the natural environment. A strategy for the approval, staging, and financing of regional and municipal infrastructure must be developed;
- xii. Opportunities to optimize existing infrastructure and public service facilities, wherever feasible and cost effective, are considered prior to

consideration of new infrastructure and public service facilities. As well, the proposed expansion area will offer the most efficient alternative for utilizing existing facilities where capacity is available; and

- xiii. The expanding settlement area is in compliance with the provincial minimum distance separation formulae. *(OPA 38 amended by OMB)*

## **5.8 Monitoring and Management of Land Supply**

The Township will monitor its supply of land on an annual basis to ensure the adequacy of supply that is designated for development. The Township will also monitor the performance of its housing mix targets as noted earlier in this section. Land management includes monitoring the development of registered and draft approved plans of subdivision so that the Township can properly plan the orderly and efficient development of the community. As such the following shall apply:

- a) If a plan of subdivision or part thereof has been registered for eight years or more and no installation of infrastructure has occurred and the subdivision does not meet growth management policies of this Plan, the Township shall use its authority under Section 50(4) of the Planning Act to deem it not be a registered plan of subdivision.
- b) In considering a request for an extension to draft plan of subdivision approval, the Township will work with the appropriate commenting agencies to ensure that current conditions, based on new or updated policies, guidelines and community standards, are applied. Only one extension to a lapsing draft plan of subdivision shall be approved by West Lincoln Council for a period of up to two years unless the draft plan meets the growth management and natural heritage policies of the Regional and West Lincoln Official Plans.
- c) The timing of the expansion and the phasing of the development within the designated Greenfield Area will not affect the achievement of the intensification and density targets. Greenfield development will be phased in over time to ensure that a balance of both intensification and Greenfield development is achieved. To ensure this balance, the Township will:
  - i. Develop a monitoring program for its Greenfield and Intensification Areas;
  - ii. Ensure that infrastructure is aligned to reflect this balanced approach to development; and
  - iii. Develop a phasing strategy for its Greenfield and Intensification Areas.
- d) Population, Household, Employment and Intensification targets will be measured on an annual basis and will include all new housing units created within the Greenfield lands, the built-up area and the employment area. The municipality will review and update the intensification target and policies as part of the planned 5 Year Review of the Official Plan.

## **5.9 Intensification Strategy**

The majority of the intensification will be located within the identified Intensification Area on Schedule B-5 with a target of 15% of overall growth to occur within the existing Built-Up Area. Based on the projected growth, the Built-Up Area of Smithville will accommodate approximately an additional 200 units over the next 20 years. There is sufficient land within the Intensification Area to meet the projected need for residential development.

Intensification of employment lands shall be encouraged through appropriate changes to the zoning requirements, including reduced lot size and increased lot coverage.

To achieve the targets set out in Sections 5.3 to 5.5, the Township shall implement the following Intensification Strategy:

- a) Direct the majority of intensification to the identified intensification area as shown on Schedule B-5;
- b) The Township may choose to set minimum density targets for intensification areas;
- c) Intensification Areas shall be planned to provide a diverse mix of land uses that complement and support the overall development of a complete community. This includes providing for employment, commercial, recreation, institutional and other compatible land uses;
- d) Higher density apartment development will be directed to locations in the Intensification Area that are designated for High Density Residential areas, Mixed-Use areas, or the Downtown Commercial Core Area;
- e) Infill and intensification within areas outside of the intensification areas of Smithville may be permitted where it respects and reinforces the stability of the residential neighbourhoods and is of a scale and built form that reflects the surrounding neighbourhood and satisfies the policies of this plan;
- f) Permit and encourage the creation of accessory apartments within the Urban Settlement Area subject to the policies of Section 6 of this plan;
- g) All intensification and infill development within the built boundary shall be subject to site plan control where applicable, and shall ensure that the built form and physical look of the built form is compatible with the neighbourhood and shall comply with any urban design guidelines adopted by the Township;

- h) To facilitate intensification, the Township may offer development incentives such as:
  - i. Cash-in-lieu as an alternate to parkland dedication, or a continuation thereof;
  - ii. Reduced parking standards;
  - iii. As-of-right zoning; and
  - iv. Where the Township or Region is undertaking public works projects within the downtown, the Township will coordinate the public works projects with any applicable public realm improvement projects and based on design guidelines if approved.
- i) Planning for infrastructure and public service facilities shall be integrated with the planning for development, both intensification and greenfield development, to ensure that public infrastructure and services are available to meet current and projected needs while being provided in an efficient and cost-effective manner; and
- j) Intensification will be phased in over time to ensure a balance of redevelopment and Greenfield development. The Township will work with the appropriate agencies and approval authorities to ensure that an adequate amount of services are in place within the intensification areas to support growth.

### **5.10 Greenfield Strategy**

Greenfield Areas are intended to be developed in such a way as to create more compact, multi-modal, mixed-use communities with a range of housing types and to develop employment lands in an efficient manner. The policies for Greenfield Areas are as follows:

- a) The Township will require a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas. Gross density shall mean the jobs and persons per hectare of development excluding the following features and any non-developable features designated in this Official Plan:
  - i. Wetlands
  - ii. Significant woodlands
  - iii. Significant valley lands

- iv. Areas of natural and scientific interest
  - v. Habitat of endangered species and threatened species
  - vi. Significant wildlife habitat
  - vii. Fish Habitat
  - viii. Floodplain areas
- b) All Greenfield Areas will require a Secondary Plan prior to development. The Northwest quadrant shall be developed as one secondary plan.
- c) The following issues shall be reviewed as part of a residential secondary plan process:
- i. Conformity with the Provincial Growth Plan and Regional Policy Amendment 2-2009. Specifically, the Secondary Plan will need to identify and permit a range of housing types and densities, the intent of which is to achieve the Provincial requirement of 50 people and jobs per hectare and the gross density shall be 20 to 30 units per hectare in order to achieve population density requirements.
  - ii. A sub-watershed plan prepared in accordance with the requirements of the NPCA and the Region;
  - iii. Incorporating sustainable best practices into the development including:
    - 1. maximization of water conservation through water efficient landscaping and collection, and reuse of clean water;
    - 2. the use of green roofs;
    - 3. provisions for the collection and storage of recyclable waste on site; and
    - 4. encouraging the provision of on-site renewable energy generation, co-generation, or district energy systems.
  - iv. Options for water and sanitary sewer servicing;
  - v. Stormwater management;
  - vi. The ability of the soils to support urban development due to hydrological and hydrogeological characteristics;
  - vii. The identification of important natural features, and recommendations for their protection;
  - viii. The mix, density and phasing of proposed land uses;

- ix. Affordability;
  - x. The need for new or expanded parks, schools or other community facilities;
  - xi. Transportation including integration with existing roads and an assessment of pedestrian connections to trails and parklands of new development;
  - xii. A Phase 1 Archaeological Assessment; and,
  - xiii. The preparation of urban design principles and an implementation strategy to provide guidance on the issues of accessibility, active transportation and quality building and site design. In addition to more detailed urban design policies for Greenfield lands, the following general residential development design policies shall apply:
    - 1. Block lengths may generally range between 200 and 250 metres.
    - 2. Where blocks are longer than 250 metres, a through block pedestrian walkway or mid-block parkette may be provided.
    - 3. Streets shall be based on a grid pattern.
    - 4. Lots adjacent to neighbourhood centres, transportation corridors, and parks shall be planned for medium and high density.
    - 5. Pedestrian connections from the public road right-of-way to adjacent public open spaces and natural areas shall be provided and will align with the Trails and Corridors Master Plan.
    - 6. Mixed land uses will be concentrated in central and accessible locations.
    - 7. Trail and bicycle routes shall link to commercial, institutional and recreational amenities in the community through the implementation of the Smithville Trails and Corridors Master Plan.
    - 8. Sidewalks should be provided on both sides of an arterial or collector road.
- d) Employment Lands identified as Greenfield Areas shall be planned to achieve higher densities through the preparation of a secondary plan. The following issues shall be reviewed as part of an employment lands secondary plan process:
- i. Identify and permit a range of employment uses, the intent of which is to achieve a higher density of jobs per hectare on employment lands;
  - ii. If applicable, a sub-watershed plan prepared in accordance with the requirements of the NPCA and the Region;
  - iii. Incorporating sustainable best practices into the development including:



1. Maximization of water conservation through water efficient landscaping and collection, and reuse of clean water;
  2. The use of green roofs;
  3. Provisions for the collection and storage of recyclable waste on site; and
  4. Encouraging the provision of on-site renewable energy generation, co-generation, or district energy systems.
- iv. Options for water and sanitary sewer servicing;
  - v. Stormwater management;
  - vi. The ability of the soils to support urban development due to hydrological and hydrogeological characteristics;
  - vii. The identification of important natural features, and recommendations for their protection;
  - viii. The mix, density and phasing of proposed land;
  - ix. Integration of the network proposed by the Smithville Trails and Corridors Master Plan;
  - x. A Phase 1 Archaeological Assessment; and,
  - xi. The preparation of urban design principles and an implementation strategy to provide guidance on the issues of accessibility, active transportation and quality building and site design.

## **SECTION 6**

### **URBAN SETTLEMENT AREA**

#### **6.0 SETTLEMENT AREAS**

Settlement areas in the Township of West Lincoln include an Urban Settlement Area (Smithville) and Hamlet Settlement Areas. Section 6.1 includes general residential policies for the Urban Settlement Area. The remainder of Section 6 includes policies for development in Smithville. Section 7 includes all policies for the development of Hamlet Settlement Areas. The establishment of new settlement areas is not permitted.

#### **6.1 General Residential**

##### **6.1.1 Background**

It is the intent of the Township that the various residential designations for the Urban Settlement Area will protect and enhance the existing character of Smithville while, at the same time permitting some forms of new development and/or redevelopment that is compatible with existing development, and can improve the quality of life of existing and future residents of West Lincoln.

##### **6.1.2 Objectives**

- a) To protect and enhance the character and image of the Urban Settlement Area;
- b) To promote higher density residential development, and mixed use development/redevelopment in appropriate locations in Smithville;
- c) To encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln; and
- d) To encourage high quality design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.

##### **6.1.3 General Residential Policies**

The following policies may be applicable to the residential designation of the Urban Settlement Area. Every development shall have access to an open, improved public road which is maintained on a year round basis.

##### **6.1.4 Adequacy of Municipal Services**

In all instances of development or redevelopment, the adequacy of municipal

services to serve the proposals will be evaluated. All development in the Urban Area of Smithville shall be provided with municipal water and sewer service. Private services are not permitted in Smithville. Exceptions may be permitted for commercial or industrial developments which are appropriate for private services as an interim approach while full services are being planned and constructed.

The Township, the Region and other appropriate ministries and agencies shall work together to ensure that adequate services are available to accommodate our protected growth needs as illustrated in Section 5 of this Plan. Municipal services include services relating to water supply, sanitary sewage disposal, storm drainage, roads, parks and school facilities and any other services that may be identified by the Township.

#### **6.1.5 Communal Housing**

- a) Communal Housing offers services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities, to residents living in shared and/or private suites.
- b) Communal housing forms may include Nursing Homes, Homes for the Aged, Retirement Homes, Retirement Lodges, Boarding Houses, Continuum of Care Developments, Seniors' Accommodations and similar forms of service-oriented, communal housing but does not include Group homes, hotels or motels. Communal Housing may also be considered institutional uses.
- c) For the purposes of the Zoning By-law, a Communal Housing suite is not defined as an independent dwelling unit, as the occupants rely on the provision of shared facilities and/or amenities.
- d) Communal Housing may be located in the Medium Density Residential, High Density Residential and Residential/Mixed Use designations subject to the policies of those designations and this section.
- e) Communal housing shall provide adequate buffering, parking and amenity areas.
- f) All Communal Housing developments shall be compatible with the character and image of the surrounding community.
- g) All Communal Housing developments shall be subject to Site Plan Control. *("zoning bylaw amendment" removed as per OPA No. 47)*
- h) The Zoning By-law shall establish the specific zones and regulations for communal housing uses that shall include, but not be limited to, size, location, performance standards and specific use. *(added by OPA No. 47)*

### **6.1.6 Home Occupations**

Home occupations are permitted in all the Residential designations provided:

- a) The proposed use meets the provisions of the Zoning By-law with regard to such matters as off-street parking, signage, specific uses and maximum floor area.
- b) The policies for home occupations as found in Section 17 are satisfied.

### **6.1.7 Bed and Breakfast Establishments**

Bed and breakfast establishments are permitted in all Residential designations provided that:

- a) The use is clearly secondary to the residential use of the property.
- b) It is operated by the residents of the household on the lot.
- c) Guest rooms shall be contained within the main dwelling.
- d) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties.
- e) The proposed use meets the provisions of the zoning by-law with regard to such matters as parking facilities, signage.
- f) Any additions to the building or parking area to accommodate the bed and breakfast use shall be compatible with the character and image of the surrounding neighbourhood and shall be subject to Site Plan control.

### **6.1.8 Local Convenience/Service Retail**

Local Convenience/Service Retail oriented to the surrounding neighbourhood may be permitted in all Residential designations through an amendment to the Zoning By-law and subject to the following policies:

- a) Lands for such a use may be pre-designated in Secondary Plans.
- b) Such buildings shall not exceed 200 m<sup>2</sup> of gross floor area.
- c) Such use shall provide adequate parking.
- d) Such use shall be small scale, serving the needs of the immediate neighbourhood.

- e) Such uses shall be compatible with the character and image of the surrounding neighbourhood and shall provide adequate buffering adjacent to residential areas.
- f) Such use shall generally be at the intersection of local roads with arterial or collector roads.
- g) All such uses shall be subject to Site Plan Control.

#### **6.1.9 Day Care Facilities**

Day care facilities containing more than five (5) children may be permitted in Commercial and Institutional designations. In Residential designations daycare facilities of more than five (5) children can be considered through an amendment to the Zoning By-law and subject to the following policies:

- a) Such use is adequately buffered from adjacent residential uses.
- b) Such use is compatible with the character and image of the surrounding neighbourhood.
- c) Such use is able to provide adequate parking and on-site drop-off/pick-up facilities.
- d) The use is located on a main road.
- e) The use is licensed by Niagara Region and the Province of Ontario.
- f) The property is subject to Site Plan Control.

#### **6.1.10 Places of Worship**

Places of Worship may be permitted in all Residential designations through an amendment to the Zoning By-law:

- a) Shall be subject to Site Plan Control.
- b) Shall be limited to sites of 0.75 of a hectare or less unless a cemetery is proposed as an accessory use.
- c) Must be located on an Arterial, Collector or main Township road.
- d) Must be well buffered from adjacent residential uses.
- e) While they are encouraged to be high quality landmark buildings, they shall be compatible with the character and image of the surrounding community.

### **6.1.11 Affordable Housing**

The Township intends to undertake an Affordable Housing Strategy that will encourage the provision of affordable housing within Smithville. Affordable Housing will be particularly encouraged in the Intensification Area due to accessibility to existing community and institutional services such as schools, and commercial areas.

## **6.2 Residential (Smithville)**

The Urban Settlement Area of Smithville is composed of residential, commercial, employment, institutional, recreational and other services related uses. Further, the plan delineates the built up area, greenfield areas, intensification areas, natural environment features, public services and transportation facilities.

### **6.2.1 Low Density Residential (Smithville)**

The Low Density Residential Designation applies to existing, low density residential neighbourhoods throughout the Smithville Urban Settlement Area, as delineated on Schedule 'B-4'. It is the intent of this Plan that these residential neighbourhoods be protected from significant redevelopment while, at the same time permitting ongoing evolution and rejuvenation. The Low Density Residential Designation shall also apply to new low density development within the Designated Greenfield Area of the Smithville Urban Settlement Area.

#### **6.2.1.1 Permitted Uses:**

- a) Within the Low Density Residential designation permitted uses shall include:
  - i. Single detached dwellings, semi-detached dwellings, linked semi-detached dwellings, accessory apartments and duplexes;
  - ii. Home Occupations subject to Section 6.1.6;
  - iii. Public and private utilities;
  - iv. Bed and Breakfast Establishments subject to Section 6.1.7;
  - v. Local Convenience/Service Retail subject to Section 6.1.8;
  - vi. Day Care Facilities subject to Section 6.1.9;
  - vii. Places of Worship subject to 6.1.10; and
  - viii. Accessory apartments and Garden Suites.
- b) Low density residential building forms shall not exceed a height of 2.5 storeys.
- c) All Low Density Residential development shall be compatible with adjacent properties, shall respect the character and image of the neighbourhood, shall be attractively designed and be consistent with urban design criteria.

- d) Low density residential uses shall have an overall gross density of 15- 20 units per hectare.

### **6.3 Medium Density Residential Area (Smithville)**

#### **6.3.1 Background**

It is the intent of this Plan to recognize existing locations of medium density housing within the Smithville Urban Settlement Area and to identify on Schedule 'B-4' new locations where medium density housing are considered appropriate.

#### **6.3.2 Permitted Uses:**

- a) Within the Medium Density Residential designation, the permitted uses include:
  - i. Townhouses and other forms of multiple unit ground related housing;
  - ii. Low-rise apartment buildings;
  - iii. Home Occupations subject to Section 6.1.6;
  - iv. Parks and open spaces;
  - v. Places of Worship subject to Section 6.1.10;
  - vi. Public and private utilities; and
  - vii. Accessory apartments and Garden Suites.
  - viii. Single detached Dwellings on the lands legally described as Plan M94 Part Lot 13, RP 30R5428 Part 1 in the former Township of South Grimsby (OPA #52).

#### **6.3.3 General Policies:**

- a) Medium Density Residential buildings shall not exceed a height of 3 storeys although a height of up to 4 storeys may be permitted based on policies in approved secondary plans.
- b) All new Medium Density Residential development shall be subject to Site Plan Control, and shall be compatible with the character and image of the surrounding community.
- c) New development within the Medium Density Residential designation shall achieve a gross density of 20 and 40 (inclusive) units per hectare. Infill development may be considered at lower height and density standards where compatibility and design features require lesser standards.
- d) Applications to establish a new Medium Density Residential designation within a stable residential neighbourhood shall be evaluated against all criteria of this plan including urban design standards of the Township.

- e) All Medium Density Residential development shall be subject to Site Plan Control and shall conform to applicable urban design policies.

## **6.4 High Density Residential Area (Smithville)**

### **6.4.1 Background**

It is the intent of this Plan to recognize existing locations of high density residential development within the Smithville Urban Settlement Area, and to identify on Schedule 'B-4' new locations where high density housing are considered appropriate.

### **6.4.2 Permitted Uses:**

- a) Within the High Density Residential Area, the permitted uses shall include:
  - i. Low and mid-rise apartments;
  - ii. Triplexes and townhouses;
  - iii. Parks and open spaces; and
  - iv. Public and private utilities.

### **6.4.3 General Policies:**

- a) High Density Residential Area building forms shall not exceed 5 storeys unless an alternative height is permitted based on policies in an approved Secondary Plan.
- b) The gross density of the High Density Residential designation shall be more than 40 units per hectare.
- c) All new High Density Residential development within the High Density Residential designation shall be subject to Site Plan Control, and shall be compatible with the character and image of the surrounding community and shall conform to applicable urban design policies.

## **6.5 Residential/Mixed Use Area (Smithville)**

### **6.5.1 Background**

The Residential/Mixed Use Area designation shown on Schedule 'B-4' represents locations that have potential for intensified development and/or redevelopment in a mixed use form. The lands designated as Residential/Mixed use Area are ideal locations for a mixture of residential, convenience retail, service commercial, and prestige employment uses. It is the intent of the Township to promote the development/redevelopment of the lands designated as Residential/Mixed Use Area for higher density, mixed use developments that take advantage of the



attributes of their physical location.

#### **6.5.2 Permitted Uses:**

- a) Within the Residential/Mixed Use Area designation permitted uses shall include:
  - i. Apartment buildings *(added by OPA No. 47)*;
  - ii. Townhouses and other forms of multiple unit ground related housing;
  - iii. Live –work units;
  - iv. Stacked and street townhouses;
  - v. Mixed use buildings with small-scale convenience retail and service commercial uses on the ground floor and residential on the second floor and higher, or to the rear of the commercial use;
  - vi. Parks and open space; and
  - vii. Public or private utilities.

#### **6.5.3 General Policies:**

- a) Building heights shall not exceed 5 storeys, unless otherwise stated in a Secondary Plan.
- b) The permitted density shall reflect that of the Medium Density Residential Area designation.
- c) Applications to establish a new Residential/Mixed use Residential Area designation must be consistent with the policies of this plan.
- d) All development within the Residential/Mixed use Area designation shall be subject to Site Plan Control.

### **6.6 Design Policies for Residential Neighbourhoods (Smithville)**

#### **6.6.1 Objectives:**

The Township's objectives for appropriate design standards are:

- a) To enhance the livability and physical appeal of Smithville through the quality, layout and attractiveness of the public streetscape and private spaces and buildings.
- b) To ensure that development meets Township design criteria.
- c) To create a built environment within the designated Greenfield areas and all Intensification Areas, which provides:
  - i. Sensitive integration of new development with existing development;

- ii. Visual diversity, interest and character through such techniques as façade and roof line composition, varied materials and colour separation;
- iii. A well-defined public realm, including an interconnected open space network;
- iv. Good transportation access and pedestrian oriented development patterns; and,
- v. A road system that recognizes and preserves the historic character of Smithville.

#### **6.6.2 Design Policies and Criteria:**

- a) Each development lot or block will:
  - i. Have frontage on a public road; and,
  - ii. Be of sufficient size and appropriate configuration to accommodate development that reflects the planning and urban design policies set out in this Official Plan or approved by the Township through the adoption of Urban Design Standards.

#### **6.6.3 Development Standards:**

- a) New development shall be compatible with adjacent and neighbouring built-form by ensuring that the siting and massing of new buildings does not result in undue adverse impacts on adjacent properties particularly in regard to adequate privacy conditions for residential buildings and their outdoor amenity areas.
- b) To ensure that compatibility is achieved, the implementing Zoning By-law shall establish appropriate setback and yard requirements which recognize the character of the existing build-form.
- c) For reasons of public safety, the main entrances to homes and multi-residential buildings shall be clearly visible.
- d) Access from sidewalks and public open space areas to primary building entrances shall be convenient and direct, with minimum changes in grade.
- e) To minimize disruptions to traffic flow and to maximize safety and the attractiveness of Arterial Roads, individual direct vehicular access shall be minimized, and, in some cases prohibited.
- f) To enhance the quality and safety of the public streetscape, the construction of parking lots which occupy significant proportions of the at-grade frontage of public roads, shall not be permitted.

- g) Location of Buildings will reinforce the road, land and block pattern by using the following measures:
  - i. Along the public street, buildings will be aligned parallel to the road;
  - ii. Siting and massing of buildings will provide a consistent relationship, continuity and enclosure to the public roads; and
  - iii. Buildings located adjacent to, or at the edge of parks and open spaces and other natural features are encouraged to provide visual opportunities for the features.

#### **6.6.4 Compatibility Criteria for Infill Development/Redevelopment**

- a) It is a fundamental principle to avoid and/or mitigate any inappropriate interface between buildings and/or uses. The concept of compatible development is of paramount importance throughout Smithville. All development applications shall be reviewed with respect to their compatibility with existing, planned, and/or approved developments.
- b) New dwellings within Smithville shall provide a consistent relationship with existing adjacent housing forms and the arrangement of these existing houses on their lot. As such, new dwellings generally shall:
  - i. Provide a building height which reflects the pattern of heights of adjacent housing;
  - ii. Provide for a similar lot coverage to adjacent housing to ensure that the massing or volume of the new dwelling reflects the scale and appearance of adjacent housing;
  - iii. Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge, and character;
  - iv. Provide for similar side yard setbacks to preserve the spaciousness on the street;
  - v. Provide a built form that reflects the variety of façade details and material of adjacent housing, such as porches, windows, cornices and other details. Exceptions may be granted by zoning by-law amendment for the purposes of sustainability features; and
  - vi. Provide a limitation on the width of a garage so that the dwelling reflects the façade and character of adjacent housing.
- c) On larger infill properties where new streets are created, greater variation from the existing conditions may be considered, provided the development is designed to create a buffer between existing housing and the new dwellings.
- d) New residential lots shall provide a consistent relationship with existing adjacent housing lots. As such applications for consent and plan of subdivision shall:

- i. Be compatible with the established character of lot sizes and frontages of adjacent housing lots for some infill development;
  - ii. Incorporate a transition area, where possible, so that lots of similar size and character are located adjacent to existing lots for large infill development; and
  - iii. Create a street pattern, which serves as an extension of the surrounding neighbourhood by providing an interconnected road network where possible.
- e) The Township may prepare architectural design guidelines for new and altered buildings to reflect the existing character and compact form of the area including guidance on setbacks, coverage, building massing, building materials and patterns of detailing.
- f) Townhouses and other multiple unit dwellings, where proposed for infill purposes, shall be developed as follows:
  - i. Development proceeds by way of an Official Plan Amendment to change the lands to a medium density residential designation and the policies of Section 6.3 are met;
  - ii. The development conforms to the development criteria of Section 6.6.6; and
  - iii. Incorporate a transition area where possible of single detached or semi-detached lots as a proposed transition area.
- g) In circumstances where a proposed development supports the Township's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.
- h) Where applicable, applications for intensification development will be required to attend a pre-consultation meeting to determine the studies that will be required. The completion of one or more of the following studies:
  - i. Transportation impact study;
  - ii. Noise and/or vibration study;
  - iii. Light and shadowing study;
  - iv. Environmental impact study;
  - v. Record of site condition;
  - vi. Master design plan;
  - vii. Stormwater management plan; and
  - viii. Any other studies as required by this Plan.

#### **6.6.5 Development Criteria for Single Detached and Semi-Detached Houses within Urban Settlement Area of Smithville.**

- a) Buildings must have front and exterior side facades parallel to the road with front doors, windows and entry features facing the road to create a consistent street wall.
- b) A consistent setback will be established to the main building face from the edge of the right-of-way. The main building face could be the main front wall, or a significant element such as a roofed porch or veranda but not a garage.
- c) Garages shall be encouraged to be set behind or flush with the main building face or porch or accessed from a rear lane. Garages will not dominate the streetscape and shall occupy less than half of the width of the lot.
- d) Corner lots and homes facing or abutting parks are priority lots within the development. The design of these homes shall include the following considerations:
  - i. Where sides or flankage of buildings are visible, they will have windows, materials, and other architectural treatments equal to the front elevation of the house; and
  - ii. The primary entrance shall be located on the main public street side of a corner lot, and corner windows and wrap-around porches shall be included to emphasize the corner location.
- e) Porches, stairs, canopies and other entrance features can encroach into the required setbacks, in accordance with the Zoning By-law.
- f) Entry features and other architectural elements shall be incorporated into the front elevation of the house to reduce the visual dominance of the garage and the front drive.
- g) Shared or grouped driveways will be encouraged to reduce the amount of asphalt on front yards.

