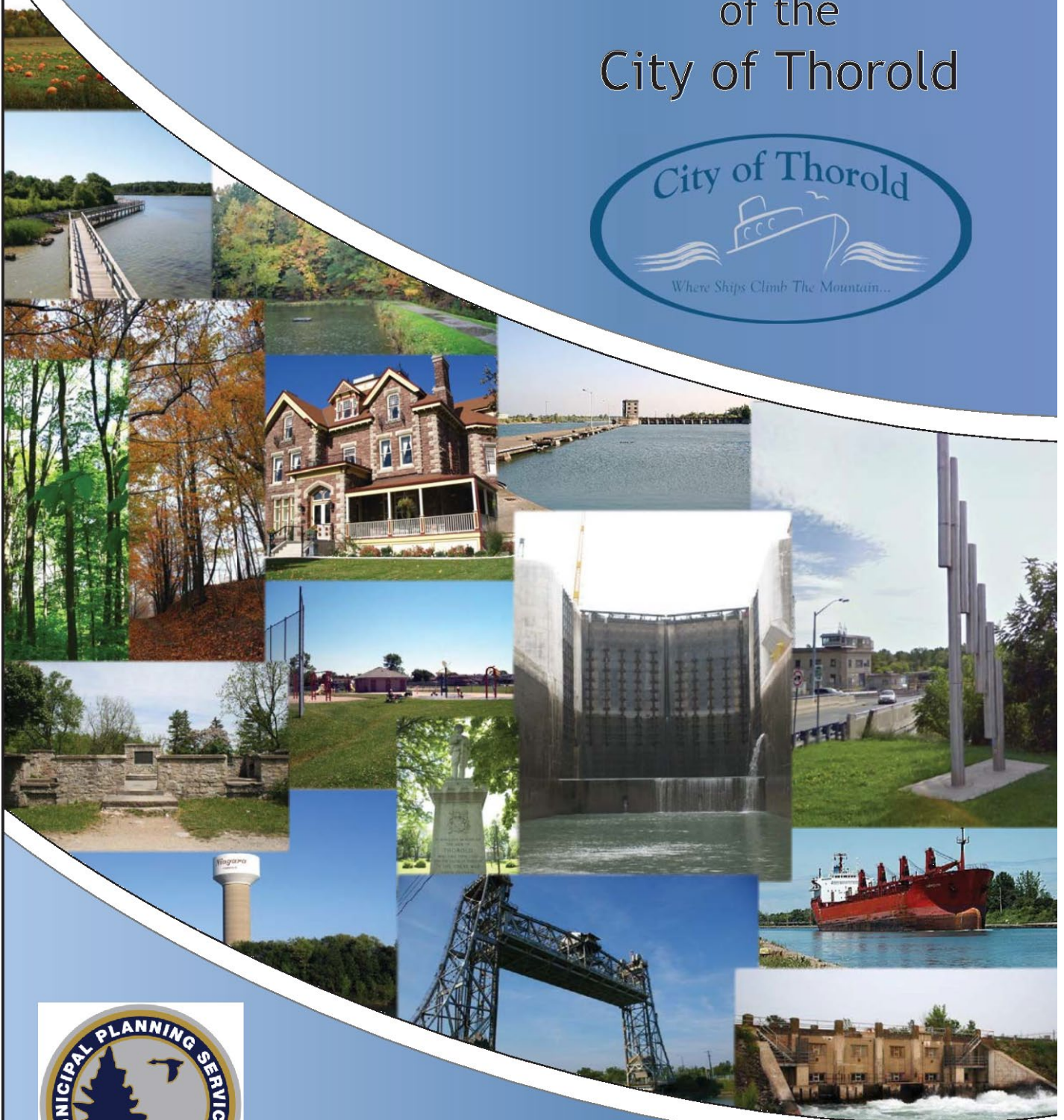
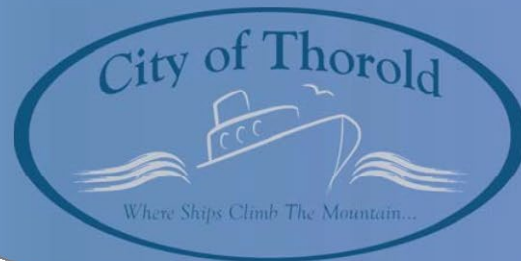


OFFICIAL PLAN of the City of Thorold



PLEASE REFER TO THE ORIGINAL OFFICIAL PLAN AND
AMENDMENTS THERETO FOR ADDITIONAL INFORMATION

Approved by Niagara Region
April 28, 2016
Consolidated October 2025

LIST OF AMENDMENTS

OPA #	Bylaw/ Decision Number	Title	Overview	Lands Affected	Site Size	Approval Date	Approval Body	Description
1	By-law No. 144-2016	Port Robinson Estates Subdivision	Amends Schedule A-6 to reconfigure and reduce the PRW Urban Commercial area, re-designating 1.475 ha to PRW Low Density Residential	Part Lots 216 and 217, Kottmeier Road, Port Robinson Estates	1.47 5 ha	December 20, 2016	City of Thorold Council	Amends Schedules A-6 PRW Land Use Plan by re-designating an area from 'PRW Urban Commercial' to 'PRW Low Density Residential'. The purpose is to allow the area to be incorporated into a new residential neighbourhood.
2	By-law No. 42736	Hansler Heights Subdivision	Permits townhouse dwellings throughout the plan area.	Part of Lot 223, Hansler Road (Known as Hansler Heights)	14.7 83 ha	January 17, 2017	City of Thorold Council	Amends the Official Plan by adding a Special Policy Area 1 that permits townhouse dwellings to be constructed throughout the plan area, subject to meeting other policies of the City of Thorold Official Plan, including density targets.
3	By-law No. 33-2018	Richmond Street Condominium	Re-designates land from "Institutional" to "Urban Living Area" and "Environmental Protection Two" to facilitate the development of 35 block townhouse units in a condominium form.	Part 1 of Part of Lot 35 and 36, 59R-9582 and Part of Lot 675 (one foot reserve) Registered Plan M-42, Township of Thorold (North side of Richmond Street)	2.40 1 ha	April 3, 2018	City of Thorold Council	Part 1 is re-designated from 'Institutional' to 'Urban Living Area'. Part 2 is re-designated from 'Institutional' to 'Environmental Protection Two'. All policies of those designations apply.
4	By-law No. 27-2018	23A St. David Street East	Modifies policy area of subject lands and provisions of apartment buildings within the SPA.	23A St. David Street East (Part of Blocks G & H, Plan No. 898, Part 1 on RP59R-15753)	0.21 ha	March 20, 2018	City of Thorold Council	Lands are re-designated as "Site Specific Policy Area 2", governed generally by the "Urban Living Area" policies. Maximum density shall be 113 units per hectare. An apartment dwelling is permitted, restricted to a maximum height of four (4) storeys.
5	By-law No. 160-2018	75 Ormond Street South	Changes land use designation from General Commercial to Urban Living Area Special Policy Area No. 5 to permit medium to high density residential uses.	75 Ormond Street South (North side of Richmond Street and west side of Ormond Street South)	0.32 ha	December 18, 2018	City of Thorold Council	Lands are re-designated to Urban Living Area Special Policy Area No. 05 to permit medium to high density residential uses, including apartment dwellings, up to 120 units per hectare.
6	LPAT Case No. PL190276 / By-law 61-2019	City-wide Comprehensive/Technical Update	To align terms with the City's Comprehensive Zoning By-law, align with Provincial Policy and the Planning Act, address technical changes, and remove policies that no longer apply.	Lands throughout the City of Thorold	N/A	March 16, 2021	Local Planning Appeal Tribunal (LPAT) (Now OLT)	Implements numerous text modifications, including replacing 'secondary dwelling units' with 'second dwelling units'; changing titles (e.g., D9 to 'Licensed Marijuana Production Facilities'); modifying policies related to accessory uses, density requirements, and implementing alternative public notification measures.
7	By-law No. 90-2019	1596 Allanport Road	Creates Site Specific Policy Area 3 to permit a home-based commercial dog kennel in the existing barn.	1596 Allanport Road (Part Township Lot 200)	N/A	July 2, 2019	City of Thorold Council	Lands designated "Rural Industrial" are re-designated to "Site Specific Policy Area 3 – 1596 Allanport Road". A home-based commercial dog kennel is permitted to be used in the existing barn, notwithstanding policies of Section B2.4.2.
8	By-law No. 27-2020	32 & 34 Pine Street South, 8 & 10 Sullivan Avenue, and 33 Towpath Street	Re-designates lands from "Downtown" to "Site Specific Policy Area 4" to permit an apartment building containing residential uses only.	32 & 34 Pine Street South, 8 & 10 Sullivan Avenue, and 33 Towpath Street (Multiple legal descriptions including PLAN GEORGE KEEFER PT LOT 42 NP889)	N/A	February 18, 2020	City of Thorold Council	Lands are re-designated to "Site Specific Policy Area 4". Notwithstanding Section B1.2.2 q), an apartment building containing residential uses only is permitted.
9	LPAT Case No. PL190511	22 Cunningham Street, 10 & 12 Lyndon Street West	Creates "Site Specific Policy Area 12" to permit a density increase to 62 units per hectare for two 3-storey apartment buildings (12 total units).	22 Cunningham Street, 10 Lyndon Street West and 12 Lyndon Street West (Located in the northeast corner of Cunningham Street and Lyndon Street West)	0.19 38 ha	30 April, 2020 (Issue date of OLT Order)	Local Planning Appeal Tribunal (LPAT) (Now OLT)	Lands designated "Urban Living Area" are re-designated to "Site Specific Policy Area 12". Notwithstanding Sec. B1.1.3(c)(i), unit density may be increased to 62 units per hectare for two 3-storey apartment buildings (12 units total).

10	By-law No. 118-2020	Port Robinson West Secondary Plan Area Policies Update	Updates specific policies within the Port Robinson West Secondary Plan, including density ranges and frameworks for non-residential supporting land uses.	Lands within the Port Robinson West Secondary Plan area	N/A	N/A (By-law 118-2020 adopted)	City of Thorold Council	Modifies density ranges (e.g., PRW- Low Density Residential: 15-40 units/ha; PRW- Medium/High Density Residential: 40-160 units/ha). Permits limited non-residential land uses (convenience retail, etc., not cumulatively exceeding 500 sq. metres) in PRW- Medium and Medium/High Density Residential areas subject to criteria.
11	OLT Case No. PL200594	2350 Gainer Street (Hockey Training Facility)	Creates "Site-specific Policy Area 6" for the rear portion of the property to permit a private hockey training facility.	2350 Gainer Street	2.4 ha	27 September, 2021 (Issue Date of OLT Order)	Ontario Land Tribunal (OLT)	The rear portion is re-designated from General Industrial and Greenfield Overlay to Site-specific Policy Area 6, permitting a hockey training facility in the existing accessory building.
12	By-law No. 149-2020	662 Mackan Street	Re-designates land from 'Urban Living Area' to 'Site-specific Policy Area 7' to permit a maximum density of 29 units per hectare.	PLAN 662 PT MACKAN ST (North side of Mary Street, opposite Mackan Street)	N/A	November 17, 2020	City of Thorold Council	Lands designated "Urban Living Area" are re-designated to "Site-Specific Policy Area 7 – PLAN 662 PT MACKAN ST". The maximum density shall be 29 units per hectare.
13	By-law No. 30-2021	Block 1239 – Rolling Meadows Draft Plan of Subdivision	Changes land use designation of Block 1239, previously designated as mixed-use/parks/residential, entirely to "Rolling Meadows- Residential".	Block 1239 – Rolling Meadows Draft Plan of Subdivision (South-east corner of Upper's Lane and Barker Parkway intersection)	0.28 746 ha	March 23, 2021	City of Thorold Council	Subject lands (Block 1239) are re-designated to "Rolling Meadows-Residential". The amendment facilitates the development of an apartment building compatible with surrounding uses.
14	By-law No. 60-2021	1071 Old Thorold Stone Road	Exempts the subject property from policy B2.4.6 b) to permit future lot creation applications (severance into lots for Future Rural Industrial uses).	1071 Old Thorold Stone Road (South side of Old Thorold Stone Road and east side of Davis Road)	N/A	May 18, 2021	City of Thorold Council	Part 1 is re-designated from "Rural Industrial" to "Site Specific Policy Area 8". Part 2 is re-designated from "Rural Industrial" to "Environmental Protection 2". Section B2.4.6 b) shall not apply to the lands.
15	By-law No. 71- 2022	Rolling Meadows Phases 14 and 16 Land Use Mapping Changes	Comprehensive mapping amendments within Rolling Meadows Subdivision, changing various designations (Institutional, Village Square Commercial, Residential, Open Space and Parks).	Lands within the Rolling Meadows Subdivision	N/A	August 30, 2022	City of Thorold Council	Changes include: Part 1: Institutional to Residential; Part 2: Village Square Commercial to Residential; Part 3: Village Square Commercial to Open Space and Parks; Part 6: Residential to Institutional.
16	By-law No. 39-2022	2015 Allanport Road	Exempts the subject property from policy B2.4.6 b) to permit future lot creation applications (severance into lots for Future Rural Industrial uses).	2015 Allanport Road (West side of Allanport Road, south side of CN railway corridor and Barron Road)	N/A	May 3, 2022	City of Thorold Council	Lands designated "Rural Industrial" are re-designated to "Site Specific Policy Area 9 – 2015 Allanport Road". Section B2.4.6 b) shall not apply to the lands.
17	By-law No. 65-2022	2-30 Confederation Ave.	Changes land use designation from "Urban Living Area" and "General Commercial" with site-specific exceptions to "Urban Living Area" with site-specific exception B1.1.13.1.	2 – 30 Confederation Avenue (PLAN 59M184 BLK 37, North-west corner of Confederation Avenue and Collier Road South)	N/A	August 2, 2022	City of Thorold Council	Adds Section B1.1.13.1 Exceptions for Block 37, permitting various uses on the easterly portion, including Retail Uses, Service Uses, Professional offices, Restaurants, and Medical clinics.
18	By-law No. 95-2023	Rolling Meadows Phase 17 & 18-21	Changes the land use designation of Block 1239 from "Rolling Meadows- Residential" back to "Rolling Meadows- Village Square Commercial".	Block 1239 in the approved draft plan (South-east corner of Upper's Lane and Barker Parkway intersection)	N/A	July 11, 2023	City of Thorold Council	Subject lands (Block 1239) are re-designated to "Rolling Meadows-Village Square Commercial". Minor stand-alone Residential uses (Stacked Townhouses and Back to Back Townhouses) are permitted contrary to policy B1.8.7.4.2 b).
19	By-law No. 118-2023	1426 Kottmeier Road	Amends Policy B1.9.6.2.1.1 to permit a private road development consisting entirely of townhouses with a maximum density of 40 units per hectare.	1426 Kottmeier Road (East side of Kottmeier Road north of Port Robinson Road)	N/A	July 11, 2023	City of Thorold Council	Notwithstanding Policy B1.9.6.2.1.1, the lands designated "Site Specific Policy Area 13" shall be permitted to be developed entirely with townhouses to a maximum density of 40 units per hectare.

20	By-law No. 125-2023	3401 Schmon Parkway	Creates "Special Policy Area 11" (SPA 11) within the Brock Business Secondary Plan Area to permit non-residential Institutional Uses associated with a Post-Secondary institution.	3401 Schmon Parkway (Plan 59M131, Lots 15 to 18; North side of Schmon Parkway east of Merrittville Highway)	N/A	August 1, 2023	City of Thorold Council	Lands are amended to designate the subject lands as "Special Policy Area 11". Notwithstanding Section 2.3.3 Employment Areas, non-residential Institutional uses associated with a Post-Secondary institution shall be permitted.
21	By-law No. 126-2023	2248 Centre Street	Creates "Special Policy Area 10" (SPA 10) to increase the maximum density of development on the site to 13 units per hectare.	2248 Centre Street (East side of Centre Street, between Henderson Street and Barron Road, in Allanburg)	N/A	August 1, 2023	City of Thorold Council	Lands designated Urban Living Area are amended to designate the subject lands as "Special Policy Area 10". Notwithstanding Section B1.1.3.c), the maximum density of development shall be 13 units per hectare.
22	By-law No. 2-2024	Artisan Ridge 3B	Changes the land use designation from General Industrial to Urban Living Area with Regeneration Overlay to facilitate the development of 298 new dwelling units.	1522 Beaverdams Road and 181 Queen Street South (Part of Lot A, Registered Plan 663 and Part of Township Lots 31 & 32)	2.58 ha	January 16, 2024	City of Thorold Council	Amends Schedule "A-1" by designating Part 1 lands from "General Industrial" to "Urban Living Area with Regeneration Overlay". The amendment facilitates the development of 10 single detached dwellings and 288 stacked townhouse dwellings (298 units total).
23	By-law No. 67-2025	75 Ormond St South	Modifies Urban Living Area Special Policy Area 05 to remove Policy F11.10 and replace it with special policy to permit 352 units per hectare.	75 Ormond St South	0.32 ha	July 8, 2025	City of Thorold Council	Amends Special Policy Area 05 section by removing and replacing Policy F11.10 as follows: "F1 Urban Living Area Special Policy Area 5 – 75 Ormond Street South Notwithstanding Section B1.1.3.c), the maximum density of development on the subject lands shall be 352 units per hectare."

TABLE OF CONTENTS

THE STRUCTURE OF THE PLAN

A1	THE COMMUNITY VISION.....	A-1
A2	GOALS AND OBJECTIVES.....	A-2
A2.1	GROWTH AND SETTLEMENT	A-2
	A2.1.1 Goal	A-2
	A2.1.2 Objectives	A-2
A2.2	THE ECONOMY AND EMPLOYMENT	A-2
	A2.2.1 Goal	A-2
	A2.2.2 Objectives	A-2
A2.3	INFRASTRUCTURE.....	A-3
	A2.3.1 Goal	A-3
	A2.3.2 Objectives	A-3
A2.4	URBAN CHARACTER	A-3
	A2.4.1 Goal	A-3
	A2.4.2 Objectives	A-3
A2.5	AGRICULTURE	A-4
	A2.5.1 Goal	A-4
	A2.5.2 Objectives	A-4
A2.6	THE NATURAL ENVIRONMENT	A-4
	A2.6.1 Goal	A-4
	A2.6.2 Objectives	A-4
A2.7	CULTURAL HERITAGE	A-5
	A2.7.1 Goal	A-5
	A2.7.2 Objectives	A-5
A3	SETTLEMENT AREA STRATEGY	A-6
A3.1	POPULATION FORECAST.....	A-6
A3.2	HOUSING FORECAST.....	A-7
A3.3	EMPLOYMENT FORECAST.....	A-7
A4	CITY STRUCTURE AND LAND USE	A-8
A4.1	URBAN AREA DESIGNATIONS	A-8
	A4.1.1 Urban Living Area	A-8
	A4.1.2 Downtown	A-8
	A4.1.3 Downtown Transitional	A-8
	A4.1.4 General Commercial	A-8
	A4.1.6 General Industrial	A-9
	A4.1.7 Institutional.....	A-9
	A4.1.8 Open Space and Parks.....	A-9
	A4.1.9 Greenfield Overlay.....	A-9
	A4.1.10 Regeneration Overlay.....	A-9
	A4.1.11 The Neighbourhoods of Rolling Meadows Secondary Plan	A-9
	A4.1.12 The Port Robinson West Secondary Plan	A-9
A4.2	RURAL AREA DESIGNATIONS	A-9
	A4.2.1 Agricultural	A-10
	A4.2.2 Rural	A-10
	A4.2.3 Specialty Crop	A-10
	A4.2.4 Rural Industrial.....	A-10
	A4.2.5 Rural Settlement	A-10

	A4.2.6	Aggregate Extraction Area.....	A-10
	A4.2.7	Rural Highway Commercial	A-10
A4.3		ENVIRONMENTAL AND OPEN SPACE DESIGNATIONS.....	A-10
	A4.3.1	Environmental Protection One.....	A-10
	A4.3.2	Environmental Protection Two.....	A-10
	A4.3.3	Environmental Protection Three	A-11
	A4.3.4	Greenbelt Natural Heritage Overlay	A-11
	A4.3.5	Niagara Escarpment Plan Area	A-11
	A4.3.6	Floodplain	A-11
	A4.3.7	Natural Recovery Overlay.....	A-11
A5		CONCEPTS GUIDING FUTURE DEVELOPMENT IN URBAN AREAS	A-12
A5.1		URBAN AREA BOUNDARIES.....	A-12
A5.2		THE BUILT-UP AREA.....	A-12
A5.3		GREENFIELD AREAS	A-12
A5.4		INTENSIFICATION TARGET	A-12
A5.5		INTENSIFICATION CORRIDORS.....	A-13
A5.6		PHASING.....	A-13
A5.7		URBAN AREA EXPANSION.....	A-14
A5.8		GATEWAY ECONOMIC CENTRE.....	A-15
PART B – LAND USE POLICIES			B-1
B1		URBAN AREA DESIGNATIONS	B-1
B1.1		URBAN LIVING AREA.....	B-1
	B1.1.1	Purpose.....	B-1
	B1.1.2	Permitted Uses	B-1
	B1.1.3	Residential Intensification	B-1
	B1.1.4	Second Dwelling Units.....	B-3
	B1.1.5	Semi-Detached, Townhouse, Multiple and Apartment Dwellings.....	B-3
	B1.1.6	Home Occupations	B-3
	B1.1.7	Bed and Breakfast Establishments.....	B-4
	B1.1.8	Complementary Uses	B-4
	B1.1.9	Urban Agriculture	B-7
	B1.1.10	Monitoring of Housing	B-7
	B1.1.11	Conversion of Rental Housing	B-8
	B1.1.12	Implementing Zoning By-law	B-8
	B1.1.13	Exceptions	B-8
B1.2		DOWNTOWN.....	B-9
	B1.2.1	Purpose.....	B-9
	B1.2.2	Permitted Uses	B-9
	B1.2.3	The Vision for the Downtown Area	B-10
	B1.2.4	Development Policies	B-10
	B1.2.5	Public Space in the Downtown	B-14
	B1.2.6	Implementing Zoning By-law	B-15
B1.3		DOWNTOWN TRANSITIONAL.....	B-16
	B1.3.1	Purpose.....	B-16
	B1.3.2	The Vision for the Downtown Transitional Area	B-16
	B1.3.3	Permitted Uses	B-16
	B1.3.4	Development Policies	B-16
	B1.3.5	Implementing Zoning By-Law	B-19
B1.4		GENERAL COMMERCIAL.....	B-20

	B1.4.1	Purpose.....	B-20
	B1.4.2	Permitted Uses	B-20
	B1.4.3	Development Policies	B-20
	B1.4.4	Implementing Zoning By-law	B-21
B1.5		GENERAL INDUSTRIAL.....	B-22
	B1.5.1	Purpose.....	B-22
	B1.5.2	Location	B-22
	B1.5.3	Permitted Uses	B-22
	B1.5.4	Form of Development	B-22
	B1.5.5	Development Policies	B-22
	B1.5.6	Implementing Zoning By-law	B-24
	B1.5.7	Exceptions	B-24
B1.6		OPEN SPACE AND PARKS	B-25
	B1.6.1	Purpose.....	B-25
	B1.6.2	Location	B-25
	B1.6.3	Permitted Uses	B-25
	B1.6.4	Components of the Open Space and Parks Designation.....	B-25
	B1.6.5	Implementing Zoning By-law	B-26
B1.7		INSTITUTIONAL.....	B-27
	B1.7.1	Purpose.....	B-27
	B1.7.2	Location	B-27
	B1.7.3	Permitted Uses	B-27
	B1.7.4	Development Policies	B-27
	B1.7.5	Zoning By-law Implementation	B-27
B1.8		THE NEIGHBOURHOODS OF ROLLING MEADOWS SECONDARY PLAN	B-28
	B1.8.1	Intent	B-28
	B1.8.2	Objectives	B-28
	B1.8.3	General	B-28
	B1.8.4	Principles	B-29
	B1.8.5	Design Guidelines.....	B-29
	B1.8.6	Residential Policies.....	B-29
	B1.8.7	Commercial Policies	B-33
	B1.8.8	RM Industrial Policies	B-36
	B1.8.9	Natural Environment	B-38
	B1.8.10	RM Institutional Policies.....	B-38
	B1.8.11	Open Space and Recreation Policies.....	B-39
	B1.8.12	Land Use Compatibility.....	B-41
	B1.8.13	Servicing and Transportation.....	B-43
	B1.8.14	Watercourse Rehabilitation.....	B-45
	B1.8.15	Implementation	B-49
B1.9		PORT ROBINSON WEST SECONDARY PLAN	B-52
	B1.9.1	Introduction	B-52
	B1.9.2	Community Structure	B-52
	B1.9.3	Objectives	B-53
	B1.9.4	Design Policies	B-59
	B1.9.5	Phasing Policies	B-61
	B1.9.6	Land Use Designations.....	B-63
B1.10		BROCK BUSINESS PARK AREA SECONDARY PLAN	B-87
	B1.10.1	Introduction	B-87