#### **6.6.6 Development Criteria for Townhouses**

- a) The elevation and design of the townhouses shall provide variation between units, and reinforces common characteristics that visually unite the block.
- b) Variety in the design of roofs is required to break up the massing of townhouse blocks.
- c) The massing and built form of townhouse units adjacent to single/semi-detached dwellings shall be designed with architectural elements to promote visual integration.
- d) Garages shall be accessed from a rear lane. Where they are not, garages are encouraged to be paired to allow for more substantial front yard green space.

Garages shall not protrude beyond the main front wall or porch of the dwelling unit.

- e) Side and rear elevations visible from public areas and public streets shall have upgraded façade treatments and significant architectural elements.
- f) Corner unit designs are encouraged to provide significant corner features such as wrap-around porches, wall articulation, turret or bay windows.

#### **6.6.7 Development Criteria for Apartment Buildings**

- a) Apartment buildings shall be oriented to front the public road with attractive façade features. A substantial portion of the building shall front the public road at a minimum setback.
- b) Entrances shall be located and oriented to public roads.
- c) Permanent parking, loading and service areas may be located in side or rear yards and set back from the front façade of the building.
- d) Rooftop mechanical equipment shall comply with all applicable Provincial legislation and shall be screened with materials that are complimentary to the building.
- e) Collection and storage of recyclable waste shall be provided on-site.
- f) Where adjacent lands are designated Low or Medium Density Residential, the height of all new buildings within 25 metres of the property line of these designations shall not be greater than 2 storeys above the existing adjacent buildings, or, if vacant, 2 storeys above the maximum permitted height in the adjacent designation. Alternate building height can be considered based on supporting impact studies and through Rezoning.
- g) Applications for planning approval shall include preliminary design plans for the development and for neighbouring properties as viewed from the street, to provide perspective and streetscape design features.

### **6.7 Commercial Designations**

#### **6.7.1 Downtown – Commercial Core**

It is the intent of the Township that the Commercial Downtown of Smithville Commercial Core designation will promote the economic revitalization of Downtown. This revitalization will occur through adaptive reuse, and moderate levels of redevelopment. Intensification can and will be accommodated but shall be in keeping with the character of the Downtown area. The Downtown is relatively

confined as shown on Schedule B. It is intended that the main street built form and streetscape character be maintained and strengthened with the extensions of this Downtown built through intensification and redevelopment.

It is also the intent of this Plan to ensure that new development will be appropriately designed to be compatible with the character and image of the area and will not create adverse impacts on adjacent areas within Downtown.

### **6.7.2 Objectives**

- a) To protect and enhance the character of the historic Downtown.
- b) To promote new development in appropriate locations and at an appropriate scale.
- c) To ensure that new development is compatible with existing development patterns.
- d) To create new programs, policies and/or financial mechanisms for ensuring a high standard of urban design Downtown.
- e) To enhance the appearance and encourage the maintenance of commercial and residential buildings.
- f) To encourage the provision of sufficient parking to accommodate new development.
- g) To identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties, through the preparation and implementation of a community improvement plan.

### **6.7.3 Permitted Use**

- a) Within the Commercial Core designation permitted uses shall include:
  - i. Apartment buildings located independently or as part of a mixed use site containing other permitted uses, subject to the Development Criteria for Apartment Buildings in Section 6.6.7 of this Plan, and residential apartments located above the first storey of a building containing one or more other permitted uses on the ground floor, or to the rear of the other permitted use *(added by OPA No. 47)*;
  - ii. Residential apartments located above the first storey;
  - iii. Offices;
  - iv. A full range of retail stores;
  - v. Restaurants;
  - vi. Personal services and commercial services;

- vii. Hotels;
- viii. Community and Institutional uses;
- ix. Parking facilities at-grade and preferably behind main buildings;
- x. Cultural, recreational and entertainment uses;
- xi. Neighbourhood Parks and pavilions; and
- xii. Public and private utilities.

#### **6.7.4 Prohibited Use**

The following land uses are specifically prohibited within the Commercial Core designation:

- a) Drive-through facilities of any kind. Such facilities may be considered by Zoning By-law Amendment and Site Plan Control where it is established that pedestrian safety is not compromised and all points of the drive through building and order station are a minimum distance of 30 metres from residential dwellings. A reduction of the 30 metre setback can be considered where noise, compatibility and safety studies are provided to the satisfaction of the Township.
- b) Automotive-oriented uses of any kind (sales, service, gas stations).
- c) Single detached and semi-detached duplex units.
- d) Adult entertainment establishments.

#### **6.7.5 Policies:**

- a) The implementing Zoning By-law may further refine the list of permitted and prohibited uses.
- b) In the Commercial Core, the provision of community services, restaurants, cafes, retail stores and display windows at-grade provides visual interest, encourages the use of sidewalks, promotes retail continuity and viability, and contributes to a safer and more vibrant pedestrian environment. To achieve this design intent:
  - i. Retail uses are encouraged at-grade;
  - ii. New buildings shall be built up to the streetline and no parking, driveways or lanes shall be located between the buildings and the main street;
  - iii. At-grade uses will change over time to adapt to a variety of community needs. As a result, the floor-to-ceiling height of ground floors for all new buildings shall be sufficient to adapt to all typically permitted uses; and
  - iv. Each store front shall face onto the street with the main door of each store facing the street. An attractive façade shall be included in the design.



- c) Density will not be specifically regulated within the Commercial Core but intensification and adaptive reuse are permitted. To protect and preserve the primary commercial and community services functions of the Commercial Core, the location and number of residential units within the Commercial Core may be regulated and limited in the Zoning By-law. *(added by OPA No. 47)*
- d) New buildings shall have a minimum building height of 2 storeys and a maximum building height of 5 storeys.
- e) The main front wall of all new buildings shall be stepped back a minimum of 1 metre above the second storey.
- f) Surface parking lots shall be limited to the rear of buildings facing the street.
- g) Public or commercial parking lots shall be permitted as the sole use on a lot but are discouraged to front onto Griffin, St. Catharines or West Streets.
- h) Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses.
- i) Developments shall be provided with full municipal water and sewer services and shall be subject to Site Plan Control.

## **6.8 Service Commercial - Highway**

### **6.8.1 Permitted Uses**

Within the Service Commercial designation, permitted uses shall include those which rely on vehicular traffic for their economic existence as well as uses which require relatively large land areas that are not available in downtown, and uses serving tourists and visitors to the area. Such uses may include the following, as more specifically defined in the Zoning By-law:

- a) Automotive related uses, including car wash facilities.
- b) Public garages.
- c) Automobile sales establishments.
- d) Hotels and motels
- e) Restaurants including drive-thrus.
- f) Commercial recreational facilities.
- g) Health clubs.

- h) Nurseries and garden centres.
- i) Services for the agricultural community.
- j) Specialty home product warehouse containing an area of not less than 450 square metres.
- k) Furniture stores.
- l) Custom workshops.
- m) Tourism support services and tourism related retail.
- n) Subject to Section 6.8.2, retail uses, having a floor area exceeding 500 square metres.
- o) Adult entertainment establishments shall be prohibited.

#### **6.8.2 Policies**

- a) New development within the Service Commercial designation shall address the following criteria:
  - i. Building Design shall reflect the areas prominent position at the entrance to Smithville. Particular emphasis shall be placed on landscaping and the appearance of the area as the entrance to the Urban Settlement Area;
  - ii. Open storage, refuse facilities and loading facilities shall be located in yards not facing the main street and shall be adequately screened in other yards;
  - iii. Common parking and access facilities are encouraged; and
  - iv. The site is designed to limit noise, light and odour impacts on adjacent residential uses.
- b) All applications for an amendment to the Zoning By-law to permit retail uses that are not identified in Section 6.8.1 shall be evaluated by Council to ensure conformity with the objectives of the Official Plan based on the following:
  - i. Submission of a detailed Site Plan;
  - ii. An engineering report may be required by Council which identifies and assesses the impact of traffic on the street system, adequacy of proposed parking and the availability of municipal services; and
  - iii. Adequate retail market analysis, incorporating actual sales data, if required, in order to demonstrate that the proposed use will not have a deleterious impact on the planned function of downtown Smithville. Such analysis, if required by Council, shall be provided before any decision is

made.

- c) Service Commercial uses shall be grouped and served by a service road whenever possible to reduce to a minimum the number of access points onto the main road.
- d) Adequate off-street parking, stacking lanes and loading facilities shall be provided and the access points to such parking facilities shall be limited in number and designed in a manner that will minimize the danger to vehicular traffic.
- e) Developments shall be provided with full municipal water and sewer services.
- f) All new development within the Service Commercial designation shall be subject to site plan approval in accordance with the policies of Section 17 of this Plan.

## **6.9 Commercial Plaza**

### **6.9.1 Permitted Uses**

The predominant use of land within the Commercial Plaza designation shall be a full range of retail and commercial uses, generally contained in one structure on a lot. Other single retail uses in stand-alone buildings may be permitted in addition to the predominant use of the Commercial Plaza designation.

Office space shall be limited to ten percent of the gross leasable floor space in the main plaza building.

Financial institutions shall not be permitted in the Commercial Plaza designation, except by rezoning. An automated teller/bank machines are permitted.

### **6.9.2 Policies**

The following policies shall apply to lands designated Commercial Plaza:

- a) An application to establish a new Commercial Plaza land use designation shall only be permitted on the basis of a site-specific amendment to the Official Plan, where not pre-designated, and Zoning By-law. Prior to consideration of an Official Plan Amendment and Zoning By-law Amendment, a Retail Market Analysis Study shall be required with the Terms of Reference established through the pre-consultation process.

A Retail Market Impact Study shall be undertaken by the proponent of any new or expanded Service Commercial Area designation. The Township will retain a peer reviewer at the applicant's expense. This study shall address the following:

- i. The impact of the planned function of existing and designated commercial areas and particularly the Downtown;
- ii. The need for the proposed use;
- iii. The location, size and scale of the proposed development;
- iv. The potential for compatibility issues;
- v. The potential market impacts on existing and planned commercial areas, including downtowns and other shopping nodes;
- vi. The potential for negative impacts on the natural environment;
- vii. The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use;
- viii. The adequacy of the existing water and waste water infrastructure and other municipal services; and
- ix. The intent of the policies of this Plan. Where the trade area for a market study extends beyond the boundary of the Township, the Township will consult with the other municipalities within the trade area.

In addition to the Retail Market Analysis Study, when considering an Official Plan Amendment and Zoning By-law Amendment to establish a Commercial Plaza designation, the following shall be required as part of the application:

- i. Traffic impact study;
  - ii. Urban design plan, respecting the design policies of the Urban Settlement Area;
  - iii. Landscape plan; and
  - iv. Comprehensive development plan when dealing with a development comprised of two or more buildings or phases.
- b) The Commercial Plaza designation shall generally be considered in locations characterized by high visibility and accessibility. In evaluating applications to permit a Commercial Plaza designation, the following criteria shall be assessed:
- i. Availability of access to a Regional, arterial or collector road with appropriate capacity to handle traffic generated by the proposed uses;
  - ii. Traffic impacts on adjacent land uses;
  - iii. Adequacy of proposed accesses and the impact of the proposed use on the operation of the Township, Region and Provincial road networks, where appropriate and applicable;
  - iv. Degree of compatibility with adjacent land uses including residential uses in proximity to the proposed uses; and
  - v. Urban design impacts of the proposed uses on neighbouring lands.
- c) The Zoning By-law shall establish a specific zone and regulations for Commercial Plaza uses that shall include, but not be limited to, size (maximum gross leasable floor area), location, performance standards and specific uses.

- d) Plazas shall be designed as integrated units with contiguous common parking and pedestrian uses.
- e) Adequate off-street parking shall be provided.
- f) Adequate setbacks, buffer planting and/or screening between the Commercial Plaza designation, road allowances, and adjacent residential or other uses shall be provided.
- g) New commercial plaza developments shall be subject to Site Plan Control.

### **6.9.3 Existing Commercial Plaza - Village Square Mall**

The plaza (Village Square Mall) located at the corner of Industrial Park Road and Regional Road 20 shall be designated Commercial Plaza on Schedule 'B-4'. The following additional policies are applicable:

- a) Drug stores and financial institutions shall not be permitted, except by Zoning By-law Amendment.
- b) Not more than 6 independent buildings shall be permitted, plus one gas station and a car wash. The lands are subject to Site Plan Control.
- c) Office uses shall not exceed 25 percent of the total gross leasable floor area.
- d) An enlargement of any existing plaza building shall require a site specific amendment to the Zoning By-law. Prior to consideration of a site specific Zoning By-law Amendment for the enlargement of the Village Square Mall in excess of 3,000 square metres, a Retail Market Analysis Study, prepared in accordance with Terms of Reference that have been established through the pre-consultation process, shall be completed and approved by the Township.

## **6.10 Employment Area**

### **6.10.1 Background**

The Employment Area designation on Schedule 'B-4' recognizes existing and future areas appropriate for a broad range of employment in traditional manufacturing, warehousing and distribution as well as new industries and office type development. These lands are generally located in the north east corner of Smithville north of the CP Rail line and in proximity to Industrial Park Road and Spring Creek Road, and known as the "Smithville Industrial Park." Prestige employment uses are proposed in the area between Highway 20 and the CP Rail lands and restricted employment uses are permitted in the Spring Creek Secondary Plan.

### **6.10.2 Objectives**

- a) To encourage employment development in order to achieve a more balanced live-work community as an alternative to out-commuting.
- b) To encourage a broad range of industrial employment areas.
- c) To encourage prestige employment.

### **6.10.3 Permitted Uses**

- a) Within the Employment Area designation, permitted uses shall include manufacturing, processing, servicing, storage of goods and raw material, warehousing, research and laboratories, data processing and development and uses of a similar nature.
- b) Retail sales ancillary to the permitted employment use shall be permitted provided the sales involve goods manufactured or processed on-site. The Zoning By-law shall set out a maximum proportion of the building available for ancillary retail sales.
- c) Professional and administrative offices shall be permitted in the Employment Area designation. Personal service offices catering to the general public shall be directed to the Commercial Core Designation but may be permitted in the Employment Area where the applicant demonstrates that there are no viable or available locations in the Downtown.
- d) Community facilities including emergency services may also be permitted by Rezoning.
- e) Permitted uses shall operate in accordance with all applicable Federal, Provincial, and Municipal rules and regulations shall be permitted if the use is permitted in the zone.
- f) Uses which involve the storage, handling, or production of a hazardous substance which are explosive, toxic, corrosive, or any other dangerous material which would pose a threat to public safety if it were to escape its normal containment, shall only be permitted through a risk assessment which demonstrates that there will be negligible health and safety risk to the public.
- g) Uses shall be encouraged which contribute to a high quality business park environment and outdoor storage shall be regulated through the Zoning By-law and through Site Plan Control.

- h) Adult entertainment establishments shall be prohibited.

#### **6.10.4 Employment Area Policies**

- a) Uses shall be encouraged to contribute to a high quality business park environment. Outdoor storage shall be prohibited in front and side yards, and outdoor activities such as storage, parking and loading shall be adequately screened and buffered in areas visible from the street.
- b) The amount of permitted outside display shall be set out in the implementing Zoning By-law and details will be incorporated into the Zoning By-law to account for such factors as the nature of the materials being displayed and the degree of landscaping provided in conjunction with the display area.
- c) Employment buildings shall be setback from existing residential dwellings where determined necessary to meet the minimum distance requirements set out in Ministry of Environment (MOE) guidelines. Buffers, plantings, berming or fencing adjacent to residential areas shall be required.
- d) Appropriate safety measures such as setbacks, berms, and security fencing adjacent to the CP Railway shall be provided to the satisfaction of the Township in consultation with the railway authority.
- e) The storage and use of hazardous liquid or leachable chemicals including petrochemicals not classified as waste and PCB's shall be regulated in accordance with the regulations and guidelines of the Ministry of Environment. Site specific hydrogeological and stormwater studies may be required for new industries to ensure no impact on the groundwater and surface water from the proposed use. Such studies shall be completed to the satisfaction of the Township in consultation with the Niagara Peninsula Conservation Authority (NPCA). The implementing Zoning shall set out specific requirements for the storage of such liquids and chemicals.
- f) Applications for new industrial developments and extensions of existing uses will be evaluated based on submissions of:
  - i. A Site Plan showing the proposed development or extension; and
  - ii. Where there is a concern that the use may create excessive air, water or noise pollution, the submission of appropriate studies by qualified experts in the field, which indicate how such pollution will be controlled to ensure the safety of the Township's residents.
- g) All designated employment lands within 500 metres of the intersection of Spring Creek Road and Thompson Road, as shown on the land use plan shall be subject to the following provision: 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.

- h) Developments shall be provided with full municipal water and sewer services, except on an interim basis, development can be considered on private sewer and water services while the extension of municipal services are being designed and constructed.
- i) Lands designated “Employment Area” are subject to the Site Plan Control policies of the Township Official Plan.
- j) The Township shall undertake an economic development strategy aimed at; targeting higher density employment uses, exploring the possibility of expanding the permitted uses to include industrial service uses and ancillary service and commercial uses, examining the feasibility of servicing employment areas with appropriate technology and services, and reviewing land use and zoning regulations for appropriate lot coverage and setback requirements to encourage intensification.
- k) Conversions of Employment Area designated lands to a non-employment area designation and use shall only be considered by the Township through a municipal comprehensive review where it has been demonstrated that:
  - i. The land is not required for employment purposes over the long term;
  - ii. There is a greater need for the conversion to the non-employment use;
  - iii. The Township will meet its employment forecasts including the activity rate target established in the Official Plan;
  - iv. The conversion will not adversely affect the overall viability of the remaining Employment Area designation;
  - v. The conversion will not adversely affect the achievement of other policies of this Plan including the minimum density in designated greenfield areas and the intensification targets of this plan;
  - vi. No land use conflicts are created and provincial guidelines with respect to noise and air quality can be met; and
  - vii. There is existing, or planned infrastructure to accommodate the proposed use

## **6.11 Secondary Plans**

### **6.11.1 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.

### **6.11.2 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 in Schedule 'E-3'.

#### **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 Schedule 'E-3' 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 Schedule 'E-3' 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 coordinated 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 Schedule 'E-3' hereto.

The land uses shown on Schedule 'E-3' 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.

### **6.11.3 Northwest Smithville Secondary Plan**

#### **a) General Provisions**

- i Schedule 'E-2' identifies the Plan Area of the Northwest Smithville Secondary Plan. Policies applicable to each of the land uses identified on Schedule 'E-2' 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 Lands 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 "E-2" 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 Schedule "E-2" 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.

#### **6.11.4 Wade Road Secondary Plan**

a) Introduction

The Wade Road Neighbourhood shall develop in accordance with the Wade Road Secondary Plan, as set out in Schedule “E-1”.

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. The lands described as Block 89 on the Draft Plan of Subdivision (Smithville Estates – Brookside, 2T-98001), draft approved on October 13, 2005 shall have a maximum density of thirty four (34) units per hectare.

- 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. In addition, low density residential uses shall also be permitted in the medium density designation subject to the provisions of section 6.11.4 a) of this plan.
- ii The lands north of the public parks designation bisecting the Wade Road Secondary Plan shown on Schedule “E-1” as medium density residential shall also permit low density residential uses by Zoning By-law Amendment, subject to the provisions of section 6.11.4 a) of this plan, as permitted uses.
- iii The northern most block of land at the terminus of road network shown as medium density on Schedule “E-1” shall have a maximum density of thirty four (34) units per hectare.
- iv Any development adjacent to the 100 year floodplain elevation may be subject to the Generic Regulations of the Niagara Peninsula Conservation Authority and, therefore, may require a permit from the Niagara Peninsula Conservation Authority.



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 as approved by the Niagara Peninsula Conservation Authority. Refinement of the floodplain limit may be implemented through the Township's Zoning Bylaw without amendment to this plan subject to approval by the Niagara Peninsula Conservation Authority. 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. An environmental impact study may be required by the Region of Niagara, the Niagara Peninsula Conservation Authority, or the Township of West Lincoln Council 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. Any such path or trail within the Twenty Mile Creek floodplain area will be subject to approval and permits from the Niagara Peninsula Conservation Authority.
- iv The 100-year floodplain elevation as shown on Schedule "E-1" is considered approximate. Further refinements to the location of the 100-year floodplain elevation can be made by amendment to the Zoning By-law, without further amendment to this plan. All lands within the floodplain, as a result of any Zoning By-law Amendment to refine the 100-year floodplain elevation, shall be designated as Hazard Lands and shall be subject to these policies. The

designation that abuts the 100-year floodplain elevation shall continue to abut the 100-year floodplain elevation line as modified through a Zoning By-law Amendment and approved by the Niagara Peninsula Conservation Authority without further amendment to this plan.

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 Township's 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.
- iv Prior to any application to amend the Zoning By-law on any lands north of the public parks designation that bisects the Wade Road Secondary Plan and would permit an increase of the intensity of development shall require the applicant to provide the Township with the necessary information, as determined by the Manager of Public Works, to ensure the adequacy of sufficient water and sanitary sewer capacity. Prior to any application to amend the Zoning By-law within the Wade Road Secondary Plan to permit a more intensive development, the applicant shall supply the Township with the necessary information, as determined by the Manager of Public Works, to determine the adequacy of sufficient water and sanitary sewer capacity.

### 6.11.5 Northwest Quadrant Secondary Plan

#### 6.11.5.1 BACKGROUND

Purpose

The Secondary Plan for the Northwest Quadrant has been prepared to:

1. Co-ordinate and guide development in the Northwest Quadrant Neighbourhood in a manner that integrates new Greenfield development with the existing urban neighbourhoods and adjacent rural lands while

- respecting and protecting the surrounding environmental features and agricultural uses;
2. Determine the appropriate density and layout of the neighbourhood; and,
  3. Establish parameters related to the review and approval of development applications within the Secondary Plan area

### Vision

The Northwest Quadrant area totals 34 hectares in size and represents the only remaining Greenfield Area in the Township of West Lincoln intended to accommodate non-employment uses. The purpose of the Northwest Quadrant Secondary Plan is to guide the detailed planning and development in a manner that integrates new development with the existing urban neighbourhoods and adjacent rural lands while respecting and protecting the surrounding environmental features and agricultural uses.

The Northwest Quadrant is proposed to be developed primarily as a complete community with residential uses; an integrated parks and open space system; and, local serving commercial uses. The Northwest Quadrant is expected to function as a prominent gateway into the urban area of Smithville and has the potential to accommodate a minimum of 570 new residential units by 2031.

Accordingly, it is the vision of the secondary plan that the development of the Northwest Quadrant shall reflect the small town character of Smithville and provide an attractive, high-quality, safe, sustainable, interconnected, and pedestrian-friendly community for future residents of all ages and abilities to enjoy. Ultimately, the Northwest Quadrant will become an urban neighbourhood with a strong pedestrian focus enhanced by public green space and trail linkages and a small scale commercial function to support the needs of the neighbourhood residents.

### Goals

The goals of the Secondary Plan are:

- Develop a land use and development concept that will implement the vision;
- Determine the appropriate population and housing yield/ mix for the development area;
- Provide land use and urban design policies to guide the development of the community;
- To encourage the development of a range and mix of housing types, including the development of accessible and affordable housing;
- To encourage and promote best practices in environmental design and energy conservation;
- Provide a framework for the development of a neighbourhood with a compact urban form that is pedestrian-oriented and incorporates parks, open spaces and trails and provides linkages to the wider trail network;
- To promote active transportation by providing a safe neighbourhood with a high level of connectivity for pedestrians and cyclists;

- To ensure the orderly development of the community by providing a development phasing strategy for the logical development of the community; and,
- To ensure orderly development of the community by providing direction and guidance to the review and approval of development applications.

a) Community Structure

- i The Community Structure Plan is illustrated in Schedule A and sets out the overall urban structure for the Northwest Quadrant Secondary Plan area. The Community Structure is based on the design principles identified in Section 6.11.5.1 c) and provides a neighbourhood structure organized around an identified future gateway node; a local road pattern which connects to the existing collector road network in the surrounding area; and, an integrated open space network.
- ii The lands are identified as Designated Greenfield Area in the Regional Official Plan and are currently designated Greenfield Area in the Township of West Lincoln Official Plan. The Northwest Quadrant lands will be developed as a primarily low and medium density residential neighbourhood, with the opportunity to develop a limited amount of high density residential and local serving commercial uses at key locations. It is intended that the identified commercial block be developed to serve the day to day needs of future residents of the Northwest Quadrant Neighbourhood and residents of the adjacent subdivision to the east. The gross density target for new residential developments in the designated Greenfield area is a maximum of 20 to 30 units per hectare. The Region of Niagara Regional Official Plan requires that residential lands in designated Greenfield areas will be planned and designed to achieve the minimum density target as set out by the Region and the Province through the Places to Grow Growth Plan. It is recognized that density targets are to be achieved across the designated greenfield area and the Region.
- iii To achieve density targets and create complete communities that provide for housing needs and choice within the Township, the Township's Official Plan emphasizes the development of Greenfield areas to create more compact, multi-modal, mixed-use communities with a range of housing types to develop an orderly and logical progression and which utilizes land, infrastructure and services efficiently. The community structure and associated land use designations allow for development yield of between 550 and 570 units (population of approximately 1,700- 1,750 people), which would ensure that the required minimum greenfield density target of 50 people and jobs per hectare will be achieved. Development on these lands could achieve higher densities, should individual development proposals propose development that reaches the maximum level permitted by these land use designations.

b) Land Use Designations

Lands within the Secondary Plan Area are designated one, or more, of the following land use categories as depicted on Schedule “E-4”:

- i) Low Density Residential,
- ii) Medium Density Residential,
- iii) Medium Density Residential/ High Density Residential,
- iv) Institutional,
- v) Commercial,
- vi) Future Development,
- vii) Parks; and,
- viii) Stormwater Management.

Schedule “E-4” also identifies several special policy areas, where certain exceptions and permissions exist, which consider existing zoning permissions and the potential for future urban area expansion to the west.

The land use designations for the Secondary Plan are intended to complement the broader land use designations provided in the Township of West Lincoln Official Plan. In most cases, the land use policies and permissions described in the Secondary Plan are more detailed than those provided for within the Official Plan. Where there are inconsistencies between a particular policy in the Official Plan and the Secondary Plan, the policies of the Secondary Plan shall prevail.

c) Community Design

The Township of West Lincoln Official Plan (2015 Consolidation) identifies that form and density of growth within the Township’s urban areas should be guided by appropriate design standards intended to achieve a complete community that is livable, vibrant, well-connected, and prosperous. In order to achieve the desired vision, the Township has prepared and adopted Urban Design Guidelines for Smithville which provide enhanced guidance for the physical design of public and private development in Smithville to create an attractive, high-quality, safe, sustainable, interconnected, pedestrian-friendly and transit-ready community.