	B1.10.2	Objectives	B-87
	B1.10.3	Land Use Designations.....	B-87
	B1.10.4	BBP Mixed Use.....	B-88
	B1.10.5	BBP Employment.....	B-89
	B1.10.6	BBP Residential.....	B-92
	B1.10.7	Environmental Protection Areas	B-93
	B1.10.8	Urban Design	B-93
	B1.10.9	Transportation and Infrastructure	B-107
	B1.10.10	Implementation	B-109
B1.11		GREENFIELD OVERLAY	B-113
	B1.11.1	The Neighbourhoods of Rolling Meadows Secondary Plan	B-113
	B1.11.2	Port Robinson West Secondary Plan	B-113
	B1.11.3	Brock University.....	B-114
	B1.11.4	Thorold South – Lands South-West of Lundy’s Lane and Allanport Road	B-114
	B1.11.5	Other Greenfield Overlay Lands in Thorold.....	B-114
	B1.11.6	Implementation	B-114
B1.12		REGENERATION OVERLAY.....	B-116
	B1.12.1	Purpose.....	B-116
	B1.12.2	Intent	B-116
	B1.12.3	Permitted Uses	B-116
	B1.12.4	Development Policies	B-116
	B1.12.5	Site Plan Control.....	B-117
	B1.12.6	Implementing Zoning By-law	B-117
B2		RURAL AREA DESIGNATIONS	B-118
B2.1		AGRICULTURAL.....	B-118
	B2.1.1	Purpose.....	B-118
	B2.1.2	Permitted Uses	B-118
	B2.1.3	Development Policies	B-119
	B2.1.4	Minimum Distance Separation.....	B-123
	B2.1.5	Implementing Zoning By-law	B-123
B2.2		SPECIALTY CROP.....	B-124
	B2.2.1	Purpose.....	B-124
	B2.2.2	Permitted Uses	B-124
	B2.2.3	Non-Agricultural Uses in the Specialty Crop Designation	B-124
	B2.2.4	Consents.....	B-124
	B2.2.5	Expansion of Existing Uses	B-125
	B2.2.6	Minimum Distance Separation.....	B-125
	B2.2.7	Greenhouses	B-125
	B2.2.8	Implementing Zoning By-law	B-126
	B2.2.9	Exceptions	B-126
B2.3		RURAL.....	B-127
	B2.3.1	Purpose.....	B-127
	B2.3.2	Permitted Uses	B-127
	B2.3.3	Development Policies	B-127
	B2.3.4	Minimum Distance Separation.....	B-128
	B2.3.5	Implementing Zoning By-law	B-128
B2.4		RURAL INDUSTRIAL.....	B-130
	B2.4.1	Purpose.....	B-130
	B2.4.2	Permitted Uses	B-130

	B2.4.3	Dry Industrial Uses	B-130
	B2.4.4	Site Plan Policies	B-131
	B2.4.5	Conversion of Lands in the Rural Industrial Designation to Other Uses	B-131
	B2.4.6	Lot Creation	B-132
	B2.4.7	Intensification	B-132
	B2.4.8	Implementing Zoning By-law	B-132
B2.5		PORT ROBINSON EAST SPECIAL POLICY	B-133
	B2.5.1	Purpose.....	B-133
	B2.5.2	Permitted Uses	B-133
	B2.5.3	Development Policies	B-133
	B2.5.4	Implementing Zoning By-law	B-134
	B2.5.5	Exceptions	B-134
B2.6		AGGREGATE EXTRACTION AREA	B-135
	B2.6.1	Purpose.....	B-135
	B2.6.2	Permitted Uses	B-135
	B2.6.3	Development Policies	B-135
	B2.6.4	Aggregate Extraction in the Specialty Crop Designation.....	B-139
	B2.6.5	Implementing Zoning By-law	B-141
B2.7		RURAL HIGHWAY COMMERCIAL	B-142
	B2.7.1	Purpose.....	B-142
	B2.7.2	Permitted Uses	B-142
	B2.7.3	Development and Design Policies	B-143
	B2.7.4	Market Impact Study	B-143
	B2.7.5	Implementing Zoning By-law	B-144
B3		NATURAL HERITAGE DESIGNATIONS.....	B-145
B3.1		NIAGARA ESCARPMENT PLAN AREA.....	B-145
B3.2		ENVIRONMENTAL PROTECTION ONE	B-146
	B3.2.1	Purpose.....	B-146
	B3.2.2	Components of the Environmental Protection One Designation	B-146
	B3.2.3	Permitted Uses	B-146
	B3.2.4	Policies Applicable to the Environmental Protection One Designation	B-147
	B3.2.5	Zoning By-law Implementation	B-149
B3.3		ENVIRONMENTAL PROTECTION TWO.....	B-151
	B3.3.1	Purpose.....	B-151
	B3.3.2	Components of the Environmental Protection Two Designation	B-151
	B3.3.3	Permitted Uses	B-151
	B3.3.4	Policies Applicable to the Environmental Protection Two Designation	B-152
	B3.3.5	Zoning By-law Implementation	B-155
B3.4		ENVIRONMENTAL PROTECTION THREE.....	B-156
	B3.4.1	Purpose.....	B-156
	B3.4.2	Components of the Environmental Protection Three Designation	B-156
	B3.4.3	Permitted Uses	B-157
	B3.4.4	General Policies.....	B-157
	B3.4.5	Zoning By-law Implementation	B-159
B3.5		GREENBELT NATURAL HERITAGE OVERLAY	B-161
	B3.5.1	Purpose.....	B-161
	B3.5.2	Location	B-161
	B3.5.3	Permitted Uses	B-161
	B3.5.4	General Policies.....	B-161

	B3.5.5	Zoning By-law Implementation	B-165
B3.6		FLOODPLAIN	B-166
	B3.6.1	Purpose.....	B-166
	B3.6.2	Permitted Uses	B-166
	B3.6.3	One Zone Approach	B-167
	B3.6.4	Existing Buildings in the Floodplain	B-167
	B3.6.5	Role of the Niagara Peninsula Conservation Authority	B-168
	B3.6.6	Implementation	B-169
B3.7		NATURAL RECOVERY AREA POLICIES	B-169
	B3.7.1	Purpose.....	B-169
	B3.7.2	Location	B-169
	B3.7.3	Permitted Uses	B-169
	B3.7.4	Policies Applicable to the Natural Recovery Area	B-169
PART C		– ENVIRONMENTAL AND GROUND WATER MANAGEMENT POLICIES.....	C-1
C1		APPLICABILITY	C-2
C2		RIVERS AND STREAMS	C-2
	C2.1	FUNCTION OF RIVERS AND STREAMS.....	C-2
		C2.1.1 Implementation	C-2
C3		CORRIDORS AND LINKAGES.....	C-3
C4		WATER RESOURCE MANAGEMENT	C-3
	C4.1	PROTECTION OF THE RESOURCE.....	C-3
	C4.2	IMPACT ASSESSMENT	C-4
	C4.3	SOURCE WATER PROTECTION.....	C-5
		C4.3.1 Intake Protection Zones (IPZ).....	C-5
	C4.3.2	HIGHLY VULNERABLE AQUIFER.....	C-6
C5		STORMWATER MANAGEMENT.....	C-6
C6		REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY	C-7
	C6.1	PURPOSE OF AN EIS.....	C-7
	C6.2	CONTENTS OF AN EIS	C-8
	C6.3	AGENCIES RESPONSIBLE FOR REVIEW AND APPROVAL	C-9
C7		SOLID WASTE DISPOSAL AREAS	C-9
C8		GAS WELLS.....	C-10
C9		LAND USE COMPATIBILITY.....	C-10
C10		CONTAMINATED SITES.....	C-11
	C10.1	BROWNFIELD SITES	C-11
	C10.2	GREYFIELD SITES	C-11
C11		VALLEYLANDS.....	C-11
	C11.1	PURPOSE.....	C-11
	C11.2	PERMITTED USES.....	C-11
	C11.3	GENERAL POLICIES.....	C-12
		C11.3.1 Policies for New Development, Site Alteration, and Lot Creation	C-12
		C11.3.2 Policies for New Development, Site Alteration, and Lot Creation on Adjacent Lands	C-12
		C11.3.3 Policies for Existing Development on Adjacent Lands	C-13
		C11.3.4 Policies for Existing Lots on Adjacent Lands	C-13
	C11.4	IMPLEMENTATION.....	C-13
C12		NATURAL HAZARDS	C-14
	C12.1	POLICIES FOR NEW DEVELOPMENT AND SITE ALTERATION	C-14
PART D		– GENERAL DEVELOPMENT POLICIES.....	D-1

D1	WATER AND SEWER SERVICING	D-2
D1.1	WATER AND SEWER SERVICING IN THE URBAN AREAS	D-2
D1.2	WATER AND SEWER SERVICING IN PORT ROBINSON EAST	D-2
D1.3	WATER AND SEWER SERVICING FOR THE RURAL AREA	D-2
D1.4	ADEQUACY OF CITY SERVICES	D-2
D2	TRANSPORTATION.....	D-3
D2.1	OBJECTIVES	D-3
D2.2	ACCESS TO THE ROADS IN THE CITY	D-3
	D2.2.1 Provincial Roads	D-3
	D2.2.2 Regional Roads	D-3
	D2.2.3 Arterial Roads	D-3
	D2.2.4 Collector Roads	D-4
	D2.2.5 Local Roads	D-4
	D2.2.6 Private Roads	D-4
	D2.2.7 Other Types Of Roads	D-4
D2.3	RIGHT-OF-WAY WIDTH	D-5
D2.4	TRANSPORTATION STUDIES.....	D-5
D2.5	TRUCK TRAFFIC MANAGEMENT	D-5
D2.6	PUBLIC TRANSIT	D-5
D2.7	ACTIVE TRANSPORTATION	D-5
D2.8	CORRIDORS	D-6
D2.9	ENVIRONMENTAL ASSESSMENT	D-6
D2.10	MARINE AND RAIL.....	D-6
D3	HERITAGE AND ARCHAEOLOGICAL RESOURCES	D-7
D3.1	OBJECTIVES	D-7
D3.2	GENERAL POLICIES.....	D-7
	D3.2.1 Heritage Impact Assessment.....	D-7
	D3.2.2 Built Heritage and Cultural Landscape Resources.....	D-8
D3.3	ARCHAEOLOGICAL RESOURCES.....	D-10
	D3.3.1 Archaeological Assessment Requirements.....	D-10
D4	SUBDIVISION OF LAND.....	D-12
D4.1	PREFERRED MEANS OF LAND DIVISION	D-12
D4.2	NEW LOTS BY CONSENT	D-12
	D4.2.1 General Criteria	D-12
	D4.2.2 Legal or Technical Consents	D-13
	D4.2.3 Farm Property Consolidations	D-13
	D4.2.4 Lots for Utilities	D-13
D4.3	SUBDIVISION DEVELOPMENT POLICIES	D-13
	D4.3.1 Energy Conservation and Sustainability.....	D-14
	D4.3.2 Extension of Draft Plan Approval.....	D-14
D4.4	PUBLIC PARKLAND.....	D-15
	D4.4.1 Objectives	D-15
	D4.4.2 General Policies Applying to all Public Parkland.....	D-15
	D4.4.3 Parkland Development Policies.....	D-16
D4.5	FINANCIAL.....	D-17
	D4.5.1 Public Facilities and Infrastructure.....	D-17
	D4.5.2 Waste Recycling and Collection Services	D-17
	D4.5.3 Coordination of Capital Planning	D-17
	D4.5.4 Developer's Group/Front Ending Agreements.....	D-17

D5	OIL AND NATURAL GAS PIPELINES	D-19
D5.1	LOCATION	D-19
D5.2	AUTHORITY	D-19
D5.3	NEW BUILDINGS AND STRUCTURES	D-19
D6	UTILITY INFRASTRUCTURE	D-20
D6.1	INTENT	D-20
D6.2	FUNCTIONAL SERVICING REPORTS	D-20
D6.3	LOCATION OF UNDERGROUND UTILITIES	D-20
D6.4	TELECOMMUNICATION TOWERS.....	D-20
	D6.4.1 Complete Application Requirements	D-20
	D6.4.2 Public Consultation	D-21
	D6.4.3 Consultation with City and Regional Emergency Service Departments.....	D-21
D7	ACCESSIBILITY	D-22
D7.1	OBJECTIVE - MOBILITY FOR ALL PERSONS.....	D-22
	D7.2.1 Accessible Design for New Buildings	D-22
	D7.2.2 Development Review Considerations.....	D-22
	D7.2.3 Preparation of Guidelines	D-22
	D7.2.4 Accessible Housing	D-22
D8	CONSULTATION WITH FIRST NATION COMMUNITIES	D-23
D9	LICENSED MARIJUANA production FACILITIES.....	D-23
	PART E – PLAN IMPLEMENTATION AND ADMINISTRATION	E-1
E1	PLAN IMPLEMENTATION AND ADMINISTRATION.....	E-1
E1.1	ZONING BY-LAWS	E-1
E1.2	TEMPORARY USE BY-LAWS.....	E-1
E1.3	HOLDING PROVISIONS	E-1
	E1.3.1 Conditions under which Holding Provisions will be removed	E-2
E1.4	SITE PLAN CONTROL.....	E-2
E1.5	MINOR VARIANCES	E-3
E1.6	MAINTENANCE AND OCCUPANCY BY-LAWS (PROPERTY STANDARDS)	E-4
	E1.6.1 Intent	E-4
	E1.6.2 Property Standards Committee	E-4
E1.7	COMMUNITY IMPROVEMENT	E-4
	E1.7.1 Definition and Identification.....	E-4
	E1.7.2 Community Improvement Goals	E-5
	E1.7.3 Criteria for Delineating Community Improvement Project Areas.....	E-5
	E1.7.4 Potential Incentives and Implementation Methods.....	E-6
	E1.7.5 The Gateway Economic Centre Community Improvement Plan (GCIP).....	E-7
E1.8	DEVELOPMENT PERMIT SYSTEM	E-9
	E1.8.1 Lands Subject to Development Permit System	E-9
	E1.8.2 Intent	E-9
	E1.8.3 Goals.....	E-9
	E1.8.4 Scope of Authority	E-9
	E1.8.5 Criteria	E-10
	E1.8.6 Conditions	E-10
	E1.8.7 Administration	E-11
E1.9	CONDITIONAL ZONING	E-11
E1.10	HEIGHT AND DENSITY BONUS PROVISIONS	E-11
E2	NON-CONFORMING USES	E-12
E2.1	INTENT OF THE OFFICIAL PLAN	E-12

	E2.2	ROLE OF THE COMMITTEE OF THE ADJUSTMENT	E-12
E3		COMPLETE APPLICATION REQUIREMENTS	E-12
	E3.1	PRE-CONSULTATION AND COMPLETE APPLICATIONS	E-12
	E3.2	TECHNICAL STUDIES AND PEER REVIEWS	E-14
E4		PUBLIC NOTIFICATION	E-14
E4		TECHNICAL AMENDMENTS TO THE PLAN	E-15
E5		INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES	E-15
E6		OFFICIAL PLAN REVIEW PROCESS	E-16
		PART F – SITE SPECIFIC POLIDY AREAS	F-1
F1		SITE SPECIFIC SPECIAL POLICY AREAS	F-1

SCHEDULES

SCHEDULE A LAND USE

SCHEDULE A-1 CITY OF THOROLD URBAN AREA WEST OF THE WELLAND CANAL

SCHEDULE A-2 CITY OF THOROLD URBAN AREA EAST OF THE WELLAND CANAL

SCHEDULE A-3 THE NEIGHBOURHOODS OF ROLLING MEADOWS SECONDARY PLAN

SCHEDULE A-4 HISTORIC SETTLEMENT OF PORT ROBINSON EAST

SCHEDULE A-5 PORT ROBINSON WEST NEIGHBOURHOOD STRUCTURE PLAN

SCHEDULE A-6 PORT ROBINSON WEST LAND USE PLAN

SCHEDULE A-7 BROCK BUSINESS PARK AREA LAND USE PLAN

SCHEDULE B NATURAL HERITAGE SYSTEM

SCHEDULE C FLOODPLAINS AND HAZARD LANDS

SCHEDULE D TRANSPORTATION AND UTILITIES

SCHEDULE D-1 PORT ROBINSON WEST ACTIVE TRANSPORTATION PLAN

**SCHEDULE D-2 BROCK BUSINESS PARK AREA ACTIVE TRANSPORTATION PLAN &
PUBLIC REALM IMPROVEMENTS**

SCHEDULE D-3 BROCK BUSINESS PARK AREA INFRASTRUCTURE

**SCHEDULE E CULTURAL HERITAGE SITES DESIGNATED UNDER THE ONTARIO
HERITAGE ACT**

APPENDICES

APPENDIX A DEFINITIONS

APPENDIX B ROLLING MEADOWS URBAN DESIGN GUIDELINES

APPENDIX C PORT ROBINSON WEST URBAN DESIGN GUIDELINES

THE STRUCTURE OF THE PLAN

This Official Plan is divided into five parts, each of which is described below.

PART A (Vision, Goals and Strategic Objectives and Land Use Concept) contains the vision of the City. This vision was approved by Council and is based on an understanding of past and future trends and the needs of the City and its residents. The goals and strategic objectives that form the basis of the Plan flow from the vision and establish the framework for the land use policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

PART B (Land Use Designations) contains the land use policies that apply to lands throughout the City.

PART C (Environmental Management Policies) contains the policies dealing with rivers and streams, floodplains and hazardous slopes throughout the City. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

PART D (General Development Policies) contains policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the City.

PART E (Plan Implementation and Administration) describes how the vision, goals and objectives of the Official Plan will be implemented.

A1 THE COMMUNITY VISION

The primary purpose of this Official Plan is to provide the basis for managing growth for the period ending in 2031, subject to 5-year reviews. The Vision for this Official Plan is to revitalize the City's economy and civic identity through growth and development in the Downtown, the employment areas, the existing urban area and the Secondary Plan areas. This Plan is intended to provide direction and encouragement for public and private sector investment, and also recognize that the City possesses numerous cultural/heritage features and diverse natural features that contribute in a meaningful way to the quality of life in Thorold.

The City has a number of significant environmental and topographical features that contribute to the 'sense of place' felt by many of the City's residents. These features include the Niagara Escarpment, the Welland Canal, Lakes Gibson and Moodie as well as numerous natural areas that support wildlife and contribute to the rural and small town character of Thorold.

Thorold forms part of the Provincially significant "Gateway Economic Centre", given the City's extensive supply of employment land which is accessible by Provincial highways, the Welland Canal and intercontinental rail. These areas shall be protected for future employment uses so that they may contribute to the creation of local employment and economic investment.

The Thorold urban areas are identifiable, affordable and accessible and the City will promote these qualities in an effort to attract more families and retirees seeking a small-town lifestyle in a moderate Ontario climate. According to Regional growth projections, it is anticipated that the population of the City will increase by about **5,000** people by the year 2031. Under this Official Plan, the majority of this growth will be directed to existing or planned urban areas.

A2 GOALS AND OBJECTIVES

A2.1 GROWTH AND SETTLEMENT

A2.1.1 Goal

It is a goal of this Plan to encourage new development in the Urban Areas where full sewer and water services are available.

A2.1.2 Objectives

To establish an orderly progression of urban development that utilizes lands within existing urban area as well as in new secondary plan areas.

To continue to provide housing that is affordable.

To encourage diversity in housing in an effort to accommodate the broadest range of housing needs.

To maintain, at all times, a minimum 10-year supply of residential development land.

To reinforce the function of the Downtown as a business and commercial focal point of the community and to increase the prominence of Downtown through community improvement in public and private land and buildings.

To encourage intensification and redevelopment in and in proximity to the Downtown for a mix of land uses and diversity in housing that includes housing oriented to seniors and students.

A2.2 THE ECONOMY AND EMPLOYMENT

A2.2.1 Goal

It is a goal of this Plan to provide opportunities for economic development and the creation of new jobs in the City.

A2.2.2 Objectives

- To work with the Province and other Niagara Region municipalities to plan for and implement measures to encourage investment within the Provincially significant “Gateway Economic Centre”.
- To protect employment lands for current and future need.
- To show leadership on matters relating to economic and employment growth.
- To ensure lands are available in the City to accommodate the broadest potential range of needs in the industrial market place.
- To encourage opportunities for employment within a Regional context including a

broad range of commercial and service facilities.

- To encourage the development of additional employment and service commercial uses in the Downtown.
- To work with Brock University to promote economic and social development that is beneficial to the City and the university.
- To encourage the development of home-based businesses and home industries provided the proposed use is compatible with adjacent uses.

A2.3 INFRASTRUCTURE

A2.3.1 Goal

It is a goal of this Plan to ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities and roads meet the needs of present and future residents and businesses.

A2.3.2 Objectives

- To ensure that infrastructure required to serve the Urban Areas is built prior to, or coincident with, new development.
- To maintain existing infrastructure and services in a manner that is efficient, cost effective and contributes to the quality of life of citizens.
- To consider adaptive re-use of infrastructure wherever feasible.
- To promote the use of green infrastructure.
- To locate infrastructure and public services in a manner that supports effective and efficient delivery of emergency management services.
- To encourage the establishment of a Regionally integrated transportation system, including active transportation that safely and efficiently accommodates the broadest number of transportation modes.
- To encourage the maintenance and/or upgrading of water, sanitary and stormwater services within older parts of the City, through development or re-development projects within and proximate to the Downtown.

A2.4 URBAN CHARACTER

A2.4.1 Goal

It is a goal of this Plan to protect and enhance the small-town character of the existing Urban Areas.

A2.4.2 Objectives

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of stable residential areas and only support applications

for new development that are physically compatible with the character of the surrounding neighbourhood.

- To encourage the intensification and use of the lands within the Downtown and to make every effort to improve the economic health of the Downtown by encouraging redevelopment and the broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are pedestrian-friendly and provide a mix of housing types compatible with the existing neighbourhood, in addition to community facilities, small-scale commercial centres and public open spaces.
- To provide community facilities that are safe, visible and accessible to residents in each neighbourhood.
- To improve the civic identity of the urban areas through the use and application of appropriate standards of urban design in public and private development.

A2.5 AGRICULTURE

A2.5.1 Goal

It is the goal of this Plan to maintain, support and enhance agricultural opportunities.

A2.5.2 Objectives

- To support agricultural uses by allowing for diversified activities that will add value to their primary products
- To provide opportunities to become more competitive and adapt to new and changing markets
- To encourage diversification by taking advantage of new agricultural opportunities.

A2.6 THE NATURAL ENVIRONMENT

A2.6.1 Goal

It is a goal of this Plan to maintain, enhance or restore ecosystem health and integrity.

A2.6.2 Objectives

- To ensure that an understanding of the natural environment, including the values, opportunities, limits and constraints that it provides, guides land use decision-making in the City.

- To make planning decisions that consider the health and integrity of the broader landscape as well as long term and cumulative impacts on the ecosystem.
- To make planning decisions that avoid negative environmental impacts as a first priority, with secondary priority given to mitigation of negative impacts.
- To restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.
- To work with the Region and other agencies responsible for public land to encourage the establishment of an open space system that links environmental and recreational resources both within and beyond the boundaries of the City.

A2.7 CULTURAL HERITAGE

A2.7.1 Goal

It is a goal of this Plan to continue to identify, conserve and enhance the City's significant cultural heritage resources.

A2.7.2 Objectives

- To encourage the retention of cultural heritage resources wherever practical for the benefit of future generations.
- To foster civic pride by recognizing the contribution that cultural heritage resources have on the rural and urban fabric of the City.
- To use cultural heritage resources as a tool to attract additional economic development, increase tourism opportunities and enhance the character and vitality of neighbourhoods and districts.
- To work with community partners and volunteers to promote awareness and interest in the conservation of cultural heritage resources.
- To prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources.
- To encourage development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- To prepare a comprehensive inventory of the City's built heritage and cultural heritage landscape resources.

A3 SETTLEMENT AREA STRATEGY

According to Regional growth studies, the City of Thorold is projected to accommodate about 5,186 new residents during the 25 years between 2006 and 2031. The Regional growth study further projected that this level of growth will precipitate the need for about 2,345 new dwelling units.

Through this Official Plan, future residential growth will be accommodated primarily within the traditional urban areas of Thorold as well as two new secondary plan areas known as The Neighbourhoods of Rolling Meadows and Port Robinson West.

In Port Robinson West, there is a significant urban land base that will contribute to growth within the timeframe of this Official Plan as well as future growth beyond the timeframe of this Official Plan.

Regional projections also estimate that Thorold could experience employment growth of up to 1,400 jobs by the year 2031. Thorold is prepared to accommodate this level of employment growth on an existing employment land base that includes approximately 100 hectares of serviced land and approximately 500 hectares of rural industrial land that would only provide for dry industrial uses on private services.

A3.1 POPULATION FORECAST

During the 25 years between 1981 and 2006 the population of the City of Thorold increased by about 2,800 people or at an annual rate of about 0.7%. The growth management policies of this Plan are premised on a Regional population forecast that has allocated a 25-year population growth of 5,186 people, which represents an annual growth rate of about 1%. The 25-year population projection is shown below.

Year	25 Year Population Forecast
2006	18,900
2011	19,200
2016	20,900
2021	22,000
2026	23,100
2031	24,086

A3.2 HOUSING FORECAST

The growth management policies of this Plan are premised on a Regional forecast that has allocated 25 year housing growth of 2,345 units as shown in the summary below.

Year	25 Year Housing Forecast
2006	7,055
2011	7,260
2016	7,900
2021	8,390
2026	8,950
2031	9,400

According to Regional growth allocations, approximately 80% of this housing growth will be lower density dwelling types, whereas about 20% of this growth will be comprised of medium and higher density unit types. It is anticipated that the City will achieve the Regional allocation and policies in this Plan provide for the development of medium and higher density housing types within the secondary plan and downtown areas of the City.

A3.3 EMPLOYMENT FORECAST

Regional growth allocations project future employment growth of about 1,400 new jobs over the next 25 years as shown in the summary below.

Year	25 Year Employment Forecast
2006	7,280
2011	7,670
2016	7,890
2021	8,130
2026	8,390
2031	8,690

The City is prepared to accommodate this level of employment growth given the City's current supply of industrial land designated and zoned for employment purposes is in excess of 600 hectares.

A4 CITY STRUCTURE AND LAND USE

As was articulated in the Vision of this Plan, the City of Thorold is characterized by distinct urban and rural areas. This Plan intends to maintain and in some cases strengthen these characteristics by implementing the following City structure comprised of three primary categories of land use:

1. The *Urban Area* designations apply to land use within existing built-up areas of the City as well as the Secondary Plan areas. No new settlement areas will be permitted under this Official Plan.
2. The *Rural Area* designations apply to lands outside of the *Urban Area* designations.
3. The *Environmental* and *Open Space* land use category applies to lands within the *Urban Area* and *Rural Area* categories that are considered to be important from a natural heritage, natural hazards and/or open space perspective.

The land use designations in each category are intended to implement the Vision, Goals and Strategic Objectives of this Plan.

A4.1 URBAN AREA DESIGNATIONS

The Urban Area Designation represent categories of land use which will be the focus for urban development on full municipal services. The land use designations within the *Urban Area* category are described below:

A4.1.1 Urban Living Area

Lands designated *Urban Living Area* are the site of existing and planned residential development and complementary uses on full municipal services. The *Urban Living Area* may also include other small or minor land uses such as convenience stores or institutional uses which are supportive of and compatible within a primarily residential area.

A4.1.2 Downtown

Lands designated *Downtown* are the site of primarily commercial uses within the traditional, inner-City commercial area of Thorold.

A4.1.3 Downtown Transitional

Lands designated *Downtown Transitional* are located adjacent to the *Downtown* designation and are intended to be used for a mix of residential and commercial uses within existing buildings or through redevelopment that is complementary to the Downtown.

A4.1.4 General Commercial

Lands designated *General Commercial* are located on major roads which are utilized or proposed to be utilized for commercial and service uses on full municipal services.

A4.1.5 Employment

Lands designated Employment are located within urban areas and generally reflect areas for employment uses, such as offices, distribution centres, light industrial operations.

A4.1.6 General Industrial

Lands designated *General Industrial* are located within the urban areas primarily adjacent to the Welland Canal and Provincial highway.

A4.1.7 Institutional

Lands designated *Institutional* are located throughout the urban areas and generally reflect existing places of worship, schools, public uses and similar uses.

A4.1.8 Open Space and Parks

Lands designated *Open Space and Parks* are generally public lands owned by the City, the Niagara Region, the Province of Ontario, Ontario Power Generation, or the Government of Canada. Lands included within this designation also include all major municipal parks and passive parkland and Niagara Peninsula Conservation Authority lands.

A4.1.9 Greenfield Overlay

Lands designated *Greenfield Overlay* are lands within urban areas that are located outside of the built boundary. In accordance with Provincial and Regional policy, lands designated Greenfield Overlay are to be planned to achieve future population and employment densities a minimum density of 50 residents and jobs combined per hectare.

A4.1.10 Regeneration Overlay

Lands designated *Regeneration Overlay* are existing or former industrial lands that are located within or proximate to the Downtown which have been identified as having potential for redevelopment to other, more compatible land uses.

A4.1.11 The Neighbourhoods of Rolling Meadows Secondary Plan

The Neighbourhoods of Rolling Meadows Secondary Plan was originally approved in 2000 and was updated in 2007 to ensure conformity with the Provincial Growth Plan. This Secondary Plan has been integrated into this Official Plan with no changes to the land uses or development policies.

A4.1.12 The Port Robinson West Secondary Plan

The Port Robinson West Secondary Plan is the last substantial Greenfield area in the City designation for urban development. This Secondary Plan has been prepared concurrently with the new Official Plan and has been integrated into this Plan.

A4.2 RURAL AREA DESIGNATIONS

The land use designations within the *Rural Area* category are described below:

A4.2.1 Agricultural

Lands designated *Agricultural* are lands within prime agricultural areas that are identified as Good General Agricultural areas in the Niagara Regional Official Plan.

A4.2.2 Rural

Lands designated *Rural* are those that are identified as being outside of prime agricultural areas as identified by the Niagara Regional Official Plan.

A4.2.3 Specialty Crop

Lands designated *Specialty Crop*, as identified in the Provincial Greenbelt Plan, are lands within prime agricultural areas that are identified as *Unique Agricultural* areas in the Niagara Regional Official Plan.

A4.2.4 Rural Industrial

The *Rural Industrial* designation applies to lands designated for employment purposes that are located outside of the urban area designations and are not connected to the municipal water or sanitary sewer system.

A4.2.5 Rural Settlement

The *Rural Settlement* designation applies to the historic community of Port Robinson East.

A4.2.6 Aggregate Extraction Area

Lands designated *Aggregate Extraction Area* applies to licensed pit and quarry operations.

A4.2.7 Rural Highway Commercial

Lands designated *Rural Highway Commercial* apply to an existing commercial area located on Regional Road 20.

A4.3 ENVIRONMENTAL AND OPEN SPACE DESIGNATIONS

The land use designations within the *Environmental and Open Space* category are described below:

A4.3.1 Environmental Protection One

The *Environmental Protection One* designation is intended to reflect the designation and policies for the Environmental Protection Area (EPA) located in the Core Natural Heritage Area of the Niagara Regional Official Plan.

A4.3.2 Environmental Protection Two

The *Environmental Protection Two* designation is intended to reflect the designation and policies of the Environmental Conservation Area (ECA) located in the Core Natural Heritage Area of the Niagara Regional Official Plan.

A4.3.3 Environmental Protection Three

The *Environmental Protection Three* designation is intended to reflect key natural heritage features and key hydrologic features identified in the Natural Heritage System and anywhere in the Protected Countryside designation of the Provincial Greenbelt Plan (2005).

A4.3.4 Greenbelt Natural Heritage Overlay

The *Greenbelt Natural Heritage Overlay* designation is intended to reflect lands within the Natural Heritage System of the Provincial Greenbelt Plan (2005).

A4.3.5 Niagara Escarpment Plan Area

This area, located in the north-east and north-west corner of the City is the site of four land use designations under the Niagara Escarpment Plan. These include the *Escarpment Protection Area*, *Escarpment Natural Area*, *Escarpment Rural Area*, and *Mineral Resource Extraction Area* designations. The policies relating to these designations as well as their spatial extent can be found in the Niagara Escarpment Plan.

A4.3.6 Floodplain

Lands designated *Floodplain* constitute regulated areas in accordance with the Conservation Authorities Act and Regulations.

A4.3.7 Natural Recovery Overlay

The Natural Recovery Overlay designation is intended to reflect the areas adjacent to and/or that drain into Marlatt's Pond and/or Lake Gibson that are subject to additional policies intended to facilitate the effective implementation of the Marlatt's Pond/Lake Gibson Natural Recovery Program as approved by the Ministry of the Environment and Climate Change.

A5 CONCEPTS GUIDING FUTURE DEVELOPMENT IN URBAN AREAS

This Plan was prepared at a time when the Province of Ontario and the Region took a strong leadership role in not only directing more growth to existing urban areas but also in requiring that the development and utilization of urban areas occur in a more sustainable and efficient manner.

The land use designations summarized in Section A4, which collectively comprise the City's Structure are subject to several concepts which have been articulated in Provincial and Regional policy. These concepts are described below and represent primary building blocks, not only of this Plan but of an overall Provincial strategy aimed at using the City's land base more sustainably.

A5.1 URBAN AREA BOUNDARIES

The Urban Area of Thorold is delineated with an Urban Area Boundary. The purpose of the Urban Area Boundary is to spatially identify the limit of urban development on full urban services in Thorold.

A5.2 THE BUILT-UP AREA

The Built-Up Area comprises all lands within the Urban Area Boundaries of Thorold that have been developed into urban uses as of June 2006.

A5.3 GREENFIELD AREAS

Greenfield Areas are undeveloped areas located within the Urban Area Boundary but outside of the Built-Up Area. In the policies and schedules to this Plan, Greenfield Areas are referred to as a Greenfield Overlay. Development occurring within the Greenfield Overlay designation shall be planned to achieve a minimum of 50 residents and jobs combined per hectare. Additional policies concerning the Greenfield Overlay are located in Section B1.11 of this Plan. There are two Greenfield areas in the City that comprise about 90% of the total supply of Greenfield land. These areas are Secondary Plan areas known as The Neighbourhoods of Rolling Meadows and Port Robinson West.

A5.4 INTENSIFICATION TARGET

When referenced in relation to urban land use, intensification means developing urban lands at a higher density than currently exists through redevelopment, infilling, using vacant or underutilized land or building expansion. As per the Growth Plan, the annual minimum intensification target for the Region as a whole is 40 %. The Region has allocated a 15 % intensification target to the City of Thorold.

In order to achieve the minimum intensification target allocated to the City, approximately 300 units will need to be constructed by 2031 within the built boundary. Background studies prepared for this Official Plan have confirmed that the City can meet or exceed this target, primarily through the utilization of vacant lots within the Built-up Area. However, the City of Thorold is characterized by a mix of housing types and has achieved an average housing density of about 20 units per hectare. Given this history of intensification and redevelopment, this Plan has articulated policies for the *Downtown*, *Downtown Transitional* and *Regeneration*

Overlay Designations that provide guidance and direction with respect to intensification.

Where appropriate, intensification areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible uses.

The City shall maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential intensification and redevelopment, and land in draft approved and registered plans. The City will also maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

A5.5 INTENSIFICATION CORRIDORS

Intensification corridors are areas along major roads that have the potential to provide a focus for higher-density mixed use development. In the City of Thorold the areas identified include Front Street, Ormond Street, Pine Street, Clairmont Street and St. David's Road where such streets are located in and adjacent to the historic Downtown. These areas have generally emerged as mixed-use areas characterized by a range of housing types and commercial uses. This Plan contains urban design guidelines specifically for these areas not only in the interest of better utilizing land and buildings but to do so in a way that creates a high quality urban environment that provides diversity in housing and commerce.

A5.6 PHASING

The City supports new development occurring in both greenfield areas and in the built-up areas. In accordance with Section 14.1 of the Regional Official Plan, the City identifies the following measures aimed at ensuring proper and orderly phasing of future development in the City:

- a) a new Secondary Plan has been integrated into this Official Plan for the Greenfield Area of Port Robinson West. This new Secondary Plan is guided by a phasing strategy and identifies priority areas for development in a manner that conforms with the Regional Official Plan and the Provincial Growth Plan;
- b) the extension of existing draft approved plans of subdivision will be subject to a review of servicing availability and coordination with local and regional growth management objectives related to housing and employment;
- c) future greenfield development in the City will be aligned with Regional water, wastewater and transportation master plans and related capital plans and economic development plans including the Gateway Community Improvement Plan;
- d) development occurring in greenfield areas and through intensification and redevelopment within built-up areas will be monitored by the City and summarized on an annual basis;
- e) the City will communicate and work with the Region to ensure that infrastructure phasing is aligned to reflect a balanced approach to development; and,

- f) the policies of this Plan support intensification within the built-up area, and the City will, through this Plan and through separate studies and initiatives, continue to encourage and support redevelopment of under-utilized urban land in a manner that is complementary and compatible with existing streets and neighbourhoods.

A5.7 URBAN AREA EXPANSION

Urban area expansion is not necessary to accommodate the future growth anticipated during the time horizon of this Official Plan.

An Urban Area boundary expansion may only be considered outside the Greenbelt Area and may only occur where a municipal comprehensive review completed by the Region has demonstrated that:

- a) Sufficient opportunities to accommodate the forecasted housing growth, through intensification and in designated greenfield areas, using the municipal intensification target and density target are not available within Niagara Region;
- b) The expansion makes sufficient lands available within the Region for a time horizon not exceeding twenty years;
- c) The timing of the expansion and the phasing of development within the Designated Greenfield Areas will not adversely affect the achievement of the municipal intensification and density targets and any other policies of the Regional Official Plan;
- d) The proposed expansion will meet the requirements of the Greenbelt Plan and Niagara Escarpment Plan. Settlement areas outside of the Greenbelt area are not permitted to expand into the Greenbelt. Expansions within either plan area are not encouraged, and any proposal for expansion within these areas is subject to the following provisions:
 - i) Expansions to areas identified as “Towns and Villages” within the Greenbelt Plan may only be considered pursuant to the Greenbelt Plan and subject to policy 3.4.2.5 of the Greenbelt Plan;
 - ii) Expansions to areas identified as “minor urban centre” or “urban area” in the Niagara Escarpment Plan require an amendment to the Niagara Escarpment Plan. Pursuant to the Niagara Escarpment Planning and Development Act;
 - iii) Such an amendment may not be considered until the commencement of the Provincial reviews of the Niagara Escarpment Plan Review and/or the Greenbelt Plan;
- e) Both regional and local existing and planned infrastructure and public service facilities required to accommodate the proposed expansion can be provided in a financially and environmentally sustainable manner which protects public health and safety over their life cycle;

- f) In prime agricultural areas:
 - i) The lands do not comprise speciality crop areas.
 - ii) Alternative locations have been evaluated and,
 - 1. There are no reasonable alternatives that avoid prime agricultural areas.
 - 2. There are no reasonable alternatives on lower priority agricultural land in prime agricultural areas.
- g) Impacts from expanding Urban Areas on agricultural operations which are adjacent or close to the settlement areas are mitigated to the extent feasible;
- h) In determining the most appropriate location for expansions to boundaries of Urban Areas, the Environmental Policies in Section Seven of the Regional Official Plan are applied; and,
- i) Where expansion of an Urban Area is proposed the City will plan to maintain or move significantly towards a minimum of one full-time job per three residents within or in the immediate vicinity of the settlement area.
- j) The expansion to the settlement area is in compliance with the minimum distance separation formulae.

An application for an Urban Area boundary expansion may be initiated by the City independent of the five year cycle for review and updating of the Regional Official Plan where:

- a) The application is based on a municipal comprehensive review prepared by the City subsequent to or in conjunction with a Regional comprehensive review in conformity with Sub-section 4.6 of the Regional Official Plan; and,
- b) The local comprehensive review is in conformity with the policies of this Plan and of the Provincial Growth Plan for the Greater Golden Horseshoe and comprehensively applies the Policies of those Plans.

A5.8 GATEWAY ECONOMIC CENTRE

The Gateway Economic Centre is a term used to describe the Provincially significant employment land base that has been identified in the Provincial Growth Plan for the Greater Golden Horseshoe and collectively represents the employment lands in Thorold together with the neighbouring Cities of Welland and Port Colborne. These employment lands have Provincial importance given their proximity to the United States border as well as Highway 406, rail lines, the Welland Canal, Brock University and the City of St. Catharines, which is the defined Growth Centre for the Niagara Region. Collectively these lands form part of the City's Community Improvement Planning Area.

PART B – LAND USE POLICIES

B1 URBAN AREA DESIGNATIONS

B1.1 URBAN LIVING AREA

B1.1.1 Purpose

The purpose of the *Urban Living Area* designation is to recognize the existing residential areas east and west of the Welland Canal and promote the efficient use of existing and planned community infrastructure.

B1.1.2 Permitted Uses

Permitted uses in the *Urban Living Area* designation include:

- a) Single-detached residential dwelling units;
- b) Second dwelling units subject to Section B1.1.4;
- c) Semi-detached, townhouse, multiple and apartment dwellings subject to Section B1.1.5;
- d) Home occupations subject to Section B1.1.6;
- e) Bed and breakfast establishments in single detached dwellings, subject to Section B1.1.7;
- f) Public parks and open space;
- g) Complementary uses such as residential care facilities, special needs housing, day care facilities, institutional uses and convenience commercial uses subject to Section B1.1.8.

B1.1.3 Residential Intensification

In accordance with Provincial and Regional policy, the City will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the built boundary of Thorold as illustrated on the Land Use Schedules of this Plan.

For the purpose of this Plan, residential intensification includes the use of vacant or occupied residential lots, as well as the development or redevelopment of existing vacant land or underutilized land within the built boundary. In reviewing intensification proposals, the City will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal and how issues such as landscaping, traffic and parking have been addressed. The financial feasibility of or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential intensification, the following criteria are applicable to intensification proposals within the *Urban Living Area* designation:

- a) Residential intensification proposals should be focussed on lands located within the *Downtown*, *Downtown Transitional* or *Regeneration Overlay* designations. This does not preclude consideration for other sites in the *Urban Living Area* designation.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is compatible and in keeping with the character of the neighbourhood where it is proposed. On the basis of the housing density of existing neighbourhoods, the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 85 units per hectare;
- c) Residential intensification and redevelopment proposals on lands located in the Urban Living Area designation that abut local roads shall maintain compatibility with the surrounding neighbourhood. The existing unit densities of lands within the urban living area, as set out in the Zoning By-law, may be increased through a Zoning By-law Amendment, subject to the following provisions:
 - i) The unit density may be increased by up to 75% of the existing gross density of lands within 75 metres of the site.
 - ii) The unit density may be increased by up to 150% where the development site is proximate and accessible to the *Downtown* area, provided that:
 - 1. the proposed development is supported by an engineered stormwater management plan and will be characterized by quality design and landscaping, and suitable building setbacks; and,
 - 2. parking areas and traffic movements will not negatively impact the character of the adjacent neighbourhood;
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the plan of subdivision or consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities that are considered appropriate within the *Urban Living Area* designation;
- e) The creation of an internal second dwelling unit within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of second dwelling units shall occur in accordance with Section B1.1.4; and,

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- f) The proposal can be suitably serviced with City sewer and water services and can be designed to manage stormwater impacts as authorized by the City's Operations Department and in accordance with Section D1.4 and C5.

B1.1.4 Second Dwelling Units

B1.1.4.1 Locational Criteria

Second dwelling units are considered to be an appropriate form of residential intensification and such housing will also contribute to the supply of affordable housing in the City. On this basis, second dwelling units are permitted in the Urban Living Area designation where single detached, semi-detached and townhouse dwellings are permitted in the City's Zoning By-law.

B1.1.4.2 Zoning Provisions for Second Dwelling Units

In regulating second dwelling units, the implementing Zoning By-law will establish standards to address the following matters:

- a) The dwelling unit will comply with the Ontario Building and Fire Codes as well as applicable provisions of the City's Zoning By-law;
- b) Adequate parking is available on the lot for both dwelling units;
- c) The second dwelling unit is designed and located in the interest of maintaining the character of the residential streetscape, and,
- d) The existing and proposed second dwelling can be suitably serviced with City sewer and water services in accordance with Section D1.4.

B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings

In addition to the criteria listed in Section B1.1.3, in considering a Zoning By-law Amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- d) Is located on a site that has adequate land area to incorporate required parking, amenity areas, recreational facilities, landscaping and buffering on-site.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B1.1.6 Home Occupations

Home occupations are permitted, provided:

- a) It is wholly located within a dwelling unit and shall not be located in a detached accessory building;
- b) It is clearly a secondary use of the residence, in terms of floor space utilization, and is compatible with surrounding residential uses;
- c) It is located in the principal residence of the person conducting the home occupation;
- d) Preserves the character of the dwelling as a private residence;
- e) No outside storage of goods, materials, equipment or service vehicles other than cars, vans and light trucks related to the home occupation should be permitted;
- f) Adequate on-site parking is provided for the home occupation use, in addition to the parking required for the residential use, and such parking is provided in locations compatible with the surrounding residential uses; and,
- g) The use does not generate noise, odour or alter residential character of the neighbourhood.

The Comprehensive Zoning By-law shall further detail the conditions under which a home occupation may be permitted.

B1.1.7 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted in single detached dwellings, semi-detached dwellings and street townhouse dwellings.

The following criteria will provide a basis for the establishment of zone standards to regulate bed and breakfast establishments:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) Is located within the principal residence of the owner/operator;
- b) Preserves the character of the dwelling as a private residence; and,
- c) Can be accommodated in terms of parking and access.

The Implementing Zoning By-law shall define a bed and breakfast establishment and further detail the conditions under which a bed and breakfast establishment may be permitted.

B1.1.8 Complementary Uses

The following complementary uses may be permitted in the *Urban Living Area* designation, subject to an amendment to the Comprehensive Zoning By-law:

- a) Residential care facilities in accordance with Section B1.1.8.1;
- b) Institutional uses such as places of worship and schools in accordance with Section B1.1.8.2;

- c) Neighbourhood commercial uses in accordance with Section B1.1.8.4.

B1.1.8.1 Residential Care Facilities

- a) Residential care facilities are defined as supervised living accommodations that may include associated support services, and are:
 - i) Licensed or funded under Province of Ontario or Government of Canada legislation;
 - ii) Meant for semi-independent or group living arrangements; and,
 - iii) For up to ten persons, exclusive of staff.
- b) The City supports the provision of an adequate supply of residential care facilities. Such uses may be subject to Site Plan Control to ensure that the facility is properly licensed by the Provincial government and complies with the Ontario Building and Fire Codes. In addition, the implementing by-law shall not permit the use of such a facility by more than 10 persons, plus the owner and staff.
- c) Drug and alcohol treatment centres, correctional residential care facilities and hostels are not to be permitted as of right in the Comprehensive Zoning By-law, and shall be subject to zoning amendment. A Zoning By-law Amendment will be subject to an evaluation of the following criteria:
 - i) the compatibility with surrounding land uses;
 - ii) the suitability of the location with respect to the needs of clients and availability of necessary services;
 - iii) size and type of dwelling as well as lot size.

B1.1.8.2 Institutional Uses

The development of any new institutional use shall require an Amendment to the Zoning By-law and shall be subject to Site Plan Control.

In conjunction with an Amendment to the Zoning By-law, the applicant shall submit the following:

- a) A Site Plan illustrating the massing, location and, if applicable, phasing of proposed land uses;
- b) A Functional Servicing and Stormwater Management report; and,
- c) Any other study or technical report required by staff or Council.

Prior to the approval of a Zoning Amendment, Council shall be satisfied that:

- a) The proposed use or expansion is compatible with the character of the area in which it is proposed;

- b) The proposed use is compatible with and can be appropriately buffered from adjacent uses, if necessary;
- c) The proposed use can accommodate the increased traffic generated by the proposed use; and,
- d) The proposed use can adequately accommodate parking requirements.

B1.1.8.3 Conversion of Institutional Uses to Other Uses

Existing institutional uses may redevelop to other uses permitted in the *Urban Living Area* designation subject to a Zoning By-law Amendment which addresses the matters outlined in Section B.1.1.8.2.

B1.1.8.4 Neighbourhood Commercial Uses

The following uses are considered to be neighbourhood commercial uses:

- a) Retail uses with a floor area of less than 140 square metres;
- b) Personal service uses;
- c) Offices;
- d) Day care facilities, private and commercial schools and studios;
- e) Restaurants; and,
- f) Medical and dental clinics.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Neighbourhood commercial uses will be permitted, defined and regulated through the City's Zoning By-law.

B1.1.8.4.1 Conditions for Approval

Neighbourhood commercial uses may be permitted in the Urban Living Area designation subject to a Zoning By-law Amendment, provided Council is satisfied that:

- a) The use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) The use can easily be accessed by pedestrians;
- c) The use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and,
- d) The scale, massing and siting of the development is compatible and consistent with development on adjoining lands.

Neighbourhood commercial uses may be permitted to locate within the main floor of multiple residential and apartment buildings, provided that the location and design of such

uses are compatible with the residential use and will conform to this section of the Plan. Zoning By-law Amendments passed in support of such a use may include site-specific regulation intended to limit the intensity of the use and maintain the character of the surrounding neighbourhood.

It is intended that the uses permitted in accordance with this policy only serve the neighbourhood retail and service needs of the surrounding residential area or neighbourhood and therefore will be limited in floor area.