The Secondary Plan is based on neighbourhood urban design principles, aimed at establishing a complete community. These principles have used the urban design guidelines identified in the Township of West Lincoln: Smithville Urban Design Manual as their basis.

The Secondary Plan design principles are founded on six key themes aimed at establishing a ‘complete community’:

- Safety;
- Integration and phasing;
- Housing mix and density;

- Balance;
- Open space network; and,
- Identity and urban design.

d) Design Principles

Development in the Northwest Quadrant shall be consistent with the following principles:

- Provide a diverse mix of land uses and unit types to support a vibrant neighbourhood
- Provide a neighbourhood design concept that considers safety and mitigates railway-oriented impacts
- Develop a neighbourhood at the pedestrian scale to promote social interaction, active streetscapes and an overall walkable neighbourhood
- Establish an open space network of integrated and connected public spaces including parks, trails, stormwater management facilities and natural features
- Develop a well-connected network and hierarchy of streets, paths and trails that enhance connectivity and safely accommodate various modes of active transportation, including walking, cycling, and automobile use
- Locate parks and recreation spaces that will serve all age groups and physical abilities throughout the neighbourhood and connect them with an integrated active transportation system
- Promote compatibility of scale and form between new and existing adjacent development
- Create focal points, corridors and activity nodes within the community to enhance way-finding and establish an identifiable community structure
- Promote sustainable design throughout the built environment to promote efficient use of energy, land, and infrastructure through conservation and energy-saving practices and systems
- Establish distinct gateways to the Northwest Quadrant neighbourhood and the Smithville area to create a cohesive community identity. In accordance with the Township's Urban Design Manual, a Gateway Node (Community Gateway) is identified at the intersection of Regional Road 20.

e) Urban Design Policies

- Any proposed development shall address the Urban Design Policies of this Plan and, where appropriate, Policies within the Township of West Lincoln's Official Plan and the applicable built form guidelines established in the Township's Urban Design Manual.
- An urban design brief, or design guidelines, which demonstrate how any proposed future plan of subdivision meets the direction of the Township's Urban Design Manual and the Urban Design principles and policies of this Secondary Plan, will be required in support of any such application.

- iii. Development within the Secondary Plan area, including but not limited to areas of public use, shall be designed in accordance with the Accessibility for Ontarians with Disabilities Act, and other applicable Provincial legislation and the Region's Accessibility Design Standards.
- iv. Streetscapes throughout the Northwest Quadrant Community are important components of the public realm. Streetscapes will be designed to enhance community character and sense of place.
- v. Residential streetscapes shall be designed to ensure the provision of sufficient on-street parking through creative design solutions such as varying housing types and lotting patterns.
- vi. Development throughout the Northwest Quadrant Community shall be encouraged to create a sense of identity and place through the use of various means, including unique building typologies, architectural design treatments, building materials, decorative lighting, decorative street signs, boulevard treatments, gateway features and landscaping elements. Facades should address the public street as a means of creating community identity and a sense of place.
- vii. Gateway nodes are identified in the Township's Urban Design Manual. These nodes are intended to signal a sense of arrival and help create a cohesive community identity for Smithville through high-quality and attractive built form, open space, and markers. Development within lands identified as a Gateway Node shall adhere to the Guidelines for Private Development within Gateway Nodes contained within Section 7.2 of the Design Manual.
- viii. Throughout the neighbourhood, buildings shall be designed to form a well-defined and continuous street edge with subtle variations in height and setbacks and high quality architectural features.
- ix. Human scale buildings will be required and be achieved through siting and orientation of a building on a lot and the distribution of building heights and massing. Consideration of building materials and architectural articulation must have regard for maintaining a human scaled form of development. Building heights shall transition between the higher intensity areas to the surrounding lower intensity areas.
- x. Decorative lighting, street signage and entrance features are encouraged
- xi. Buildings on corner lots should articulate facades on both street frontages. Facades of building corners facing public streets should be architecturally consistent in design and materials.
- xii. Buildings at terminating vistas will be encouraged to be designed as landmarks, with architectural innovation and quality urban design that reflects the community character. Incorporation of public art and enhanced landscaping will be encouraged at these areas.
- xiii. Dwellings located on lots in visually prominent locations are priority lot dwellings. Priority lots include those lots within Gateway Nodes, on corner lots, at 'T'- intersections, or directly adjacent to or fronting open spaces, parks, trails natural areas or agricultural lands. Priority lot dwellings shall be identified as such on plans of subdivision and the treatment of priority lots shall be

described in the design brief to be submitted in support of a development application.

- xiv. Stormwater management systems shall be integrated into the design of buildings and the landscape where appropriate. The use of Low Impact Development stormwater techniques shall be strongly encouraged.

f) Transportation Network

The Secondary Plan provides a local road pattern that connects to the existing collector road network and facilitates automotive transportation as well as active forms of transportation such as cycling and walking.

- i. This Secondary Plan considers the extension of Grimsby Road 6 north from Regional Road 20 and connecting to a future extension of Spring Creek Road. This connection requires a new railway crossing, which may be an at-grade or grade-separated crossing. If an at-grade separated crossing, the road shall be designed to cross the railway at a 90 degree angle, in accordance with CP Rail's safety requirements.
- ii. Lands developed adjacent to Grimsby Road 6 shall be planned such that a grade separated crossing can be provided in the future. Development applications should demonstrate that this can be accommodated. Accordingly, adequate setbacks shall be required to be provided and developments shall have consideration for driveways and access points.
- iii. This Secondary Plan considers that the railway crossing at Grimsby Road 5 may be closed once the new crossing at Grimsby Road 6 is in place. A pedestrian crossing shall remain and the Township will work with CP rail to determine an appropriate pedestrian crossing
- iv. This Secondary Plan considers that lands will develop over time in phases, via individual plans of subdivision. It is anticipated that these may require temporary turning circles to facilitate development until such time as the transportation network is completed.
- v. All local roads and collector roads and multi-purpose trails shall be designed to the Township's Standards and the Region's Standards.

**6.11.5.2 LAND USE POLICIES**

a) General Policies

- i. The Northwest Quadrant is planned to achieve an overall minimum density of at least 50 people and jobs per hectare. The Township promotes, and will support, development proposals which would result in increased density beyond the current minimum density target.
- ii. Residential lands will be designated primarily low density and medium density residential, with some higher density residential, mixed use and local serving commercial uses in appropriate locations
- iii. Development located adjacent to a rail line shall comply with CP Rail Principle Main Line requirements. Development in proximity to air quality/noise and vibration generating uses shall submit appropriate studies pursuant to the



guidelines and regulations of the Environmental Protection Act and any applicable regional and Township policies regarding noise and vibration.

- iv. In order to address challenges related to development within proximity to a rail line, future development applications are encouraged to refer recommendations contained within the Guidelines for New Development in Proximity to Railway Operations document and apply these principles, where applicable and appropriate
- v. To be consistent with the Township of West Lincoln Official Plan and to achieve the density target, the Northwest Quadrant Neighbourhood will be planned, designed and zoned to achieve a variety of housing types, styles and lot sizes

b) Low Density Residential

- i. The planned function of the Low Density Residential designation is to provide opportunity for the development of low-rise residential land uses at lower densities. While the predominant land use with the Low Density Residential designation will be residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.
- ii. Lands designated Low Density Residential may be zoned to permit the following residential uses:
  - a. Single detached dwellings;
  - b. Semi detached dwellings;
  - c. Duplex dwellings;
  - d. Linked semi-detached dwellings; and,
  - e. Townhomes and other forms of multiple unit ground related housing
- iii. In addition to permitted residential uses, lands designated Low Density Residential shall permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and the Zoning By-law
  - a. Home Occupations;
  - b. Public and Private Utilities;
  - c. Bed and Breakfast Establishments;
  - d. Day Care Facilities;
  - e. Places of Worship;
  - f. Educational Facilities;
  - g. Accessory Apartments; and,
  - h. Garden Suites
- iv. Low Density Residential uses shall achieve a maximum density of 30 units per hectare.
- v. The maximum building height in the Low Density Residential land use designation shall be 2.5 storeys

c) Medium Density Residential

- i. The planned function of the Medium Density Residential designation is to accommodate a range of medium density housing types including townhouse dwellings, multiple dwellings and communal housing. While the predominant land use within the Medium Density Residential land use designation will be multiple residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.
- ii. The Township will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a medium density built form
- iii. Low density residential uses are permitted within the medium density residential area, provided it can be demonstrated that the overall density of the plan area is maintained at a minimum of 50 people and jobs per hectare
- iv. Lands designated Medium Density Residential may be zoned to permit the following residential uses:
  - a. Single Detached Dwellings;
  - b. Semi-Detached Dwellings;
  - c. Duplex Dwellings;
  - d. Triplex Dwellings;
  - e. Townhomes and other forms of multiple unit ground related housing;
  - f. Low-rise apartment buildings; and,
  - g. Communal housing
- v. In addition to permitted residential uses, lands designated Medium Density Residential may permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and an amendment the Zoning By-law, where applicable
  - a. Home Occupations;
  - b. Public and Private Utilities;
  - c. Bed and Breakfast Establishments;
  - d. Day Care Facilities;
  - e. Places of Worship;
  - f. Educational Facilities;
  - g. Community Facilities;
  - h. Accessory Apartments; and,
  - i. Garden Suites
- vi. Medium Density Residential uses shall have a maximum density of 45 units per hectare
- vii. The maximum building height in the Medium Density Residential designation shall be 4 storeys
- viii. The Township may consider a maximum height of 5 storeys in the Medium Density Residential designation, on a site specific basis, provided the increased building height is compatible with the built form and physical character of the neighbourhood and complies with the Township's urban design guidelines

- ix. Medium Density Residential development shall be subject to Site Plan Control and shall be designed and located consistent with the direction of the Township's Urban Design Manual
- d) High Density Residential
- i. The planned function of the High Density Residential designation is to accommodate a range of medium and high density housing types including townhouse dwellings, high density multiple unit dwellings. The aim of this designation is to encourage medium to high density development, primarily located along Regional Road 20. While the predominant land use within the High Density Residential land use designation will be multiple residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.
  - ii. The Township will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a medium/high density built form
  - iii. Lands designated High Density Residential may be zoned to permit the following residential uses:
    - a. Triplex Dwellings;
    - b. Townhomes and other forms of multiple unit ground related housing;
    - c. Low rise apartments;
    - d. Mid-rise apartments; and
    - e. Communal housing
  - iv. In addition to permitted residential uses, lands designated High Density Residential shall permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and an amendment the Zoning By-law, where applicable
    - a. Day Care Facilities;
    - b. Places of Worship;
    - c. Educational Facilities;
    - d. Community Facilities; and,
  - v. High Density Residential uses shall have a minimum density of 40 units per hectare
  - vi. The maximum building height in the High Density Residential designation shall be 5 storeys
  - vii. The Township may consider a maximum height of 6 storeys in the High Density Residential designation subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape
  - viii. High Density Residential development shall be subject to Site Plan Control and shall be designed and located consistent with the direction of the Township's Urban Design Manual

- ix. New entrances and driveways along the frontage of Regional Road 20 shall only be permitted subject to the approval of the Regional Municipality of Niagara
- e) Commercial
  - i. The planned function of the Commercial designation is to accommodate commercial development that will serve the local neighbourhood. It is the intent of Commercial area to act as a connecting centre for the neighbourhood and create opportunities for residents to obtain commercial goods and services, required to meet their day to day needs, within a reasonable walking and cycling distance. Accordingly, a range of retail and convenience commercial uses, business and professional offices that would serve the surrounding neighbourhood are appropriate.
  - ii. Commercial uses should be small scale in nature and developed up to a maximum of 2,000 square metres of gross leasable area.
  - iii. Lands designated Commercial may be zoned to permit the following uses:
    - a. Mixed use and freestanding commercial buildings, which may include residential uses above the first storey;
    - b. Office;
    - c. Clinic;
    - d. Retail;
    - e. Personal service;
    - f. Commercial service; and,
    - g. Restaurant.
  - iv. The Township may permit freestanding residential buildings within the Commercial designation.
  - v. Notwithstanding the above, low density residential uses are not permitted within the Commercial designation.
  - vi. The Township may permit Drive Through Restaurants within the Commercial designation.
  - vii. The following uses are prohibited within the Commercial designation
    - a. Automotive-oriented uses of any kind (sales, service, gas stations); and,
    - b. Adult entertainment establishments
  - viii. The Zoning By-law may further refine the list of permitted and prohibited uses.
  - ix. Buildings shall have a minimum building height the equivalent of 2 storeys and a maximum building height of 5 storeys.
  - x. The Township may consider a maximum height of 6 storeys in the Commercial designation subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape.
  - xi. For commercial developments which propose a residential component, the density requirements of the High Density designation shall be applied to the residential portion.
  - xii. Commercial facilities shall be designed to provide a safe environment for pedestrians and encourage walking.

- xiii. Buildings shall be located such that they help to frame the street and vehicle parking is located to minimize conflicts with pedestrians.
- xiv. Surface parking lots are to be adequately screened.
- xv. Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses.
- xvi. Development within the Commercial designation shall be subject to Site Plan Control and shall be designed and located consistent with the direction of the Township's Urban Design Manual.
- xvii. A design brief in support of site plan applications for commercial development is required.
- xviii. Special studies, as deemed appropriate by the Township and the Region, may be required at the site plan approval stage to ensure compatibility of non-residential uses with residential and other sensitive uses.
- xix. Existing driveways will be relocated to new local streets if possible to avoid conflicts between existing entrances and new street New entrances and driveways along the frontage of Regional Road 20 shall only be permitted subject to the approval of the Regional Municipality of Niagara.

f) Institutional

- i. The planned function of the institutional designation is to recognize and accommodate the use that currently exists on the lands legally described as Pcl 8-1 Sec M98; Lt PI M98 As Confirmed By PI 30ba1695 and municipally known as 6659 Highway 20. It is the intent that these lands redevelop to accommodate primarily a residential built form in the future, should the current use cease to exist.
- ii. On the lands legally described as Pcl 8-1 Sec M98; Lt 8 PI M98 As Confirmed by PI 30ba1695 and municipally known as 6695 Highway 20, for such time as the Institutional designation is in place, these lands shall only be used for those uses permitted in accordance with the applicable zoning for the site. Replacements, improvements, additions or expansions of buildings or structures legally existing as of the date of passing of this Plan may be permitted, subject to consideration by Township staff.
- iii. Any future redevelopment of the lands legally described as Pcl 8-1 Sec M98; Lt 8 PI M98 As Confirmed by PI 30ba1695 and municipally known as 6695 Highway 20 will require an Official Plan Amendment and shall have regard to the general land use patterns identified on Schedule A, including the identified local road pattern. Any redevelopment proposals on these lands shall include a road connection via an extension of Streamside Drive and future development will require consideration of stormwater management options.

g) Future Development

This Plan anticipates the future extension of Spring Creek Road, which will provide access and frontage for lands identified as Future Development in Schedule "E-4". It is the intent that those lands designated Future Development on Schedule A shall not be developed until such time as access is provided.

- i. Once access is provided, via the extension of Spring Creek Road, those lands designated Future Development shall be permitted to develop in accordance with the Low Density Residential designation of this Plan.
  - ii. Should an application for development be submitted in advance of the extension of Spring Creek Road, such applications will be required to identify alternative forms of access to facilitate the development of those lands designated Future Development for evaluation by Township staff. If Township staff determine the proposed alternative access is feasible, those lands designated.
  - iii. Future Development may be permitted to develop in accordance with the Low Density Residential or Medium Density Residential designations of this Plan.
  - iv. Development proposals should be based on the Township's Urban Design Guidelines, which direct that development along collector roads should be front lotted. Development applications that propose a form of development which is not front lotted may be considered, subject to approval by the Township of West Lincoln.
- h) Parks
- i. The planned function of the Parks land use designation is to provide the Northwest Quadrant and surrounding neighbourhoods with convenient access to a broad range of uses, including municipal parks and other green spaces.
  - ii. A park and trail system is a key component of the Secondary Plan. It is the intent that the park designation be developed consistent with the Neighbourhood Parks and Playgrounds and Linear Parks and Greenspace Corridors typologies identified in Section 9 of the Official Plan.
  - iii. The amount and type of parkland within the community shall be consistent with the policies contained within Section 9 of the Township of West Lincoln Official Plan and will be determined through the draft plan of subdivision process.
  - iv. Cash-in-lieu of parkland may be accepted by the Township in accordance with Section 9 of the Township of West Lincoln Official Plan and Section 37 of the Planning Act.
  - v. Park blocks shall have a trail connection to promote connectivity via on-street or off-street trails, which connect blocks, open spaces and other points of interest including the future Multi-Use Recreational Site.
  - vi. Parks and trails shall be strategically located and linked to the broader trail system, as identified in the Township's Trails and Corridors Master Plan.
  - vii. All trails shall be designed consistent with the Township of West Lincoln Trails and Corridors Master Plan.
  - viii. Parks shall be easily accessible to residents and will be located within close proximity of all residential areas.
  - ix. The Township encourages the integration of stormwater management facilities as part of the parks and open space system. Wherever feasible and appropriate, such lands shall be designed to provide a park-like setting or the character of a natural wetland and, where appropriate, may be adjacent to

public parks. However, stormwater management facilities shall not be accepted as parkland under the parkland dedication provisions of the Township Official Plan and the Planning Act.

- x. Lands designated for park use adjacent to the rail lines will provide noise and safety buffers for adjacent residential uses. Consultation with the appropriate rail company, and completion of appropriate studies (i.e. noise and vibration studies) will be required to determine specific noise and safety measures.
- xi. The planting of trees within parkland blocks is encouraged to provide shade and to enhance the urban forest
- xii. In addition to the provision of open space and parks, private amenity recreation space should also be provided through future development applications, particularly for lands designated for medium density residential uses.
- xiii. Minor adjustments may be made to the size and location of parks and open space through the development approval process, without further amendment to the Secondary Plan, as long as the general intent of the Secondary Plan is respected.

i) Stormwater Management

- i. This Plan provides a general stormwater management strategy as follows:
  - a. The lands located to the east of Grimsby Road 5 drain to the south east and stormwater management can be accommodated through an appropriate stormwater management facility that outlets to the south side of the railway tracks into an existing culvert
  - b. The lands to the west of Grimsby Road 5 outlet to the south side of Regional Road 20 into the existing stormwater system, which outlets to Twenty Mile Creek
- ii. The location and size of stormwater management facilities is based on the general stormwater strategy and is approximate. A detailed stormwater management study will be required to be submitted, for consideration by the Township, the NPCA and Niagara Region as part a complete application for development.
- iii. A small portion of the Secondary Plan at the western edge currently drains to a small tributary of 20 Mile Creek that flows westerly beyond the Secondary Plan Area at the location of the potential Grimsby Road 6 extension. The portion of the tributary in the Secondary Plan area shall be maintained by:
  - a. Ensuring that an appropriate level of overland flow to this tributary is maintained in order to ensure no negative impact to the tributary;
  - b. Ensuring that the extension of Grimsby Road 6 includes an appropriate crossing for this tributary in order to ensure no negative impact to the tributary; and,
  - c. Requiring that an overall storm drainage plan be developed as part of development applications which addresses storm water quality and quantity controls.

j) Special Policy Areas

- i. This Plan recognizes that the Township's Urban Design Manual identifies the lands located along Highway 20 adjacent to South Grimsby Road 6 and the future planned roundabout as a Gateway Node. This plan also recognizes that there is current, ongoing, work at the Township and the Region to determine land use needs to the year 2041 which may require an expansion to Smithville's urban boundary to accommodate the forecast population. Should additional lands be brought into the urban boundary contiguous to this Secondary Plan, it may be appropriate to permit a mixed-use built form on the lands identified as Medium/High Density Residential (Special Policy Area A), to allow the lands to develop and function as a cohesive Gateway Node. Accordingly, the lands shown as Medium/ High Density Residential (Special Policy Area A) may develop to Medium/ High density residential, subject to Section 6.11.5.2 d) of this plan. In addition, the lands within Special Policy Area A may develop to commercial uses, subject to the following:
  - a. The completion of the Regional Municipal Comprehensive Review and the Township's Municipal Comprehensive Review processes determines that an expansion to the urban area of Smithville is required in order for Township of West Lincoln to accommodate forecast population and employment growth;
  - b. The completion of a commercial land needs assessment determines that additional commercial lands are required to accommodate the forecast population and employment growth;
  - c. A Zoning By-law Amendment to establish and implement the range of permitted uses and their appropriate size;
  - d. Should it be determined that alternate land use designation and zoning regulations be appropriate for these lands, development shall be subject to Site Plan Control and shall be designed and located consistent with the applicable sections of the Township's Urban Design Manual, having specific regard to the Area Specific Guidelines for Community Gateway Nodes.
- ii. This Plan recognizes that the lands legally described as Pcl 10-1 Sec M98; Lt 10 PI M98 As Confirmed By PI 30ba1695; West Lincoln, and municipally known as 6633 Highway 20, are zoned Highway Commercial (C3). Notwithstanding the Commercial policies of this plan, which state that it is the intent that these lands develop to provide local serving commercial uses over the long-term, this Plan recognizes that existing zoning on the site permits Highway Commercial uses as of right. Accordingly, the lands identified on Schedule A as Commercial (Special Policy Area B) may develop in accordance with the highway commercial policies of the Official Plan and the applicable in-effect zoning regulations, recognizing that the Township is currently undertaking a comprehensive review of the Zoning By-law. Development on these lands shall be subject to Site Plan Control and shall be designed and located consistent with the direction of the Township's Urban Design Manual.

### **6.11.5.3 SUSTAINABILITY**



- i. Development of the Northwest Quadrant Community is encouraged to implement efficient and effective methods of providing energy. This could be achieved by incorporating renewable energy resources, neighbourhood and building design techniques or other innovative initiatives
- ii. The Township will promote development that strives to conserve energy and achieve the sustainability objectives of the Official Plan by encouraging, supporting and, where appropriate, requiring:
  - a. Compact development and efficient built form;
  - b. Transit supportive development and the greater use of active modes of transportation;
  - c. Environmentally responsible design and construction practices;
  - d. The use of green roofs;
  - e. The integration, protection and enhancement of natural features and landscapes into building and site design; and,
  - f. The reduction of resource consumption associated with development
- iii. The incorporation of renewable energy sources, high-efficiency electrical and mechanical systems, water recycling and other “green” building features is encouraged
- iv. The Township will encourage, at the development application stage, the reduction of energy and residential combustion emissions through a range of approaches including the development of R-2000 homes and similar commercial construction standards such as LEED or other similar published standards, the incorporation of Energy Star appliances, the physical layout of the plan having regard to energy conservation, and buildings powered by renewable energy sources

#### **6.11.5.4 DEVELOPMENT PHASING**

The purpose of the Secondary Plan is to ensure the orderly and logical development of the Northwest Quadrant lands. Draft Plans of Subdivision shall consider the following policies:

- i. Full development of the lands will require the installation of water and sanitary sewer infrastructure
- ii. This plan provides a general servicing strategy as follows:
  - a. Lands located on the west side of Grimsby Road 5 will generally be serviced through the extension of existing services located on Highway 20.
  - b. Lands located on the east side of Grimsby Road 5 will generally be serviced by an extension of the servicing system in the subdivision located to the east and will be connected at Las Road.
- iii. Plans and functional servicing reports prepared in support of plans of subdivision are to identify staging and the rationale in support of the proposed staging.
- iv. This Plan considers the extension of Grimsby Road 6 to the north from the intersection at Regional Road 20 and a new crossing of the railway. Until the

road is constructed and the new crossing in place, the existing crossing at Grimsby Road 5 must remain.

#### **6.11.5.5 IMPLEMENTATION**

The purpose of the Secondary Plan is to guide the detailed planning and development of the Northwest Quadrant Lands over the next 20 years. The approval of plans of subdivision, and other development applications, that are consistent with the Secondary Plan will be the primary implementation mechanism.

##### **a) Non-Conforming Land Uses**

- i. Any land use existing on the date of approval of this plan that does not conform with the land use designations as shown on Schedule A of this plan, or the policies related thereto, should as a general rule cease to exist in the long term.
- ii. Any land use that does not conform to the provisions of the Zoning By-law should, as a general rule, cease to exist in the long term.

##### **b) Amendments to the Plan**

- i. Applications for development which do not align with the Policies or land use schedule of this Plan shall require an Official Plan Amendment. Amendments to the Plan shall be subject to the policies of the Official Plan and shall require a planning justification report, along with any other supporting studies identified through the pre-consultation process.
- ii. The Township will update its zoning By-law to ensure that the land uses and design policies for this Secondary Plan are reflected in the City's Zoning By-law.
- iii. Applications for development within the Secondary Plan Area shall be subject to the policies of this Plan and the Official Plan (where applicable). Amendments to the zoning By-law shall be subject to the policies of this Plan and the Official Plan and shall require a planning justification report, along with any other supporting studies identified through the pre-consultation process.

##### **c) Future Development Applications**

- i. The review and approval of future development applications will be based on the Secondary Plan. Applications will be reviewed for conformity and consistency with the Secondary Plan, and other guiding documents.
- ii. Before submitting a development application, applicants must attend a pre-consultation meeting, in accordance with the policies of Section 18.16 of the Official Plan
- iii. The Streamside Sewage Pumping Station is located in close proximity to the Secondary Plan Area. Future studies (i.e. air quality/ noise, etc.) may be required for future development proposals.

- iv. As part of future development applications, further detailed studies may be required in support of any application. These studies may include:
  - a. Planning justification report;
  - b. Conceptual Site Plan;
  - c. Land Use/ Market Needs Report;
  - d. Detailed stormwater management study;
  - e. Archaeological Assessment;
  - f. Environmental Impact Study;
  - g. Transportation Impact Study;
  - h. Air Quality/ Noise Study;
  - i. Vibration Study;
  - j. Detailed Servicing Design Studies;
  - k. Detailed Road Design Studies;
  - l. Grading Plans;
  - m. Urban Design Briefs;
  - n. Landscape Plans;
  - o. Tree Preservation Plan;
  - p. Geotechnical Report;
  - q. Functional Servicing Report;
  - r. Record of Site Condition;
  - s. Environmental Site Assessment;
  - t. Hydrogeological Study; and,
  - u. Any other study as deemed necessary by the Township of West Lincoln, Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority or any other agency that may have an interest in the application as determined by the Township
- d) Monitoring
  - i. The Township will prepare a monitoring program to track the implementation of the Secondary Plan and report on the progress of its implementation. The monitoring program should identify development statistics for residential development to ensure the density target can be achieved.
- e) Updating the Plan
  - i. The Township will comprehensively review the policies of this Secondary Plan at the 5 year review of the Township's Official Plan. Depending on the outcomes of the review, the Township may decide to update the Plan.
- f) Interpretation
  - i. In the event of a conflict between the Official Plan and this Secondary Plan, the policies of the Secondary Plan shall prevail
  - ii. Where the general intent of this Secondary Plan is maintained to the satisfaction of the Municipality, adjustments to the size and location of the land use designations and adjustments to the location of new streets will not require an amendment to this Secondary Plan.