B1.1.9 Urban Agriculture

The City supports the establishment of outdoor gardens and greenhouses as accessory uses to residential uses in the Urban Living Area designation. The City also supports the establishment of community vegetable gardens within the Urban Living Area. Such uses promote active and healthy lifestyles and contribute to the maintenance of a local food supply. The keeping of chickens for the production of eggs as a food source will be subject to zoning and/or licensing regulation.

B1.1.10 Monitoring of Housing

Subject to the availability of resources, a monitoring program may be established by the City to:

- a) Review historic housing production levels by location, type and tenure in the Urban Living Area;
- b) Identify the location and spatial distribution of the supply of vacant designated residential land within the Official Plan;
- c) Identify the number of draft approved and vacant registered residential lots;
- d) Identify the average price of housing available on the market;
- e) Determine if Regional housing targets for affordability are being achieved;
- f) Describe the location, spatial distribution, the amount and pricing of housing available for rent;
- g) Describe the type, location and spatial distribution of infill housing development that has occurred; and,
- h) Identify how many second dwelling units have been legally created in accordance with Section B1.1.4 of this Plan.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The City may consult with the Region to obtain, if applicable, information on vacancy rates, supply of affordable rental and ownership housing units, and affordability thresholds. The results of this monitoring program will be analysed at the time of a five-year Official Plan review.

B1.1.11 Conversion of Rental Housing

The City will discourage the conversion of rental accommodation to condominium ownership where the vacancy rate in the City is less than 3% if the conversion would result in the creation of condominium housing units that are not affordable.

B1.1.12 Implementing Zoning By-law

All lands that are used for residential purposes shall be placed in Residential Zone categories in the Implementing Zoning By-law. Residential zone categories may vary to reflect housing density or unit type.

B1.1.13 Exceptions

B1.1.13.1 Block 37, RP 59M-184, 2-30 Confederation Avenue

Notwithstanding the permitted uses in Section B1.1, on lands legally described as Block 37, Plan 59M-184, 2-30 Confederation Avenue, in addition to the policies of the Urban Living Area, the following uses are permitted on the easterly portion of the property:

- Retail uses;
- Service uses;
- Personal service shops;
- Business offices;
- Professional offices;
- Government offices;
- Banks and financial institutions;
- Restaurants; and
- Medical clinics.

Note: As modified by the City of Thorold, February 15, 2022 through OPA No. 17, By-law No. 20-2022

In addition, the City will give consideration to the inclusion of a warning clause or similar method deemed suitable by the City, for the purpose of advising future residents in proximity to this area of industrial uses to the east and the potential for impacts to occasionally interfere with the residential uses in this area.

B1.2 DOWNTOWN

B1.2.1 Purpose

The purpose of the *Downtown* designation is to maintain and promote Downtown Thorold as a focal point for commerce and hospitality in the City and to continue with the restoration of culturally and historically significant buildings.

B1.2.2 Permitted Uses

Permitted uses in the *Downtown* designation include:

Retail uses;

Service uses;

Business offices;

Professional offices;

Government offices;

Banks and financial institutions;

Hotels, inns and bed and breakfast establishments;

Entertainment uses;

Day care facilities;

Private and commercial schools;

Places of worship;

Institutional uses;

Medical clinics;

Restaurants and take-out restaurants;

Micro-breweries and micro-wineries;

Medium and high density residential uses;

Mixed-use development

Parks;

Public uses;

Funeral homes;

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

Banquet halls;

Private clubs and meeting facilities;

Farmers markets;

Galleries, museums and theatres, including open air pavilions; and,

Uses, buildings and structures accessory to the above.

B1.2.3 The Vision for the Downtown Area

It is the intent of this Plan that the role and function of the Downtown be reinforced as a focal point for commerce and hospitality in the City, accommodating a diverse mix of commercial, residential, cultural and social uses. In Downtown Thorold specifically, this Plan envisions more housing opportunities. This Plan therefore envisions that some lands within the *Downtown* designation may be utilized for high-density residential uses, particularly in locations or in buildings that have remained vacant of commercial activity for extended periods.

It is a policy of this Plan that the scale and location of new development in the Downtown maintain and/or enhance the historic and cultural character of the Downtown.

B1.2.4 Development Policies

B1.2.4.1 Residential and Mixed Use Intensification

In accordance with Provincial and Regional policy, the City will accommodate at least 15% of projected housing growth or about 300 units within the built boundary of Thorold.

For the purpose of this Plan, residential intensification is defined as the use of vacant residential lots and the development or redevelopment of existing vacant land or underutilized land within the built boundary. In reviewing intensification proposals, the City will assess the density of such proposals relative to the surrounding downtown neighbourhood as well as the site and building design of the proposal and how issues such as landscaping, traffic and parking have been addressed. The financial feasibility or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

Intensification opportunities will be encouraged to be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential and mixed-use intensification, the following criteria are applicable to proposals within the *Downtown* designation:

- a) The City encourages intensification proposals which abut the streets identified on Schedule A-1 as Intensification Corridors;
- b) Single and semi-detached housing types will not be permitted in the *Downtown Commercial* designation;

- c) In order to encourage residential intensification proposals within or in proximity to the Downtown, the City may provide incentives through a Community Improvement Plan or bonusing in accordance with the provisions of the Planning Act. Council may also consider providing exemptions from the provision of on-site parking, local development charges and/or parkland dedication. However, the establishment of incentives or exemptions shall only occur subsequent to the completion of a Municipal led feasibility study to confirm that the provision of such incentives will not be detrimental to the financial position of the City;
- d) At least 50% of the dwelling units to be constructed in the *Downtown* should be affordable to low and moderate income households;
- e) Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, proponents will be required to integrate the urban design policies in Section B1.2.4.3, the City may prepare and adopt urban design guidelines and may enforce these standards through site plan control. Any future design guidelines created by the City should consider the Region's Model Urban Design Guidelines;
- f) The City shall establish minimum building heights in the implementing Zoning By-law for site-specific areas in the Downtown as set out in Section B1.2.4.3;
- g) The City will aim to maintain the current minimum and maximum density of the downtown area, which generally ranges from 15 units per hectare to 250 units per hectare. The Zoning By-law will strive to implement these densities in a manner that is complementary to existing neighbourhoods, land use, services, servicing infrastructure and the character of the Downtown; and,
- h) Residential intensification projects proposed within the *Downtown Commercial* or *Downtown Transitional* designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

B1.2.4.2 New Lots Created by Consent

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives of this Plan and does not unduly fragment the land base of the Downtown to make it more difficult to accommodate usable building and parking space. The creation of new lots in the Downtown shall also comply with Section D4.2.1 (New Lots by Consent - General Criteria).

B1.2.4.3 Development and Urban Design Policies

The following policies are intended to guide proposals for new development or redevelopment along the Intensification Corridors in the *Downtown* designations:

- a) In order to maintain a consistent façade along Front Street, Ormond Street, St Davids Street and Pine Street, the maximum height of new buildings fronting on these streets shall be 6 storeys. The minimum height shall be 3 storeys for Front Street and 2 storeys for Pine Street, St. Davids Street and Ormond Street. Building heights greater than 6 storeys may be permitted subject to a Zoning By-law

Amendment provided the upper storey is appropriately stepped back or recessed from the front building wall;

- b) New buildings should be built at or near the front lot line;
- c) Parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of a lot, on the street, in a communal parking area or shall be located underground;
- d) The maximum retail floor area for a single building in Downtown Thorold should not exceed 1,500 m²
- e) Retail uses are encouraged to utilize the ground floor of multi-storey buildings to intensify the main street landscape and provide additional space for mixed uses on upper storeys;
- f) Buildings should be oriented to the street, consistent with adjacent buildings and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged through the use of awning or canopies;
- h) Building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments at street level;
- i) Utilities and mechanical installations should be shrouded from main street viewscales and/or be integrated in architectural treatments;
- j) Preferred building material include brick, wood, stone glass, in-situ concrete and pre-cast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass; and,
- k) Where fencing is necessary to provide for privacy and/or noise attenuation, such fencing will be expected to integrate vegetative features such as ivy or vines to soften the visual presence of a wooden or chain link fence.

B1.2.4.4 Parking

The following guidelines relate to the provision and design of parking areas in the Downtown:

- a) Wherever possible, parking for new development is encouraged to be provided below grade or to the rear of buildings with access by a rear lane and/or integrated with the design of the proposed building;
- b) Rear lanes should be utilized wherever possible for access to parking areas and provision should be made for the acquisition of land or easements through development approvals to create rear lanes;

- c) Business owners will be encouraged to consolidate parking areas and access for contiguous lots;
- d) Direct access to parking areas from the main street will be discouraged for lots with less than 30 metres of frontage;
- e) Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons;
- f) Parking areas shall also provide for dedicated bicycle parking and/or an internal bicycle storage facility; and,
- g) Loading areas should be screened from public view through landscaping and fencing.

Where a new or redeveloping use does not comply the City's parking requirement, the City shall require cash-in-lieu to be paid and such funds shall be utilized for the purpose of improving parking and the accessibility of parking in the Downtown. In an effort to assist redevelopment efforts in the Downtown and minimize parking problems, the City will prepare a Parking Study for the Downtown. If this study has not been finalized at the time that a significant new development is proposed, the City may require the proponent to prepare an independent parking study for the proposal as part of a complete application. Upon completion of the City initiated Parking Study, the City may require the proponent to prepare a study identifying the impact and/or implications of the proposed on the City initiated Parking Study.

B1.2.4.5 Drive-Throughs

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
 - i) Assess existing and projected traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
 - ii) Recommend a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
 - i) Places drive-through aisles and stacking lanes in the rear or side yards

and away from the street frontage;

- ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
- iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
- iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
- v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,
- vi) Implements the urban design policies of this Official Plan, where applicable.

B1.2.5 Public Space in the Downtown

Public land in the *Downtown* designation includes areas such as streets, sidewalks or public parking lots. In order to improve public space in the Downtown, the City may require specific improvements or installations through site plan approval or may partner with stakeholders to maintain public space in a manner that is complementary to the Downtown and is consistent with the objectives of this Plan.

Specific projects aimed to revitalize public lands and buildings may include:

- a) The establishment of plazas to foster social activity and pedestrian usage of space in the Downtown;
- b) The use of site planning, landscaping and lighting to create strategic clearly defined gateways;
- c) The establishment of public art in parks, gateways and at the terminus of view corridors;
- d) The use of paths and pedestrian crossings to encourage active transportation and make access in the Downtown accessible and free of barriers;
- e) Streetscape improvements including the replacement of overhead wires with underground installations, traffic calming, introduction of streetscape features such as lighting, furniture, vegetation and wider sidewalks; and,
- f) The integration of outdoor patios on a seasonal basis or for special events.

Council will utilize the City's Downtown Streetscape Master Plan as a basis for the provision of advice and recommendation related to streetscape improvements.

B1.2.6 Implementing Zoning By-law

All lands that are used for commercial purposes shall be placed in a Downtown Commercial or Mixed-Use Residential Zone in the Implementing Zoning By-law.

B1.3 DOWNTOWN TRANSITIONAL

B1.3.1 Purpose

The purpose of the *Downtown Transitional* designation is to reinforce the importance of the *Downtown* designation by identifying a complementary area for transitional commercial and higher density residential development that contributes to the character and identity of the Downtown.

B1.3.2 The Vision for the Downtown Transitional Area

It is the intent of this Plan that the *Downtown Transitional* designation continue its evolution as a mixed use incubator for new business and commerce adjacent to the *Downtown* designation. The intent is that this area be designated for small-scale business, commercial and residential uses that could utilize or intensify existing buildings and be complementary to the mixed-use, pedestrian oriented focus of the Downtown.

B1.3.3 Permitted Uses

Permitted uses in the *Downtown Transitional* designation include:

- a) Low and medium density residential uses;
- b) Business offices and medical clinics;
- c) Inns and bed and breakfasts;
- d) Studios and home occupations; and,
- e) Small-scale restaurants, retail uses and personal service shops.

B1.3.4 Development Policies

B1.3.4.1 New Lots Created by Consent

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives for the Downtown and does not unduly fragment the land base of the Downtown to make it more difficult to accommodate usable building space. The creation of new lots in the Downtown shall also comply with Section D4.2.1 (New Lots by Consent General Criteria).

B1.3.4.2 Residential Uses

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and bed and breakfast establishments are permitted in the *Downtown Transitional* designation both as a primary use and as an accessory use to a commercial business.

B1.3.4.3 Development and Urban Design Criteria

The policies of Section B1.2.4 shall apply to the *Downtown Transitional* designation with the following exceptions and/or additional requirements:

- a) Single detached and semi-detached dwelling types shall be permitted in the *Downtown Transitional* designation;
- b) The maximum building height should be limited to 2 storeys unless the lands front onto an Intensification Corridor in which case the policies of Section B1.2.4.3 (a) shall apply with respect to height;
- c) Buildings are encouraged to be built within 1 metre of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard;
- d) The maximum floor area dedicated to retail uses should not exceed 150 m²;
- e) Design features such as pitched roof lines, awnings and front porches are encouraged; and,
- f) Interior side yard setback should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location and maintains or instils good urban design.

Redevelopment and intensification proposals shall be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
- b) The building and/or the general appearance of the site will be improved through quality urban design;
- c) Adequate on-site or off-site parking is provided;
- d) The Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,
- e) The sign identifying the use is limited in size in accordance with the municipal sign by-law.

B1.3.4.4 Parking

Parking for any use should be accommodated on-site, however where additional required parking cannot be accommodated due to site constraints, the City may accept cash-in-lieu of parking. Dedicated bicycle parking and/or storage shall be provided for customers, employees, tenants and business owners.

Where a new or redeveloping use does not comply the City's parking requirement, the City shall require cash-in-lieu to be paid and such funds shall be utilized for the purpose of improving parking and the accessibility of parking in the Downtown. In an effort to assist redevelopment efforts in the Downtown and minimize parking problems, the City will prepare a Parking Study for the Downtown. If this study has not been finalized at the time that a significant new development is proposed, the City may require the proponent to prepare an independent parking study for the proposal as part of a complete application. Upon completion of the City initiated Parking Study, the City may require the proponent to prepare a study identifying the impact and/or implications of the proposed development on the City initiated Parking Study.

B1.3.4.5 Drive-Throughs

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown Transitional* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
 - i) Assess existing and projected traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
 - ii) Recommends a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
 - i) Places drive-through aisles and stacking lanes in the rear or side yards and away from the street frontage;
 - ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
 - iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
 - iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
 - v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,

- vi) Implements the urban design policies of this Official Plan, where applicable.

B1.3.5 Implementing Zoning By-Law

Lands within the *Downtown Transitional* designation will be zoned for low-density and medium density residential use. Mixed use and/or commercial zones will also be recognized in the *Downtown Transitional* designation where such uses currently exist or are established through site-specific zoning amendments.

B1.4 GENERAL COMMERCIAL

B1.4.1 Purpose

To identify lands within the Built-Up Area which are utilized or are proposed to be utilized for larger format retail, service commercial or institutional uses.

B1.4.2 Permitted Uses

Permitted uses in the *General Commercial* designation include:

- a) Retail stores;
- b) Personal service shops;
- c) Business offices;
- d) Restaurants;
- e) Theatres;
- f) Veterinary clinics;
- g) Fitness and dance studios;
- h) Fuel sales and convenience stores;
- i) Financial services;
- j) Art gallery;
- k) Day care facilities;
- l) Funeral homes;
- m) Accommodation facilities;
- n) Private clubs and banquet halls;
- o) Institutional uses;
- p) Places of worship;
- q) Vehicle sales and service;
- r) Public uses; and,
- s) Medical clinics.

B1.4.3 Development Policies

The development of uses in the *General Commercial* designation shall be subject to Site Plan Control. Any redevelopment of existing commercial uses which would involve an expansion of the floor area or required parking or an expansion or reconfiguration of parking of may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a) The development has been designed in a manner that minimizes entrances and exits to and from City streets and to separate auto and pedestrian traffic;
- b) The proposal requires limited enclosed outside storage and such storage is suitably buffered from adjacent uses;
- c) The site is appropriately landscaped and buffered from adjacent uses and the site is appropriate for the proposed use;
- d) All new buildings are compatible with the site and surrounding area, and the existing streetscape is retained or improved both functionally and aesthetically;
- e) Site servicing is appropriate for the development and has obtained requisite clearances from the Region and the NPCA, if necessary.

B1.4.4 Implementing Zoning By-law

All lands located in the *General Commercial* designation shall be required to be placed in Commercial zone categories that reflect existing uses in the implementing Zoning By-law.

Note: As modified
by the City of
Thorold, February
15, 2022 through
OPA No. 17, By-
law No. 20-2022

B1.5 GENERAL INDUSTRIAL

B1.5.1 Purpose

The purpose of the *General Industrial* designation is to identify employment lands where the City wishes to accommodate a wide range of industrial uses including manufacturing, processing as well as industrial trades and services.

B1.5.2 Location

The *General Industrial* designation as shown on Schedules to this Plan applies to lands located within the urban areas which are currently used for industrial purposes or have been historically designated and zoned for industrial purposes. These lands comprise part of the Provincially Significant employment area known as the Gateway Economic Centre established in the Growth Plan for the Greater Golden Horseshoe.

B1.5.3 Permitted Uses

Permitted uses on lands designated General Industrial include:

- a) **Manufacturing, assembly, processing, and fabrication;**
- b) **Warehousing, including personal warehousing;**
- c) **Printing and publishing;**
- d) **Vehicle repair, maintenance and body shops;**
- e) **Custom workshops for skilled trades;**
- f) **Building material and equipment sales and rental;**
- g) **Research and development;**
- h) **Wholesaling establishments; and,**
- i) **Accessory retail and office uses are also permitted, provided they occupy only a limited amount of the gross floor area and are accessory and incidental to the industrial use.**

B1.5.4 Form of Development

It is the intent of this Plan that, where development within the General Industrial designation requires the extension of Regional servicing or municipal roads, that such development occur by way of Plan of Subdivision/Condominium to ensure that servicing and access for an entire parcel can be planned in an orderly and efficient manner.

B1.5.5 Development Policies

All new uses may be subject to an amendment to the implementing zoning by-law and shall be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;

- b) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- c) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- d) A stormwater management plan has been prepared and found to be acceptable by the City and the NPCA;
- e) Outdoor storage areas are substantially screened from view from passing traffic;
- f) Traffic movements and impacts can be managed and on-site parking and turning movements are suitable for the site and in the location proposed;
- g) The proposed use can be connected to the municipal water and sanitary sewer system if located within an urban area or if the lands are located in the rural area, the use must have a suitable water supply and an approved private septic system; and,
- h) Where a proposed use abuts or is proximate to an existing residential use or a planned residential development, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses.

B1.5.5.1 Redesignation of Lands in the General Industrial Designation

Lands located within the *General Industrial* designation shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the City and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The City will meet the employment forecasts articulated in the Settlement Area Strategy outlined at the beginning of this Plan;
- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
- d) There is existing or planned infrastructure to accommodate the proposed use;
- e) The lands are not required over the long term for employment purposes for which they are designated;
- f) Cross-jurisdictional issues have been considered;
- g) The conversion will lead-to or promote compatible mixed-use development.
- h) The conversion will result in or support the redevelopment of brownfield sites; and,

- i) The conversion will support efforts to revitalize the Downtown and/or provide for a broader range of housing types to address the need for affordable housing.

B1.5.5.2 Intensification and Redevelopment

The City encourages intensification and/or the redevelopment of under-utilized lands located within the *General Industrial* designation for new employment uses through building expansion, conversion or reuse of existing buildings and infilling.

B1.5.6 Implementing Zoning By-law

All lands within the *General Industrial* designation shall be placed in appropriate Employment or Industrial Zones in the implementing zoning by-law. Given that the *General Industrial* designation applies to lands in the settlement area as well as in the rural area, the Zoning By-law will contain regulations and performance standards specific to urban and rural industrial uses.

B1.5.7 Exceptions

B1.5.7.1 Block 4, Plan 59R-306, McCleary Drive within the Collier Park Industrial Subdivision

Notwithstanding the permitted uses in Section B1.5.3, on lands legally described as Block 4, Plan 59R-306, McCleary Drive within the Collier Park Industrial Subdivision a food supermarket having a maximum gross floor area of 40,000 ft² and located on lands having a minimum area of 2.43 hectares (6 acres) shall be a permitted use.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B1.6 OPEN SPACE AND PARKS

B1.6.1 Purpose

The purpose of the *Open Space and Parks* designation is to ensure that the residents of the City have access to a well-planned and accessible parkland system, which incorporates the principles of active transportation.

B1.6.2 Location

The *Open Space and Parks* designation as shown on Schedules to this Plan applies to both public and privately owned lands. Where lands so designated are under private ownership, it is not intended that these lands shall remain designated as such in perpetuity, nor does it mean that these land are open to the general public. The designation recognizes an existing use, or indicates the intent of the City to encourage the preservation of the open space quality of the lands.

B1.6.3 Permitted Uses

Permitted uses in the *Open Space and Parks* designation outside of the urban areas may include non-motorized passive and active recreational uses, festivals, special events, conservation uses, existing cemeteries, forestry uses in accordance with good management practices and accessory uses. On lands designated *Open Space and Parks* within the urban areas, permitted uses may also include buildings and structures utilized for recreational purpose such as, but not limited to arenas, swimming pools and gymnasiums. Existing and future public utilities may also be permitted in the Parks and Open Space designation.

B1.6.4 Components of the Open Space and Parks Designation

B1.6.4.1 Major Parks in the Settlement Areas

The major community parks in the settlement areas include Memorial, Mel Swart, Port Robinson, South Confederation, Beaverdams Village, Allanburg Community, McMillan and Martin Street. It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the City's residents.

Policies on parkland dedication can be found in Section D4.4 of this Plan.

B1.6.4.2 Other Public Parkland

The urban areas in the City of Thorold are characterized by a number of parcels of public land which are not improved or formally maintained as parks but nonetheless are public lands which contribute to the identity and character of the urban areas. It is anticipated that these areas will generally remain in their current state during the life of this Official Plan.

B1.6.4.3 Niagara Peninsula Conservation Authority Lands

All Niagara Peninsula Conservation Authority (NPCA) lands are intended to be used on a passive basis, as most NPCA lands are characterized by environmentally sensitive features. It is the intent of this Plan to encourage the Conservation Authority to maintain these lands in public ownership and

to ensure that their use is consistent with the ecological character and environmental features in the immediate area.

B1.6.4.4 Greater Niagara Circle Route

Council supports the use and function of the Greater Niagara Circle Route as identified on Schedule D in providing an inter-regional facility supporting active transportation and recreation. Council will support opportunities to create linkages or connections with the Greater Niagara Circle Route and other trails or public open space in the City of Thorold.

B1.6.4.5 Hydro Corridors

Hydro corridors shall continue to be used primarily for the transmission of energy. However, lands within hydro corridors may also be utilized to accommodate secondary open-space-type uses under the Provincial Secondary Land Use Program (PSLUP). In order to ensure compatibility, public safety, and feasibility from a technical and operational perspective, secondary uses within hydro corridors shall only be established in consultation with OPG and/or Infrastructure Ontario.

B1.6.5 Implementing Zoning By-law

All lands in the *Open Space and Parks* designation shall be placed in an Open Space Zone or other appropriate zone in the Implementing Zoning By-law.

B1.7 INSTITUTIONAL

B1.7.1 Purpose

The purpose of the *Institutional* designation is to permit institutional uses which serve the needs of the community and recognize the cultural and social importance of major institutional land and buildings.

B1.7.2 Location

The *Institutional* designation as shown on the Schedules to this Plan applies to larger or more space extensive institutional uses that were in existence or approved on the date this Plan was adopted by Council. The City encourages the co-location of compatible public service facilities to facilitate cost-effective service delivery and access to transit and active transportation.

B1.7.3 Permitted Uses

Permitted uses in the *Institutional* designation include:

- a) **Schools;**
- b) **Hospitals and medical facilities;**
- c) **Long-term care facilities;**
- d) **Museums and galleries;**
- e) **Places of worship;**
- f) **Cemeteries; and,**
- g) **Public uses.**

B1.7.4 Development Policies

B1.7.4.1 New Uses and Expansions to Existing Uses

The development of any new institutional use shall require an Amendment to the Official Plan and Zoning By-law and shall be subject to Site Plan Control. New institutional uses proposed in the Urban Living Area designation on lands smaller than 1 hectare in area shall proceed according to the policies set out in Section B1.1.8.2. Expansions to existing uses on lands that are already within the *Institutional* designation may require an amendment to the implementing zoning by-law and shall be subject to Site Plan Control and also shall proceed in accordance with the development policies set out in Section B1.1.8.2.

B1.7.5 Zoning By-law Implementation

All lands in the *Institutional* designation shall be placed in an appropriate Institutional Zone in the implementing zoning by-law.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B1.8 THE NEIGHBOURHOODS OF ROLLING MEADOWS SECONDARY PLAN

B1.8.1 Intent

The intent of this Secondary Plan is to provide a long-term planning program which recognizes the strategic position of the Neighbourhoods of Rolling Meadows Secondary Plan area as a new community providing the integration of diverse land uses including various housing types, community facilities such as schools and recreational areas, a range of commercial uses, compatible employment lands and open space/natural heritage areas.