### **6.11.6 SITE SPECIFIC PROVISIONS**

- a) Smits Cove/McMurchie Lane (PIN 460530125)
  - i. Building heights shall not be less than 3 storeys nor exceed 6 storeys (OPA #53)
  
- b) 186 Margaret Street
  - i. Design compatibility may require parking and access along the southerly side of the lot. (OPA # 53)
  
- c) 132 College Street & 131 St. Catharines Street
  - i. That the gross density of the High Density Residential designation shall be greater than 40 units per hectare. (OPA #54)

## **SECTION 7**

### **HAMLET SETTLEMENT AREAS**

#### **7.1 Hamlet Settlement Areas**

The purpose of the Township's Hamlet Settlement Areas (Hamlets) are to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas of the Township. All recognized hamlet areas are designated as Hamlets in the Township Official Plan to be consistent with the Regional Policy Plan as amended by RPPA 2-2009.

#### **7.2 Hamlets**

The four original hamlets in the Township of West Lincoln are:

Grassie	St. Ann's
Wellandport	Caistorville

The following are now considered as Hamlets:

Abingdon	Boyle	Silverdale
Boyle East	Regional Road 12	Kimbo
Attercliffe	Caistor Centre	Bismark
Fulton	Grimsby Centre *	

\*Previously approved as a hamlet by OMB January 23, 2013

##### **7.2.1 Background**

The predominant use of land in this category shall be single-detached dwellings. Other uses which are considered necessary to serve the Hamlet or the surrounding agricultural area may be permitted including but not limited to; schools, parks, churches, bed and breakfast establishments, home occupations, nursing homes, government and institutional uses and public utilities. Hamlets may include commercial uses deemed necessary to serve the surrounding residential and agricultural area and commercial or industrial uses such as a builders' supply yard, feed mill, public garage, farm implement dealer or other similar uses.

##### **7.2.2 Objectives for Hamlet Communities**

- a) The intent of this designation is to recognize and encourage further development within the defined Hamlet communities that provides both residential accommodation and a service function to the larger agricultural and rural community,

- b) To ensure compatibility between competing uses within each Hamlet community; and,
- c) To provide an alternate place for residential uses to be accommodated outside the Urban Area of Smithville and the Agricultural Area.

### **7.2.3 Policies for Hamlet Settlement Areas**

- a) The boundaries of each identified Hamlet are delineated in Schedules 'D-1' to 'D-4' of this plan. Expansion of a Hamlet Settlement Area boundary shall only be considered by the Township at the time of a comprehensive 5 Year Review of this plan.
  - i. No expansion of Hamlet Settlement Areas will be permitted in Unique Agricultural Areas.
  - ii. If expansion of a Hamlet Settlement area is in Good General Agricultural Areas, it must be demonstrated that:
    - 1. That there are no reasonable alternatives which avoid Good General Agricultural Areas;
    - 2. There are no reasonable alternatives on lower priority agricultural lands in Good General Agricultural Areas..
- b) Lands will be designated Hamlet on the land use schedule and will be zoned to recognize current uses where appropriate. The Township Zoning By-law will regulate the uses that are permitted in Hamlets.
- c) The protection of residential uses within Hamlet will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. The onus will be on the new non-residential use to ensure compatibility with adjacent residential uses.
- d) New multi-unit dwellings shall only be permitted by rezoning where it can be demonstrated that an adequate supply of potable water and sewage treatment systems can be provided in accordance with all applicable laws and regulations. Existing multi-residential uses may be recognized in the Township Zoning By-law.
- e) New development that proposes to create multiple new lots shall be by plan of subdivision and shall be in accordance with the policies of this plan including Section 17.6. Residential development shall be low density, shall proceed in a controlled and progressive manner so that new development will be contiguous to existing development and every lot in such Plan of Subdivision shall be of an area deemed sufficient to provide an adequate supply of potable water and an adequate area for septic disposal. Infill opportunities may be supported through the Consent process where deemed

appropriate and shall be subject to Section 18.13 of this plan. This shall include a minimum lot area requirement of 1.0 hectares per lot unless a hydrogeological assessment determines that a smaller lot size is adequate as outlined in 18.13.5. a).

- f) The proponent of any subdivision shall be required to prepare a hydro geological study in support of the proposed development. Public water and municipal sewerage facilities are not intended to be provided in the Hamlets.
- g) All development within the Hamlet designation shall be supported by private waste sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln and/or the applicable Ministry.
- h) Lots that exist on the date of passage of Official Plan Amendment 15 (OPA #15), shall generally have a minimum frontage of 45 metres and be a minimum of 0.4 hectares in size or an alternative size as required for the adequate provision of services and protection of the environment. Existing lots which are deficient from these provisions can be recognized in the Zoning By-law.
- i) New commercial and industrial uses shall be permitted by a Zoning By-law amendment, and in considering an application to rezone for such uses, the Council shall have due regard to the compatibility of the proposal with neighbouring residential uses. Such uses should be encouraged to locate in groups and preferably at the junction of major roads where safe access points can be provided.
- j) When considering a change of use, by rezoning, provision will 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. The density and character of new development will be strictly regulated by the Council in order to ensure a satisfactory Hamlet environment.
- k) Development in the Hamlet will not be required to comply with Minimum Distance Separation requirements and the boundary of the Hamlet Settlement shall establish the setback for MDS II calculations for new or expanding livestock operations from a Type B land use.
- l) Development shall comply with Natural Heritage policies of this plan and Schedule 'C' ('C-1' to 'C-4'). Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when development is within or adjacent to the lands that are subject to their regulation.

- m) Group Homes shall be permitted in accordance with Section 18.22 (Implementation Policies) of this plan and the implementing Zoning By-law.  
*(revised by OPA No. 47)*

### **7.3 Hamlet Settlement Area Services**

It is not expected that the Hamlet Settlement Areas will be provided with municipal sanitary sewer facilities. Communal systems are also not permitted in Hamlet Settlement Areas.

Development in Hamlet Settlement Areas, subject to policies set out in Sections 7 shall 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, the Ministry of Municipal Affairs and Housing, or the authority having jurisdiction, and provided that Council is satisfied that no adverse impacts will be experienced.

The boundaries of Hamlet Settlement Areas shall be considered fixed boundaries and can only be moved as a result of a municipally initiated comprehensive review.



## **SECTION 8**

### **HERITAGE CONSERVATION**

#### **8.1 Background**

Cultural heritage resources include, but are not necessarily restricted to archaeological sites, buildings and structural remains of historical, architectural and contextual value, and human-made rural, village and urban districts or landscapes of historic and scenic interest.

#### **8.2 Objectives**

- a) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings designated as having architectural and historical merit within the Township West Lincoln.
- b) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- c) To support and encourage the voluntary designation of historic buildings and structures.
- d) To consider the interests of Aboriginal communities.

#### **8.3 Policies**

**8.3.1** Council will consult with the Township of West Lincoln Heritage Committee in matters relating to the conservation of cultural heritage resources within the Township boundaries. The Heritage Committee may identify and/or inventory buildings of architectural or historical significance and advise Council on those considered worthy of designation under the Ontario Heritage Act. Individual properties may be considered for designation pursuant to the Ontario Heritage Act if they exhibit or contain one or more of the following criteria:

- a) The property has design value or physical value because it,
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.
- b) The property has historical value or associative value because it,

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to the community,
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.
- c) The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark.

**8.3.2** In reviewing proposals for the addition to, demolition or removal of designated buildings and structures or the alteration of existing buildings, the Township will be guided by the following general principles:

- a) heritage buildings, associated landscape features and archaeological sites including their surroundings should be protected from any adverse effects of change;
- b) original building fabric and architectural features such as doors, windows, mouldings, verge boards, walling materials and roofs should be retained and repaired rather than replaced wherever possible;
- c) new additions and features should generally be no higher than the existing building and wherever possible be placed to the rear of the building or set back substantially from the principle façade.

**8.3.3** The municipal clerk shall, as per Section 27 of the Ontario Heritage Act, maintain a register of all property designated under Part IV and Part V of the Act. In addition, the Township will maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.

**8.3.4** Council may, as per section 41 of the Ontario Heritage Act, establish heritage conservation districts through a designation by-law. Council may undertake a Study of any area of a municipality for the purpose of designating one or more heritage conservation districts. Based on the Study, a Heritage Conservation District Plan for the area shall be prepared.

### **8.3.5 Archaeological Conservation**

- a) Council recognizes that there may be archaeological remnants of pre-contact and early historic habitation within the Township and will consider the interests of Aboriginal communities in conserving archaeological resources. Council will therefore require an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources that are found and which might be affected in any future development, in co-operation with the Ministry of Citizenship, Culture and Recreation.
- b) Council may consider the preparation of an Archaeological Master Plan for the Township. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database as well as lands within the municipality that have the potential for the discovery of archaeological resources. Such a Plan will also outline policies, programs and strategies to protect significant archaeological sites. The Plan, if initiated, will also be undertaken by an archaeological consultant licensed pursuant to the Ontario Heritage Act.
- c) All new development shall have regard for heritage resources by conserving, accommodating and incorporating heritage resources in development and redevelopment proposals. Existing landmark or heritage trees, tree lines, hedge lines, or fence lines shall be considered, evaluated, and where possible, integrated in the design of any development or redevelopment.
- d) Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ. Where significant archaeological resources must be preserved in situ (long-term in-ground protection of the archaeological resource); only development and site alteration which maintain the heritage integrity of the site may be permitted.

### **8.3.6 Significant Landscapes and Vistas**

Council recognizes the need to identify and conserve significant landscapes and vistas and may inventory these resources and develop appropriate development criteria.”

## **SECTION 9**

### **PARKS POLICIES**

#### **9.1 Background**

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.

The lands designated as Public Parks are identified on Schedule 'B-1' to B-4' of this plan represent all parks as defined in Section 9 of this plan.

#### **9.2 Objectives**

- a) To provide a framework for the provision of active and passive parks and recreation areas for Township residents.
- b) To provide community and cultural facilities to serve the Township's residents.
- c) To establish a system of linkages which provides access to the open space and recreational areas of the community.
- d) To ensure that adequate parks, open spaces and recreation facilities are provided for people of all ages.
- e) To identify and respond to the needs and interests of the community through an ongoing program of parks and recreation planning.
- f) To encourage and maintain open channels of communication with community groups, sport organizations and public agencies in the planning and development of parks and recreation facilities.
- g) To identify and preserve land for future community use in advance of urban development.

#### **9.3 Policies**

- a) 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.
- b) The Township 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. Any proposed development on lands which abut a provincial park, conservation area or conservation reserve should be developed in a manner to maintain a natural, standing buffer of undisturbed mature trees and/or vegetation to visually screen the development.

- c) The Township 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.
- d) When reviewing an application to amend the Official Plan or Zoning By-law or when commenting on plans of subdivision, Council will consider the need for park developments in accordance with this section.
- e) The dedication of land or the acceptance of cash-in-lieu of land dedicated for park purposes or other public recreation purposes required in the case of development or redevelopment shall be in accordance with the following requirements:
  - i. For commercial and industrial purposes:
    - 1. The conveyance of 2% of the land being developed or redeveloped, pursuant to Sections 42(1) and 51.1 of the Planning Act, as amended, or any successor thereto; or
    - 2. The payment of money equal to the value of the land otherwise required to be conveyed, and determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued, pursuant to Sections 42(6.4) and 51.1 of the Planning Act, as amended, or any successor thereto.
  - ii. For all other purposes:
    - 1. The conveyance of 5% of the land being developed or redeveloped, pursuant to Sections 42(1) and 51.1 of the Planning Act, as amended, or any successor thereto; or
    - 2. The conveyance of land for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed, pursuant to Sections 42(3) and 51.1 of the Planning Act, as amended, or any successor thereto; or
    - 3. The payment of money equal to the value of the land otherwise

required to be conveyed, and determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued, pursuant to Sections 42(6.4) and 51.1 of the Planning Act, as amended, or any successor thereto.

- f) To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Township and shall satisfy the following:
- i. Be relatively level and not required for drainage/stormwater purposes, nor contain lands susceptible to flooding, have steep valley slopes or other physical features which are unsuitable for open space/park development;
  - ii. Have good drainage characteristics;
  - iii. Be centrally located (preferably adjacent to a school) within a neighbourhood or community context to provide convenient vehicular and pedestrian access;
  - iv. Provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, where applicable;
  - v. Be visually prominent within the development;
  - vi. Be provided with basic service requirements;
  - vii. Be developed in accordance with the Township's parkland standards;
  - viii. Lands not satisfying all of these criteria may be deemed acceptable if they are not important for achieving an identified trail connection; and
  - ix. Where required, secondary accesses in the form of pedestrian walkways shall be provided by the developer in accordance with the following design criteria:
    - 1. Trails for pedestrians and cyclists shall be established in accordance with Schedule 'D' and shall be of a sufficient width to accommodate both cyclists and pedestrians. Pedestrian-only-trails may be of a smaller width;
    - 2. Trails will be designated to accommodate a range of users and abilities. Slopes, where possible, should be under 5 percent. The

use of permeable materials shall be encouraged in trail construction in areas where sufficient drainage exists;

3. Trails should be clearly signed regarding permitted use and speed. Way finding signage shall be provided throughout the trail network;
4. Benches and garbage receptacles should be provided at trailheads and at regular intervals along the route; and,
5. Trails located in proximity to sensitive natural features should incorporate interpretive signage at various locations to promote stewardship initiatives that will protect and enhance the features and functions of the natural environment.

## **9.4 Park and Recreation Hierarchy**

In order to accommodate the needs and interest of different age groups within each of the planning districts, a hierarchy of parks, open spaces and recreational facilities shall be provided. This hierarchy shall be comprised of neighbourhood parks and playgrounds, district parks and playfields and linear parks and shall be developed in accordance with the following standards:

### **9.4.1 Neighbourhood Parks and Playgrounds**

- a) Purpose and Function: Neighbourhood level parks and recreation facilities should be designed primarily for children's activities with limited opportunities for youths and adults. Where there is a preponderance of a specific user group such as young families and/or senior citizens in an area, facilities and programs should be tailored more specifically to the particular needs of these groups.
- b) Service Radius: Neighbourhood parks and playgrounds should be readily accessible to the majority of neighbourhood residents. The optimum service radius of these types of facilities is 400 metres or 5 minute walking distance, respecting the limited mobility of the service population.
- c) Size: Neighbourhood parks and playgrounds should be provided on the basis of 1 ha/1000 population up to a maximum of 3 ha per site. 0.8ha/1000 should be devoted primarily to active recreation uses of an informal, casual and non-capital intensive nature. 0.2 ha/1000 should be devoted to passive recreation uses with major emphasis on natural environment features, shaded areas and low maintenance landscaping. Variations to the size may occur based on facility requirements and user needs of specific service areas of the parks. Neighbourhood parks and playgrounds should have a minimum size of 1.2 ha to ensure that undersized parks are not created throughout the Township, however, the Township may accept parks smaller than 1.2 ha where it is

deemed appropriate.

- d) General Topography: Neighbourhood parks and playgrounds should be predominantly flat and well-drained in order to accommodate a variety of neighbourhood active recreation activities. Up to 20% of each site may be developed with contour variations in order to create an attractive park-like setting and to provide opportunities for passive recreation.
- e) Location: Neighbourhood parks and playgrounds should be centrally located, within safe and convenient walking distance of the majority of neighbourhood residents. Such facilities should be designed with extensive street frontage for visibility and safety and should be co-ordinated with public or separate elementary school sites or other open space areas where possible. Neighbourhood parks and playgrounds should not be separated from the residents they are intended to serve by physical barriers such as streets, creeks, utility corridors or railway lines.
- f) Facilities: Neighbourhood parks and playgrounds should be of sufficient size to accommodate a variety of recreation facilities. Some examples include:
  - i. Backstop for children's ball facilities
  - ii. A junior-sized soccer field or playfield
  - iii. Playground equipment
  - iv. Paved areas for informal games/basketball uprights
  - v. Facilities for mothers with pre-schoolers
  - vi. Shaded areas for passive recreation
  - vii. Parking areas, where appropriate

#### **9.4.2 District Parks and Playfields**

- a) Purpose and Function: District parks and playfields should be designed primarily for youths and young adults with major emphasis on facilities for organized and non-organized sports. Smaller areas should also be set aside for landscaping, beautification and passive recreation.
- b) Service Radius: As the majority of facilities at the district park level cannot be supported by a neighbourhood population, and as youths and young adults are much more mobile than neighbourhood park users, greater travel distances to district parks and playfields can be justified. A 20-minute walking



distance or 1.6 km service radius is the optimum for district parks and playfields.

- c) Size: District parks and playfields should be large and spacious in order to accommodate a wide variety of senior calibre recreation facilities. District parks and playfields should be provided on the basis of 0.5 ha/1000 population and should range in size from 4 to 8 hectares. Variations in sizes may occur based on facility requirements and user needs of specific service areas of the park.
- d) General Topography: District parks and playfields should be reasonably flat, with peripheral contour variations and landscaping provided for visual effect and passive recreation. Berms and plantings may also be effectively utilized in separating children's playground facilities from athletic and sports facilities or other incompatible uses.
- e) Location: District level parks and recreation facilities should be situated in a manner which is reasonably central to the service population and directly accessible by automobile and bicycle. Frontage on a major traffic route is desirable with facilities provided for off-street parking. The provision of district level parks and recreation facilities should also be co-ordinated with secondary school sites where possible, in order to maximize the use of public open space and to achieve a complementary integration of recreation facilities. District parks and recreation facilities should not be separated from the residents they are intended to serve by physical barriers such as streets, creeks, utility corridors or railway lines.
- f) Facilities: District parks and playfields should be developed as focal points for organized and non-organized team sports, athletic activities and casual recreation which require the provision of fairly expensive and sophisticated facilities. Some examples of facilities at the district park level are:
  - i. Regulation-sized soccer fields
  - ii. Softball and baseball diamonds
  - iii. Football fields
  - iv. Tracks and fitness courses
  - v. Tennis, volleyball and basketball courts
  - vi. Night lighting and spectator facilities
  - vii. Swimming pools and wading pools

- viii. Arenas
- ix. Major playgrounds
- x. Community centres
- xi. Passive recreation areas
- xii. Parking facilities

### **9.4.3 Linear Parks and Greenspace Corridors**

- a) Purpose and Function: Linear Parks and Greenspace corridors should be designed primarily to connect parks and recreational facilities, as well as neighbourhoods, through a safe system of trails and pathways. The Linear Parks and Greenspace Corridors should be developed solely for pedestrian and bicycle use. Linear parks and Greenspace Corridors should provide the opportunity of passive recreational activities such as walking, jogging and biking along a trail system which takes advantage of features in the natural environment.
- b) Service Radius: Linear parks and Greenspace Corridors should service an entire community. The majority of these linear parks should be located in Smithville and the hamlet areas.
- c) General Topography: Linear parks and Greenspace Corridors should follow the contours of the land. They should be level and clearly identified, and preferably, lighted. Linear parks should be maintained to ensure that they are safe and free of pot-holes or other hazard issues associated with the repeated use of the linear park system.

## **9.5 Parks Development Procedures**

### **9.5.1 Neighbourhood Parks**

- a) In order to accommodate the needs for neighbourhood park facilities in newly developing areas, lands will generally be acquired at the time when development or redevelopment proposals are being made so that these parks may be closely integrated into the design of the area.
- b) The detailed design of neighbourhood parks will be carried out as soon as possible after the boundaries of the land to be acquired for park purposes are known, so that landscaping and topographical modifications may be co-ordinated to the benefit of both the Township and Developer.
- c) The Township will endeavour to provide a basic level of recreation services

and facilities in newly acquired parks so that immediate benefit may be derived from these parklands. Generally, this shall include seeding, sodding and the establishment of appropriate plant materials.

#### **9.5.2 District Parks and Recreation Facilities**

- a) In the development of district parks and recreation facilities, lands will generally be obtained as far ahead of the development as possible in order to maximize the opportunities for site selection, accessibility and proper spatial distribution.
- b) The development and improvement of district parks and recreation facilities will generally be carried out as part of an ongoing park development program.
- c) In order to expedite the development and improvement of these areas, the municipality shall avail itself to the provisions of the various Acts and cost-sharing programs wherever these may be applicable.

#### **9.5.3 Linear Park and Greenspace Corridors Development**

- a) The growing popularity of physical fitness activities such as walking, jogging, bicycle riding and cross-country skiing has resulted in increased demands for linear park development and the provision of bicycle paths, hiking trails and pedestrian walkways.
- b) In order to accommodate these needs, the Township shall actively pursue the development of an integrated and interconnected system of public parks and open spaces in accordance with the following provisions:
  - i. As far as possible, this system is to be continuous and lands will be added whenever feasible to improve upon the continuity and gain direct pedestrian access from adjacent parks.
  - ii. Minor watercourses, utility corridors, and other open spaces will be joined to the system wherever possible in order to facilitate public access and to maximize the opportunities for linear park development.
  - iii. Where any of the lands involved are in their natural state, they will be protected and preserved as wilderness as far as possible except for the purposes of general maintenance and provision of linear park facilities.
  - iv. Trails for pedestrians and cyclists shall be established in accordance with Schedule 'D' and shall be of a sufficient width to accommodate both cyclists and pedestrians. Pedestrian-only-trails may be of a smaller width;

- v. Trails will be designated to accommodate a range of users and abilities. Slopes, where possible, should be under 5 percent. The use of permeable materials shall be encouraged in trail construction in areas where sufficient drainage exists;
  - vi. Trails should be clearly signed regarding permitted use and speed. Way finding signage shall be provided throughout the trail network;
  - vii. Benches and garbage receptacles should be provided at trailheads and at regular intervals along the route; and,
  - viii. Trails located in proximity to sensitive natural features should incorporate interpretive signage at various locations to promote stewardship initiatives that will protect and enhance the features and functions of the natural environment.
- c) The park hierarchy set out above may be difficult to achieve within each neighbourhood due to the geographic distribution of the Township's population in a number of smaller centres and the geographic size of the Township. As a minimum, it shall be a policy of this plan to establish a neighbourhood park in each of the neighbourhoods in Smithville and one within each of the Hamlet areas."

## **SECTION 10**

### **NATURAL ENVIRONMENT**

#### **10.1 Background**

A healthy natural environment is important to us all. It is our natural life-support system, providing the water we drink, the air we breathe and the land we grow our food on. A healthy natural environment is central to our quality of life and economic well-being. It is part of the Township of West Lincoln's appeal to both residents and tourists.

Environmental conservation is a cooperative effort involving landowners and residents, community organizations and all levels of government. In particular, in a planning context it requires Township leadership with the assistance of the Niagara Region and the Niagara Peninsula Conservation Authority. Implementation will occur through the Township, with the assistance of Niagara Region, and Conservation Authority initiatives; Planning and Development review; and private and public land stewardship. The policies in this Section of the Plan provide the framework for this collaborative effort.

The Planning Act, the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, in conjunction with other Provincial policy, legislation and regulations, set out the Provincial framework for environmental planning and conservation. This Section of the Plan addresses this Provincial framework in developing a planning approach tailored to specific conditions in the Township of West Lincoln. Thus the environmental conservation provisions of the Greenbelt Plan are integrated into these policies.

#### **10.2 A Healthy Landscape**

The Healthy Landscape concept is concerned with ecosystem health and environmental sustainability throughout the Township of West Lincoln. It recognizes that environmental conditions in any particular location affect, and are affected by, environmental conditions in the surrounding landscape. Stormwater management on a site will affect, and be affected by, conditions in the surrounding area, whether the site is a residential subdivision or a farm, a golf course or a wetland. The Healthy Landscape approach recognizes that broader landscape patterns and processes, such as the amount of forest cover in a watershed, are important to ecosystem health. It recognizes that when the health of any one component, such as air quality, is impaired it will affect the healthy functioning of the ecosystem as a whole.

The Healthy Landscape policies first set out an integrated, ecosystem-based approach to development and conservation that addresses the interrelationships among air, land, water and plant and animal life and human activities. The planning component of this approach is outlined in more detail in Section 10.9.

The Healthy Landscape policies then address specific environmental concerns in more detail: water resources; air quality and climate change; the living landscape; land resources; and natural hazards. The Healthy Landscape policies apply throughout the Township of West Lincoln.

#### **10.2.1 Objectives for a Healthy Landscape**

- a) To maintain a healthy natural environment for present and future generations.
- b) To conserve the Township's distinctive natural character.
- c) To apply an ecosystem-based approach to planning and decision-making.
- d) To foster and promote cooperation among public agencies, private landowners and community groups.
- e) To support and encourage environmental stewardship and restoration.

#### **10.2.2 Policies for a Healthy Landscape**

- a) In making decisions concerning planning, development and conservation the Township shall employ an ecosystem approach addressing:
  - i. The interrelationships among air, land, water, plant and animal life, and human activities;
  - ii. The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and
  - iii. The long term and cumulative impacts on the ecosystem.
- b) Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.
- c) New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.
- d) Where more than one Policy in Section 10 applies to a planning application all of the applicable Policies are to be addressed, with the more restrictive Policy applying where there are conflicts.

### **10.3 Natural Vegetation and Wildlife**

The Core Natural Heritage System identified in Section 10.7 of this Plan contains the most significant natural areas in the Township and the linkages among them. Natural vegetation and wildlife outside this System also contribute to ecosystem health and integrity, and to the quality of life in the Township. Township Council supports and encourages conservation and restoration of natural vegetation and wildlife throughout the rural and agricultural areas of the Township of West Lincoln.

#### **10.3.1 Objectives**

- a) To conserve the natural beauty and distinctive character of the Township's landscape.
- b) To maintain, enhance and restore natural vegetation and wildlife.
- c) To make green space and exposure to nature part of the day-to-day living environment.

#### **10.3.2 Policies**

- a) The Township shall encourage efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:
  - i. 30% of the land area in the Township in forest cover or wetland, with at least 10% of each subwatershed in wetland; and
  - ii. A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in the Township. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.
  - iii. The long term and cumulative impacts on the ecosystem.

Development plans shall integrate natural features and natural vegetation, including the planting of native species. A landscape plan shall be provided for any commercial, industrial/employment, institutional or multiple-residential development.

- b) The Township shall encourage conservation and improvement of woodlands by:
  - i. Giving consideration to enacting and maintaining a by-law regulating the destruction or injuring of trees in woodlands between 0.5 and 1 hectare in size; and

- ii. Where a current or former woodland greater than 0.5 hectares in size is located on lands that are the subject of an application for a plan of subdivision, a consent, site plan approval or a development permit the applicant shall be required to prepare a Tree Saving Plan as a condition of approval. If an Environmental Impact Study has been approved for the development, the Tree Saving Plan shall be in accordance with the recommendations of the EIS. The Tree Saving Plan shall:
  - inventory and assess the trees in the woodland;
  - identify the trees to be removed, the reasons for removal and the methods to be used;
  - identify the trees to be retained and the measures required to prevent detrimental impacts on those trees.

## **10.4 Water Resources**

### **10.4.1 Objectives**

- a) To protect, improve or restore the quantity and quality of ground and surface water resources.
- b) To maintain or restore natural stream form and flow characteristics in the Township's watercourses.

### **10.4.2 Policies**

- a) Development and site alteration shall only be permitted where there will be minimal negative impacts, including cross-jurisdictional and cross-watershed impacts, on:
  - i. The quality and quantity of surface and ground water;
  - ii. The functions of ground water recharge and discharge areas, aquifers and headwaters;
  - iii. The natural hydrologic characteristics of watercourses such as base flow;
  - iv. Natural features or ecological functions of the Core Natural Heritage System or its components as a result of impacts on the surface or groundwater resources;
  - v. Flooding or erosion.
- b) As watershed and ground water studies identify surface and ground water features, hydrologic functions and natural heritage features and areas



necessary for the ecological and hydrologic integrity of Township's watersheds, the Township shall consider appropriate amendments to this Plan in order to further protect these resources.

- c) A stormwater management plan shall be required for new development in order to ensure that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services as well as meeting the requirements of the policies above. Stormwater management facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat, key hydrologic features unless permitted under Section 10.7 of this Plan.
- d) Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Township that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet existing and planned uses.
- e) Development and site alteration shall not have significant adverse impacts on ground water quality or quantity. In areas where development and site alteration could significantly affect ground water quality or quantity, an assessment of potential groundwater impacts shall be submitted with the development application, to the satisfaction of the Township.
- f) This Plan recognizes the importance of municipal drains for drainage of agricultural lands. The design, construction and maintenance of Requisition and Petition Drains authorized under the Drainage Act will be completed in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas and fish and wildlife habitat.

## **10.5 Landforms, Geology and Soils**

### **10.5.1 Objectives**

- a) To protect significant landforms and geological features and conserve the Township's soils and agricultural land base.
- b) To prevent site alterations that will have negative environmental impacts or pose hazards to life or property.

### **10.5.2 Policies**

- a) Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) as shown on Schedules 'C-1' to 'C-4' if it has been demonstrated that there will be no significant negative impacts on

the earth science features for which the area was identified or on ecological functions related to the ANSI.

- b) Where development is proposed within an Earth Science ANSI, adequate information shall be submitted with the application respecting:
  - i. Site topography, significant geological features and stratigraphic exposures; and
  - ii. Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.
- c) Linear public utilities and infrastructure may be permitted within an Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid or minimize negative impacts.
- d) Recognizing that activities such as the dumping or placing of fill, grading of land and removal of topsoil, when not done to improve the quality of farmland, can result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas, the Township may enact a Site Alteration By-law regulating such activities.
- e) As a condition of development approval, measures to conserve topsoil and reduce or mitigate soil erosion will be required.

## **10.6 Natural Hazards**

Natural hazards pose risks to life and property. Development and site alteration shall be directed away from hazardous lands and hazardous sites where there is an unacceptable risk to public health, safety or property. Hazardous lands are lands that could be unsafe due to naturally occurring processes such as flooding, erosion, and slope failure. Hazardous sites are those that could be unsafe due to naturally occurring physical conditions such as unstable soil or bedrock.

### **10.6.1 Objectives**

- a) To minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards.
- b) To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts.

### **10.6.2 Policies for Natural Hazards**

- a) Development and site alteration may be permitted within floodplains that are regulated by the Conservation Authority, if it has been demonstrated to the satisfaction of that Authority that it is in accordance with Regulation 155/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, as amended, or its successor, and subject to the Conservation Authority's approval.
- b) Along valleylands where the valley bank height is equal to or greater than 3 metres the following provisions apply:
  - i. A minimum setback of 7.5 metres from the stable top of the valley slope, shall be required for all new structures, including swimming pools and subsurface sewage disposal systems, and for site alterations.
  - ii. Where there is evidence of slope instability or where the angle of the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance) a geotechnical report prepared by a qualified professional shall be submitted with an application for new development or site alteration. A setback greater than 7.5 metres may be required where the Township and the Conservation Authority have determined, after considering the geotechnical report, that an increased setback is needed to address site specific conditions.
  - iii. Within Settlement Boundaries, the Township supports the maximum use of land for development while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback provided that a geotechnical report submitted by the applicant and approved by the Township finds that the reduced setback, with mitigating measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no development or site alteration will be permitted below the top of the valley bank.
  - iv. Where possible, existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed.
  - v. New lots created through plan of subdivision, plan of condominium or consent shall comply with the approved stable top of slope requirements of the Conservation Authority.
- c) On hazardous sites, development and site alteration will not be permitted unless a geotechnical study, prepared and signed by a qualified professional, has demonstrated that the requirements of Section 10.6.2.e) are met.
- d) On hazardous lands and hazardous sites the following uses shall not be permitted:

- i. institutional uses associated with hospitals, nursing homes, pre-schools, school nurseries, day cares or schools;
  - ii. essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; and
  - iii. uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- e) Development and site alteration may be permitted on portions of hazardous lands or sites, where the effects and risk to public safety are minor and can be managed or mitigated so that:
  - i. Development and site alteration will be in accordance with provincial flood-proofing standards, protection works standards and access standards;
  - ii. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - iii. New on-site or off-site hazards will not be created or existing ones aggravated; and
  - iv. No adverse environmental impacts will result.

## **10.7 The Core Natural Heritage System**

The Core Natural Heritage System contains environmental features and functions of special importance to the character of the Township and to its ecological health and integrity. The Core Natural Areas within the System are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species.

The Provincial Greenbelt Plan includes provisions to protect, maintain and enhance the Natural Heritage and Water Resource Systems within the Greenbelt Area as shown on Schedules 'C-1' to 'C-4'.

In this Section of the Policy Plan the Greenbelt Natural Heritage and Water Resources Systems are treated as components of the broader Core Natural Heritage System in the Township. The Provincial Greenbelt Natural Heritage System is shown on Schedules. The key natural heritage features within the Greenbelt Natural Heritage System are identified as Environmental Protection

Areas or Fish Habitat on the Map. Key hydrologic features include those features identified as Fish Habitat.

### **10.7.1 Objectives**

- a) To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System
- b) To recognize the linkages among natural heritage features and ground and surface water resources.

### **10.7.2 Policies**

- a) The Core Natural Heritage System consists of:
  - i. Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
  - ii. Potential Natural Heritage Corridors connecting the Core Natural Areas;
  - iii. The Greenbelt Natural Heritage and Water Resources Systems; and
  - iv. Fish Habitat.

The System is shown on Schedule 'C-1', which provides the framework for natural heritage planning and development review in the Township. The Greenbelt Water Resources System is not shown. The Fish Habitat shown on the Schedule 'C-4' is part of the Water Resources System but other key hydrological features have not been identified and mapped. These features will be identified through updated NPCA mapping and can be included in this plan by future amendment.

Environmental Protection Areas (EPAs), Environmental Conservation Areas (ECAs) and the Greenbelt Natural Heritage System also are designated on Schedules 'C-1' to 'C-4'.

- b) Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies of Section 10.2 as well as the Core Natural Heritage System Policies.
- c) Environmental Protection Areas include provincially and regionally significant wetlands; provincially and regionally significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant

- valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.
- d) Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.
  - e) To be identified as significant a woodland an area must meet one or more of the following criteria:
    - i. Contain threatened or endangered species or species of concern;
    - ii. In size, be equal to or greater than:
    - iii. 2 hectares, if located within or overlapping Urban Area Boundaries;
    - iv. 10 hectares, if located outside of an urban area;
    - v. Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
    - vi. Contain older growth forest and be 2 hectares or greater in area;
    - vii. Overlap or contain one or more of the other significant natural heritage features listed in 10.7.2 c) or 10.7.2.d) above.
    - viii. Abut or be crossed by a watercourse or water body and be 2 or more hectares in area.
  - f) Key hydrologic features include permanent and intermittent streams, lakes and their littoral zones, seepage areas, springs and wetlands. When key hydrologic features are identified through watershed or other studies the Township will consider an amendment to this Plan to show those features on a Schedule to the Plan. In the interim, within the Greenbelt Area, where key hydrologic features have not been identified, the applicant may be required to identify the hydrologic features on the site of the proposed development as well as within 120 metres of the site boundary.
  - g) The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedules 'C-1' to 'C-4'. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Township and may be mapped in more detail in secondary plans and

zoning by-laws. A significant modification, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.

- h) In considering both refinements and significant modifications to the mapping or classification of features shown on Schedules 'C-1' to 'C-4' the Township shall consult with the Region and with:
  - i. The Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
  - ii. The Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat; or
  - iii. The Niagara Peninsula Conservation Authority.

Within the Greenbelt Area mapping of Core Natural Heritage System components may only be refined at the time that this official plan is brought into conformity with the Provincial Greenbelt Plan.

- i) Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified professional to the satisfaction of the Township, in consultation with the Region, and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply.
- j) If a feature meeting the criteria for identification as a Core Natural Heritage System component is identified through an evaluation under 10.7.2 h) above, or through other studies, it shall be considered for inclusion in the Core Natural Heritage System through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the appropriate Core Natural Heritage System policies shall apply.
- k) Within Environmental Protection Areas, with Fish Habitat in the Greenbelt Natural Heritage System and within any associated vegetation protection

zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:

- i. forest, fish and wildlife management;
- ii. conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and
- iii. small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System; and
- iv. Infrastructure, aggregates and existing uses may be permitted in accordance with the General Policies of Section 4 of the Greenbelt Plan.

Where such uses are proposed, the proponent may be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Township and, where appropriate, the Niagara Peninsula Conservation Authority, in accordance with Section 10.8 of the Plan.

- I) Development and site alteration may be permitted without an amendment to this Plan:

- i. In Environmental Conservation Areas; and
- ii. On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 10-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.

If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Section 10.8 of the Plan.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or on adjacent lands then the restrictions on development and site alteration set out in this Policy do not apply.



<b>Table 10-1: Core Natural Heritage System Components: Adjacent Lands</b>	
<b>Core Natural Heritage System Component</b>	<b>Adjacent Lands Where an EIS Shall Be Required for Development Applications</b>
Environmental Protection Area <ul style="list-style-type: none"> <li>• Provincially Significant Life Science Area of Natural and Scientific Interest</li> <li>• Provincially Significant Wetland</li> <li>• Habitat of Threatened and Endangered Species</li> </ul>	All lands within 50 metres.  All lands within 120 metres  All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.
Where a component of the Core Natural Heritage System lies within the Provincial Greenbelt Plan, Natural Heritage System adjacent lands mean all lands within 120 metres of the natural heritage feature or key hydrologic feature anywhere within the Protected Countryside.	

- m) Where development or site alteration is proposed in or near a Potential Natural Heritage Corridor shown on Schedule 'C-1' the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed.
- n) Notwithstanding other policies in this Plan essential public uses of a linear nature including utilities, communication facilities and transportation routes such as the Niagara – GTA Corridor (the Mid-Peninsula Transportation Corridor) may be permitted within the Core Natural Heritage System or adjacent lands where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.
- o) Within Fish Habitat as identified on Schedule 'C-1' and 'C-4', or adjacent lands as specified in Table 10-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its' designate. The proponent

shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara.

- p) First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.
- q) Agricultural cultivation does not require planning approval and is not subject to these requirements.
- r) The primary function of the Municipal Drains shown on Schedule 'C-4' is to provide drainage for agricultural lands. These drains also may be used to convey irrigation water for agricultural use. The Township shall carry out drain maintenance in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains. Where development, site alteration or building is proposed adjacent to a Municipal Drain a buffer zone a minimum 15 metres in width measured from the stable top of bank should be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health. A narrower buffer may be permitted where it has been demonstrated to the satisfaction of the Township that there will not be a significant negative impact on the maintenance and functioning of the drain.
- s) Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Section 10.8. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.
- t) Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 10-1 the applicant may be required to submit a Tree Saving Plan maintaining or enhancing the ecological functions to be retained. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

- u) Development and site alteration may be permitted within the Greenbelt Natural Heritage System if it is not prohibited by other Policies in this Plan and it has been demonstrated through an Environmental Impact Study prepared in accordance with Section 10.8 such that:
- i. There will be no negative effects on key natural heritage features or key hydrologic features or their functions;
  - ii. Connectivity along the system and between Environmental Protection Areas, Fish Habitat, key natural heritage features and key hydrologic features is maintained, or where possible, enhanced;
  - iii. The removal of natural features not identified as Environmental Protection Areas, Fish Habitat or key hydrologic features will be avoided;
  - iv. The disturbed area of any site does not exceed 25 percent, and the impervious surface does not exceed 10 percent of the total developable area, except for recreational uses and mineral resource uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;
  - v. At least 30 percent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, recognizing that standards for mineral aggregate operations, wayside pits and quarries are established through the Non-Renewable Resource Policies in the Greenbelt Plan; and
  - vi. Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings.

Existing and new agricultural, agricultural-related and secondary uses are permitted within the Greenbelt Natural Heritage System and are not subject to the conditions set out in this Policy but are subject to the other Policies in this Plan.

- v) Within the Greenbelt Area establishment of a self-sustaining, vegetation protection zone shall be required where new development or site alteration is approved within 120 metres of:
- i. An Environmental Protection Area or Fish Habitat within the Greenbelt Natural Heritage System; or
  - ii. A key hydrologic feature anywhere within the Unique Agricultural Areas.

The vegetation protection zone shall be of sufficient width to protect the natural heritage or hydrologic feature from adverse environmental impacts of the development or site alteration as determined through an Environmental Impact

Study prepared in accordance with Section 10.7 and shall be established and maintained as natural self-sustaining vegetation.

The vegetation protection zone shall be a minimum 30 metres wide in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands.

- w) Notwithstanding the policies above new buildings and structures for agricultural uses adjacent to Environmental Protection Areas or Fish Habitat within the Greenbelt Natural Heritage System or key hydrologic features within the Unique Agricultural Areas shall provide a 30 metre wide vegetation protection zone but will not be required to establish natural, self-sustaining vegetation if the land is, and will continue to be, used for agricultural purposes. In areas identified as being within the Greenbelt Plan, agricultural uses should also pursue best management practices to protect and/or restore key hydrologic features and functions.
- x) New or expanding infrastructure within the Unique Agricultural Areas shall avoid Core Natural Areas, Fish Habitat and key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative. Where new or expanding infrastructure crosses the Greenbelt Natural Heritage System or intrudes into or results in the loss of a Core Natural Area, Fish Habitat or key hydrologic feature, including related landform features, planning, design and construction practices shall minimize negative impacts and disturbance on the feature or its related functions, and where reasonable, maintain or improve connectivity among Core Natural Areas, Fish Habitat and key hydrologic features and their vegetation protection zones.
- y) Within the Unique Agricultural Areas in the Greenbelt Area, infrastructure serving the agricultural sector, such as an agricultural irrigation system, may need certain elements to be located within a Core Natural Area, Fish Habitat or a key hydrologic feature or within the vegetation protection zone of such a feature. In such instances, these elements of the infrastructure may be established within the feature itself or its associated vegetation protection zone but all reasonable efforts shall be made to keep such infrastructure out of Core Natural Areas or Fish Habitat or key hydrologic features or the vegetation protection zones.
- z) Subject to other policies in this Plan an expansion to an existing use located within an Environmental Conservation Area or Fish Habitat or adjacent lands to a Core Natural Heritage System Component as identified in Table 10-1 may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use, the proponent shall prepare an Environmental Impact Statement in accordance with Section 10.8.

- aa) Agricultural uses existing as of the date of adoption of this Policy may continue within the Core Natural Heritage System and adjacent lands as identified in Table 10-1. New farm buildings or structures and expansions to existing farm buildings or structures are permitted within Environmental Conservation Areas except for Provincially Significant wetlands in the Unique Agricultural Areas, within Fish Habitat other than in the Greenbelt Natural Heritage System and within lands adjacent to a Core Natural Heritage System Component as identified in Table 10-1, subject to the other Policies in this Plan and the following provisions:
- i. if the proposal is small in scale, and it has been demonstrated that there is no reasonable alternative, that the proposal is directed away from the feature to the maximum extent possible and negative impacts on the natural feature and ecological functions have been minimized; or
  - ii. if the proposal is large in scale, involving a major intensification in land use or a major increase in land area, it is subject to applicable policies of 10.7.2 of this Plan.
- bb) In the Greenbelt Natural Heritage System, subject to the other Policies in this Plan, expansions to existing farm buildings and structures may be permitted within Fish Habitat and within Environmental Protection Areas other than Provincially Significant Wetlands and Life Science Areas of Natural and Scientific Interest and significant habitat of threatened and endangered species provided that:
- i. if the proposal is small in scale, there is no reasonable alternative, the expansion has been directed away from the feature as much as possible and negative impacts on the natural feature and ecological functions have been minimized; or
  - ii. if the proposal is large in scale, involving a major intensification in land use or a major increase in land area, it is subject to the applicable policies of Section 10.6.2 of this Plan.
- cc) If a proposed single residential lot is to be located entirely within lands adjacent to a Core Natural Heritage System Component as identified in Table 10.1 the requirement for an Environmental Impact Study may be waived if the Township is satisfied, that standard mitigation measures can avoid negative impacts on the natural features and ecological functions of the Core Natural Heritage System Component and adjacent lands.
- dd) A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part within an Environmental Conservation Area, Fish Habitat or adjacent lands thereto as set out in Table 10-1 if they are

located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Natural Heritage System Component and adjacent lands.

- ee) In supporting ecological restoration by the Niagara Peninsula Conservation Authority and other groups, the Township shall give priority to those projects that will maintain or enhance the features of the Core Natural Heritage System and water resources.
- ff) This Section of the Plan also shall apply when development or site alteration is proposed on lands in the Township that are adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or is shown on the Region's Core Natural Heritage Map or has been identified by the Ministry of Natural Resources.

## **10.8 Environmental Impact Studies**

- a) An Environmental Impact Study (EIS) required under this Plan shall be submitted with a planning application where required as part of pre-consultation and shall be prepared and signed by a qualified professional. Environmental Impact Studies respecting development in or adjacent to Environmental Conservation Areas within the Urban Area Boundaries shall be prepared to the satisfaction of the Township in consultation with the Region and the Niagara Peninsula Conservation Authority. Environmental Impact Studies respecting development
  - i. in or adjacent to the remaining components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region, in consultation with the Township and, where appropriate, the Conservation Authority.
- b) The required scope and/or content of an EIS shall be established through the Preconsultation process based on consultation with the Township, Niagara Region and the Niagara Peninsula Conservation Authority. The EIS may be scoped where:
  - i. The environmental impacts of a development application are thought to be limited; or
  - ii.
  - iii. Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Township, the Region and the Niagara Peninsula Conservation Authority.
- c) The Township may require an independent peer review of an EIS with costs to be borne by the applicant.

- d) An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.

## **10.9 Stormwater**

A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified professional may be required with a development application depending on:

- a) The scale and nature of the proposal; and
- b) Site-specific environmental conditions.

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

A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or an expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

## **10.10 IMPLEMENTATION MEASURES**

- a) Plans of subdivision that received draft approval as of the date of approval of this amendment (OPA #15) are not subject to the policies in Section 10. If draft approval lapses or is withdrawn the policies will apply to subsequent planning applications involving the subject lands. Where significant modifications to a draft plan are proposed such that the plan is re-circulated for comment the revised plan should be designed to reduce significant negative impacts on the Core Natural Heritage System and adjacent lands.”





## **SECTION 11**

### **WATERSHED PLANNING**

#### **11.1 Basis for Watershed Planning**

Watershed Planning was formally established by the Province of Ontario as a preferred approach to managing water resources in 1993. Since that time, many municipalities in Ontario have used the Watershed Plan as a tool to protect the environmental resources within a watershed, the geographic area drained by a particular river system. A Watershed Plan is a document that evaluates the existing conditions of various environmental features within a watershed and provides recommendations on how to improve/restore the environmental quality within the watershed.

In the Region of Niagara, the Niagara Peninsula Conservation Authority has established 32 watersheds for which Watershed Plans are being developed. Of the 32 watersheds, 5 are within or have portions within the Township of West Lincoln. Watershed Plans have been created for Twenty Mile Creek Watershed and for Fifteen, Sixteen and Eighteen Mile Creeks Watershed, while Plans are presently being created for the Central Welland River Watershed and the Upper Welland River Watershed. At this time, a Watershed Plan has not been created for the Grimsby Watershed.

#### **11.2 Objectives for Watershed Planning**

- a) To protect, maintain and enhance aquatic resources and terrestrial resources to support human uses, agricultural needs and ecological functions;
- b) To protect, maintain and enhance natural river processes including, but not limited to fluvialgeomorphology, hydrology, and ecology to ensure the long term health and sustainability of the Township's watersheds.
- c) To protect, maintain and enhance all vulnerable areas (surface and groundwater features that can be easily changed or impacted by development);
- d) To ensure that storm water management practices minimize storm water volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces;
- e) To manage and mitigate flooding risks to human life and property within acceptable limits;
- f) To minimize bank erosion caused by human activity;

- g) To maintain and contribute to the improvement of farm related infrastructures such as drainage and irrigation;
- h) protect, enhance and restore populations of native species and their habitats in the watershed;
- i) protect, enhance and restore the health, diversity and ecological functions of the natural heritage systems in the watershed and their linkages to natural heritage systems in adjoining watersheds;
- j) maintain, restore and improve the linkages among surface water features, groundwater features, hydrologic functions and natural heritage features and areas, and their ecological functions;
- k) preserve all wetlands in the watershed;
- l) promote environmentally-sound land use decision making in the watershed for current and future urban development and rural/agricultural land use.

### **11.3 Policies for Watershed Planning**

- a) The Township of West Lincoln will cooperate with the Niagara Peninsula Conservation Authority and other levels of government within the particular watershed in preparing Watershed Plans and implement the recommendations contained in existing Watershed Plans where feasibly possible.
- b) Where a Watershed Plan has identified the need for a Subwatershed Plan for a specific catchment, a Subwatershed Plan shall be prepared before consideration can be given to any applications for Official Plan Amendment, Plan of Subdivision, Plan of Condominium or Consent within said catchment.
- c) The Township of West Lincoln will work in conjunction with the Region of Niagara and the Niagara Peninsula Conservation Authority to implement the adopted Stormwater Management Best Management Practices.
- d) Except where allowed by the Niagara Peninsula Conservation Authority, development is prohibited within a watercourse, regulatory floodplain, valleyland, hazardous land and wetland.
- e) Except where allowed through consultation with the Niagara Peninsula Conservation Authority, development is prohibited:

- i. within 7.5 metres of the stable top of bank of a valley system where a valley is apparent;
  - ii. within the limit of the regulatory floodplain;
  - iii. within 120 metres of a Provincially Significant Wetland and all wetlands greater than or equal to 2 hectares in size;
  - iv. within 30 metres of wetlands less than 2 hectares in size;
  - v. within hazardous lands.
- f) Except where otherwise permitted by the Niagara Peninsula Conservation Authority, vegetation shall not be removed within 30 metres of any watercourse.
  - g) For the purposes of protecting fish habitat as defined in the Federal Fisheries Act, a setback of 30 metres from the top of the bank of any Type 1 watercourse and 15 metres from the top of the bank of any Type 2 or 3 watercourse shall be maintained, unless otherwise authorized by the Niagara Peninsula Conservation Authority.
  - h) Alterations to waterways, floodplains, or any other land regulated under Regulation 155/06 of the *Conservation Authorities Act* shall not be permitted except in accordance with a permit issued by the Niagara Peninsula Conservation Authority.
  - i) Notwithstanding policy d above, where no permit from the Niagara Peninsula Conservation Authority is required for an alteration to a waterway, floodplain, or any other land regulated under Regulation 155/06 of the *Conservation Authorities Act*, a letter from the Niagara Peninsula Conservation Authority stating that no permit is required shall be provided as part of any Building Permit application or application under the *Planning Act*.
  - j) Notwithstanding any other policy, development (including minor additions to existing buildings or replacement of buildings destroyed for any reason other than flooding) within a waterway, floodplain or any other land regulated under Regulation 155/06 of the *Conservation Authorities Act* may be permitted if so authorized by the Niagara Peninsula Conservation Authority.
  - k) Further to policy d above, any application for development (including minor additions to existing buildings or replacement of buildings destroyed for any reason other than flooding) within a waterway, floodplain or any other land regulated under Regulation 155/06 of the *Conservation Authorities Act*, shall include any study required by and prepared to the standards of the Niagara Peninsula Conservation Authority.
  - l) Any works associated with a municipal drain, shall comply with all requirements of the Niagara Peninsula Conservation Authority."

## **SECTION 12**

### **INSTITUTIONAL**

#### **12.1 Background**

Institutional uses represent an important part of the Township of West Lincoln as these uses provide essential services and facilities to help develop the social fabric of the Township. The intent of the Institutional designation is to recognize existing uses while providing opportunities for new uses to be developed within the Township.

Lands designated Institutional shall be delineated on Schedule 'B-1' to 'B-4' of this plan.

#### **12.2 Objectives for Institutional Uses**

- a) To ensure that institutional uses are located in a manner that maximizes accessibility to residents and compatibility with adjacent uses.
- b) To ensure that new public service facilities are planned so that they are financially viable over their life cycle and meet the current and projected needs of the community.

#### **12.3 Policies for Institutional Uses**

- a) Uses permitted within in the Institutional Designation include:
  - i) Within the Institutional designation permitted uses shall include:
  - ii) Facilities related to federal, provincial or municipal government service, delivery and administration;
  - iii) Places of worship;
  - iv) Educational and recreational facilities;
  - v) Nursing homes, retirement homes and independent living units developed in conjunction with the on-site provision of retirement related services, facilities and amenities;
  - vi) Clubs/Offices for not-for-profit organizations
  - vii) Accessory housing related to the institutional use;
  - viii) Cemeteries.

- b) Development/redevelopment of Institutional uses shall proceed in an orderly manner and shall be subject to Site Plan Control.
- c) In the evaluation of an application for the development of new uses within an Institutional designation, the following criteria will be considered:
  - i. The use shall be compatible with surrounding uses, particularly residential uses. Any incompatibility must be mitigated in an acceptable manner through the provision of buffering, landscaping and/or engineering solutions or other similar approaches;
  - ii. Preparation of a traffic impact study, which outlines potential impacts of traffic on surrounding areas may be required;
  - iii. The scale of the buildings are compatible with the character and image of the surrounding area;
  - iv. Where a location outside the Urban or Hamlet Settlement Area is proposed, the location of the site and the amount of land required must be justified in accordance with the policies established in the Provincial Policy Statement and the Regional Policy Plan. The use must not negatively impact existing land uses, must not be located within the Unique Agricultural Lands designation. Such approval will require an amendment to the Regional Policy Plan and the Township of West Lincoln Official Plan for the establishment of a non-agricultural use in the Agricultural Area. Such justification shall include demonstration of:
    - 1. Need within the planning horizon of the current Official Plan for additional lands to be designated to accommodate the proposed use;
    - 2. Demonstration that there are no reasonable alternatives which avoid Good General Agricultural Areas; and
    - 3. Demonstration that there are no reasonable alternatives on lower priority agricultural lands in Good General Agricultural Areas.”