This Secondary Plan embraces the principles of Smart Growth and provides for compact development resulting in a comprehensively planned complete community.

B1.8.2 Objectives

The primary goal of the Neighbourhoods of Rolling Meadows Secondary Plan is to develop a Mixed Use Community. The Secondary Plan shall be guided by the following objectives:

- a) Provide an integrated mixture of housing types, tenure and densities;
- b) Integrate commercial and other employment opportunities throughout the Community;
- c) Provide affordable housing;
- d) Provide a land use distribution that achieves a compatible and aesthetically pleasing development pattern;
- e) Enhance the attractiveness of the planning community and its surroundings by protecting natural features and the provision of linear parks and pedestrian pathways, including hydro corridors;
- f) Coordinate the provision of recreation and education facilities with the growth of population in the Community;
- g) Establish a desirable and safe traffic pattern which will minimize impacts on existing roads and development, and which will provide the necessary connections to the external transportation network;
- h) Ensure the location of services including sanitary sewers water distribution system and stormwater management facilities is appropriate; and,
- i) Encourage a high standard of site and building design, landscape and streetscape through urban design guidelines.

B1.8.3 General

The Neighbourhoods of Rolling Meadows Secondary Plan establishes a land use plan, attached to this Plan as Schedule A-3 together with policies established for each land use category.

Boundaries of land use designations, as shown on Schedule A-3 are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries, streets and trails as well as implementing zoning by-law boundaries provided the general intent of the Official Plan and this Secondary Plan are maintained.

B1.8.4 Principles

- a) The lands are to be developed with a compact urban form at an appropriate scale that is pedestrian-oriented and fosters interaction throughout the neighbourhoods.
- b) A sense of identity throughout each neighbourhood is to be created through good quality urban design.
- c) Opportunities to live and work throughout all of the neighbourhoods are to be provided.
- d) A wide range of dwelling units differing in form, density, size, tenure and price are to be provided within each neighbourhood.
- e) The protection and enhancement of important natural heritage features is to be achieved.
- f) A land use pattern and transportation system that supports pedestrian and vehicular traffic are to be developed.
- g) A centrally located mixed use Village Square is to be created upon which the various neighbourhoods will focus, when fully developed.
- h) A network of linked trails along the utility corridors is to be established.
- i) The greyfield areas fronting Provincial Highways 20 and 58 are to be redeveloped and intensified in such a manner so as to create vibrant employment corridors of compatible commercial and light industrial development.
- j) To strategically position employment lands in such a fashion so as to achieve land use compatibility.

B1.8.5 Design Guidelines

To assist in guiding the built form of the Neighbourhoods of Rolling Meadows, urban design guidelines are to be prepared in consultation with Regional Niagara. These guidelines form Appendix B and will function as an implementation tool for successive development and approval processes, particularly plans of subdivision.

B1.8.6 Residential Policies

The policies of this Plan are presented as general development guidelines for an implementation period likely to exceed 15 years. Over this period, although the basic principles guiding location are expected to remain, the housing types and densities will adjust to reflect housing preferences and market conditions.

B1.8.6.1 Permitted Uses

The predominant use of the lands designated as Residential on Schedule A-3 Land Use Plan shall be for residential dwellings.

Secondary uses which may be permitted include the following:

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

- a) Places of worship;
- b) Nursery schools and day care facilities;
- c) Group homes, subject to the requirements of the Zoning By-law;
- d) Home occupations, subject to the requirements of the Zoning By-law;
- e) Neighbourhood parks and interconnected trails;
- f) Accessory buildings and structures; and
- g) Stormwater management facilities.

B1.8.6.2 Housing Density

For the purpose of this Plan, no areas have been designated on Schedule A-3 Land Use Plan for the various densities and housing types as in order to achieve a compact built form within the Neighbourhoods of Rolling Meadows minimum residential densities of 19 units per hectare per draft plan of subdivision are to be provided for. The location of medium and high density development shall occur throughout the Neighbourhoods of Rolling Meadows area and be guided by the policies of this Plan.

Development within the Neighbourhoods of Rolling Meadows will be coordinated with both the short-term housing demand and long range housing needs. Recognizing the increased need to provide a range of housing types, at varying densities and in a compact urban form and acknowledging the unique characteristics of this neighbourhood, and the broader community, the following residential mix will be achieved:

- a) RM Low Density

60% single detached and semi-detached

A minimum of 12 u.p.h. net units

(5 u.p.a.)

- b) RM Medium Density

30% multiple attached

A minimum of 24 u.p.h. net

(10 u.p.a.)

- c) RM High Density

10% multiple attached and apartments

A minimum of 48 u.p.h. net

(20 u.p.a.)

Variations to these housing targets and residential densities may be permitted when the minimum overall density target of 19 units per hectare is achieved.

Net density in freehold developments is defined as including the local public road serving the housing units, but not the residential collector road. In group developments, net density includes private residential streets, driveways and parking areas and a portion of the public street which provides direct driveway access to each individual unit.

B1.8.6.3 Affordability

The City of Thorold will have regard to the housing policies in the Provincial Policy Statement and the housing policies in the Regional Official Plan with particular emphasis on the affordability guidelines set by the Province and Region when reviewing residential development and mixed-use proposals.

In order to provide a range of affordable housing, a mix of dwelling unit types and lot sizes will be provided within the Neighbourhoods of Rolling Meadows Secondary Plan area. This mix of type and range of lot size will provide the opportunity for a range of affordable residential accommodation.

B1.8.6.4 Housing Mix

In order to achieve the housing mix and density targets of this Plan, the City will not approve any development application that compromises the ability of the City to achieve the expressed targets throughout the Neighbourhoods of Rolling Meadows area. Prior to the approval of any application for plan of subdivision and/or Zoning By-law Amendment the proponent shall effectively demonstrate how the proposed development achieves the housing mix and density targets of this Plan and provide a housing mix and density plan that geographically distributes house forms/types, lot sizes and densities based on the objectives and policies of this Plan.

Housing types will be located within the Neighbourhoods of Rolling Meadows in such a manner as to enhance the physical and living environments of the neighbourhoods. This will especially be the case for multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single detached house.

A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.

Developments incorporating a harmonious mix of single and multiple accommodation will be provided in all of the neighbourhoods so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes. In providing for this compatible mix of housing types and densities, varieties of housings types and densities will not be mixed indiscriminately but will be arranged in a gradation of housing types, heights and densities. Additionally, a particular housing type shall not dominate the character or identity of a

neighbourhood rather, each neighbourhood shall provide the housing mix and density range based upon the locational criteria of this Plan.

In order to minimize the impact of high density living on the residents of the neighbourhood, high density developments are proposed to be appropriately located within the residential neighbourhoods with convenient access to the arterial road system and public transit to minimize traffic movement on local streets and generally adjacent to:

- Local arterial roads;
- Open space areas; and
- The Village Square.

To ensure that medium and high-density developments are located in an appropriate fashion to minimize impact upon surrounding land uses, a Zoning By-law Amendment and Site Plan Application shall be required.

The character of the residential areas will be protected in the process of considering new higher density forms development by requiring increased building setbacks, appropriate landscape buffers, consideration of building orientation and the placement of uses such as loading bays, and refuse containers.

B1.8.6.5 RM Medium Density Residential

The siting of RM Medium Density development throughout the Neighbourhoods of Rolling Meadows shall be guided by the following locational criteria:

- a) Type and scale of development proposed for the site as it relates to the surrounding area;
- b) Nature and extent of existing land uses within the general area of the site;
- c) The relationship of the building to the established streetscape pattern in the area, particularly building spacing and setback;
- d) Proximity to natural amenities such as open space areas, parks and natural heritage features;
- e) Proximity to commercial areas, including the Village Square;
- f) Proximity to public transit, pedestrian pathways and the neighbourhood trail network; and
- g) Proximity to collector and neighbourhood collector roads so as to provide controlled access to such roads and minimize traffic infiltration of low density housing areas.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

RM Low Density and RM Medium Density development will not be designed to have reverse frontages on arterial roads.

B1.8.6.6 RM High Density Residential

Where RM High Density Housing abuts lower density residential housing, site design consideration will be undertaken to ensure that the amenity of the lower density area is maintained.

Site design considerations may include:

- a) Increased setbacks;
- b) Sensitive building siting;
- c) Provision of landscaped buffers;
- d) Control of the scale of development;
- e) The provision of parking areas that do not dominate the site physically and visually;
- f) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and
- g) Ensuring well defined and articulated streetscapes.

B1.8.7 Commercial Policies

The Neighbourhoods of Rolling Meadows Secondary Plan, consistent with the principle of developing a Mixed-Use Community and the need to provide employment uses in such a manner to achieve the Provincial target of 50 residents and jobs combined per hectare, has established two commercial areas. The RM Highway Commercial designation, as identified on Schedule A-3 Land Use Plan, recognizes the historic commercial corridor along Highway 20 and is providing for additional commercial opportunities along the Highway 58 frontage lands.

The RM Village Square Commercial area, as designated on Schedule A-3 Land Use Plan, is a new land use concept and is to reflect the unique character of this planning community and function as a centrally located mixed-use local convenience centre.

B1.8.7.1 RM Highway Commercial

The historical commercial designation of the Highway 20 corridor was intended to provide commercial uses to serve the needs of local industry. Recognizing that the form and function of land uses to the north of Highway 20 has changed and is principally of a residential nature, the following policies, in addition to those of Section B1.4 of this Plan, apply.

The development and redevelopment of the RM Highway Commercial areas shall capitalize upon the sites strategic location to the travelling public, major tourism destinations, urban centres, existing industrial areas, and the developing residential community.

B1.8.7.2 Design Guidelines

- a) The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscaped islands is required.

- b) Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.
- c) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the “greening” of commercial areas and to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.
- d) Loading and unloading spaces shall be provided and shall generally be located in the interior side yard and screened from view of the roadways.
- e) Where permitted, the location and scale of outside storage or display of merchandise will be strictly limited, and will ensure their exposure would be visually acceptable and not detract from the general character of the area.

B1.8.7.3 RM Mixed Use

It may be appropriate at preferred locations, such as street intersections or on large lots to consider, by Zoning By-law Amendment, mixed-use developments, places of worship or nursing homes. Proposals to amend the Zoning By-law shall be evaluated based upon the following criteria:

- a) Type of development proposed for the site;
- b) Nature and extent of existing land uses within the general area of the site;
- c) Adequacy of available municipal services;
- d) Total extent of the site;
- e) Provision of on-site amenities;
- f) Adequacy of landscaping and buffering provisions;
- g) Land use compatibility;
- h) Opportunities for public transit service; and
- i) For mixed-use developments, the adequacy of amenity space exclusively devoted to the residential component and the functional separation from the public areas associated with the other uses on site.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B1.8.7.4 RM Village Square Commercial

B1.8.7.4.1 Purpose

The purpose of the RM Village Square Commercial Centre is to establish a local convenience centre that services the day-to-day needs of nearby residents. The Village Square should be designed as a community focal point. The following policies shall apply to the Village Square.

B1.8.7.4.2 Development Policies

- a) A clearly defined “Main Street” concept shall be created. One with a strong urban image and a highly developed streetscape appearance at a human scale incorporating a 0 metre setback for development and with the commercial uses being designed to provide a continuous retail face along the street edge.
- b) Residential uses will be permitted in this commercial area to promote life and movement beyond the workday hours. The residential uses will locate above commercial uses. Freestanding residential uses will not be permitted in the RM Village Square Commercial area.
- c) It is intended that the Village Square, as a mixed-use node for the larger community, will achieve residential densities of 39 units per hectare.
- d) The design of the Village Square will provide residents with ample private open space in the form of terraces and patios. Such accommodation will provide privacy and separation from commercial activity. Stepping back building facades or terracing above the ground level commercial as a method of achieving privacy will be encouraged.
- e) Direct automobile access from collector roads will not be allowed. Access shall generally be via back lanes. Treatment of access to the street from individual lots shall be given careful design consideration in order to maintain pedestrian amenability.
- f) The Village Square shall be designed and developed in a manner that minimizes the negative impact on adjacent residential areas and encourages pedestrian activity.
- g) Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.
- h) Where a rear or exterior lot line or building facade abuts a public road, public open space, and/or a residential lot, special landscaping/building treatments shall be required to ensure that the rear and/or side building facades are attractive and/or appropriately screened from view.
- i) All parking, storage and loading areas shall be appropriately screened, landscaped and buffered from all adjacent land uses and road rights-of-way.
- j) All storage and display areas for retail sales shall be carried out entirely within wholly enclosed buildings.

- k) The total gross leasable floor area per individual use shall not exceed 300 square metres.

B1.8.8 RM Industrial Policies

The Neighbourhoods of Rolling Meadows Secondary Plan, consistent with the principle of developing a mixed-use community and the need to provide employment uses in such a manner to achieve the Provincial target of 50 residents and jobs combined per hectare, has established, in addition to the commercial areas, the following three industrial designations:

- RM Employment - Dry Industrial designation
- RM Employment - Prestige Industrial designation
- RM Employment - Light Industrial designation

B1.8.8.1 RM Employment - Dry Industrial

For those lands designated RM Employment - Dry Industrial, as identified on Schedule A-3 Land Use Plan, the policies of Section B2.4 of the Official Plan shall apply to govern land use.

B1.8.8.2 RM Employment - Prestige Industrial

B1.8.8.2.1 Permitted Uses

The uses permitted within the RM Employment - Prestige Industrial designation, as identified on Schedule A-3 Land Use Plan, shall include enclosed warehousing, offices, limited product distribution services, product showroom and display centres, research and development facilities, business and government services as well as light manufacturing and processing operations deemed not to be noxious by reason of dust, odour, fumes, particulate matter, noise and excessive vibrations.

Uses that are incidental or ancillary to the industrial operation such as a retail and wholesale division that is operated as a subsidiary function of any industry may also be permitted in the Industrial areas providing the floor area devoted to such use does not exceed 20% of the total floor space of the industry.

B1.8.8.2.2 Design Guidelines

- a) Parking areas shall be located to the side and rear yard for employees and visitors. Parking for vehicles used in conjunction with the industrial operation shall be restricted to the rear yard. In cases where parking areas can be viewed from the roadway, they shall be screened with appropriate planting strips, berms fences and other physical separations.
- b) Loading and unloading facilities shall be restricted to the side and/or rear of the building. Where such areas can be viewed from the roadway, proper screening shall be installed.
- c) No outdoor storage shall be permitted. All storage must be fully enclosed within a building.

- d) No outdoor manufacturing operations shall be permitted. All such operations must take place in fully enclosed buildings.
- e) Adequate landscaped areas including the provision of lawns, planting strips and other desirable vegetation shall be required.
- f) The City shall encourage the consideration of the natural environment as an essential component of the site plan. Special consideration should be given to surface drainage patterns and vegetation cover.
- g) All areas that are not landscaped or built upon shall be treated with asphalt, concrete or other permanent surface.
- h) Traffic generated by industrial uses shall be discouraged from penetrating designated Residential areas.
- i) Development of the RM Employment - Prestige Industrial area, recognizing that the area abuts residential lands, it may be required to undertake appropriate studies based upon the type of industrial use proposed to determine potential impacts and required mitigation measures and/or separation distances, such as but not limited to:
 - i) Adequate buffering is provided between the two uses by such means as adequate separation, landscaping, barriers (including noise attenuation barriers), and plantings;
 - ii) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and,
 - iii) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms, noise vibration and dust, and relationships to neighbouring buildings or uses are acceptable.

B1.8.8.3 RM Employment - Light Industrial

The RM Employment - Light Industrial area has been strategically located next to a woodland feature in order to achieve land use compatibility with residential neighbourhoods.

B1.8.8.3.1 Permitted Uses

The uses permitted within the RM Employment - Light Industrial designation, as identified on Schedule A-3 Land Use Plan, include workshops, warehousing, service shops, processing, manufacturing and assembling operations, communications and transportation facilities, research laboratory printing and/or publishing plants.

B1.8.8.3.2 Design Guidelines

- a) The open storage of goods, material or equipment shall be appropriately screened from view and not located in the front yard;

- b) Adequate off-street loading and unloading facilities shall be provided;
- c) Parking areas shall be located to the side and rear yard for employees and visitors. Parking for vehicles used in conjunction with the industrial operation shall be restricted to the side and rear yard. In cases where parking areas can be viewed from the roadway, they shall be screened with appropriate planting strips, berms fences and other physical separations;
- d) Adequate landscaped areas including the provision of lawns, planting strips and other desirable vegetation shall be required; and,
- e) Traffic generated by Industrial uses shall be discouraged from penetrating designated Residential areas.

B1.8.9 Natural Environment

B1.8.9.1 Description of Features

Located within the Blackhorse Community are a number of natural areas that are to be protected. These natural areas and associated buffer areas, which are designated Environmental Protection Two, as identified on Schedule A-3 Land Use Plan, include, but are not limited to:

- Fish habitat and adjacent riparian vegetation; and,
- Significant woodlands and treed hedgerows.

All lands designated Environmental Protection Two shall be subject to the policies of Section B3.3 of this Plan.

B1.8.10 RM Institutional Policies

B1.8.10.1 Purpose

Institutional facilities, such as schools and places of worship, will be required for the future inhabitants of the Neighbourhoods of Rolling Meadows area. The following policies shall guide the type and location of institutional facilities.

B1.8.10.2 School Sites

The School Board has identified the need for an elementary school site as a result of anticipated development within this Community. On this basis, Schedule A-3 has identified a 3.7 hectare Institutional site for school purposes is based upon the following locational principles:

- a) The lot size should be between 2.4 to 3.2 hectares;
- b) The site should centrally located;
- c) The minimum lot frontage 170 metres;
- d) The site should not be contiguous to commercial lands;

- e) The site should about a park complex or open space, if possible;
- f) The site should be removed from stormwater management facilities; and
- g) The site should be removed from major hydro corridors.

B1.8.10.3 Other Institutional Uses

Other institutional demands are expected to be accommodated:

- a) For large institutional uses requiring a lot size greater than 0.75 hectares they shall be located on RM Employment - Highway Commercial and RM Employment – Prestige Industrial designated lands; and
- b) For small institutional uses requiring a lot size less than 0.75 hectares they may be located on Residentially designated lands or within the designated RM Village Square Commercial area.

Establishment of institutional uses on lands designated Residential shall be by Zoning By-law Amendment and subject to the following:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) Have a maximum lot size of 0.75 hectare;
- b) Are located adjacent to the intersection of two roads, at least one of which is a collector road or neighbourhood collector;
- c) Does not negatively impact adjacent residential areas due to traffic and parking; and
- d) Adequacy of landscaping and buffering provisions.

The Neighbourhoods of Rolling Meadows Secondary Plan has designated, as identified on Schedule A-3 Land Use Plan, the existing Niagara Regional Detention Centre as Institutional.

B1.8.11 Open Space and Recreation Policies

The City of Thorold is desirous of developing a major recreational area and opportunities exist to achieve this within the Neighbourhoods of Rolling Meadows area. Also, it is a goal of the Municipality to continue to develop an integrated park system and trail system with linkages between as many parks and open space areas as possible.

B1.8.11.1 Parkland Requirements

To ensure that adequate parks are provided within the Blackhorse Community it is intended that approximately 11 hectares of parkland be established for recreational purposes. Between 6 to 8 hectares shall be used for community park purposes and 3 to 5 hectares for neighbourhood park purposes.

The community park, as illustrated on Schedule A-3, is located at the edge of the Neighbourhoods of Rolling Meadows thereby being centrally located and readily accessible to the majority of Thorold's residents. This community park has been strategically sized and located to:

- a) Provide appropriate exposure and accessibility at the cross roads of Provincial Highway 58 and the main north south collector;
- b) Accommodate opportunities for regulation-sized playing fields (lit and unlit), swimming pools, arenas, community centres, parking facilities, spray pads, small scale skateboarding, medium to large playgrounds, passive space, trails, and a picnic pavilion;
- c) Minimize opportunities for land use conflict due to lighting, parking, access, and parking by providing frontage on a major traffic route, reducing the amount of interface between residential and community park land uses and being at the edge of the residential community;
- d) Access future public transit opportunities; and,
- e) Connect with natural areas, open space areas and trail network.

B1.8.11.2 Parkland Location

The locations for the neighbourhood parks have not been illustrated on Schedule A-3. It is intended that the location, size and type of neighbourhood park will be determined through the plan of subdivision approval process and shall be based upon the following criteria:

- a) A range of neighbourhood parks and parkettes shall be provided throughout the community in order to contribute to the structure and identity of the various neighbourhoods;
- b) Neighbourhood parks and parkettes shall range in size from 0.3 hectares to 0.8 hectares and be centrally located to the neighbourhood within safe and convenient walking distance of the majority of neighbourhood residents;
- c) Neighbourhood parks and parkettes should have extensive street frontage for visibility and safety;
- d) Neighbourhood parks and parkettes should have a range of passive and active recreational elements based upon park size and setting; and
- e) Neighbourhood parks and parkettes should be integrated with school sites, open space areas and recreational trails whenever possible.

B1.8.11.3 Trails and Bikeways

The development of the Neighbourhood of Rolling Meadows provides opportunities to ensure that strategic linkages and interconnections are created from neighbourhood to neighbourhood and to the Regional Bikeway System.

Bicycle pathways and walkway systems in the form of side trail loops shall be integrated into the development and provide bicycle and pedestrian access throughout the neighbourhoods. It will include sidewalks and bicycle pathways integrated with the road system as well as a separate system forming part of the open space system and pedestrian corridor system.

As a condition of development the Municipality may require the dedication of land, the establishment of easements, and the construction of walkways and trailways in order to access park and open space areas and establish an appropriate linkage system throughout the community. The dedication of land or establishment of easements for this purpose shall not be considered a component of the required land dedication for park purposes pursuant to the Planning Act. Rather, the Municipality shall provide reimbursements for development charge credits negotiated through the development agreement for the purpose of land dedications, establishment of easements and the construction of walkways and trailways.

B1.8.12 Land Use Compatibility

It is a requirement of this Plan that appropriate measures be undertaken to attenuate the effects of noise, visual intrusion or other undesirable impacts of residential development adjacent to Highways 58 and 20, Thorold Townline Road and other environmentally incompatible land uses.

B1.8.12.1 Residential Development Adjacent to Provincial Highways and Regional Arterial Roads

Where residential development is proposed to be located adjacent to Highway 58 and 20 three alternative design considerations can be utilized to achieve environmental compatibility:

- a) Acoustical barriers such as berms or walls; or
- b) Minimum building setbacks of 65 metres from Highway 20 and 85 metres from Highway 58; or
- c) Single loaded window streets with the dwelling units facing the highway.

For residential development within 250 metres of Highway 58 and 20 and 100 metres of Thorold Townline Road the developer shall be required to prepare a detailed noise study. A noise feasibility study is required within 50 metres of a provincial highway in accordance with Provincial Guideline NPC-300. The noise study shall include recommendations regarding noise attenuation measures which are required in order to satisfy Provincial sound level objectives. Noise attenuation measures may include but shall not be limited to the following:

- a) Sound proofing measures and construction techniques;
- b) Warning clauses; and,
- c) Equipping the dwelling units with air conditioning or special ventilation.

B1.8.12.2 Residential Development Adjacent to Stationary Noise Sources and Industrial Facilities

Located within the Blackhorse Community are a number of existing uses which are stationary noise sources and may therefore impact sensitive receptors. A noise study is required for residential uses and noise sensitive land uses, such as a day care facility, institutional use, or hotel/motel, if these uses are to be located within:

- a) 300 metres of the commercial vehicle refuelling station; or,
- b) 70 metres of the natural gas metering facility.

The noise study shall include recommendations regarding noise attenuation measures which are required in order to satisfy Provincial sound level objectives.

When residential development is proposed adjacent to the natural gas metering facility a 20 metre separation distance is required measured from lot line to line.

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

- a) The utilization of window streets abutting the industrial area and the dwelling units having flanking yards;
- b) Sound proofing and construction techniques;
- c) Acoustical barriers such as berms or walls; and
- d) A forced air ventilation system with central air conditioning or some other form of mechanical ventilation.

B1.8.12.3 Aggregate Resource Protection Policies

The Ministry of Natural Resources and Forestry has identified lands east of Thorold Townline Road, north of the Hydro One corridor, as a potential bedrock resource area. Development applications within 500 metres of this potential bedrock resource area shall be reviewed having regard to this identified resource area and the need to demonstrate that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. Mitigation measures which shall be determined through appropriate studies prepared by the developer may be necessary and include but shall not be limited to the following:

- a) Building orientation;
- b) The utilization of window streets and dwelling units having flanking yards;
- c) Sound proofing and construction techniques;
- d) Increasing building setbacks or possibly the need for additional spatial separation; and
- e) Landscape treatments.

In order to determine the necessary mitigation, the developer when proceeding before a quarry application shall be required to prepare the following studies assuming that a proposed quarry will be located on the east side of Thorold Townline Road:

- a) Operational noise;
- b) Blasting;
- c) Traffic; and,
- d) Any other technical report considered appropriate by Council.