## **SECTION 13**

### **UTILITIES**

#### **13.1 Background**

The Public Use designation represents uses within the Township of West Lincoln that provide essential services to the residents of the Township. This designation recognizes existing uses such as sewage pumping stations, water towers and reservoirs and other public and private utilities.

Lands designated Public Use shall be delineated on Schedule 'B-1' to 'B-4' of this plan.

#### **13.2 Objectives for Public Uses**

- a) To ensure that utilities are located in a manner that maximizes their performance while limiting any land use incompatibilities.
- b) To ensure that adequate public services are available for both current and future needs.

#### **13.3 Policies for Public Uses**

- a) The permitted uses within the Public Use designation shall include:
  - i. Public and quasi-public utility uses of Township-wide or regional significance including existing sewage and water facilities and existing pumping stations.
  - ii. All other public and quasi-public utilities and infrastructure shall be permitted in all land use designations subject to the policies of the applicable designations.
- b) Applications for approval of new utility uses or major extensions of existing uses will require an Official Plan amendment. Such development proposals and proposals requiring a major change in existing Public Use designation will be evaluated based on the submission of:
  - i. A plan showing the proposed development;
  - ii. Supporting technical reports by qualified Professionals establishing the need for the location of a new use in the Township; and
  - iii. Where there is concern that the use may create excessive air, light or noise pollution, the submission of the appropriate studies by qualified

professionals, which indicate how such effects will be controlled to ensure the safety of the Township residents.

- c) Evaluation of an application will also be based on conformity with the following criteria:
  - i. The proposal must be compatible with surrounding uses, particularly residential uses. Information shall be required to demonstrate how incompatible uses will be mitigated in an acceptable manner. In the case of emissions, adherence to the standards of the Ministry of the Environment shall be the minimum acceptable standard and will include the provision of buffering. Where the provisions of the Environment Assessment Act have been satisfied, the use will be deemed to be compatible; and
  - ii. The scale of any buildings or other structures shall be in keeping with the character of the surrounding area.
- d) The Township will work with the agency or company involved and will generally support uses which meet the requirements of this section.
- e) Where a proposed public use does not conform with this Plan, the Township will seek such conformity utilizing all available legal mechanisms or where conformity is not feasible the Township will seek to have the use located elsewhere."

#### **13.4 Renewable Energy Systems (OPA #56)**

##### **a) Introduction**

The 2020 Provincial Policy statement includes policy 1.6.11. which reads as follows:

##### **1.6.11 Energy Supply**

*1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems, to accommodate current and projected needs.*

##### **b) Policy**

As a result, the policy of this section applies to all new systems and the expansion of existing renewable energy facility systems that generate more power than needed to service the property on which it is situated and

which produce greater than 10KW. 10KW is generally considered to be more than adequate to service a home.

Should energy be generated for the broader community public interest, then such a renewable energy system option shall only be permitted where the following criteria are adequately addressed and evaluated through a site specific amendment to this Official Plan which applies these policies on a site by site basis. A complete list of study criteria shall be fully identified through a mandatory pre-consultation meeting, and are expected to address the following issues:

- Agricultural impact assessment based on predetermined Terms of Reference.
- Environmental impact assessment based on predetermined Terms of Reference.
- Demonstration of need for additional energy generation in West Lincoln and this region of Ontario.
- Appropriate minimum setbacks shall be established to each sensitive receptor based on professional recommendations and based on an analysis of a noise (audible and in-audible)/environmental/health impacts and community impacts.
- Impact of shadow flicker, will be professionally addressed.
- Impact of ice throw, where applicable, shall be professionally addressed.
- Archeological assessment will be completed to the satisfaction of the Region of Niagara.
- Impact on the landscape/cultural and community impacts will be evaluated.
- Such other studies as identified through pre-consultation.

All studies shall be based on pre-approved Terms of Reference and submitted with an application for amendment for such application to be considered as complete. Further, all reports shall be peer reviewed by the Township of West Lincoln at the expense of the applicant.

### **c) Implementation**

On the basis of supportive and peer reviewed professional reports that address the above policies, an Official Plan Amendment shall be considered by Township Council.



Should support for development be obtained, implementation of the development shall be regulated by site plan control which agreement shall ensure the following:

- Proper siting and location of the infrastructure.
- Establishment of an annual monitoring program.
- Collection of adequate security for establishment/construction, ongoing monitoring and completion/project dismantling at the end of the project's useful life.

The required site plan agreement must be signed before actual construction begins and shall be in full force and effect until such time that the project is dismantled and the lands have been returned to their previous use.

## **SECTION 14**

### **INFRASTRUCTURE AND TRANSPORTATION**

#### **14.1 Background**

A healthy and efficient community is dependent on sufficient servicing to accommodate existing and future uses, and an effective transportation plan to efficiently move goods and people. It is the intent of this Plan to ensure the growth of a healthy community through adequate water supply and sanitary infrastructure, along with effective stormwater management facilities to attenuate the impacts of development. As well, this Plan will encourage the provision of a safe, convenient, efficient, and useable transportation system for the movement of people and goods.

##### **14.1.1 Objectives for all Infrastructure and Transportation Systems**

- a) The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities.
- b) To ensure that development incorporates the highest level of stormwater management in accordance with provincial, watershed and Township guidelines and standards.
- c) To ensure that all development in the Township is adequately and appropriately serviced in a co-ordinated, efficient manner to meet current and future needs and may include development of an asset management plan with the intent to ensure that all new infrastructure is financially feasible over its life cycle.
- d) To encourage active transportation such as walking and cycling.
- e) To encourage and promote water conservation and water use efficiency.

#### **14.2 Water Supply**

Lands within the urban settlement area of Smithville are serviced by a municipal water system. Niagara Region is responsible for the water treatment while the Township of West Lincoln is responsible for the water distribution system. The distribution system and supply of treated water are adequate for the planning period of this Plan, as development continues.

The agricultural areas of the Township, as well as all Hamlet Settlement Areas operate on private water systems; either cisterns, or drilled/dug wells. There are no plans to provide municipal water to other areas of the Township.

#### **14.2.1 Policies**

- a) All new development in the urban settlement area of Smithville shall be required to be connected to the municipal water system as a condition of approval.
- b) Development, and the creation of new lots in the remainder of the Township shall only be permitted when the Township is satisfied that there is an adequate private water supply.
- c) The Township in consultation with Niagara Region shall ensure that there is sufficient reserve water system capacity within the municipal water service to accommodate new development in Smithville.
- d) The creation of new communal water treatment systems is prohibited.
- e) The Township will not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal water supply system as may be required pursuant to Ministry of the Environment guidelines whether or not the existing or proposed development is permitted by this Plan or the Zoning By-law.
- f) Within settlement areas, partial services will be allowed in the following situations:
  - i. Infilling and rounding out of existing development where the development is within the reserve water system capacity and the site conditions are suitable for the long-term provision of such services; and
  - ii. Where they are necessary to address failed individual on-site water services in existing development.

#### **14.3 Sanitary Sewage Treatment**

The urban settlement area of Smithville is served by a municipal sanitary sewage disposal system. Niagara Region is responsible for the treatment, pumping and major trunk facilities for this system. The Township of West Lincoln is responsible for local sewer lines. The pumping station, force main to Baker Road Treatment Facility and certain trunk and local sewer lines will require expansion during the planning period to accommodate additional development.

##### **14.3.1 Policies:**

- a) All new development within the urban settlement area of Smithville shall be required to be connected to the municipal sewage system in accordance with the requirements of the Township as a condition of approval.
- b) Council shall ensure that there is an acceptable means of disposal of private sewage in the remainder of the Township prior to permitting new development.
- c) New development on private water or sanitary services in the agricultural and hamlet areas shall only be permitted where the Township is satisfied that lot size, topography, soils, drainage and siting of the buildings will permit the installation of an adequate means of sewage disposal.
- d) Development should be phased in line with available sanitary and water treatment capacity.
- e) Individual on-site sewage services shall be used for new development of 5 or less lots in the hamlet areas.
- f) The creation of new communal wastewater treatment facilities is prohibited.
- g) The Township will not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal sewage treatment system as may be required pursuant to Ministry of the Environment guidelines whether or not the existing or proposed development is permitted by this Plan or the Zoning By-law.
- h) Within settlement areas, partial services will be allowed in the following situations:
  - i. Infilling and rounding out of existing development where the development is within the reserve sewage system capacity and the site conditions are suitable for the long-term provision of such services; and
  - ii. Where they are necessary to address failed individual on-site sewage services in existing development.

#### **14.4 Stormwater Management**

Management of stormwater is important not only to minimize downstream flooding but also to reduce the impact of development on surface water quality. It is the intent of this plan to reduce flooding and ensure that new development incorporates the highest level of stormwater management in accordance with Provincial, Regional and Township standards.

#### 14.4.1 Policies

- a) A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on:
  - i. The scale and nature of the proposal; and
  - ii. Site-specific environmental conditions.
- b) Stormwater management plans shall be prepared in accordance with Section 10.9 and with the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual (2003) or its successor, and with watershed and/or environmental planning studies for this area.
- c) A stormwater management plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services. Stormwater management facilities shall not be constructed in Hazard lands or lands that are regulated by the Niagara Peninsula Conservation Authority (NPCA), unless approval is obtained from the NPCA.
- d) Stormwater management in the urban settlement area of Smithville shall be designed to achieve the following objectives:
  - i. Minimization of property damage from relatively frequent storms and the hazards to property and public safety from major floods resulting from a 100 year Storm;
  - ii. Control increases in run off due to new developments to satisfy downstream constraints on flow rates and to minimize the need for new drainage works or erosion control downstream;
  - iii. Minimize the total cost of the drainage system and related works;
  - iv. Utilize and develop up-to-date design techniques to obtain the most cost effective and reliable design to minimize future maintenance costs and complaints; and
  - v. Minimize detrimental impacts on the water quality of receiving streams during and after construction.
- e) Storm drainage in the agricultural areas of the Township is presently provided by existing streams, ditches, and tile drainage schemes. However, where concerns with flooding exist, stormwater management plans shall be prepared for any proposals for new development.

- f) Runoff quality and quantity shall be addressed for all storm events.
- g) All new developments shall incorporate generally accepted Best Management practices, which shall be the highest level determined to be technically and economically feasible, and shall meet the following criteria:
  - i. No net reduction in surface aquifer recharge or discharge;
  - ii. Minimize potential for contamination of groundwater and surface water;
  - iii. Minimize alterations to the natural drainage boundaries;
  - iv. No creation of new flood or erosion problems or aggravation of existing flood or erosion problems;
  - v. Minimize pollutant loadings to the watercourses, including phosphorus, in accordance with the water quality targets that are established from time to time;
  - vi. Minimize changes to base flow quality and quantity in receiving watercourses;
  - vii. Minimize and consolidate the number of stormwater treatment facilities;
  - viii. Where possible enhance natural vegetation along stream corridors; and
  - ix. Incorporate enhanced stormwater management design.
- h) An application for more than 5 new lots or for industrial, commercial and institutional development with impervious areas of over 1000 sq. m. shall be required to submit a stormwater management plan that includes:
  - i. Size and design of stormwater management facilities;
  - ii. Grading plan;
  - iii. Pre and post development discharge;
  - iv. Impact on surface water quality and quantity, i.e., temperature, base flow, fisheries and mitigating measures;
  - v. Means of controlling erosion during and after construction;
  - vi. How development will maintain or enhance base flow and maintain storage levels during periods of minimum base flow;

- vii. Impact on groundwater quality and quantity;
  - viii. Consideration of Best Management Practice criteria; and,
  - ix. Demonstration of how the water quality objectives and targets that are established from time to time are met.
- i) Stormwater management ponds shall be naturalized with the opportunity for public pedestrian pathways located around the ponds while ensuring public safety.
  - j) Individual lot level approaches are encouraged to reduce runoff volume and to treat stormwater runoff on-site by filtering out pollutants through Low Impact Development (LID) approaches. In particular, the following LID approaches are encouraged:
    - i. Conservation of natural features;
    - ii. Reducing impervious areas;
    - iii. Bioretention areas;
    - iv. Rain gardens;
    - v. Green roofs;
    - vi. Rain barrels;
    - vii. Cisterns;
    - viii. Vegetated filter strips; and
    - ix. Porous pavements or permeable pavements

## **14.5 Roads**

These policies shall be read in conjunction with Schedule 'F' Infrastructure and Transportation Plan. The Roads Plan is intended to ensure an adequate system for the movement of people and goods within and through the Township including active transportation and is intended to recognize the interrelationships between land use and transportation. The Township will continue to protect identified transportation corridors to meet our long term transportation needs.

### **14.5.1 Policies**

- a) The road pattern as shown on Schedule 'F' is based on the establishment

of a hierarchy of roads which reflects the following principles:

- i. The overall road pattern should be in harmony with the proposed road pattern for the adjoining municipalities, the Regional road system and the Provincial highway system;
  - ii. Provincial highways provide for large volumes of traffic through the Region;
  - iii. Regional roads and Township arterial roads permit the movement of traffic through and within the Township;
  - iv. Future development of the Smithville Regional Road Twenty Bypass by the Province will permit the more efficient movement of heavy traffic through the Township.
  - v. Collectors provide access to specific areas and individual sites, within the Township and carry traffic between Region/Township arterial roads and local roads, and
  - vi. Local roads provide access to individual sites and carry traffic between individual sites and collector roads.
- b) The Township shall continue its program of road maintenance and improvements to road alignments and intersections. Minor road realignments and widening shall not require an amendment to the Plan.
  - c) The movement of heavy or over-sized vehicles on Township roads, particularly in residential areas, shall be regulated by by-law and enforced. In addition, the parking and storage of heavy or over-sized vehicles in residential areas shall be prohibited.
  - d) No buildings or structures will be permitted on any lot that does not have frontage and direct access to an open improved public road which is maintained by the Township on a year round basis. The opening or upgrading of such a road allowance shall be in accordance with Section 14.5.6 of this Plan. (OPA#58)

#### **14.5.2 Regional Arterial Roads**

- a) This road designation applies to roads under the jurisdiction of the Region.
- b) The construction, maintenance and design of Regional arterial roads are not subject to the requirements of this Plan. However, the Township shall review any proposed widening, realignments or new construction and



advise the Region of any concerns or take other action as necessary.

- c) Consideration shall be given, where appropriate, to reducing the number of driveways along Regional arterial roads through the provision of service roads, shared driveways, and common off street parking areas.
- d) Reverse lotting shall be discouraged and only permitted where there is no other alternative.

#### **14.5.3 Township Arterial Roads**

- a) This road designation applies to roads under the jurisdiction of the Township.
- b) Township arterial roads are intended to be major transportation routes connecting to and from areas outside of the Township and carrying heavy volumes of inter-municipal traffic.
- c) Township arterial roads shall have a planned right of way width of 20 metres.
- d) Wider rights of way may be required due to topographic constraints, to accommodate daylight triangles or a major intersection to accommodate additional turning lanes.
- e) Notwithstanding Section 14.5.3 c) in areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided.
- f) Road width, design and intersection improvements shall be designed so as to encourage through traffic to use these routes rather than collector or local roads.
- g) Direct access to abutting properties will generally be limited. New development adjacent to arterial roads shall be designed to avoid direct access through alternative access means wherever possible. In the agriculture areas, existing accesses and accesses into farm properties will continue to be permitted.
- h) In the case of abutting commercial properties, direct access may be permitted, but such access shall be controlled with regard to the geometric requirements for visibility, grades and curvatures so as not to create a safety hazard and shall be subject to Township approval.

#### **14.5.4 Collector Road**

- a) This road designation applies to roads under the jurisdiction of the Township.
- b) The planned right of way widths of collector roads shall be 20 metres. In areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be considered of not less than 18 metres.
- c) Collector roads shall be designed to promote efficient traffic circulation at reduced speeds and to encourage the use of Regional roads by high volume through traffic.
- d) Consideration shall be given to appropriate measures to reduce or discourage excessive vehicular traffic on collector roads in developed areas.
- e) Direct access to abutting properties shall be minimized to the extent possible.

#### **14.5.5 Local Roads**

- a) This road designation applies to roads under the jurisdiction of the Township.
- b) The planned right of way widths of local roads shall be 20 metres. In areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided of not less than 18 metres.
- c) The remainder of the roads in the Township are classified as local roads. Existing and future local roads are intended to provide access to abutting properties and to discourage through traffic.
- d) On all new local roads in urban and hamlet areas, sidewalks will be required on one side of the street. Sidewalks on both sides of certain local roads may be required in the vicinity of schools to ensure the safety of students.
- e) On-street parking may be allowed, subject to applicable by-laws as approved by Council from time to time, except in locations where it will create a conflict between pedestrian and vehicular traffic or interfere with the safe operation of vehicular traffic.

#### **14.5.6 Unopened Local Roads (OPA#58)**

- a) There are unopened and unmaintained road allowances within the Township's borders. Some of these roads are referred to as mud roads, and shall be considered unopened and unmaintained public roads. The opening of these roads will be discouraged, except where it can be shown that:
  - i) the opening can improve the efficiency of Public Works operations and is economically sustainable for the Township from a financial and operations point of view, and;
  - ii) the road opening has the effect of eliminating or removing dead end roads without proper turn around, and;
  - iii) the road opening has minimal impact on the environment and can satisfy the Municipal Class Environmental Assessment and/or Integrated Environmental Assessment (EA)/Planning Act process (process to run concurrently) for a road opening, and;
  - iv.) the extension supports development on a viable lot(s) or an active agricultural use, the lot complies with the minimum lot frontage requirement of the zoning bylaw, and the proposed development is determined to have minimal impact on the environment and support agriculture.
- b) Where these tests can be met, a property owner may, at their own expense, initiate an Official Plan amendment to the roads map (Schedule F) in conjunction with an integrated EA. The proponent is required to enter into an agreement with the Township to cover all financial or other obligations, and provide security to initiate the local, municipally integrated class EA process.
- c) The road shall be upgraded in accordance with Municipal Engineering Standards and shall occur at the full expense of the proponent, unless the road has previously been identified as a future road within the Township Development Charges Background Report.
- d) Upon approval of an Official Plan amendment, the proponent shall enter into an agreement with the Township regarding the road construction. Once the agreement has been finalized and the road constructed, the road shall be opened by by-law, approved by Township Council prior to any building permits being issued for the benefitting lands.

#### **14.5.7 Exceptions to 14.5.6: (OPA#58)**

- a) New roads created as part of a Subdivision or Condominium Plan Approval and approved by way of agreement.

- b) Road extensions where the proponent is the Township or Region and which serves to benefit the Township or Region.

## **14.6 Rail**

A CP Rail Mainline passes through the Township. This line connects West Lincoln to the Canadian and American freight rail network. This important transportation corridor shall be protected from incompatible uses. The Rail Corridor shall be delineated on Schedule 'F' Infrastructure and Transportation Plan.

- a) All setbacks from the rail line shall be in accordance with the following:
  - i. All proposed development within 500 metres of an active railway right-of-way may be required to undertake noise studies to the satisfaction of the Township and the Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.
  - ii. 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 Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate effects from vibration that were identified.
  - iii. 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 railway.
- b) The Township, in conjunction with the Region of Niagara, Niagara Peninsula Conservation Authority, or other public agency, shall consider the acquisition of any abandoned rail lines for public trail and related recreational uses.

## **14.7 Alternative Modes of Transportation**

The policies of this section are to improve the accessibility of pedestrian and bicycle trails, and to encourage alternative modes of transportation.

### **14.7.1 Policies**

Road rights of way facilitate transportation and goods movement, pedestrian and bicycles connections, opportunities for vistas and view corridors, pedestrian amenity areas, as well as space for utilities and services.

#### **14.8 Pedestrian and Bicycle Trails**

- a) A continuous pedestrian and bicycle trail system linking parks and community facilities is desired. A bicycle and walking trail system shall be investigated by the Township.
- b) The Township shall require development and redevelopment proposals to facilitate pedestrian and cycling opportunities and to accommodate pedestrian and cycling connections. Secondary plans, draft plans of subdivision and site plans shall incorporate any future trails, once planned, and shall incorporate additional on and off-road cycling opportunities where appropriate.
- c) This Plan will investigate the integration of cycling opportunities with the Niagara Regional Bikeways Master Plan.

#### **14.9 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.

#### **14.10 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, Ministry of Environment Regulations and by agreement with Township Council.

#### **14.11 Land Use Compatibility – Smithville Sewage Lagoons**

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. The Smithville Lagoons as shown on Schedule 'F' shall be further delineated and implemented within the Township's Zoning By-law.

#### **14.12 Utilities**

- a) The Township will ensure that adequate utility networks, are or will be, established to serve existing and anticipated development through discussions with public utility providers.
- b) The Township will encourage all utilities to be planned for and installed on a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption.
- c) The Township will ensure that appropriate locations for large utility equipment and cluster sites have been determined and that consideration be given to the location requirements for larger infrastructure within public rights of way, as well as easements on private property
- d) Consideration shall be given to the location of utilities within the public rights of way as well as on private property. Utilities shall be clustered or grouped where possible to minimize visual impact. The Township encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc., when determining appropriate locations for large utility equipment and utility clusters.

#### **14.13 TransCanada Pipelines and Enbridge Gas**

- a) TransCanada Pipelines Limited operates two high pressure natural gas pipelines within its right-of-way which crosses the Township and is identified on Schedule 'F' to this Plan.
- b) TransCanada is regulated by the National Energy Board, which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment. New development can result in being required to replace its pipeline to comply with the CSA Code Z662. Therefore, the Township shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.
- c) No permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structure shall have a minimum setback of at least 3 metres from the limit of the right-of-way. No building or structure

is permitted within 3 metres of the right-of-way. a reduction in the 7 metre setback will only be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

- d) In areas of more urban development, the Township will encourage the development of TransCanada's right-of-way for passive parkland or open space purposes subject to TransCanada's easement rights.
- e) Natural Gas pressure reduction stations, regulation and metering facilities, ancillary facilities related to energy recovery and energy generation are permitted in any zone as an accessory use to a Natural Gas installations.

## **14.14 Off-Airfield Considerations**

### **14.14.1 Background**

The relationship between the Grimsby Airfield and off-airport property owners and uses is important. Key elements of this relationship are set out below.

### **14.14.2 Airfield Zoning Regulations**

Transport Canada established the Grimsby Airfield Zoning Regulations which provide the Grimsby Airfield and associated air traffic with certain protections from incompatible land uses. These limitations restrict the height of new buildings, structures and objects including natural growth, or any additions to any existing buildings, structures or objects. These height limitations are imposed to ensure the safe operation of aircraft in the airspace surrounding this airfield. The height restrictions apply to the lands within 6,500 metres radius of the airfield (referred to as the Air Field Outer Surface on Schedule 'F'). The height limitations imposed on buildings and structures as defined above shall be in accordance with all applicable Transport Canada Regulations.

### **14.14.3 Land Use Compatibility**

Land uses planning and development approval for the area defined as the Air Field Outer Surface rests with the Township of West Lincoln.

The implementation and maintenance of compatible land use designations in areas surrounding airports is a very effective way of achieving longer term harmonious relations between airport operations and the surrounding community.

- a) Land uses permitted within the Air Field Outer Surface area shall be governed by their respective designations as identified on Schedule 'B-3' – Land Use South Grimsby. The restrictions identified in Section 14.12.2 shall apply to development permitted in the respective designation.
- b) In review of any development application within the Air Field Outer Surface area, the following shall be considered:
  - i. Agricultural uses that may increase safety hazards such as bird activity;
  - ii. Recognition of aircraft noise from arriving and departing aircraft;
  - iii. Recognition of aircraft noise associated with flight training circuits.

In the latter two respects, the airport authority has certain tools which can assist with the estimation and measurement of aircraft-related noise. This information can be made available to the Township of West Lincoln and other interested parties to assist with the compatible development of surrounding lands.”



## **SECTION 15**

### **MINERAL AGGREGATE & PETROLEUM RESOURCES**

#### **15.1 Mineral Aggregate Resources**

##### **15.1.1 Background**

The Mineral Aggregate Areas consist of mineral aggregate resources, which require protection to allow the opportunity for future utilization of the resource. It is intended that these areas be protected for long-term use.

##### **15.1.2 Objectives for mineral Aggregate Resources**

- b) To recognize mineral aggregate resources that are of regional and provincial significance.
- c) To protect mineral aggregate resources and existing extractive resources from incompatible land uses and activities.
- d) To protect mineral aggregate resources for long-term use.
- e) To ensure that extraction takes place in a manner that minimizes social, economic, and environmental impacts.

##### **15.1.3 Policies for Mineral Aggregate Resources**

- a) The Mineral Aggregate Areas as identified on Schedule 'C-5' is an overlay designation and applies in addition to the other identified designations.
- b) A mineral aggregate operation may contain the following uses:
  - i. On-site extraction, screening, crushing, stockpiling of aggregate or quarry material;
  - ii. Associated facilities used in extraction, transport, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products;
  - iii. Repair and maintenance facilities;
  - iv. Associated office facilities; and,
  - v. Other uses as considered appropriate through the site specific Official Plan Amendment and rezoning.
- c) Temporary and Portable asphalt, concrete and crusher plants may be permitted subject to the following provisions:

- i. A certificate of approval from the Ministry of Environment;
  - ii. Compliance with the Ministry of Environment minimum separation distance requirement, including adequate setback to existing residential uses.
  - iii. Removal and cleanup of the site upon completion of the public project; and,
  - iv. Sites in the agricultural areas will be rehabilitated to their former agricultural use and capability.
- d) Schedule 'C-5' illustrates the potential of Mineral Aggregate Areas as identified by the Ministry of Natural Resources. Detailed investigations may be required to determine the area and extent of the actual deposit and development may only occur in accordance with the following policies:
- e) In areas within, or adjacent to Mineral Aggregate Areas, as shown in Schedule 'C-5', development, which could preclude or hinder the establishment of new operations or access to the resources, shall only be permitted if:
  - i. Resource use would not be feasible; or
  - ii. The proposed land use or development serves a greater long-term public interest; and
  - iii. Issues of public health, public safety and environmental impact are addressed; however,
  - iv. This shall not limit the ability to construct buildings and structures for agricultural purposes.
- f) Applications for new mineral aggregate operations shall require a site specific Official Plan Amendment and Zoning By-law amendment as no areas are pre-designated for this use, and shall also provide the following information for consideration by the Township:
  - i. Effect on the Natural Heritage System and the Natural Environment designations within 120 metres of the subject lands through the preparation of an EIS, a hydrogeology study and a stormwater management system.
  - ii. A rehabilitation plan;
  - iii. A site development plan, which includes the following information:

1. True shape, topography, contours, dimensions, size and location of the property to be rezoned as well as the extent of future pit or quarry operations on adjacent lands;
  2. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
  3. Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
  4. Drainage provisions;
  5. All entrances and exits;
  6. As far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping of products, progressive and ultimate rehabilitation and where possible intended use of the land after excavation has ceased; and,
  7. Cross-sections through the deposit.
- iv. That an archaeological assessment be carried out as part of an application for Official Plan Amendment or Zoning By-law Amendment in association with an application for a Mineral Aggregate Operation.
  - v. The haulage routes proposed to and from the site, the traffic volumes anticipated and a traffic impact study.
  - vi. The effect of the operation on the Township including noise, dust and vibration concerns.
  - vii. A Planning Assessment Report, which assesses land use compatibility and policy conformity issues including the relevant policies of this Plan. Demonstration of need shall not be required.
  - viii. For applications on lands currently designated Good General Agriculture, the applicant shall further demonstrate that the rehabilitation of the site will result in substantially the same areas and same average soil quality for agriculture as prior to extraction.
  - ix. Applications for Mineral Aggregate operations on lands designated Specialty Crop Area for Agricultural Uses, are discouraged.