The 500 metre study area is identified on Schedule A-3.

It shall also be recognized that Thorold Townline Road is a Regional arterial road and is the likely aggregate haul route required to serve any future aggregate extraction operation to the east. Accordingly, all studies required by any policy of this Plan shall recognize that Thorold Townline Road is a future aggregate haul route. The haul route shall be restricted from the future extraction operation entrance southerly to Highway 20, a major arterial.

Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility.

B1.8.12.4 Residential Development Adjacent to Thorold Townline Road

When residential development is proposed to be located adjacent to the Townline Road and the easterly located agricultural lands in the City of Niagara Falls consideration shall be given to utilizing design elements of dwelling orientation, window streets, increased building setbacks, and landscape treatments to achieve land use compatibility.

B1.8.13 Servicing and Transportation

B1.8.13.1 General

- a) **All development within the Neighbourhoods of Rolling Meadows shall be developed with full municipal services in accordance with Municipal Policy.**
- b) **Extension of municipal services into the Neighbourhoods of Rolling will be required to service development.**
- c) **Easements to accommodate municipal services shall be granted as a condition of development approval.**
- d) **Easements to accommodate utilities shall be granted as a condition of development approval.**
- e) **The provision of a water distribution system, wastewater collection system, stormwater management facilities, road network, and other municipal services will be achieved with minimum costs to the City.**
- f) **In order to achieve the proper co-ordination of services and consistence in development standards, the orderly development of land by way of plan of subdivision and site plan will be required throughout the neighbourhood. Consents to sever land to create development blocks will only be permitted when it is determined to the satisfaction of the City that the severance of land will not prejudice or jeopardize the subsequent development of the balance of the lands.**

B1.8.13.2 Infrastructure Improvements

In order to accommodate development within the Neighbourhoods of Rolling Meadows, it will be necessary to address off-site upgrading or expansion of infrastructure such as:

- a) The extension of the Allanburg Road trunk sanitary sewer easterly to the Neighbourhoods of Rolling Meadows;
- b) The construction of a trunk sanitary sewer on Thorold Townline Road;
- c) The extension of the Allanburg Road trunk watermain easterly to the Neighbourhoods of Rolling Meadows;
- d) Signalization of, and upgrading of, collector road intersections with Highway 58 and 20; and OPA 59
- e) Upgrading of the Thorold Townline Road/Highway 20 intersection.

These off-site works will be coordinated and scheduled as municipal or regional capital projects using contributions from the development community according to the appropriate Development Charges By-law.

Required improvements for the signalization and upgrading of Highway 58 and 20 intersections will be the responsibility of the development community and/or the Province of Ontario.

In order to accommodate development within The Neighbourhoods of Rolling Meadows significant off-site and on-site infrastructure will be required as described in the following sub-section. Development will be phased based upon the provision of infrastructure, including the road network, and in accordance with the phasing policies of this Plan.

B1.8.13.3 Sanitary Sewer System

An internal gravity sanitary sewer system shall be constructed to serve the Neighbourhoods of Rolling Meadows area at the expense of the developers and to the satisfaction of the City.

Development of the Neighbourhoods of Rolling Meadows area will require storage facilities, such as combined sewer overflow (CSO) storage or high rate treatment (HRT) storage, or other means to mitigate peak wet weather flows in order to satisfy the Ministry of the Environment and Climate Change. All requisite works to accommodate development will be at the expense of the development community and/or through the Municipal and Regional Development Charges By-law.

B1.8.13.4 Water Distribution System

The Region, as part of its Master Servicing Plan for Niagara, is proposing the upgrading of the existing water distribution system. Particularly, the construction of a supply main from Niagara Falls along Lundy's Lane and Highway 20 and northerly along Allanburg Road to the existing Allanburg Road standpipe. A future extension northerly along the Thorold Townline Road is also proposed. These upgrades will facilitate the ultimate development of the Blackhorse Community.

Development of the Blackhorse Community will require the construction of a number of watermains of varying size in order to provide an appropriate potable water supply, including fire flows, to accommodate the demands of the Community. The principle trunk watermains shall be located along the east-west Uppers Lane connecting with the watermains on Allanburg Road and Thorold Townline Road, and central to the Community in a north-south alignment connecting in watermains on Highway 20 and Allanburg Road. Said works shall be designed in accordance with acceptable municipal standards.

B1.8.13.5 Stormwater Management

The preferred stormwater management strategy for the development is based upon the “Neighbourhoods of Rolling Meadows Subwatershed Study” and involves a number of stormwater management systems, with discharge into local watercourses. Storm discharge shall be adequately treated in accordance with Provincial standards. The stormwater management systems to be utilized involve:

- a) Stormwater management facilities designed in accordance with “wet extended detention pond” criteria;
- b) Storm sewers;
- c) Swale systems; and
- d) Watercourses.

B1.8.13.6 Design Principles

The design of the stormwater management facilities should be based upon the following general principles:

- a) The ecological function of providing flow to downstream fish habitat be maintained;
- b) The prevention of the continued contribution of silt, pesticides and herbicides to downstream fisheries resources;
- c) To mimic existing flow regimes; and
- d) To address water quantity and quality objectives, where required.

B1.8.14 Watercourse Rehabilitation

In order to protect water resources in the area stream management is required for identified fish habitat areas. The renaturalization of these watercourses should include, but not be limited to, the following:

- a) **Buffer zone;**
- b) **Meander length;**
- c) **Sediment transport regime;**
- d) **Biological function;**
- e) **Floor water level and hydraulic capacity; and**
- f) **Landscaping.**

B1.8.14.1 General Policies – Stormwater

- a) Development shall utilize modern stormwater management techniques to control the quantity and quality of run-off and control erosion and sedimentation during and after construction, in order to minimize adverse effects on water resources.
- b) The stormwater management facilities are proposed to be an integral component of site design and development. As a result, the facilities are to function as part of the open space system.
- c) Costs of providing stormwater management systems shall borne by the developer.
- d) The design of stormwater management systems and facilities shall, at a minimum, be designed in accordance with the Ministry of the Environment and Climate Change's Stormwater Management Planning and Design Manual, March 2003.
- e) Detailed stormwater management, erosion and sediment control plans are required for each development phase.
- f) As part of the initial phases of development it may be necessary to utilize temporary stormwater management facilities. The temporary facilities are permitted by this Plan except for in areas designated Natural Environment.
- g) In order to achieve the optimum location and interrelationship with watercourses, parks and open space areas, modifications to facility/feature locations may occur without amendment to this Plan subject to the approval of the City, the Region and the Niagara Peninsula Conservation Authority.

B1.8.14.2 Road Network

Access to the development area is from the abutting Provincial Highway and Regional arterial road network. The road network within the development area is based on an interconnected and permeable modified grid pattern, as illustrated as Schedule "A3" Transportation Network Plan.

The Community will have a hierarchy of road types determined by adjacent land uses, location, planned function, capacity and speed. Schedule "A3" Transportation Network Plan identifies the collector road network which is based upon:

- a) A continuous east-west and north-south collector road system connecting with the Provincial Highway and Regional arterial road network; and
- b) A minor east-west and north-south neighbourhood collector road system connecting with the collector road system.

The local road system is intended to be flexible in terms of specific locations. The alignment of the road network may be modified to a reasonable degree, in the interest of achieving desirable and appropriate urban design and subdivision patterns.

Phasing will ensure that the road system will be developed in order to accommodate convenient vehicular circulation, to facilitate efficient transit service, and to provide access for the development of non-residential uses which service the residential areas.

In order to provide a transportation system that encourages travel by all modes (vehicular, transit, bicycle and pedestrian), the local road networks associated with plans of subdivision should allow for

interconnection with the collector and neighbourhood collector road system. This is to be achieved by using a grid or modified grid pattern which reduces the use of cul-de-sac providing more opportunities for local transit routing and both bicycle and pedestrian access throughout the communities.

Special design features, such as traffic circles and/or planted medians shall be considered at key intersections and along collector roads for aesthetic, environmental and/or traffic calming purposes.

This Plan has not identified preferred right-of-way widths and pavement widths as confirmation of utility locations, emergency access, streetscape design and on-street parking regulations is required.

Generally, to guide in the preparation of plans of subdivision the following shall apply:

- a) Local neighbourhood roads should have a right-of-width of 18 metres and a pavement width of 8.5 metres;
- b) Neighbourhood collector roads should have a right-of-way width of 20 metres, contain a bike lane and a pavement width of 9.0 metres;
- c) Collector roads should have a right-of-way width of 22 metres, contain a bike lane on either side of the travelled portion of the roadway and a pavement width of 11.0 metres; and
- d) Window streets should have a right-of-way width of 12 metres and a pavement width of 6.5 metres.

Final right-of-way and pavement width requirements and the provision of day-lighting triangles will be determined during the review of development applications.

To accommodate development and maintain an appropriate level of service on the external Regional and Provincial road network, the following improvements are required:

- a) Highway 58 and Allanburg Road - signalization and the provision of northbound and westbound right turn lanes;
- b) Highway 58 and the North-South Collector Road - signalization and the provision of a southbound left turn lane and a northbound right turn lane;
- c) Highway 20 and Thorold Townline Road - provision of a northbound left turn signal phase and westbound right turn lane;
- d) Highway 20 and the North-South Collector Road - signalization and the provision of a westbound left turn lane and an eastbound right turn lane; and
- e) Highway 20 and the North-South Neighbourhood Collector Roads - limit turning movements to right-in/right-out only.

Portions of the Blackhorse Community are located within the Ministry of Transportation Permit Control Area requiring Provincial review and approval of building/land use permits for:

- a) Development within 46 metres of Highway 20 and Highway 58 right-of-ways; and,
- b) Development within a 395 metre radius of a Highway 58 interchange.

B1.8.14.3 Public Transit Opportunities

The road network has been designed to accommodate opportunities for the provision of public transit particularly, along the collector and neighbourhood collector roads.

It is anticipated that the nature of the transit network will evolve over time as service demand dictates.

B1.8.14.4 Telecommunications and Utilities

To ensure that adequate utility networks are/or will be established to serve the anticipated development and that they can be phased in a way that is cost- effective and efficient.

Public and Private Utilities shall be:

- a) Permitted in all land use designations and shall be installed, where possible, within public road allowances or within appropriate easements;
- b) Encouraged, wherever possible, to coordinate and locate within an initial common trench to avoid unnecessary over digging and disruption of municipal rights of way; and
- c) Clustered or grouped where possible to minimize visual impact.

Both public and private utility providers will confirm whether they are able to provide the necessary infrastructure and services to support proposed development.

B1.8.14.5 Utility Corridors

Banding through the Blackhorse Community are a number of Hydro One distribution corridors and a TransCanada Pipeline. These corridors represent a significant land use and resource.

These existing utility corridors are permitted uses and adjacent development will be required to recognize the constraints associated with the utilities. Subject to approval from the appropriate authority, the utility corridor will also be used for open space purposes and as part of the pedestrian and bicycle trail system.

TransCanada Pipelines Limited operates a high pressure natural gas pipeline within the Neighbourhood of Rolling Meadows Secondary Plan area. Any development within 200 metres of TransCanada's facilities may affect the safety and integrity of the pipeline and will require consultation and clearance from TransCanada Pipelines.

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 increasing the population density in the area that may result in TransCanada being required to replace its

pipeline to comply with the Canadian Standards Association Code Z662. Therefore, the City shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.

All permanent structures and excavations shall be located at least 7 metres from the limits of TransCanada's right-of-way. Accessory structures abutting the right-of-way shall have a minimum setback of at least 3 metres from the limit of the right-of-way. A reduction in the 7.0 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.

B1.8.15 Implementation

B1.8.15.1 General Policies

This Community Plan shall be implemented by the powers conferred upon the Municipality by the Planning Act, the Municipal Act, the Development Charges Act, and other applicable statutes.

B1.8.15.2 Phasing

Development shall be phased to provide for the continuous, orderly extension of the community and to ensure the most efficient and economical use of existing and proposed infrastructure. The following phasing criteria shall be considered in the review of all development applications:

- a) The development contributes to, or can be appropriately integrated within the logical sequence of construction of all required sewer, water, stormwater and transportation facilities; and
- b) The development satisfies all requirements regarding the provision of parkland and other facilities.

B1.8.15.3 Conditions of Development

Notwithstanding any other provision of this Plan, prior to any new development, other than expansions of existing uses, receiving final approval in the Community Plan area the following conditions must be met.

- a) Full urban services and utilities are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- b) Any transportation facilities required to accommodate the development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- c) Storm drainage facilities approved by the municipality are committed to be in place and operative to or coincident with the occupancy and use of the land.
- d) An archaeological assessment of the land has been conducted for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found.

- e) The municipality is satisfied that the cost sharing by the benefiting landowners towards the provision of transportation, wastewater, water, stormwater, and other identified infrastructure needs are secured in accordance with municipal and regional policies and the provisions of the Development Charges Act.

B1.8.15.4 Zoning By-law

The Neighbourhood of Rolling Meadows Secondary Plan shall be implemented through the enactment of implementing zoning by-laws in conformity with the provisions of the Official Plan and this Secondary Plan.

The City may designate a holding zone with the prefix “H” and specify the future uses of these lands that, at the present time, are considered premature or inappropriate for development for any one or more of the following reasons:

- a) Community services and facilities such as sanitary sewers, stormwater management facilities, water supply and public parks are insufficient to serve the proposed development;
- b) Transportation facilities are inadequate or inappropriate based on anticipated traffic;
- c) The number and location of access points to the site are inadequate and incapable of functioning safely and efficiently; and
- d) Where development is dependent upon other matters occurring first, such as the consolidation of land.

B1.8.15.5 Plans of Subdivision

The Plan area is subject to subdivision control and part lot control.

Only those plans of subdivision shall be recommended for approval which:

- a) Conform with the policies and designations of this Plan;
- b) Can be provided with adequate services and facilities as required by this Plan; and,
- c) Are not premature and are in the best interests of the City.

B1.8.15.6 Consents

Development shall generally take place by plan of subdivision. Consents shall only be permitted:

- a) For technical or legal reasons; or
- b) Where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of the land; or

- c) In case of part lot control.

B1.9 PORT ROBINSON WEST SECONDARY PLAN

B1.9.1 Introduction

The purpose of this section of the Official Plan is to provide policies for a comprehensively planned community that protects environmental features and the existing community; one that is principled on Smart Growth, recognizes and responds to the policy initiatives of the Region of Niagara, the Niagara Peninsula Conservation Authority and the Province of Ontario, while establishing a comfortable and attractive community with a full range of housing types, commercial and community facilities and substantial employment areas.

The Port Robinson West Secondary Plan has been prepared in accordance with the Official Plans of the City of Thorold and Region of Niagara. Unless otherwise specifically identified, all of the policies of the City of Thorold Official Plan apply to this Secondary Plan area. Where there is a conflict between the policies of this Secondary Plan and any other policies of this Official Plan, the policies of the City of Thorold Official Plan shall apply.

B1.9.2 Community Structure

All of the lands within the Port Robinson West Secondary Plan are considered “greenfield”. Lands within the “greenfield” category are subject to the Provincial minimum gross density requirement of 50 people and jobs per hectare combined.

Schedule A-5 – Neighbourhood Structure Plan identifies the planned community structure. The community structure is comprised of the following elements:

- a) New Residential Neighbourhoods – Residential Neighbourhoods are specifically identified. Each of these Neighbourhoods is planned to contribute to the overall housing mix and density targets of the community. Policies permit the introduction of neighbourhood-serving retail commercial and institutional land uses within each neighbourhood;
- b) The Existing Community – The lands identified as Existing Community represent the small neighbourhoods that evolved over time prior to 2006. It is characterized by an eclectic mix of single-detached residential dwelling units of various styles and ages.
- c) The Commercial Area – The Commercial Area is expected to develop as a mixed use community with a major retail centre and a full range of commercial uses, with potential for institutional uses and community facilities;
- d) The Employment Area – The Employment Area is expected to develop as a Business Park, including office uses, and light industrial uses. Industrial uses will generally be accommodated on sites internal to the identified Employment Area; and,
- e) The Greenlands System – The Greenlands system includes linked natural heritage features, public parks, trails and stormwater management facilities. This System provides the overall structure of the Plan, and articulates the locations of the other elements of the community structure.

In an effort to establish an appropriate land use distribution and development pattern, the approach taken to preparing this Secondary Plan has been to achieve the minimum gross density of 50 people and jobs per hectare overall across the entire Secondary Plan Area. The phasing of development is addressed to ensure the Plan meets the policies of Province and the Region.

B1.9.3 Objectives

B1.9.3.1 General Development Objectives

The following development objectives provide the framework for planning and development within the Port Robinson West Secondary Plan area by both the public and private sectors. The objectives will be implemented by the mechanisms set out in this Plan, including the implementing Zoning By-law and Site Plan Approvals. The development objectives of this Secondary Plan are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian and bicycle-friendly, and transit-supportive community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan area;
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between approximately 14,000 and 15,000 new residents and jobs combined; and,
- e) To require that the greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare over the entire Secondary Plan area.

B1.9.3.2 Distinctive Neighbourhood Character

To establish a distinctive neighbourhood community that is an aesthetically pleasing place to reside, the following policies shall apply:

- a) Ensure the majority of all residences are within a maximum 5-minute walk (400 metres) from a public park;
- b) Create a linked system of parks, open space corridors and natural environmental areas; and,
- c) Provide a variety of housing in terms of density, scale and design.

B1.9.3.3 Residential

The following general principles will apply to the development of residential housing in the secondary plan:

- a) To provide an adequate supply of housing in terms of housing mix, lot sizes and variation of densities in order to accommodate projected needs and to support transit by encouraging:
 - i) An appropriate mix of housing units shall be provided consisting of single and semi-detached dwelling units and multiple dwelling units; and,
 - ii) The provision of multiple units generally in the form of townhouse units and low rise apartment units.
- b) Residential areas will provide opportunities with respect to choice of housing, tenure and affordability will be achieved through subdivision designs which incorporate a mixture of housing types and varying lot configurations. Single-detached, semi-detached, townhouses and apartment buildings up to five storeys will be permitted in the residential neighbourhoods.
- c) Residential areas will provide a minimum 25 percent of all new residential development within the Port Robinson West Secondary Plan area that will meet the Provincial definition of affordable housing. Affordable housing may be achieved by:
 - i) Promoting higher density housing forms, where housing is more affordable due to reduced per unit land costs;
 - ii) Building smaller units, where housing is more affordable due to lower development costs;
 - iii) Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs;
 - iv) Waiving or reducing municipal permit fees, taxes and/or development fees; and,
 - v) Encouraging the development of second dwelling units.
- d) The City will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.
- e) Affordable housing will be encouraged to locate in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

Note: As modified by the Ontario Land Tribunal, March 16, 2021, through OPA 06, By-law No. 60-2019

B1.9.3.4 Schools

This plan contemplates the need for up to 3 elementary schools within the secondary plan. It is a policy of this plan that schools shall be centrally located to maximize pedestrian accessibility and where possible connected to City parkland and/or open space.

B1.9.3.5 Recreation

It is a policy of this Plan to ensure that an appropriate supply of parks and open space is provided for the residents of the Port Robinson West Community in accordance with standards of the Planning Act and the Official Plan and Parks and Recreation Master Plan. On this basis, it will be a minimum objective of the City to acquire at least 2 hectares of parkland per 1,000 population or 5 percent of the gross land area. This Plan also promotes a safe trail system which provides various connecting links between existing or planned open space areas, urban areas and existing or proposed trail systems throughout the Secondary Plan area.

B1.9.3.6 Environmental

In order to conserve and enhance the ecological and biological integrity of all significant natural heritage features, and their associated functions, the following principles shall apply:

- a) Provide adequate buffer areas between conflicting land uses to protect sensitive areas;
- b) Protect riparian habitat, wildlife and aquatic life and their associated habitats in all environmentally sensitive areas;
- c) Protect water quality of the various watercourses;
- d) Protect natural areas and identify two levels of natural heritage features;
- e) Promote passive recreation along buffer zones;
- f) Promote sustainable development;
- g) Preserve and protect ground and source water resources;
- h) Reduce or eliminate flooding damage to buildings, roadways, municipal infrastructure and structures located in or near drain corridors;
- i) Regulate the placement of buildings and structures next to flood susceptible areas; and,
- j) Prevent and control erosion and sedimentation.

B1.9.3.7 Economic

It is anticipated that this secondary plan will promote and encourage job opportunities for the residents of Thorold as well as Niagara Region in the following manner:

- a) Attracting new commercial development through the creation of an office, retail and service commercial area as an extension of the area in Welland and close to Highway 406 to stimulate tourism and encourage economic benefits.
- b) Attracting new industrial development through the future development the lands designated PRW Business Park and PRW Industrial, as identified on Schedule A-6.
- c) Providing a focus for commercial activities along Niagara Street and Merrittville Highway.
- d) Promoting light industry and providing adequate buffer areas adjacent to residential neighbourhoods or other areas of conflicting land use, through the following design considerations:
 - i) having regard for the Ministry of Environment, Conservation and Parks (MECP) Guidelines (Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses) when designating and zoning land uses and establishing buffers; and,
 - ii) strategically locating the commercial area along Merrittville Highway, between large industrial areas and residential development to assist in reducing land use conflicts.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.3.8 Abutting Agriculture Lands

To avoid and mitigate potential land use conflicts where proposed development abuts agricultural land in Specialty Crop and Agricultural designations (including in the City of Welland), measures to ensure compatibility will be implemented through the draft plan of subdivision and zoning approval processes.

All development proposals in the Port Robinson West Secondary Plan within "30" metres of Specialty Crop and Agricultural designations shall be reviewed within the context of the following policies to mitigate the potential for impacts on agricultural operations:

- a) Development proposals shall utilize design measures to mitigate conflicts between agricultural and non-agricultural uses. These measures may include such things as subdivision layout, site layout, the incorporation of existing natural features and man-made features to provide for separation and buffering between land uses, landscaping, grading, fencing, and screening.
- b) Development agreements to be registered on lands within the secondary plan area shall clearly identify that there are agricultural operations in the area and normal farm practices utilized by these operations may result in noise, odours, dust and other potential nuisances.

B1.9.3.9 Active Transportation

Active Transportation will be encouraged in the Port Robinson West Secondary Plan through the use of the following design considerations:

- a) Locating local convenience commercial areas within residential neighbourhoods;
- b) Creating a highly interconnected transportation system, including opportunities for pedestrians, cyclists, transit and vehicles;
- c) Designing roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
- d) Developing a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
- e) Providing a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- f) Provide a road pattern within the residential neighbourhoods that protects homes from non-residential traffic; and,
- g) Establishing a road pattern that links with other adjoining areas and road networks.

B1.9.3.10 Infrastructure

This secondary plan will require the extension of public water and sewer facilities to the Port Robinson West area in accordance with the Region's servicing strategy to ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks. The following additional policies shall apply to the development of infrastructure serving the Secondary Plan area:

- a) That all existing development currently utilizing private sewer and/or water services to be connected to municipal systems as they are provided;
- b) To ensure that stormwater management facilities are designed as special features and part of the overall Greenlands System;
- c) To require a program of stormwater management for all new development to adequately address water quality and quantity issues. Water quantity control, erosion control, quality control and design practices are to be applied in accordance with the MECP Stormwater Management Planning and Design Manual;
- d) To develop the Port Robinson West Community in an orderly and progressive manner in order to ensure that the provision of sewers, water, roads and other municipal services are achieved with minimum municipal expenditure; and,
- e) To ensure that benefitting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.3.11 Phasing

The following policies shall apply to the phasing of development within the secondary plan:

- a) To phase development in a logical and cost effective manner, without any undue financial burden on the existing taxpayers of the City of Thorold;
- b) To ensure that benefitting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development;
- c) Schedule A-5 identifies a Phase 1 Area that includes Neighbourhoods N1, N2 and N5, as well as some Employment/Commercial Areas. It is a policy of this Plan that the Area identified as Phase 1 shall be developed first, and shall be substantially built-out, to the satisfaction of the City prior to any development being initiated in any other part of this Plan;
- d) In addition to subsection c) above, no development shall be permitted on lands outside of the Phase 1 Area of this Plan, until such time as a Subwatershed Study has been completed to the satisfaction of the City, in consultation with the Conservation Authority and,
- e) Notwithstanding the other policies of this Section of this Secondary Plan, the City may consider the early development of lands outside of the identified Phase 1 area, subject to the following criteria:
 - i) the lands are designated PRW Business Park, and/or PRW Industrial;
 - ii) the lands abut the Highway 406 right-of-way;
 - iii) an appropriate level of environmental analysis has been carried out to the satisfaction of the City, in consultation with the NPCA and any other agency having jurisdiction;
 - iv) appropriate Master Servicing Studies have been completed and approved by the City and Region and cost sharing agreements executed to the satisfaction of the City; and,
 - v) an Official Plan Amendment has been approved that changes the Phase 1 boundary, and implements any appropriate, area-specific development policies.
- f) Notwithstanding other policies of this Secondary Plan, it is not anticipated that the Existing Community, identified as Neighbourhood 5 on Schedule A5 of this Plan, will remain static over time. While redevelopment of the Existing Community is not required for the City to accommodate anticipated greenfield growth to 2031 and achieve the associated target of 50 people and jobs per hectare; this Plan recognizes future redevelopment of this area may occur. Redevelopment of the Existing Community can only occur when full servicing has been provided. The

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

redevelopment may also require the consolidation of lots or portions of lots so it occurs in a comprehensive manner. Redevelopment may be permitted, through a Zoning By-law Amendment process, where it can be demonstrated that redevelopment generally conforms to the approved Neighbourhood Plan for Neighbourhood 5.