- g) When considering an Official Plan Amendment and rezoning to permit the establishment of a new extractive operation or expansion of an existing operation, the Township shall also require that:
  - i. Extractive operations shall generally be restricted to areas not exposed to the public;
  - ii. Excavation of sand and gravel shall be 120 metres from the property line of lands designated or used for residential use;
  - iii. Extraction of sand and gravel shall be setback up to 120 metres from lands designated for uses other than residential at the discretion of the Township;
  - iv. Extraction of quarry stone or the processing of sand, gravel, or stone shall be setback 220 metres from the property line of lands designated for all other uses;
  - v. No excavations shall take place within 30 metre of a right-of-way or within 15 metres of a property line.
- h) Notwithstanding other policies of this plan, within the Natural Heritage System:
  - i. No new mineral aggregate operations and no wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted within:
    - 1. Significant wetlands; and,
    - 2. Significant habitat of endangered species and threatened species.
  - ii. Where a woodland is located on a site proposed for a new mineral aggregate operation, or on adjacent lands, the applicant shall undertake an evaluation of the woodland's significance prepared by a qualified biologist. The evaluation shall be prepared to the satisfaction of the local municipality and the Ministry of Natural Resources.
  - iii. Any application for a new mineral aggregate operation, or new wayside pit or quarry through an Environmental Impact Study whose terms of reference should be prepared through the pre-consultation exercise or through an equivalent study prepared to meet the requirements of the Aggregate Resources Act, including:
    - 1. How connectivity among Natural Heritage System features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates;

2. How the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands; and,
  3. How ground and surface water features will be protected or enhanced; and,
  - iv. Expansion of an existing mineral aggregate operation may be permitted in the Natural Heritage System, including key natural heritage features and key hydrologic features, and in any associated vegetation protection zone, when the expansion is consistent with the Provincial Policy Statement.
- i) For any new mineral aggregate operation approved through an Official Plan Amendment and rezoning, the Township shall require an agreement to be entered into between the Township and the proponent prior to the required zoning coming into place. Such development agreements shall not conflict with any of the license requirements of the Aggregate Resources Act, but shall address:
- i. Arrangements for the specific rehabilitation of the subject lands after use, or in stages during use;
  - ii. A guarantee that the operation will continue to be conducted in accordance with the latest and highest standards of the sand and gravel industry;
  - iii. Routes to be used by gravel trucks;
  - iv. Timing of blasting operations;
  - v. Arrangements for a tree screen and/or beaming to provide an effective visual buffer and noise mitigation between any proposed excavations and any road, including unopened road allowances, and any abutting Urban and/or Hamlet use.
  - vi. Provision that no new excavation or other processing shall take place until such screening has been established effectively; and,
  - vii. Provision that no polluted water from washing or screening operations shall be discharged into any creek or watercourse.
- j) All municipal aggregate operations must satisfy the requirements of the Ministry of the Environment related to water supply and disposal of liquid waste.
- k) Noise and vibration levels of pit operations including crushing, shall meet the Ministry of Environment noise guidelines.

- l) Pumping of water or mining below the water table will not be permitted in any pit or quarry unless approval is obtained from the Ministry of the Environment and the Niagara Peninsula Conservation Authority.
- m) Despite any other provision, the Township, Niagara Region, and the Ministry of Transportation, or any agent of the foregoing, may, for public road purpose, use any lot in any designation or zone for the extraction and processing of aggregate material, by means of wayside pits and quarries, and for the use of portable asphalt plants and portable concrete plants, except any lot zoned for residential purposes, natural environment or any lot immediately adjacent to a lot zoned for residential purposes.
- n) Any proposed land use change within 300 metres of an existing mineral aggregate operation shall demonstrate that such development application or proposed land use change will not result in the preclusion or hindrance of the expansion of the operation or its continued use or will not be incompatible for reasons of public health, public safety or environmental impact.

## **15.2 PETROLEUM RESOURCES**

### **15.2.1 Background**

West Lincoln contains significant petroleum resources, including natural gas that have been extracted or are in the process of being extracted. The remaining resource areas are identified on Schedule 'C-6'. As a result of the resource extraction, there are many natural gas wells that exist within the Township.

### **15.2.2 Objectives for Petroleum Resources**

- a) Petroleum resource extraction operations shall be protected from development that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Existing petroleum resource extraction operations shall be permitted to continue without the need for official plan amendment, rezoning, or development permit under the *Planning Act*. Where *Planning Act* approvals are required, the Township shall require studies to demonstrate land use compatibility, including appropriate setbacks and buffer distances.
- b) Efforts to ensure that abandoned wells are properly remediated and capped to reduce potential contamination of the ground water table.

### **15.2.3 Policies for Petroleum Resources**

- a) Activities involved in the exploration of petroleum resources shall be permitted within the Township except for Urban and Hamlet Settlement Areas, Provincially Significant Wetlands and habitat of Endangered and Threatened Species provided that the activities are carried out in accordance with current Federal, Provincial and local policies, guidelines and legislation.
- b) Activities buildings and structures required for the extraction of petroleum resources shall be permitted within the Township, except within Urban and Hamlet Settlement Areas, Provincially Significant Wetlands and Habitat of Endangered and Threatened Species. Buildings and structures for storage, refining, plant or office facilities relating to petroleum resources will only be permitted in specific areas designated for such uses.
- c) Where an expansion to an urban or Hamlet Settlement Areas is proposed in a resource area identified on Schedule 'C-6', an assessment will be undertaken to review whether the expansion would preclude or hinder the establishment of new operations or access to the resource. An expansion to an Urban or Hamlet Settlement Areas will only be permitted, if it can be demonstrated that:
  - i. the resource use would not be feasible; or
  - ii. the proposed land uses or development services a greater long term public interest; and
  - iii. issues of public health, public safety and environmental impact are addressed.
- d) Within all land use designations, new building construction generally will not be permitted within 75 metres of existing petroleum resource operations. Reduced setbacks for new building construction may be permitted in consultation with the appropriate authority. The setback requirement does not apply to petroleum operations decommissioned according to provincial abandonment and rehabilitation requirements.
- e) As part of the development approval process, the Township will request that all abandoned gas wells that are known or discovered on the lands be identified. If abandoned gas wells are identified, the Township will then advise the Ministry of Natural Resources for follow up. The intent of the follow up is to ensure that all abandoned gas wells are properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Areas where abandoned wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur

## **SECTION 16**

### **WASTE MANAGEMENT SYSTEMS**

#### **16.1 Background**

Solid Waste Management Systems represent an important service required by all residents, employers, and institutions within the Township of West Lincoln. In addition, Solid Waste Management Systems also represent an important land use within the Township that requires specific consideration to address compatibility issues between the Waste Disposal Use and neighbouring uses. The Township of West Lincoln has one (1) active landfill site operated by the Region of Niagara located on Regional Road 12, in addition to four (4) former landfill sites located through the Township.

The Township of West Lincoln, in cooperation with the Region of Niagara is participating in a number of activities in order to optimize the capacity of the existing active landfill site. The Township promotes the 3R Recycling activities – Reduce, Reuse, and Recycle – by encouraging the residents of West Lincoln to participate in alternative waste disposal programs.

The Solid Waste Landfill Site designation shall be identified on Schedule 'B-3' Land Use Plan, comprises Niagara Regional Road 12 Landfill Site. The four (4) former Landfill sites, Landfill Constraint Areas, are delineated on Schedules 'B-1' to 'B-4'.

#### **16.2 Goals for Waste Management Systems**

- a) To provide an essential service to the residents of West Lincoln and neighbouring municipalities while ensuring that health and safety risks, nuisance to West Lincoln residents, and/or the degradation of the natural environment are minimized as a result of the Niagara Road 12 Waste Disposal Landfill Site.
- b) To promote services and activities that assist residents, employers, and institutions in diverting solid waste from being sent to the Solid Waste Landfill Site.
- c) The Township of West Lincoln will assist the Region of Niagara in developing and refining practices associated with the Solid Waste Landfill Site to ensure that the Township is not adversely impacted by the operation of this site.
- d) The Township will actively work with the Region of Niagara and the Ministry of the Environment on site rehabilitation practices for the Solid Waste Landfill Site and the former landfill sites located throughout the Township.



- e) To promote the best practices for site rehabilitation of the former landfill sites on a site specific basis.

### **16.3 Policies for Waste Management Systems**

- a) There is one active landfill located within the Township of West Lincoln, is designated as a Solid Waste Landfill Site, and is owned and operated by the Region of Niagara. This Solid Waste Landfill Site is known as the Niagara Road 12 Waste Disposal Landfill Site and is comprised of both the Fill Area and the Peripheral Area as is defined by the Ministry of the Environment. Both the Fill Area and Peripheral Area of the landfill site shall be considered one entity for the interpretation of these policies.
- b) The uses permitted within the area designated as the 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 buildings.
- c) Only residential, municipal, institutional, commercial and non-hazardous industrial solid waste may be land filled within at the Solid Waste Landfill Site.
- d) All proposed changes to the landfill process, types of waste, operation of the Solid Waste Landfill Site will have regard for:
  - i. The Hazard or health/safety risks the changes may have to neighbouring sensitive land uses,
  - ii. Potential nuisances to West Lincoln Residents located on adjacent lands to the landfill site,
  - iii. The impacts of the proposed changes to the Natural Environment.
- e) The Landfill Area of Possible Influence includes lands generally located within 500 metres of the boundary of the Solid Waste Landfill Site and is delineated on Schedule 'B-3'. The Landfill Area of Possible Influence recognizes that the landfill may have potential effects on neighbouring land uses and also 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 Waste Disposal Landfill Site.
- f) 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 Waste Disposal Landfill Site be advised and allowed to comment on the development, design, conditions of approval, operation, closure and post-closure of the landfill site.

- g) Development or redevelopment within the Area of Possible Influence, and in accordance with the underlying land use designation, may be permitted subject to the following policies:
  - i. Where development is proposed within the Landfill Area of Possible Influence, the following criteria will be utilized as part of the evaluation process :
    - 1. 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 to ensure that the provisions contained in the Ministry's Guideline for Land Use D-4, dated April, 1994, as amended from time to time, 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, the Region of Niagara, and the 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.
    - 2. The proponent must also implement any preventative, mitigating, and/or remedial measures to the satisfaction of the Region of Niagara, 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.
    - 3. That the Committee of Adjustment for the Township of West Lincoln shall require as a condition of severance approval, that notification of the location of the Solid Waste Landfill Site be registered on the title to any new lot created within the Area of Possible Influence.
  - h) The Township of West Lincoln considers the following uses as being compatible land uses for the lands located within the Landfill Area of Possible Influence, and shall be considered as being the preferred uses

when reviewing development or redevelopment applications for these lands:

- i. Utilities and above grade transportation routes except major highways;
  - ii. Wood harvesting and other forestry activities;
  - iii. Certain farming activities excluding lands used for pasturing livestock or animal husbandry;
  - iv. Gravel pits and quarries, and other mining activities (provided the landfill water table is not affected; or
  - v. Such land uses which would not be threatened by the factors identified in Policy 2 (d).
- i) The lands identified as being Landfill Constraint Areas on Schedule 'B-1' to B-4" – Land Use Maps are the lands identified by the Township of West Lincoln and Region of Niagara as being former waste disposal sites. The uses permitted for the lands designated as being Landfill Constraint Areas on shall be for agricultural and natural environment purposes save and except the lands legally described as Lot 35, 36 & 100 on Registered Plan M87 known as the Rock Street Park which should be subject to the policies of Section 9 of this plan.
- j) The development/redevelopment of the lands identified as being Landfill Constraint Areas for residential purposes shall not be permitted.
- k) Ministry of Environment Section 46 approval is required for lands that have been used for waste disposal purposes, where a waste disposal activity has ceased within the last 25 years."

## **SECTION 17**

### **AFFORDABLE HOUSING**

*(added OPA No. 44)*

#### **17.1 Alternative forms of Housing**

The changing profile of the population of the Township, as well as the need to create more affordable housing requires the Township to provide the opportunity for alternative forms of housing. Pressure to accommodate this demand will be felt within the Township in new and existing neighbourhoods and requires flexible and responsive municipal policies and regulations. Many of these amendments are required in order to implement the Provincial requirements of Bill 140, as follows:

##### **17.1.1 General Provisions for Accessory Apartments**

- a) Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.
- b) The accessory apartment must be subordinate in size to the main dwelling.
- c) The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.
- d) Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.
- e) Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.
- f) The accessory apartment shall not be severed from the property that contains the principal residence.
- g) A lot may not have both an accessory apartment and a garden suite.
- h) A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.

##### **17.1.2 Accessory Apartments in Dwellings**

- a) Are permitted in all single, and semi-detached dwellings in the Township. A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.
- b) Must be directly attached to, or contained within, the main dwelling.
- c) Must have a similar architecture and style to the main dwelling.
- d) Must comply will all zoning by-law regulations in terms of size, setbacks, height, etc.
- e) The building age and condition are capable of supporting the intensified use and the requirements of the Building and Fire Codes must be satisfied.

### **17.1.3 Detached Accessory Apartment Units**

- a) Must be secondary and subordinate to the main dwelling on the property.
- b) Must be located in the same cluster of buildings as the main dwelling on the property.
- c) Must comply with zoning regulations regarding size, setbacks, height, etc.
- d) The requirements of the Building and Fire Codes must be satisfied.

## **SECTION 18**

### **IMPLEMENTATION**

#### **18.1 General**

- a) The designations shown on Schedule 'B-1' to 'B-4', 'C-1' to C-6', 'D', 'E-1' to 'E-3' and Schedule 'F' to this Official Plan are to be interpreted in a general fashion and are not to be precisely scaled. Where roadway or natural features such as water courses identify a distinct separation between designations such boundaries shall be used to provide a distinct interpretation of the boundary, of the designation. Minor refinements to the boundaries of the designations in association with development applications shall not require an amendment to this Official Plan.
- b) This Official Plan is required to conform to the Township Official Plan and shall be "consistent with" Provincial Policy Statements.
- c) The Urban Area Boundaries as delineated in the Township Official Plan are fixed, and shall only be changed by Amendment to the Township Official Plan.
- d) The boundaries of Hamlet Settlement Areas are generally fixed, however, accessory uses to any permitted use may extend into adjacent lands designated Agricultural without an amendment to this Plan, but subject to a Zoning By-law Amendment.
- e) This Official Plan will be implemented by means conferred upon Council by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by the Zoning By-law, neighbourhood plans, site plan control, subdivision and part-lot control, consents to severances, the property standards by-law, demolition control, provision of municipal services, public works, energy conservation and any other application legislation.
- f) In order to ensure that the policies of the Official Plan are being implemented, the following controls will be regularly reviewed:
  - i. The Zoning By-law;
  - ii. Subdivision and Part-Lot Control;
  - iii. Site Plan Control and Design Guidelines, and;

- iv. All other practices and procedures involved in processing development applications.

## **18.2 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 Township. Such Zoning By-law is to be updated from time to time and must be reviewed within three years of the completion of an Official Plan 5 Year review.
- b) It is not intended to zone each area for the ultimate use as designated on Schedule 'B-1' to 'B-4', 'D', and 'E-1' to 'E-3' - 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 17.14 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 17 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 'B-1' to 'B-4', 'C-1' to C-6', 'D', 'E-1' to "E-3' and Schedule 'F'.
- e) By-laws may be passed to protect significant archaeological sites by prohibiting any use of land and the erecting, locating or using of any class or classes of building or structures on land that is the site of significant archaeological resources as per Section 34(1) 3.3 of The Planning Act R.S.O 1990.

## **18.3 Cash-In-Lieu of Parking Requirements**

- a) Council may enter into agreements with landowners exempting the owner, to the extent specified in the agreement, from the requirements of providing or maintaining parking facilities.

- b) In accordance with the Planning Act R.S.O. 1990, such an agreement should contain provisions requiring the land owner to make one or more payments of cash to the municipality in lieu of providing parking as established by Clause (a) above, a schedule of payments should also be established
- c) The agreement shall be registered in the Registry Office.
- d) When all monies agreed upon have been paid to the Township, the landowner may request that the Town Clerk provide a certificate, in registerable form, certifying that all monies have been paid or that the agreement has been terminated.

## **18.4 Temporary Use By-law And Garden Suites**

### **18.4.1 Temporary Use By-law**

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to ten (10) years from the date of passage. Council may extend the term of the by-law, by further by-law amendment, for a maximum additional three (3) year term.

Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas.

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

### **18.4.2 Garden Suites**

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 and temporary.

- a) 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 lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;
- iii. Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;
- iv. Adequacy of site access and on-site parking
- v. The unit is not placed in the front yard of the lot or the required front yard required by the Zoning By-law;
- vi. No additional access is provided to the lot from a public road;
- vii. Placement of the unit is not exclusively removed from the existing dwelling;
- viii. The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.
- ix. The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.
- x. The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.

## **18.5 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 buildings and structures with the exception of agri-tourism uses, commercial farm markets, permanent or mobile farm help houses and greenhouses.

- 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.
  - iv Notwithstanding Policy 10.4.3 within Environmental Protection Areas, Environmental Conservation Areas, Fish Habitat, and adjacent lands as set out in Table 10.2 all uses shall be subject to site plan control to ensure that the objectives and policies of Section 10 are met. An applicant for site plan approval shall be required to submit a scoped Environmental Impact Study.
- b) Council shall enact a site plan control by-law to designate those lands which it considers desirable as site plan control areas.
  - i 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 or a delegate of Council of one or all 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.
    - iii. That the site plan drawings include design criteria, design measures, or architectural controls as determined by Township Council or their delegate as they related to the sustainability of proposed development within the Urban Area of Smithville.
- c) Council may, in its Site Plan Control By-law, delegate approval authority to a designated member of staff and may require the following in order to ensure the orderly development as part of the Site Plan Approval Process:
  - i 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 17.6 hereof.

- ii 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 'F' - Major Roads Plan.
- iii Required road widenings will be taken along the side of the road the subject lands are located on equal 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.

## **18.6 Subdivision Control**

- a) The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 1990, will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plan are complied with and that a high standard of design is maintained in new development area.
- b) Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:
  - i. The Plan of Subdivision conforms with the policies of this Plan;
  - ii. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, communications/telecommunications infrastructure, pedestrian facilities and fire and police protection can be provided;
  - iii. The Township is able to provide necessary services without imposing undue increases in taxation on all residents, and;
  - iv. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

## **18.7 Interim Control By-law**

In areas where Council wishes to review the existing land uses or establish new policies, and where a study of land use planning policies for the area has been directed, council may adopt an Interim Control By-law. The Interim Control By-law restricts the land use to its present use until the required studies are

completed, at which time the Zoning By-law may be amended to reflect the desired use. Timing and extensions for such a by-law will be subject to the provisions of The Planning Act, 1990.

## **18.8 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.

## **18.9 Community Improvement**

### **18.9.1 Objectives**

- a) To preserve, rehabilitate and redevelop the existing built environment.

- b) To maximize the use of existing public infrastructure, facilities, lands and amenities.
- c) To coordinate private and public community improvement activities.
- d) To guide the Township in setting priorities for municipal expenditure respecting community improvement projects.
- e) To participate, wherever possible, in Federal, Provincial and/or Regional programs to facilitate community improvement.
- f) To reconcile existing land use conflicts and minimize future land use conflicts.

### **18.9.2 Criteria for Selection of Community Improvement Areas**

- a) The Township may designate by by-law one or more Community Improvement Project Area(s), the boundary of which may be part or all of the entire Urban Area of Smithville, and/or part or all of one or more of the Hamlet Communities, with the Urban Area of Smithville and the Hamlet Communities as defined in this Plan, and as amended from time to time.
- b) For an area to be identified as a Community Improvement Project Area, one or more of the following conditions must be present:
  - i. Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, are in need of preservation, restoration, maintenance, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment;
  - ii. Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roadways, sidewalks, curbs, streetscapes and/or street lighting, and municipal parking facilities;
  - iii. Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;
  - iv. Commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design;
  - v. Presence of buildings and/or lands of architectural or heritage significance;

- vi. Known or suspected environmental contamination;
  - vii. Deterioration or deficiencies in the level of community and social services such as public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
  - viii. Non-conforming, conflicting, encroaching or incompatible land uses or activities threaten to disrupt the predominant land use and lifestyle of the citizens of the area;
  - ix. Demonstrated deficiency in the condition or provision of accessible parking;
  - x. Demonstrated problem or deficiency associated with the circulation and/or access of traffic;
  - xi. A shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
  - xii. Other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,
  - xiii. Other significant environmental, social or community economic development reasons for community improvement.
- c) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to:
- i. Downtown Smithville;
  - ii. Those areas where the greatest number of criteria for selection of Community Improvement Project Areas are present; and/or,
  - iii. Those areas where one or more of the criteria for selection of Community Improvement Project Areas is particularly acute; and/or,
  - iv. Those areas where one or more of the criteria for selection of Community Improvement Project Areas exists across the Urban Area of Smithville and/or across one or more of the Hamlet Communities.

d) Phasing

The phasing of community improvements shall be prioritized according to:

- i. The financial capability of the Township to fund community improvement projects;
- ii. Availability and timing of senior government programs that offer financial assistance for community improvement efforts; and,

The timing of related capital expenditures from various municipal departments to ensure community improvements are coordinated as much as possible with departmental priorities.

e) Implementation

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Township may undertake a range of actions, including:

- i. The municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent;
  - 1 Clearance, grading, or environmental remediation of these properties;
  - 2 Repair, rehabilitation, construction or improvement of these properties;
  - 3 Sale, lease, or other disposition of these properties to any person or governmental authority;
  - 4 Other preparation of land or buildings for community improvement.
- ii. Provision of public funds such as grants and loans to owners of land and their assignees;
- iii. Application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;
- iv. Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
- v. Support of heritage conservation through the Ontario Heritage Act, 1990 and the Local Architectural Conservation Advisory Committee (LACAC);
- vi. Establishment of a Business Improvement Area;
- vii. Refinement of zoning controls and application of flexible land use policies within designated Community Improvement Project Areas to the

extent that they complement community improvement goals and objectives; and,

viii. Enforcement of the Township's property standards by-law.

iv. All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.

x Council shall adopt such special measures as may be necessary to implement the goals and objectives for Community Improvement.

#### **18.10 Committee of Adjustment**

It is the intent of Council pursuant to Sections 44 and 53 of The Planning Act, 1990, to appoint a Committee of Adjustment to assist in the administration of the Zoning By-law.

- a) The function of the Committee of Adjustment is to process applications relating to consent(s) and minor variance(s) to the Zoning By-law, or applications regarding extensions or enlargements of on-conforming uses, pursuant to Section 45 of The Planning Act, 1990.
- b) The Committee of Adjustment shall consider the policies and general intent of this Plan and Zoning By-law s when dealing with such applications.

#### **18.11 Community Benefits**

- a) Council may consider the requirement to provide community benefits pursuant to Section 37 of the Planning Act in exchange for increases in height and/or density of development beyond those permitted in the Zoning By-law.
- b) The policies of this Section apply to the areas designated Urban on the Schedule 'B-4' Land Use Plan.
- c) Prior to the enactment of an amendment to the Zoning By-law pursuant to an application submitted under Section 34 of the Planning Act, Council shall be satisfied that the proposal represents good planning including good urban design principles outlined in Part VII of this Plan and is in conformity with the provisions of this Plan. In this regard, Council may permit increases in height and/or density that exceed the maximum height and/or density definitions of this Plan, without further amendment to this Plan where Council is satisfied that the proposed by-law would otherwise be in conformity with all other aspects of this Plan and Council is satisfied that the



proposal represents good planning including good urban design principles outlined in Part VII of this Plan.

- d) Pursuant to the provisions of Section 37 of the Planning Act, Council may seek to secure community benefits including but not limited to the following matters:
  - i. Provision of public access, pedestrian and vehicular, to public facilities and sites;
  - ii. Walkways and public space and connections to external walkways and trail systems;
  - iii. Preservation of natural areas and woodlots, beyond open space dedication requirements;
  - iv. Provision of parkland requirements beyond dedication requirements;
  - v. Provision for various housing types including housing for special needs, assisted or low-income housing, in accordance with the Official Plan;
  - vi. Provision of public parking;
  - vii. Provision of underground parking resulting in opportunities for housing intensification or affordable housing on lands no longer required for surface parking;
  - viii. Conservation of buildings and sites of architectural, archaeological or historic importance;
  - ix. Provision of community and open space facilities, such as community and recreational facilities or municipal facilities;
  - x. The provision of any public work, initiative or matter in conformity with this Plan.
- e) In the consideration of the enactment of a Zoning By-law Amendment to permit the increased height and/or density of development, Council shall be satisfied that the benefit sought to be secured is demonstrably connected to the increase in height and/or density of development.
- f) Prior to the enactment of a Zoning By-law Amendment pursuant to an application submitted under Section 34 of the Planning Act, Council shall require the owner seeking the increase in height and/or density of development in exchange for community benefit, to enter into one or more agreements dealing with the provision of facilities, services or matters

including the timing of conveyances or payments for community benefits to the municipality. The agreement shall be registered against the land to which it applies.