- g) Lands forming part of Neighbourhood 1 and all of Neighbourhood 5 located east of the railway tracks may require servicing through lands located south of this area. If the lands are to be developed prior to the extension of servicing, an alternative servicing plan may be required to the satisfaction of the City and the Region.

Notwithstanding the other policies of this Section of this Secondary Plan, or any policies requiring that new development be on full municipal services, the City may consider limited development or private services under the Temporary Use provisions in Section 39 of the Planning Act. All other policies and guidelines of this Secondary Plan shall continue to apply.

B1.9.3.12 Urban Boundary Adjustments

The delineation of the Urban Area Boundary is generally located along Singer's Drain. The boundary and associated setbacks will be refined through the Regional Official Plan Review process or through a Regional housekeeping amendment based on an updated Environmental Impact Study. The City will subsequently update its Official Plan and Secondary Plan. Development of the lands located within the refined Urban Area Boundary may be permitted without amendment to the Secondary Plan in accordance with the land use designation of the adjacent lands as identified on Schedule A6 of this Plan.

B1.9.4 Design Policies

B1.9.4.1 Urban Design Guidelines

This Plan includes Urban Design Guidelines, which are attached as Appendix C. The intent of the Urban Design Guidelines is to promote an appropriate built form and public realm within the Secondary Plan area. The Urban Design Guidelines function as an implementation tool for successive development and approval processes that are required to implement this Plan, particularly zoning, and Draft Plans of Subdivision/Condominium.

All development within the Secondary Plan area shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C. Adjustments and further refinements to the Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Urban Design Guidelines are achieved to the satisfaction of the City.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.4.2 General Site Development Criteria

The City shall ensure that the following general site development criteria are implemented in all new development:

- a) Buildings shall be street-front oriented and provide direct street access for pedestrians;

- b) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, or, where possible internal/central to a site, preferably below grade. The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscapes islands is required;
- c) Residential driveway access will not be permitted on Arterial roads and Collector streets, unless there are no other alternatives;
- d) With the exception ground-oriented residential, all new development shall provide outdoor bicycle racks in a prominent location that is accessible to the public. Covered or secure indoor bicycle parking, and other end of trip facilities such as showers and change rooms, are also encouraged by the City;
- e) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment;
- f) The Zoning By-law will specify requirements for building setbacks, minimum landscaped areas, buffer strips, privacy screening and other appropriate measures to enhance the “greening” of the community which shall be applied in all new development;
- g) High quality landscape treatment shall be provided throughout the Secondary Plan Area;
- h) Building form and siting shall minimize the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
- i) Where a proposed non-residential use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses;
- j) Loading areas, and outdoor and fully enclosed refuse collection areas, shall be unobtrusive and screened and shall generally be located at the side or the rear of buildings;
- k) Rooftop equipment shall be unobtrusive, architecturally incorporated into the design of the building and/or screened from view;
- l) No open storage is permitted except as permitted under the Zoning By-law. Where open storage is permitted, it shall be unobtrusive and screened, and shall generally be located at the side or the rear of the building; and,
- m) Common vehicular access and internal circulation including service lanes connecting abutting properties and/or developments shall be provided wherever possible.
- n) High density development shall generally be adjacent to:

Note: As modified
by the City of
Thorold,
September 1,
2020, through OPA
10, By-law No.
118-2020

- i) arterial roads and/or Collector streets;
- ii) retail and service commercial uses;
- iii) community facilities; and/or,
- iv) public open space areas.

B1.9.4.3 Crime Prevention Through Environmental Design (CPTED)

The City will promote building and site design that assist in the reduction of the incidence of crime through the implementation of Crime Prevention Through Environmental Design (CPTED) principles including natural surveillance, natural access control, territorial reinforcement and space assessment.

The City shall have regard for the principles of CPTED in their review of all development applications. The principles of CPTED are:

- a) natural surveillance;
- b) natural access control; and,
- c) natural territorial reinforcement.

B1.9.4.4 Sustainable Design/Green Building

All new development, with the exception of residential buildings containing less than 25 dwelling units, must be built to the following requirements for sustainability:

- a) LEED Silver, or equivalent alternative to the satisfaction of the City, prior to and including 2021; and,
- b) LEED Gold, or equivalent alternative to the satisfaction of the City, from 2022 up to and beyond 2031.

In addition to the above, all new development to be built to the following requirements for sustainability:

- a) Grade-related (up to 4 storeys) residential buildings achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
- b) Mid- and high-rise (4 storeys and greater) residential and non-residential buildings shall be designed to achieve 25 percent greater energy efficiency than the Model National Energy Code for Buildings.

B1.9.5 Phasing Policies

B1.9.5.1 Residential Neighbourhoods Phasing Policies

There are a total of 5 residential neighbourhoods identified on Schedule A-5 – Neighbourhood Structure Plan. These neighbourhoods are generally delineated on the basis of sub-watershed boundaries, or other physical plan components, and typically include at least one stormwater management facility. Neighbourhoods 1 and 2 and the existing Neighbourhood 5 and all other lands east of Highway 406 form part of the 'Phase 1 Lands' and shall be the first areas considered for development.

In total, the Secondary Plan area is expected to generate approximately 12,500 people and jobs. That development yield is further subdivided to represent approximately 8,500 people for the Residential areas, approximately 2,400 jobs for Employment areas and approximately 1,850 jobs for Commercial areas.

Overall, the 5 residential neighbourhoods are expected to achieve a gross density of 50 persons and jobs combined per hectare. In this regard, gross density is defined as the development yield divided by the gross land area. Gross land area is the total land area, less those lands designated Environmental Protection One or Environmental Protection Two on Schedule A-6 – Land Use Plan.

The expected development yield may be adjusted, subject to the final delineation of the Environmental Protection designations through the Environmental Impact Study process, without the need for a further Amendment to this Secondary Plan. However, any adjusted development yield shall not compromise the ability of achieving a minimum density requirement of 50 persons and jobs combined per gross hectare across all designated Greenfield Areas in the City of Thorold.

The City reserves the right to make modifications, without Amendment to the Official Plan, to the numerical development forecasts and targets identified above to ensure a logical progression of growth that:

- a) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
- b) Ensures the early development of public parkland components of the Plan;
- c) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services;
- d) Ensures that a full range and mix of housing types, including house forms that have the potential to be affordable, is developed in a timely manner; and,
- e) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the City.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

In order to achieve the minimum density targets of this Plan, the City will not approve any development application that compromises the ability of the City to achieve the expressed targets throughout the Port Robinson West Secondary Plan area.

As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposal contributes to the minimum gross density targets of this Plan. Proponents shall provide a population and

employment density table and/or plan that geographically distributes development forms/types, lot sizes and densities based on the objectives and policies of this Plan.

B1.9.5.2 Employment/Commercial Area Phasing Policies

The Employment/Commercial Area identified on Schedule A-5 – Neighbourhood Structure Plan are expected to generate a minimum of 1,850 jobs based on a minimum gross density of 50 persons and jobs combined per gross hectare. For the purpose of this policy, gross hectare is defined as the total land area of the Secondary Plan area, less those lands designated Environmental Protection One or Environmental Protection Two.

Once retail commercial Gross Leasable Floor Area in approved developments exceeds 20,000 square metres on lands within the identified Commercial Area, a Retail Commercial Market Impact Analysis shall be required to support additional retail commercial development.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

A required Retail Commercial Market Impact Analysis shall consider the supply of retail commercial space within the market area versus the demand for additional space vis a vis the growing local population, and/or ongoing commercial spending leakage to adjacent municipalities. A required Retail Commercial Market Impact Analysis shall be prepared by a qualified consultant to the satisfaction of the City, in consultation with the Region.

B1.9.6 Land Use Designations

B1.9.6.1 Introduction

Land use in the Secondary Plan is divided into eleven designations, as shown on Schedule A-6 – Land Use, with policies established for each category. The designations include:

a) *The Residential Neighbourhoods*

- i) Existing Community
- ii) PRW–Low Density Residential;
- iii) PRW–Medium Density Residential;
- iv) PRW–Medium/High Density Residential;

b) *The Commercial Area*

- v) PRW–Mixed Use Commercial;
- vi) PRW–Urban Commercial;

c) *The Employment Area*

- vii) PRW–Business Park;
- viii) PRW–Industrial

d) The Greenlands System

- ix) Environmental Protection One;
- x) Environmental Protection Two; and,
- xi) PRW–Open Space.

The boundaries of land use designations and/or the location symbols, as shown on Schedule A-6 – Land Use Plan, are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries and symbols may be permitted without the need for an Official Plan Amendment, provided the general intent of the Official Plan and this Secondary Plan are maintained. Similarly, adjustments may be made in the location of proposed streets provided the general intent of the Secondary Plan is maintained.

Where a Neighbourhood Master Plan has been endorsed by Council, development proponents shall demonstrate how the development meets the general intent of the Neighbourhood Plan through the implementing zoning bylaw amendment and draft plan of subdivision process. Any major deviations from the approved Neighbourhood Master Plan will require an Official Plan amendment. Modifications to, or relocations of portions of the road pattern and modifications to the natural areas will generally not be considered inconsistent with the approved Neighbourhood Plan, provided that the proposed implementing zoning by-law amendment and draft plan of subdivision conforms with the policies of the land use designations and Regional and Provincial density targets for Greenfield development.

B1.9.6.2 The Residential Neighbourhoods

It is the intent of the City to establish 5 Residential Neighbourhoods within the Port Robinson West Secondary Plan area, as identified on Schedule A-5 – Neighbourhood Structure. On those lands it is the intent of the City to promote the development of complete communities through an appropriate housing mix, access to neighbourhood retail and service commercial uses, and pedestrian-oriented street design. The five Neighbourhoods will be connected to the Greenlands System and achieve an overall minimum density of at least 50 persons and/or jobs combined per gross hectare within a safe, healthy and functional environment. The following general policies shall apply:

The residential policies specified in this section aim to guide the development of residential land shown on Schedule A-6 – Land Use Plan. The residential land shown represents the full build out of the Port Robinson West community.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Prior to the approval of any new development within any Neighbourhood identified on Schedule A-5 – Neighbourhood Structure Plan, a Neighbourhood Master Plan shall be prepared by the City and endorsed by Council as a non-statutory document. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A-5 – Neighbourhood Structure Plan, and shall include the following components:

- a) Road, Block and Land Use Plan - The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses and building heights and the function and design of the Neighbourhood transportation system and schools, community uses, parks and open space. This Plan will provide enough detail to ensure that the minimum overall density of 50 persons and jobs combined per gross hectare can be achieved and that the proposed development patterns can be adequately serviced by the transportation system. In addition, the Plan shall demonstrate that an appropriate mix of housing units can be accommodated, including single detached, semi-detached, townhouse and apartment dwellings and mixed use buildings, where appropriate;
- b) Streetscape and Open Space Plan - The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system and trails network, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify the linkages between proposed parks and parkettes;
- c) Urban Design and Architectural Control Guidelines - The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix C, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements and identify the approach to and integration of sustainable development and design standards of practice;
- d) Servicing Plan - The Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
- e) Environmental Impact Statement – An Environmental Impact Study (EIS), where required by the policies of the Official Plan. The required Environmental Impact Study shall include the contiguous lands of participating landowners. The EIS shall include provisions and recommendations for the protection and enhancement of the Natural Heritage System.
- f) A development phasing plan- A development phasing plan which will identify the anticipated timing and build-out of the Neighbourhood.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The Neighbourhood Master Plan shall form the basis of Draft Plans of Subdivision, implementing Zoning, and/or Site Plan Approvals. Prior to development in any Neighbourhood identified on Schedule A-5 – Neighbourhood Structure Plan, the City shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled. The City may consider combining neighbourhoods, as long as all of the policies of this Secondary Plan can be achieved.

Within the low density and medium density residential designations located at the intersection of Port Robinson Road and Kottmeier Road and along Kottmeier Road, increases in density and height may be considered, without an Amendment to this Plan, where it can be demonstrated that the increased density and/or height is compatible with the surrounding area, through a Zoning By-law Amendment Process. The City, in considering any increase in height and/or density may implement a height and/or Density Bonus By-law, utilizing the provisions of Section 37 of the Planning Act or through a Community Benefit Charge.

Development Applications for lands within the Secondary Plan area will be reviewed and assessed with respect to compatibility. For the purpose of this assessment, the definition of compatible development shall be as follows:

Compatible development is development that is not necessarily the same as, or even similar to existing development in the vicinity. It is development that contributes positively to the existing community character, without causing any undue, adverse impacts on adjacent properties.

Appropriate development impact mitigation measures may include, but are not limited to the following:

- a) Lot sizes, scale of development and intensity of use will be considered when integrating new and existing development;
- b) Lands located near the urban boundary shall be restricted to lower densities in order to minimize potential conflicts with agricultural lands; and,
- c) Every effort will be made to protect residential development from the impact of noise, dust, odour, heavy traffic and other nuisances which may be generated from incompatible land uses located within the Secondary Plan Area. In this regard the following shall apply:
 - i. Residential development shall be adequately separated from existing or proposed commercial development;
 - ii. Residential development shall be adequately separated from existing or proposed industrial development in accordance with the D-6 Provincial Guidelines; and,
 - iii. Residential development shall be separated from any identified constraint areas in accordance with the policies of the Environmental Conservation Section.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

To enhance the attractiveness of the Port Robinson West Community and its surroundings by taking advantage of unique natural characteristics.

- a) Residential shall be appropriately integrated into the neighbourhood and should generally be located as identified on Schedule A6- Land Use Plan;

- b) Locate housing types to enhance the physical and living environments of the community. This will especially be the case for multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single detached dwelling;
- c) Design subdivision and development proposals in such a manner to achieve a variety of visual effects which may be created by a curved road pattern, existing vegetation and the provision of landscaped areas as an integral part of all development;
- d) Energy conservation measures shall be incorporated in the design of subdivisions through effective use of natural vegetation, the design of road patterns and the orientation of buildings to take advantage of sun exposure;
- e) Subdivision designs will be encouraged to optimize the use of open spaces by providing linkages throughout the community; and,
- f) To develop a pedestrian scale community of buildings to encourage walking and decreasing the reliance on the automobile.

B1.9.6.2.1 PRW–Low Density Residential

B1.9.6.2.1.1 Permitted Uses

The following uses are permitted within the PRW–Low Density Residential designation:

- a) Single detached, semi-detached, and townhouse dwelling units;
- b) Second dwelling units;
- c) Accessory buildings and structures related to the primary residential dwelling unit;
- d) Home occupations;
- e) Places of worship;
- f) Private home day cares;
- g) Elementary and Secondary Schools;
- h) Convenience retail and service commercial;
- i) Parks, parkettes and open space linkages; and,
- j) Public uses and public and private utilities.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Low Density Residential designation. The full range of uses may not be permitted on every property within the PRW- Low Density Residential area.

B1.9.6.2.1.2 Development Policies

The following development policies shall apply to the PRW-Low Density Residential designation:

- a) Densities shall range from a minimum of 15 units per net hectare up to a maximum of 40 units per net hectare;
- b) The maximum building height for any building within the PRW-Low Density Residential designation shall be 3 storeys;
- c) The City shall encourage the use of rear lanes within the PRW-Low Density Residential designation;
- d) Elementary and Secondary School sites are permitted in the PRW-Low Density Residential areas as shown symbolically on Schedule A-6 – Land Use Plan, subject to the criteria in Section B1.10.6.10:
- e) Places of worship and private home day cares shall only be permitted within the PRW-Low Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) Have a minimum lot size of 0.75 of a hectare;
 - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) Are located near the intersection of two public roads, at least one of which is a Collector main street.

B1.9.6.2.2 PRW-Medium Density Residential

B1.9.6.2.2.1 Permitted Uses

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The following uses are permitted within the PRW-Medium Density Residential designation:

- a) All forms of townhouse units;
- b) Small scale apartment buildings;
- c) Second dwelling units;
- d) Live/work units;
- e) Long-term care facilities;
- f) Accessory buildings and structures related to the primary residential dwelling unit;
- g) Home occupations;

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- h) Places of worship;
- i) Private home day cares;
- j) Elementary and secondary schools;
- k) Community facilities;
- l) Parks, parkettes and open space linkages; and,
- m) Public uses and public and private utilities.

In addition to the permitted uses identified above, single and semi-detached dwellings are permitted as part of a development application which includes townhouse dwellings or small scale apartment buildings, as long as the overall density achieved on the site is within the permitted range of the Medium Density Residential designation. The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Medium Density Residential designation.

B1.9.6.2.2.2 Development Policies

The following development policies shall apply to the PRW-Medium Density Residential designation:

- a) Densities shall range from a minimum of 40 units per net residential hectare to a maximum of 75 units per net residential hectare.
- b) The maximum building height for any building within the PRW–Medium Density Residential designation shall be 5 storeys or 17 metres, whichever is less, and may include a 4 metre minimum height requirement on the first floor to accommodate live/work units.
- c) The City shall encourage the use of rear lanes within the PRW–Medium Density Residential designation.
- d) Places of worship and private home day cares shall only be permitted within the PRW–Medium Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) have a minimum lot size of 0.75 of a hectare;
 - ii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) are located near the intersection of two public roads, at least one of which is a Collector main street.
- e) Convenience retail and service commercial uses shall only be permitted within the PRW–Medium Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- i) are limited in size to 150 square metres per business;
 - ii) include no more than 3 businesses on a lot;
 - iii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iv) are located at the intersection of two public roads, at least one of which is a Collector main street.
- f) Where a convenience and/or service commercial uses are to be provided, they should be designed in such a manner which maximizes the accessibility and convenience for local residents, including pedestrian linkages.
- g) Development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector main street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a Local Road, subject to confirmation of the technical requirements by the City.

B1.9.6.2.3 PRW–Medium/High Density Residential

B1.9.6.2.3.1 Permitted Uses

The following uses are permitted within the PRW–Medium/High Density Residential designation:

- a) Apartment buildings and townhouses;
- b) Long-term care facilities;
- c) Accessory buildings and structures related to the primary residential dwelling unit;
- d) Live/work units;
- e) Places of worship;
- f) Private home day cares;
- g) Elementary and secondary schools;
- h) Community facilities;
- i) Convenience retail and service commercial uses;
- j) Parks, parkettes and open space linkages; and,
- k) Public uses and public and private utilities.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Medium/High Density Residential designation.

B1.9.6.2.3.2 Development Policies

The following development policies apply to the PRW-Medium/High Density Residential designation.

- a) Densities shall range from a minimum of 40 units per net hectare to a maximum of 160 units per net hectare.
- b) The minimum building height for any building shall be 3 storeys.

The maximum building height for any building within the PRW–Medium/High Density Residential designation shall be 10 storeys. The height of the first floor of all buildings within the PRW–Medium/High Density Residential designation may be a minimum of 4 metres to accommodate live/work units.
- c) The City shall encourage the use of rear lanes within the PRW–Medium/High Density Residential designation.
- d) Places of worship and private home day cares shall only be permitted within the PRW–Medium/High Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) have a minimum lot size of 0.75 of a hectare;
 - ii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) are located near the intersection of two public roads, at least one of which is a Collector main street.
- e) Convenience retail and service commercial uses shall only be permitted within the PRW–Medium/High Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) are limited in size to 150 square metres per business;
 - ii) include no more than 3 businesses on a lot;
 - iii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iv) are located at the intersection of two public roads, at least one of which is a Collector main street.
- f) Where a convenience retail and/or service commercial uses are to be provided, they should be designed in such a manner which maximizes the accessibility and convenience for local residents, including pedestrian linkages.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- g) Where buildings are proposed within the PRW–Medium/High Density Residential that abut any other lower density residential designation, the higher density development shall be designed to ensure development compatibility such that the amenity of the lower density residential area is maintained or protected. Site design considerations may include:
 - i) Increased setbacks;
 - ii) Sensitive building siting;
 - iii) Provision of landscaped buffers;
 - iv) Angular planes or other mechanisms that control the scale of development including shadow studies;
 - v) The requirement for structured parking and/or the provision of parking areas that do not dominate the site physically and visually;
 - vi) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and,
 - vii) The location, pattern, and style of loading bays, and refuse containers.

B1.9.6.2.4 Non Residential Supporting Land Uses

The City may permit limited non-residential land uses, including convenience retail and service commercial uses, personal service uses, medical and dental clinics, and retail uses that are small in scale and function to serve the local community and support the development of complete communities within the PRW- Medium Density Residential and PRW- Medium/ High Density Residential designations, subject to a Commercial Needs Assessment as part of a Zoning By-law Amendment process, where it can be demonstrated that the following criteria are met:

- a) Retail use(s) shall not cumulatively exceed 500 square metres on a site;
- b) The proposed use(s) and development is compatible with adjacent land uses; and,
- c) The site is located at the intersection of two public roads, at least one of which is a Collector Main Street or Arterial Street.

B1.9.6.3 Commercial Area

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The Port Robinson West Community will generate increased demands for a range of commercial uses. The primary types of commercial facilities, which will be required to serve new residents in the Port Robinson West Community, will largely be of a neighbourhood commercial and service commercial nature. Other, larger scale commercial facilities will also be required to serve both a City-wide and Regional function.

Within the Commercial Area identified on Schedule A-6 – Land Use Plan, the following two land use designations have been established:

- a) PRW–Mixed Use Commercial; and,
- b) PRW–Urban Commercial.

On those lands, it is the intent of the City to promote a variety of larger scale retail commercial facilities, office and institutional uses, residential uses and community uses in a form that mixes those uses within buildings and on the site. Stand-alone and mixed use buildings will be both permitted.

It is also the intent of the City to:

- a) Ensure a vibrant, inviting and appealing atmosphere on these lands that will attract residents and new businesses, encourage walking and cycling and resonate with visitors a positive image of the City of Thorold;
- b) Facilitate the development of a major new shopping destination;
- c) Ensure that development within the Commercial Area is comprehensively planned to ensure that the impacts of servicing, access, loading and parking can be adequately addressed;
- d) Ensure that the required minimum density of 50 persons and jobs combined per gross hectare is achieved within the Commercial Area; and,
- e) Ensure that leading-edge telecommunication services are in place, where feasible, through discussions with telecommunications providers to attract knowledge-based industries and support the technological advancement and growth of existing businesses.

B1.9.6.3.1 General Policies

Within the Commercial Area adjacent to Niagara Street a Site Master Plan shall be prepared for each of the two land use designations. The Site Master Plan shall be prepared by the development proponents, to the satisfaction of the City. The Site Master Plan shall include the following components:

- a) Road, Block and Land Use Plan - the Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses, building foot prints, parking and loading areas, and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the designations has been achieved;
- b) Streetscape and Open Space Plan - the Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify linkages between proposed parks and parkettes;

Note: As modified
by the City of
Thorold,
September 1,
2020, through OPA
10, By-law No.
118-2020

- c) Urban Design and Architectural Control Guidelines - the Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix C, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
- d) Servicing Plan - the Servicing Plan shall include, but shall not be limited to, the details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
- e) Environmental Impact Statement – an Environmental Impact Statement where required by the policies of the Official Plan.

In order to improve the economic viability of commercial centres, consolidation of properties is encouraged to ensure functionally obsolete structures are renovated or removed and a more efficient and intensive utilization of land is achieved.

Development and redevelopment shall be oriented towards the street in the form of plazas and multi-unit buildings to ensure orderly development, which is integrated with adjacent properties, and achieves economic stability. Single use buildings will only be allowed when developed on a comprehensive scale, where no land use conflicts would occur or where an expansion of an existing single use would allow for improved design and functions of the site such that it is integrated with adjacent development.

Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking for automobiles and bicycles and loading facilities are provided on the site;
- b) Buildings located at the entrance points to the Port Robinson West Urban Area or at the intersection of any Collector main street are designed to provide or maintain a desirable gateway to the community;
- c) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
- d) Outdoor storage areas if/where permitted, are substantially screened from view from passing traffic; and,
- e) All options respecting shared access from the road are reviewed and implemented, if feasible.

Based on the mixed use nature of the Commercial Area, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed use development forms and may be subject to a Parking Impact Analysis and the City's Comprehensive Zoning By-law.

B1.9.6.3.2 PRW–Mixed Use Commercial

B1.9.6.3.2.1 Permitted Uses

- a) Buildings within the PRW–Mixed Use Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings.

High activity uses that animate the streetscape and encourage foot traffic, such as retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related façade.