## **18.12 Official Plan Review**

- a) Council will determine the need to carry out a comprehensive review of this Plan at intervals of approximately five years. The purpose of this review will be to measure the performance of the Plan's policies against its goals, and to revise goals, policies or means of implementation where deemed necessary. In addition, during this review, this Plan will be amended to conform with amendments to the Niagara Regional Policy Plan, Provincial Growth Plan, Provincial Policy Statements and Planning Act. As a result of this review process, this Plan may be amended from time to time.
- b) Housekeeping amendments shall be carried out as required to address changes in legislation or where there is a demonstrated need for policy revisions on certain issues. These revisions shall be processed as amendments under the Planning Act.
- c) Amendments to this Plan shall not be required for Office Consolidation of the Plan; or for changes such as typographical, editorial, or formatting corrections to text or Schedules, which do not change the intent of the Plan.

## **18.13 Land Severances**

### **18.13.1 General Policies for Consents**

- a) Development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning By-law.
- b) Any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.
- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.
- d) Access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.
- e) Consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight

lines on curbs or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.

- f) Consent will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.
- g) Consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.
- h) No land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.
- i) No land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.
- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.
- k) Where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.
- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.

#### **18.13.2 Agriculture Consent Policies**

In areas designated "Agriculture" on the Land use Plan, consents for conveyance will be in accordance with the following Policies and Actions:

- a) Where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and the retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:

- i. Agriculture must be the intended use of the lands being retained and severed
  - ii. Smaller lot severances for greenhouses can be permitted subject to the condition that any new 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 greenhouse operations be of sufficient size so that these ample room for future purposes.
- b) Where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in proximity to farms, a consent may be granted subject to the agriculture policies of this plan as they apply to Agriculture Commercial and Industrial Uses.
- c) Where the land being conveyed is from an existing non-farm parcel, a consent may be granted to sever lands to be added to an existing abutting farm operation.
- d) Where the land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons.
- e) Conveyances for agricultural purposes will be subject to the applicable minimum distance separation requirements and where intensive animal operations are involved a Nutrient Management Plan or other Municipal or Provincial approvals will be required prior to severance.
- f) Where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.
- g) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Good General Agricultural Area where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following:
  - (added by OPA No. 47)*
  - i. The residence is surplus to a farm operator (bona-fide farmer); and
  - ii. That the residence subject to the application for consent is at least 10 years of age, as of the date of application; and,
  - iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or

- building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster; and,
- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,
  - v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber; and,
  - vi. That the consent complies with the Minimum Distance Separation Formula I; and,
  - vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,
  - viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,
  - ix. Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,
  - x. Farm Help houses are not eligible for surplus farm dwelling severances.
- h) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Unique Agricultural Area, where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following: *(added by OPA No. 47)*
- i. The residence is surplus to a farm operator (bona-fide farmer); and,
  - ii. That the residence subject to the application for consent existed as of the date that the Provincial Greenbelt plan came into effect (December 16, 2004); and,
  - iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after

- transfer, been partially destroyed by fire or other natural disaster; and,
- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,
  - v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber; and,
  - vi. That the consent complies with the Minimum Distance Separation Formula I; and,
  - vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,
  - viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,
  - ix. Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,
  - x. Farm Help houses are not eligible for surplus farm dwelling severances.

### **18.13.3 Natural Environment Consent Policies (for EPA & ECA lands)**

In areas designated Natural Environment on the Land Use Plan, consents for conveyance will be granted in accordance will be granted in accordance with the following policies:

- a) All consents must conform with the Natural Environment policies of the plan.
- b) Consents may be granted for the conveyance of land to public bodies or agencies engaged in the protection, reestablishment and management of the natural environment.
- c) Consents may be granted where both the severed and retained parcels satisfy the agricultural policies of this plan.
- d) Consents may be granted for title correction purposes and for minor lot boundary adjustments.

#### **18.13.4 Consent Policies for Smithville**

In areas designated on Schedule 'B-4' on the Land Use Plan, consents for conveyance will be granted in accordance with the following policies:

- a) It is intended that most new lots will be created by the registered plan of subdivision process subject to the policies of this Plan and The Planning Act (RSO 1990).
- b) If a registered plan of subdivision is determined not to be necessary, consents may be granted subject to the goals and policies of this Plan and the following criteria:
  - i. Consents will be granted only in areas where the undue extension of any major service will not be required.
  - ii. Consents will be granted only when all the created parcels involved abut on an existing public road of standard construction acceptable to the Municipality.
  - iii. Consents shall have the effect of infilling existing built-up areas and not of extending built-up areas unduly.
  - iv. Consents will not be granted which will hinder or restrict the interior development of a block of land.
- c) The granting of a land severance may be made conditional upon a development agreement between the Township and the applicant.

#### **18.13.5 Hamlet Settlement Areas**

In area designated as Hamlet Settlement Areas on the Land Use Plan, consent for conveyance will be granted in accordance with the following policies.

- a) The minimum lot size for lots created in a Hamlet 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.
- b) Where lands are proposed for severance along the Hamlet Settlement Area boundary, the remnant parcel outside the Hamlet Settlement Area boundary shall be rezoned APO (Agricultural Purposes Only).

- c) Severances for correcting or adjusting lot boundaries or for conveying land to an abutting lot for land assembly purposes may be granted provided:
  - i. The conveyance does not lead to the creation of an undersized or irregularly shaped lot unsuited for its intended purpose and contrary to the requirements of the Zoning By-law.
  - ii. The lands being conveyed will be registered in the same name and title as the lands with which they are being merged.
  - iii. Severances may be granted for the conveyance of land to public bodies or agencies engaged in the protection, re-establishment or management of the natural environment.
  - iv. Creation of lots for industrial, commercial, or public uses may be undertaken by registered plan of subdivision or the consent of the Committee of Adjustment subject to the policies of the Official Plan and the provisions of the Zoning By-law.

## **18.14 Non-Complying Standards of Development and Non-Conforming Uses**

### **18.14.1 General**

It shall be a policy of this Plan to differentiate between non-conforming standards of development and non-conforming uses of land. In this regard, the policies of Subsections 17.14.2 and 17.14.3 below apply.

### **18.14.2 Non-Complying Standards of Development**

- a) The extension or enlargement of any building or structure, the use of which is in compliance with this Official Plan and the applicable Zoning By-law, but which does not comply with the standards of development (i.e. lot area, setbacks, parking, landscaping) shall not be considered a non-conforming use under Subsection 17.14.3 below or Section 34 (10) of The Planning Act, 1990.
- b) Relief from current standards of development as set out in the Zoning By-law shall be based on the merits of each application and may be considered by amendment to the Zoning By-law or by minor variance through the Committee of Adjustment.

### **18.14.3 Non-Conforming Uses**

- a) A land use which is lawfully in existence prior to the passage of the implementing Zoning By-law and which continues to be utilized for such



purpose may continue as a legal non-conforming use or may be deemed to conform to the intent of the Plan for the purpose of the By-law. In the latter case, such uses may be zoned in accordance with their present use and performance standards provided:

- i. The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses;
  - ii. The use does not constitute a danger to surrounding uses by its hazardous nature of the traffic which it generates;
  - iii. The criteria of subsection (b) are satisfied; and
  - iv. The lands shall be subject to the site plan control provisions of Section 41 of The Planning Act, 1990.
- b) In accordance with Section 34(10) of The Planning Act, 1990, council may amend a By-law passed under Section 34 to permit the extension or enlargement of any land, building or structure prohibited by the Zoning By-law provided the following requirements are met. The Committee of Adjustment will be similarly guided in considering applications under Section 45 of the Planning Act, 1990;
- i. It is not possible to relocate such a use to a place where it will conform to the By-law;
  - ii. 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;
  - iii. The abutting uses will be afforded reasonable protection by the provision of appropriate buffering and setbacks;
  - iv. The proposed extension or enlargement should be in appropriate proportion to the size of the non-conforming use;
  - v. Adequate provision will be made for safe access and adequate off-street parking and loading facilities;
  - vi. All services, including private sewage disposal and water supply systems, shall be or can be adequate; and
  - vii. The expansion is not detrimental to the neighbourhood in consideration of the following:

1. History of complaints;
2. Effect on the character of the neighbourhood;
3. Amount and type of signage;
4. Unnecessary noise, odours, traffic or parking problems;
5. Compliance with the Minimum Distance Separation Formulas and;
6. The quality of the agricultural land including soils, climate, and the nature of the agricultural activity in the area.

## **18.15 Hazardous and Obnoxious Uses**

### **18.15.1 Background**

No land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generally of this subsection for any purpose that creates or is likely to become a nuisance or offensive, or both.

- a) by the creation of noise or vibration, or
- b) by reason of the emission of gas, fumes, smoke, dust, or objectionable odour, or
- c) by storage or use of toxic wastes including PCB's, or
- d) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material.

Notwithstanding the above, any use which is operating in accordance with all applicable Federal, Provincial and local rules and regulations is deemed not to be obnoxious.

## **18.16 Preconsultation/Complete Application**

### **18.16.1 Complete Application Requirements**

- a) Pre-consultation between the applicant and the Township is required prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, draft plan of subdivision, draft plan of condominium, or site plan control unless the Director of Planning or designate determines

that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval including appropriateness of concurrent applications, where applicable. Pre-consultation may also involve the Region of Niagara, the Niagara Peninsula Conservation Authority or other agencies that may have an interest in the application as determined by the Township. A by-law shall be approved by Council requiring pre-consultation. Pre-consultation shall be considered a requirement for the submission of a complete application.

- b) In order to ensure that all possible information is available to the Township, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in subsection 17.16.1. Nothing in the Plan shall prevent the requirement of additional studies after pre-consultation if, in the opinion of the Director of Planning or designate, the study is required to evaluate the application. Upon review of the studies required under this clause, updates, corrections or other modifications may be required prior to any decisions being made.
- c) Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format and/or a hard copy to the Township to make this information readily available to the public and commenting agencies including the Region of Niagara and the Niagara Peninsula Conservation Authority. Where the Township, the Region of Niagara, or the Niagara Peninsula Conservation Authority has requested additional information and/or reports, there may be a request for a peer review which shall be payable upon submission of an invoice from the Township, the Region of Niagara or the Niagara Peninsula Conservation Authority.
- d) The Director of Planning or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Township, the Region, the Niagara Peninsula Conservation Authority or any other public agency, the application shall be deemed to be incomplete.
- e) Schedule for Complete Application (The Township may require one or more of the following studies as part of a complete application)

<b>Information Requirement</b>	<b>Application/Development Scenario</b>
Planning Justification Report	A report demonstrating how a proposed development or site alteration meets goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the Township's Official Plan and provides an indication of whether it conforms to applicable Provincial plans and policies.
Conceptual Site Plan	Any development proposal for major commercial, industrial, institutional or multiple residential to include a conceptual site plan illustrating the development pattern of the lands in question.
Land Use/Market Needs Report	Any proposal for major commercial or residential development to consider the existing supply of available land and future land use needs in the Township and in the Region.
Urban Design/Landscape Plans	Any proposal for infill development, redevelopment or intensification or where a site plan agreement is required will include plans illustrating how the proposal will be compatible with the character of adjacent uses and the surrounding neighbourhood. These plans and related descriptive details may include building elevations shadow/wind impacts and streetscaping.
Archaeology Assessment	Any development or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archaeological potential.
Cultural Heritage Impact Analysis	Any development or site alteration proposed on or adjacent to lands, structures or buildings designated under the Ontario Heritage Act or listed on an approved heritage resource inventory.
Environmental Impact Study	Any proposal for development or site alteration within or adjacent to any natural heritage feature or natural hazard identified on the Region's Core

	Natural Heritage Map, the regulated area of the Niagara Peninsula Conservation Authority or the Township's Official Plan shall provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures.
Environmental Planning Study or Sub-Watershed Study	Any proposal for a secondary plan or an urban boundary expansion to include an environmental inventory and assessment with recommendations on where development may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after development. Any environmental planning study or sub-watershed plan shall address the guidelines and terms of reference of all agencies with jurisdiction.
Tree Preservation Plan	Any development or site alteration that may have adverse effects on a significant tree or group of trees, including woodland as defined by the Region's Tree and Forest Conservation By-law. A significant tree may be one that because of its size, age or species it is considered to be significant to the neighbourhood, streetscape or cultural heritage landscape.
Floodplain and Hazard Lands Mapping	Any development or site alteration proposed near floodplains or hazard lands identified by the regulations of the Niagara Peninsula Conservation Authority.
Geotechnical Report	A report to provide detailed information of soil composition, stability and limitations for the type of development proposed.
Environmental Assessment	Any development or site alteration on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the

	property should be accompanied by one or more reports to assess existing conditions and address needs for any further environmental testing or remediation necessary in accordance with Provincial regulation and guidelines.
Air Quality/Noise & Vibration Study	Any development for a sensitive land use that is located near a major facility such as transportation corridor, industrial use, sewage or water treatment facility, pumping station or landfill operation.
Agricultural Impact Assessment	Any proposed development or site alteration for a non-agricultural use on lands situated outside the Urban Area to evaluate the capacity of the site for agricultural use including soil, microclimate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership	Any development or site alteration for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
Alternative Site for Non-Agricultural Uses	A non-agricultural use proposed in an Agricultural area will demonstrate that there are no reasonable alternative locations available in Urban Areas, Hamlet Areas or lower priority agricultural lands in the Region.
Minimum Distance Separation I & II	A non-agricultural use proposed adjacent to an active or potential livestock facility will include a review of these facilities and calculations to determine conformity with Minimum Distance Separation requirements.
Mineral Aggregate Resources Impact Study	Where development or site alteration is proposed on lands within or adjacent to an area of known mineral aggregate resources, it shall be demonstrated that the resource use will not be hindered in the future, that the proposed development or use serves a greater

	long term public interest, and that other impacts are evaluated.
Municipal Servicing Study	To address the availability of adequate municipal services and impacts on existing municipal services and facilities.
Stormwater Management Plans	To address how stormwater runoff will be handled in terms of water quality, quantity, lot grading and drainage controls, and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any development or site alteration that may have a significant impact on traffic flow and safety which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing plans	Any development outside of the Urban Area where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and lot grading.
Financial Impact Analysis	To address financial implication of a proposed development on the provision of municipal services and utilities that may cause a financial, environmental or economic hardship for the Township and Region.

### 18.17 Home Industry

Home industries may be permitted in the Agricultural and Hamlet Area subject to the following: *(amended by OPA No. 47)*

- a) The use is small in scale and remains secondary to the principal use of the property, and in the Agricultural Area home industries shall be secondary to the principal agricultural use of the property. *(amended by OPA No. 47)*
- b) In the Agricultural Area, all of the property remains designated and zoned agricultural,
- c) New uses are compatible with and do not hinder surrounding agricultural uses,

- d) The use complies with other policies in the Plan, and
- e) No future severance is permitted in the Agricultural Area

The permitted locations, size, activities and other aspects of a home industry shall be established in the implementing zoning bylaw. *(amended by OPA No. 47)*

#### **18.18 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).

#### **18.19 Potentially Contaminated or Brownfield Sites**

Potentially contaminated or brownfield sites are sites where the environmental condition of the property or properties may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, prior to permitting development on these properties, it is important to identify these properties and ensure that they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations and standards.

While the identification of potentially contaminated sites is important in the planning application review process, the policies in this section should not be interpreted as a commitment on the part of the Township to identify all contaminated sites. Rather, these policies should be regarded as an effort by the municipality to responsibly utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.

##### **18.19.1 Policies**

- a) The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:



- i. activities involved with the elimination or disposal of waste and other residues, including, but not limited to landfill sites and waste disposal areas;
  - ii. any activities involving the storage and/or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints or solvents;
  - iii. railway lands.
- b) The Township will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.
- c) The Township will require development proponents to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting a property or properties that are subject of a planning application in order to assist in the determination of the potential for site contamination.
- d) Where the Township determines that there is a proposed change in land use to a more sensitive use on a property or properties that have been identified through the Township's planning application review process as "potentially contaminated", the Township will:
  - i. Require as a condition of planning approval, written verification to the satisfaction of the Township from a Qualified Professional as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation, regulations and standards, including where required by the Township or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission to the Township of written acknowledgement from the Ministry of Environment specifying the date that the RSC was filed in the Environmental Site Registry;
  - ii. establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition is received as per d) i);
  - iii. where applicable, utilize the holding provisions of the Planning Act to ensure that satisfactory verification of suitable environmental site condition is received as per d) i).

- e) Where the Township is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the Township may require, as a condition of transfer, satisfactory verification of environmental site condition as per d) i).
- f) Development on, abutting or adjacent to lands affected by oil and gas hazards; or former mineral aggregate operations or petroleum resources operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.
- g) Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

#### **18.20 Status Zoning**

Use of land that existed legally at the date of the adoption of this Official Plan may be deemed to conform. Such uses may be zoned to reflect their present use and performance standards provided:

- a) The zoning will not permit any significant change of use or zone provisions that will aggravate any situation detrimental to adjacent conforming uses;
- b) The uses to be recognized shall be zoned in such a way that any significant enlargement, expansion or change of use must be by amendment to the Zoning By-law;
- c) They do not constitute a danger to surrounding uses and persons by virtue of their enjoyment of property; and
- d) That these uses conform with all servicing requirements including private sewage disposal systems, water supplies, and applicable approvals have been obtained; and
- e) They do not interfere with the desirable development or enjoyment of the adjacent area.

#### **18.21 Alternative forms of Housing**

In the future, the changing profile of the population in West Lincoln and in the Region will create demands for smaller and more diverse forms of housing. Specifically, the population is aging and census data indicates a continuing trend toward an increase in one (1) parent families (70% of which are lone female parents) and smaller family size. Pressure to accommodate this demand will be

felt across the Region and within the Township in new and existing neighbourhoods and requires flexible and responsive municipal policies and regulations. The following is not intended to be all inclusive. As circumstances warrant other forms of housing may be considered in order to meet an identified demand.

### **18.22.2 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:
  - i. Approved Homes (Psychiatric Care);
  - ii. Homes for Special Care (Psychiatric Care);
  - iii. Supportive Housing Programs, Adult Community Mental Health Program;
  - iv. Children's Residences;
  - v. Accommodation Services for the Developmentally Handicapped;
  - vi. Satellite Residences for Seniors;
  - vii. Homes for Physically Disabled Adults;
  - viii. Halfway Houses for the Socially Disadvantaged.

These group homes will be allowed to establish in all zones which will 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.

*(Original (b) deleted by OPA No. 47)*

- (b) 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.

- (c) 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.
- (d) 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 must be registered with the Township pursuant to Section 163 of the Municipal Act, 2001, S.O. 2001."

## **SECTION 19**

### **Definitions**

- 1) “access standard” means a method or procedure to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding, erosion and/or other water related hazards.
- 2) "agricultural use" means the growing of crops, including nursery, greenhouse and horticultural crops; raising of livestock and other animals for food, or fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;
- 3) “base flow” means the natural, sustained low flow in a stream or river;
- 4) “buffer” means a naturally vegetated protective zone adjacent to a natural area serving to cushion and protect the natural area from the impacts of human activities on adjacent lands;
- 5) “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;
- 6) “carbon sink” means any system that absorbs carbon, thereby removing it from the atmosphere and offsetting CO<sub>2</sub> emissions. Forests, agricultural soils and oceans can act as carbon sinks.
- 7) “Comprehensive Review” means:
  - a) for the purposes of policies 1.1.3.8 and 1.3.2.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
    1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to

accommodate the development while protecting provincial interests;

2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6 of the Provincial Policy Statement; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.5 of the Provincial Policy Statement, means a review undertaken:

1. addresses long-term population projections, *infrastructure* requirements and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2 of the Provincial Policy Statement; and
3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

- 8) “Conservation Authority” means the Niagara Peninsula Conservation Authority.
- 9) “development” means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include works subject to the Drainage Act.
- 10) “earth science areas of natural and scientific interest” means areas identified by the Ministry of Natural Resources as containing some of the most significant representative examples of the bedrock, fossil and landform features in Ontario, and includes examples of ongoing geological processes.
- 11) “ecological functions” means the natural processes, products or services that living and non-living environments provide or perform within or between

species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions;

- 12) "ecological integrity", which includes hydrologic integrity, means the condition of ecosystems in which: (1) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity; (2) natural ecological processes are intact and self-sustaining, and (3) the ecosystems evolve naturally;
- 13) "ecological restoration" means the return of a species, population or ecosystem to its state prior to disturbance;
- 14) "ecosystem" means a dynamic complex of plants, animals and micro-organisms and their non-living environment interacting as a functional unit. The term ecosystem can describe small scale units, such as drops of water, as well as large scale units, such as the biosphere;
- 15) "endangered species" means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Wildlife in Canada (COSEWIC), as updated and amended from time to time;
- 16) "estate winery" means a lot on which buildings and structures are used for the making of wines produced predominantly from locally grown fruits.
- 17) "event, outdoor" means an event held in the open air for profit or non-profit; but does not include a special event and shall not include garage sales, yard sales, flea markets or other occasional uses.
- 18) "event, special" means an event that may occupy all or part of a privately owned property or Township owned property and may include a parade, festival, filming, running event, procession or any other activity that includes one or more of the following:
  - a) Street Closure
  - b) Fireworks or pyrotechnics
  - c) Live entertainment
  - d) Temporary structures or tents
  - e) Service of food or alcohol
  - f) Large volumes of vehicular or pedestrian traffic
  - g) Parking demand in excess of on-site capacity
  - h) Service of food including mobile food trucks

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

- 19) “farm winery” means a farm on which buildings and structures are used for the making of wines from fruit grown mainly on-site as outlined in the zoning bylaw, and which are secondary uses to the farming operation.
- 20) “first order stream” means a stream with no tributaries. First order streams are the uppermost streams within a watershed;
- 21) “fish habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is identified by the Provincial Ministry of Natural Resources;
- 22) “flood plain” (for river and stream systems) means the area, usually low lands adjoining a watercourse, which has been or may be inundated in the event of the 100 year flood;
- 23) “floodproofing standard” means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, and flooding hazards along river and stream systems.
- 24) “good forestry practices” means:
  - a) the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and wildlife habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
  - b) the cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
  - c) in the case of hazardous, damaged, diseased or insect infested trees, the maintenance of a woodland after the cutting and removal is completed unless it is determined through a report prepared by a Registered Professional Forester that trees must be removed and a woodland as defined would not be maintained but in no case shall clear cutting be allowed; and
  - d) the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”.



- 25) “ground water” means any water that exists beneath the land surface, but more commonly water existing in fully saturated soils and geologic formations.
- 26) “ground water features” means water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.
- 27) “ground water recharge” means the replenishment of subsurface water, (a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, and (b) resulting from human intervention, such as the use of stormwater management systems.
- 28) “ground water recharge area” means an area from which there is significant addition of water to the ground water system resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetland or from human intervention, such as the use of stormwater management systems;
- 29) “habitat of endangered and threatened species” means land that,
- a) is an area where individuals of an endangered species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
  - b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;
- 30) “hazardous lands” means lands that could be unsafe for development due to naturally occurring processes and includes:
- a) Along rivers, streams and small lakes, the land, including that covered by water, to the furthest landward extent of the flooding or erosion hazard limits.
- 31) “hazardous sites” means sites that could be unsafe for development due to naturally occurring conditions such as unstable soils or unstable bedrock.

- 32) “infrastructure” means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities;
- 33) “life science areas of natural and scientific interest” means areas of land and water identified by the Ministry of Natural Resources as containing significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments.
- 34) “natural heritage corridors” mean natural and open space linkages between Core Natural Areas. They include naturally vegetated stream corridors, valleylands, woodlands; wetlands; and other natural vegetation communities.
- 35) “natural landscaping” means the practice of designing, cultivating and maintaining plant communities which are native to the area with minimal resort to artificial methods of plant care such as chemical fertilizers, watering other than natural precipitation, and mowing.
- 36) “natural self-sustaining vegetation” means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.
- 37) “older growth forest” means a relatively undisturbed forest stand containing trees over 100 years old. It may exhibit some of the characteristics of old growth forest such as an uneven-aged canopy; a range of size classes; gap succession processes; undisturbed soils; the presence of substantial standing and fallen deadwood, with the fallen deadwood present in a range of decay classes; or pit and mound topography
- 38) “pesticide” means any organism, substance or thing that is used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the federal Pest Control Products Act;
- 39) “protection works standard” means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damages caused by flooding, erosion, and other water related hazards, and to allow access for their maintenance and repair.

- 40) “riparian” means of or relating to or located on the banks of a river or stream. The riparian zone is an area of streamside vegetation including the stream bank and adjoining floodplain, which is distinguishable from upland areas in terms of vegetation, soils and topography.
- 41) “second order stream” means a stream formed by the combination of two or more first order streams;
- 42) “significant” means:
- a) in regard to wetlands and Areas of Natural and Scientific Interest, an area identified as significant by the Ministry of Natural Resources using evaluation procedures established by the Ministry, as amended from time to time;
  - b) in regard to the habitat of threatened and endangered species, the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance, survival and/or recovery of the naturally occurring or reintroduced populations of endangered or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species for all or any part(s) of its life cycle.
  - c) in regard to other natural heritage features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality, diversity, ecological health and integrity of the Core Natural Heritage System.
  - d) in regard to a change in the spatial extent of a Core Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as Fish Habitat.
- 43) “significant negative impact” means,
- a) in regard to the Core Natural Heritage System, degradation that threatens the health and integrity of the natural features or ecological functions of the Core Natural Heritage System Component due to single, multiple or successive development or site alteration activities.
  - b) in regard to Earth Science Areas of Natural and Scientific Interest (ANSIs), degradation that, due to single, multiple or successive development or site alteration activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

- 44) “site alteration” Means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:
- a) The construction of facilities for transportation, infrastructure and utilities uses by a public body;
  - b) Activities or works under the *Drainage Act*; or
  - c) The carrying out of agricultural practices on land that is being used for agricultural uses.
- 45) “species of concern” means any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperilled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time;
- 46) “subwatershed” means an area that is drained by a tributary or some defined portion of a stream;
- 47) “surface water features” means water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
- 48) “third order stream” means a stream formed by the confluence of two or more second order streams;
- 49) “threatened species” means any species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as Threatened by the Committee on the Status of Wildlife in Canada (COSEWIC) as updated from time to time;
- 50) “utility” means an essential public service such as electricity, gas, television or communications/telecommunications that is provided by a regulated company or government agency.
- 51) “valleyland” means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

- 52) “vegetation protection zone” means a vegetated buffer area surrounding a natural heritage feature or hydrologic feature within which only those land uses permitted within the feature itself are permitted.
- 53) “vulnerable surface and ground water features” means surface and ground water features that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or ground water;
- 54) “water budget” means an accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit;
- 55) “watershed” means an area that is drained by a river and its tributaries;
- 56) “wetlands” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophilic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition;
- 57) “wildlife habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.
- 58) “woodland” means a treed area that provides environmental and economic benefits to both the private landowner and the general public such as erosion prevention, hydrologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities and the sustainable harvest of woodland products. It does not include a cultivated fruit or nut orchard or a plantation used for the purpose of producing Christmas trees.”