Office and other appropriate employment uses shall be encouraged above grade in mixed use buildings located throughout the PRW–Mixed Use Commercial designation, and in single-use buildings that are located off Arterial or Collector Road frontages.

- b) The following uses/mixture of uses are permitted within the PRW–Mixed Use Commercial designation:

- i) Commercial, professional and/or government offices;
- ii) Research and data processing facilities;
- iii) Hotels and tourist accommodations;
- iv) Conference centres;
- v) Cultural, recreational and entertainment uses;
- vi) Public and private institutional uses;
- vii) Live-work units;
- viii) Townhouses and apartment buildings;
- ix) Second dwelling units;
- x) Long-term care facilities;
- xi) Private home day cares;
- xii) Parking facilities at-grade, in structure, and/or underground parking;
- xiii) Cycling facilities including parking, storage and change rooms/showers etc.;
- xiv) Parks and parkettes; and,

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- xv) Public uses and public and private utilities.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Mixed Use Commercial designation.

B1.9.6.3.2.2 Development Policies

It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities – whether the overall density, or individual site densities - will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated PRW–Mixed Use Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare.

Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare.

The minimum building height for any building within the PRW–Mixed Use Commercial designation shall be 2 storeys, or 6.0 metres, whichever is greater. The maximum building height for any building within the PRW–Mixed Use Commercial designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor height of any live-work unit, or any non-residential building, shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the City to facilitate single-storey residential units that are part of a senior citizens housing complex.

The maximum height of any new development may be increased through the Height Bonus provisions provided under Section 37 of the Planning Act or through a Community Benefit Charge, subject to an impact study acceptable to Council.

Note: As modified
by the City of
Thorold,
September 1,
2020, through OPA
10, By-law No.
118-2020

Development within the PRW–Mixed Use Commercial designation forming part of the Phase 1 Lands that exceeds 5,000 square metres of gross leasable commercial area shall only proceed on the basis of a Site Master Plan, which shall form the basis of an implementing Official Plan Amendment and Zoning By-law Amendment, followed by Site Plan Approval.

B1.9.6.3.3 PRW–Urban Commercial

B1.9.6.3.3.1 Permitted Uses

Buildings within the PRW–Urban Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, like retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and other appropriate employment uses shall be encouraged above grade in mixed use buildings located throughout the PRW–Urban Commercial designation, and in single-use buildings that are located off Arterial or Collector Road frontages.

The following uses are permitted within the PRW–Urban Commercial designation:

- a) Commercial, professional and/or government offices;
- b) Research and data processing facilities;
- c) Space extensive retail uses such as:
 - automotive related products;
 - large and bulky goods such as furniture and appliances;
 - home improvement materials;
 - supermarkets;
 - hardware; and,
 - nursery or garden supply products;
- d) Hotels and tourist accommodations;
- e) Conference centres;
- f) Cultural, recreational and entertainment uses;
- g) Retail uses and restaurants;
- h) Residential uses provided in combination with a permitted commercial use, either in the same building or on the same site
- i) Public and private institutional uses;
- j) Parking facilities at-grade, in structure, and/or underground parking;
- k) Cycling facilities including parking, storage and change rooms/showers;
- l) Parks and parkettes; and,
- m) Public uses and public and private utilities.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Urban Commercial designation.

B1.9.6.3.3.2 Development Policies

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities – whether the overall density, or individual site densities – will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated PRW–Urban Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare. Residential development shall be developed at densities ranging from a minimum 35 units per hectare, up to 160 units per hectare.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- b) The minimum building height for any building within the PRW–Urban Commercial designation is encouraged to be 2 storeys. The maximum building height for any building within the PRW–Urban Commercial designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. The maximum height of any new development may be increased through the Height Bonus provisions provided under Section 37 of the Planning Act, or through a Community Benefit Charge, subject to an impact study acceptable to Council.
- c) Development within the PRW–Urban Commercial designation that forms part of the Phase 2 Lands” following the phrase ‘PRW- Urban Commercial designation shall only proceed on the basis of a Site Master Plan which shall form the basis of an implementing Zoning By-law Amendment, followed by Site Plan Approval.

B1.9.6.4 Employment Area

- a) The Employment Area identified on Schedule A-6 – Land Use Plan represents existing and/or planned employment facilities such as the areas east of Highway 406 and the areas north of Merritt Road west of Highway 406. The Port Robinson West Secondary Plan promotes the further development of this Employment Area.
- b) The Employment Area identified on Schedule A-6 – Land Use Plan includes the following two designations:
 - i) PRW–Business Park; and,
 - ii) PRW–Industrial

B1.9.6.4.1 PRW – Business Park

B1.9.6.4.1.1 Permitted Uses

The following uses are permitted within the PRW–Business Park designation:

- a) Commercial, professional and/or government offices;
- b) Research and data processing facilities;
- c) Private home day cares;
- d) Parking facilities at-grade and/or in structure;
- e) Accessory retail and service commercial uses intended to serve the local employment uses.
- f) Cycling facilities including parking, storage and change rooms/showers etc.;
- g) Parks and parkettes; and,
- h) Public uses and public and private utilities;

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The implementing By-law shall establish minimum lot sizes, building setbacks, and yard requirements, and may further refine the list of permitted and/or prohibited land uses within the PRW – Business Park designation. The minimum building height shall be 2 storeys, and the maximum building height shall be 12 storeys.

B1.9.6.4.2 PRW–Industrial

B1.9.6.4.2.1 Permitted Uses

The following uses are permitted within the PRW–Industrial designation:

- a) Manufacturing;
- b) Processing;
- c) Assembling;
- d) Fabricating;
- e) Servicing;
- f) Storage of good and raw materials;
- g) Warehousing and wholesaling; and,
- h) Service sector industries including transportation.

In addition, research and development facilities, business and government services, office and limited distribution services, product showrooms and display centres shall be permitted. Uses that are incidental or ancillary to industrial operations such as a retail and wholesale divisions operated as a subsidiary function of any industry may be permitted in the Industrial Area.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Industrial designation.

B1.9.6.4.2.2 Development Policies

Industrial uses will ideally be arranged in a gradation with the lighter, more prestige type industries being located contiguous to residential, institutional, recreational or other similar uses. The heavier type of industries shall be directed to the interior of the industrial area where they least affect the amenity of the area.

Wherever industries abut residential, institutional, recreational or other similar uses adequate buffering will be required by measures such as landscaping, plantings, fencing and physical separations in order to minimize the effects of the industrial activity including visual appearance.

Industrial areas shall be developed in accordance with the following design principles:

- a) The provision of landscaped areas and accompanying landscaping shall form as integral part of all industrial developments. Landscaping and tree plantings shall be provided to improve the streetscape, to function as a screening and buffering device between industrial and other adjacent uses, and for aesthetic and resting purposes;
- b) Open storage of goods and materials shall only be permitted in accordance with the provisions of the City's Zoning By-law;
- c) Loading and unloading areas shall be provided off-street and in the rear or side yard whenever possible; and
- d) Adequate off-street parking facilities shall be provided in accordance with the provisions of the City's Zoning By-law; ingress and egress to such parking areas shall be provided to minimize potential conflict with vehicular and pedestrian traffic.

B1.9.6.5 The Greenlands System

The Greenlands System is comprised of lands designated Environmental Protection One, Environmental Protection Two, and PRW – Open Space as identified on Schedule A-6 – Land Use Plan. It is the intent of the City to establish a linked greenlands system that also acts as a fundamental element of the urban structure of the Port Robinson West Community.

In the development of the Port Robinson West Community, every effort will be made to ensure that sufficient lands are provided in appropriate locations for parks, schools and other facilities to meet neighbourhood and community needs. Parks will be located in such a manner which will provide all residents with convenient accessible recreation and education opportunities. Other facilities not shown on the concept plan should be directed to accessible locations on major roadways.

The inclusion of all the associated elements and related activities into an interconnected Greenlands System will protect and enhance natural heritage features and their associated functions and expand the recreational opportunities available to all residents of the Port Robinson West Community. In addition to these designations, Stormwater Management Facilities will become part of the overall Greenlands System, although they are not shown on the Schedules to this Plan.

The policy framework for the Environmental Protection One, Environmental Protection Two designations is found in Sections B3.2 and B3.3 of the Official Plan. Reference mapping of known natural heritage features is also provided on Schedule B of the Official Plan.

B1.9.6.6 PRW–Open Space

The policies applicable to the lands designated PRW – Open Space and Parks on Schedule A-6 – Land Use Plan are found in Section B1.6 of the Official Plan. In addition to the policies of Section B1.6, the following policies apply within the Port Robinson West Secondary Plan Area:

- a) Public Parkland will be obtained through the parkland dedication provisions of the Planning Act or through a Community Benefits Charge and will be distributed throughout the neighbourhood within a 5-minute walking distance of the majority of residents;
- b) Public Parks will generally be about 2 hectares in size and will be designated predominantly for active recreation;
- c) Where possible, Public Parks should form part of the broader Greenlands System comprised of watercourses, stormwater management facilities, hydro corridors, protected woodlands and school grounds;
- d) Watercourses and stormwater management retention areas will not be included in the parkland dedication provision of the Planning Act which apply to new subdivision developments; and,
- e) Public Parks should be widely distributed throughout the Secondary Plan Area to ensure easy access and multiple opportunities for rest, relaxation and visual interest. It is understood that some parkettes will cater to primarily a local resident population, while others will have a broader range of users and activities.
- f) The location, size and configuration of parks and open space identified on Schedule A6- PRW Land Use Plan is approximate and shall be more precisely delineated through a Neighbourhood Master Plan process.
- g) The lands designated as PRW - Open Space located on Part of the Broken Front Township Lots 215, 222, 223 and include part of the Road Allowance between the Broken Front Township, Lots 215 And 222 and are generally south of Neighbourhood 2 and adjacent to the municipal boundary of the City of Welland. These lands are an extension of the City of Welland's Recreational Waterway area and form part of the City of Welland's Northern Reach development area. The future development of these lands shall be in accordance with the following policies:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- i) Low density residential uses may be permitted in accordance with Sections B.1.9.6.2.1 of the PRW Secondary Plan.
- ii) A comprehensive master plan shall be submitted with a Zoning By-law amendment and Draft Plan of Subdivision application for the lands that demonstrates how the Northern Reach lands in Welland and Thorold form a complete neighbourhood community and addresses land uses, servicing and infrastructure, including access and transportation requirements and the integration with the City of Welland's Northern Reach development area. The comprehensive master plan shall incorporate an open space component that provides for public parks and multi-use trails. The neighbourhood master plan shall be accompanied by development and design principles to guide the future development of the lands.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- iii) The comprehensive master plan shall be reviewed and implemented through the Zoning By-law amendment and Draft Plan of Subdivision applications for the lands.

B1.9.6.6.1 Public Parks in the Residential Neighbourhoods

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The following policies apply to the establishment of Public Parks throughout the Residential Neighbourhoods:

- a) A Public Park shall have substantial frontage on the abutting sidewalk and shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C;
- b) Public Parks shall be designed to reinforce a high quality formalized relationship with its adjacent building use, streetscape and/or component of the Greenlands System; and,
- c) Landscape elements and features within the Public Parks shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.

Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this plan be construed as implying that these areas are free and open to the general public. In this regard, when an application is made requesting a change of land use for such lands and the Municipality or other public agency does not wish to purchase the lands in order to maintain the open Space, due consideration shall be given by Council as to the most desirable use.

B1.9.6.7 Environmental and Ground Water Management Policies

The policies related to the environmental and ground water management within the Port Robinson West Secondary Plan area are found in Section C of the Official Plan.

B1.9.6.8 Water and Sewer Servicing Strategy

The policies applicable to the provision of municipal water and sewer services within the Port Robinson West Secondary Plan area are found in Section D1 of the Official Plan.

B1.9.6.9 Stormwater Management

The policies applicable to Stormwater Management are found in Section C5 of the Official Plan. In addition to those policies, the following policies apply within the Port Robinson West Secondary Plan area:

- a) Stormwater management facilities shall be permitted in all land use designations within the Port Robinson West Secondary Plan area, except for the Environmental Protection One designation.
- b) Stormwater management facilities may be permitted in an Environmental Protection Two designation without the need for a further Amendment to this Plan,

subject to the policy direction provided in this Plan, including the preparation of an Environmental Impact Study, prepared to the satisfaction of the City in consultation with the Niagara Peninsula Conservation Authority and Niagara Region.

- c) Stormwater management facilities will be key features within the community contributing to the appearance and ambience of the neighbourhood, while achieving functional objectives related to flow moderation and water quality.
- d) Stormwater management facilities will be designed to blend with the natural landscape. Geometric forms and standard slope gradients will be avoided in favour of organic shapes and land form grading designed to replicate natural land forms in the area. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone.
- e) Stormwater management facilities will not be fenced, but rather will be designed as passive recreational facilities with trails, overlooks and interpretive signage to ensure facilities are an integral part of the Port Robinson West Greenlands System.
- f) Stormwater management facilities shall be designed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

B1.9.6.10 Schools

It is the intent of the Port Robinson West Secondary Plan that existing or planned elementary school sites be subject to the following policies:

- a) Elementary school site locations are identified symbolically on Schedule A-6 – Land Use Plan as Elementary School;
- b) The City will consult with school boards to determine the need for additional school(s) through the review of development applications;
- c) The proposed site locations and configurations identified on Schedule A-6 – Land Use Plan, may be modified or relocated by the school boards in cooperation with the City without amendment to this Secondary Plan;
- d) The proposed school site locations shall be finalized by the purchasing School Boards in consultation with the City, subject to the following:
 - i) Encourage sharing of community facilities, parks and/or open space;
 - ii) Adequate frontage along a Collector Road connected by sidewalks;
 - iii) Should not be located on or in proximity to hazardous lands or facilities;
 - iv) Where appropriate, schools shall be located on sites adjacent to, or in proximity to existing and/or proposed municipal parks;

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- v) Where appropriate, and subject to the approval of the City, lay-by lanes may be provided within the design of any Collector Road abutting a school site;
 - vi) Safe and convenient access routes shall be planned between the school and surrounding residential areas; and,
 - vii) Shared use facilities for joint schools and for joint school and recreation facilities shall be permitted. Shared facilities with other compatible uses may also be considered.
 - viii) School sites shall be located along collector roadways to provide good vehicular and bus accessibility; and,
 - ix) Open Space linkages to school sites will be encouraged for pedestrian safety and accessibility.
- e) The school sites, and their locations are considered flexible in their configuration and size attributes. The School Boards may consider joint school/park arrangements, subject to the satisfaction of the City. Where school/park arrangements are appropriate, school sites may be smaller.

B1.9.6.11 Transportation

It is the intent of this Secondary Plan to promote active transportation and accessibility as articulated in Section D2 of the Official Plan. The most significant improvements to the transportation system in Port Robinson West is the widening of Highway 406 to four lanes, the implementation of a full interchange for Merritt Road and a flyover for Port Robinson Road. The final design for this provincial infrastructure is now in place and construction is anticipated to be complete by 2015.

B1.9.6.11.1 Road Hierarchy

A north-south Regional Road (Niagara Street/Merrittville Highway) provides arterial access to Port Robinson West. Merritt Road from Highway 406 westward to Niagara Street provides excellent east-west access. These roads are identified on Schedule D-1 – PRW Active Transportation Plan. The right-of-way width for these roads is established in the Regional Official Plan.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Port Robinson Road and the extension of Merritt Road west of Cataract Road are existing and proposed arterials to provide enhanced east-west travel in the community. Kottmeier Road from Port Robinson Road to Merritt Road provides a north-south link. All of these roads require a right-of-way of 26 metres. These roads are identified on Schedule D-1 – PRW Active Transportation Plan.

Cataract Road, Kottmeier Road and Egerter Road have been identified as collector roads on Schedule D-1 – PRW Active Transportation Plan. In addition, new roads have been identified as collector roads to provide connectivity and circulation. Right-of-way widths for these roads are established at 23 metres.

All other roads that exist or will be developed in future are to be built as local roads. Their pattern will be identified as development proceeds and plans of subdivision are designed. Right-of-ways for these roads will be a minimum of 16 metres and a maximum of 20 metres. Key local roads are symbolically identified on Schedule D-1 – PRW Active Transportation Plan to provide guidance for future development.

B1.9.6.11.2 Future Option

A Future Option Collector Road has been identified on the Active Transportation Plan to provide a collector connection between Rice Road and Cataract Road along an existing road allowance of Merritt Road. This link will improve transportation access from Pelham to Highway 406. The link needs to be studied through a Municipal Class Environmental Assessment process to ensure that this location is appropriate when compared to other possible road links. The current road allowance passes through a wetland and fish habitat, and consequently, decisions on its location and construction activities need to be sensitive to these natural heritage features.

B1.9.6.11.3 Additional Policies

Additional policies applicable to the provision of transportation services within the Port Robinson West Secondary Plan area are found in Section D2 of the Official Plan.

All roads within the Port Robinson West Secondary Plan area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

B1.9.6.12 Utilities

Council shall promote utilities to be planned for and installed in initial common trenches, where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption; and,

Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. Council will encourage 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 cluster sites.

B1.9.6.13 Heritage and Archaeological Resources

The policies applicable to the heritage and archaeological resources within the Port Robinson West Secondary Plan area are found in Section D3 of the Official Plan.

B1.9.6.14 Subdivision of Land

The policies applicable to the subdivision of land within the Port Robinson West Secondary Plan area are found in Section D4 of the Official Plan.

B1.9.6.15 Plan Implementation and Administration

The policies applicable to plan implementation and administration within the Port Robinson West Secondary Plan area are found in Section E1 of the Official Plan.

B1.10 BROCK BUSINESS PARK AREA SECONDARY PLAN

B1.10.1 Introduction

The purpose of this section of the Official Plan is to provide policies for the Brock Business Park Area. The vision for the Brock Business Park Area Secondary Plan is as an attractive, dynamic, high quality mixed use area that is home to some of the City's premier employers. The area will integrate a collection of live-work activities, which help to support innovation and business incubation associated with Brock University. The area's campus-like setting along with the attractive and accessible public spaces and streetscapes provide a unique sense of place making it one of the most innovative and interesting mixed use areas within the Region.

B1.10.2 Objectives

The Brock Business Park Area shall be guided by the following objectives:

- a) Promote economic development and provide basic amenities which support revitalization and investment.
- b) Support and enhance the employment function for the Brock Business Park Area
- c) Provide a framework for mixed-use development and redevelopment.
- d) Provide a range of housing opportunities that support Brock University.
- e) Maintain and enhance the campus-like setting.
- f) Balance the needs of all users within the Brock Business Park Area.
- g) Make best use of existing and planned infrastructure.
- h) Provide opportunities for transit supportive development.
- i) Promote sustainable development and redevelopment throughout the Brock Business Park Area.
- j) Improve pedestrian safety & connectivity within the Brock Business Park Area.
- k) Encourage a high standard of site and building design, landscaping and streetscape through urban design standards.

B1.10.3 Land Use Designations

The land use designations for the Brock Business Park Area are illustrated on Schedule A-1 and are organized around four major land use designations:

- a) Mixed use area (BBP Mixed Use);
- b) Employment area (BBP Business Park);

- c) Residential (BBP Residential);
- d) Environmental Protection 1 & Environmental Protection 2 areas.
- e) This mix is meant to facilitate clustering of business and economic activities in a campus style setting, whereby uses benefit from proximity/co-location.

B1.10.4 BBP Mixed Use

Mixed use areas are intended to provide a location for a range of complementary uses that are dynamic, vibrant and have a high degree of integration, such as business incubators and certain types of research and development facilities. This designation is also intended to recognize a number of existing uses and also provides a framework for future redevelopment and intensification.

B1.10.4.1 Permitted Uses

Uses are encouraged to be mixed within a single building, whereby ground-level uses including commercial uses and upper stories accommodate complementary uses – such as residential or office activities. Expansions to existing stand-alone buildings are permitted. Permitted uses within the Mixed Use designation include:

- a) Office uses;
- b) Commercial uses;
- c) Medium and High density residential uses;
- d) Hospitality uses;
- e) Research and development uses;
- f) Large scale institutional uses related to Brock University
- g) Existing Institutional uses

B1.10.4.1.1 Permitted Secondary Uses

- a) Small scale institutional uses which are complementary and supportive to the overall planned function of the Park, such as day-cares, etc.

B1.10.4.2 Scale

The maximum building height for buildings within the mixed use area is six stories. The minimum height for new development is three stories.

B1.10.4.3 Commercial Uses

Commercial uses permitted within the Mixed Use designation are limited to those activities which serve the employees and residents of the Brock Park and should include, but are

not limited to, cafes, restaurants, banks, food stores and a range of personal services, such as fitness clubs, pharmacies, hair salons and convenience stores.

Large scale, destination retail commercial activities, such as “big box”, highway commercial activities, such as auto repair and auto sales businesses and night-clubs are not permitted.

To facilitate a pedestrian friendly environment, and discourage idling of automobiles, drive-throughs shall not be permitted within the Mixed Use designation as they are intended to be located in other commercial designations elsewhere in the City.

B1.10.4.4 Maximum Thresholds for New Residential Development

Where new residential uses are proposed within a mixed use designation, the ground floor areas of buildings which front onto a street and/or public square shall be comprised of non-residential uses, such as commercial or employment uses. The intent of this policy is to ensure that new development which is located in highly visible areas contributes to a vibrant and dynamic street environment and also helps to support a balance between residential and non-residential uses.

New additional residential uses that are proposed within the mixed use designation will require a market study to confirm market demand for the proposed activity.

B1.10.4.5 Land Use Compatibility

To ensure land use compatibility, all new sensitive land uses which are within 70 metres of an existing employment use shall be required to complete a land use compatibility assessment. The assessment shall examine potential issues and prescribe appropriate mitigation measures, including but not limited to appropriate building setbacks, landscaping treatments and other measures. Minimum setbacks between employment and non-employment uses are 20 metres, which can be reduced depending on the outcomes of site specific assessments and prescribed mitigation measures. The above-noted policy also applies to any development within 70 metres of the Niagara Region’s Environmental Laboratory which is located on Schmon Parkway.

B1.10.5 BBP Employment

The BBP Employment designation is intended to provide a location for stand-alone, stable employment uses which are distinct from the more dynamic formats located in the BBP Mixed Use designation. The BBP Employment Area designation will ensure that the original employment function of the Brock Park is maintained over the longer term (for a portion of the Park), allowing for the potential to capitalize on unique employment opportunities.

B1.10.5.1 Permitted Uses

Permitted uses within the Employment Area designation include office, research and development, laboratories and other knowledge-based businesses. A limited range of light manufacturing and assembly uses are also permitted, whereby the activity has no adverse impacts on any adjacent or nearby sensitive uses. No outdoor storage is permitted. New institutional uses are not permitted, except those uses which are ancillary or associated

with a proposed or existing development (such as a day care which is part of a larger office development).

B1.10.5.2 Scale

The maximum height for buildings within the Employment Area designation is four stories. Buildings which are immediately adjacent to Gateway Improvement Areas (see Schedule 3) are permitted up to six stories. The minimum height for new development is one storey, except for redevelopment in Gateway Areas where the minimum height is three stories.

B1.10.5.3 Special Policy Area

The purpose of the Special Policy Area designation is to provide guidance for future decision-making related to the lands at the south end of the Brock Business Park Area. The following policies apply to the lands designated as “Special Policy Area” on Schedule A-7.

B1.10.5.3.1 Land Use Policies

Refer to the applicable policies in Sections B1.10.5, B1.10.6, B3.2 and B3.3 for the policies and permissions associated with the lands designated as BBP Employment Area, BBP Residential Area and Environmental Protection 1 and Environmental Protection 2 within the Special Policy Area. The policies of these Sections shall continue to apply to the lands within the Special Policy Area until it can be demonstrated through further study that there is justification for any non-employment uses.

The justification for the conversion shall be based on the outcomes of the following additional studies as follows

a) Residential Market Demand Study

The study needs to consider long term demand and supply for new residential uses within the context of city-wide needs and area specific needs (up to a maximum of 20 years). The study should also include analysis of Thorold’s unique housing needs, considering the relationship between Brock University and the City of Thorold. Further, demonstration that additional non-employment uses will not adversely affect the overall viability of the employment area including land use compatibility and an assessment of the impact to existing employment uses and to overall employment growth potential.

b) Commercial Market Study

The study needs to consider long term demand and supply for new commercial uses within the context of neighbourhood needs (i.e. Brock Business Park Area and environs).

c) Planning Justification Report

The report will discuss how the criteria for employment land conversion identified in the Growth Plan for the Greater Golden Horseshoe Section 2.2.6 5. a)-f) has or

has not been satisfied. The report will also address land use compatibility issues (i.e. the Ministry of the Environment and Climate Change D-series guidelines, noise, air quality, etc.).

d) Urban Design Compatibility Study

The study must consider urban design needs including public and private realm improvements associated with the proposed development. Further, the study should identify need and location of pedestrian connections and infrastructure.

e) Municipal Servicing Study

The study needs to identify servicing demands for water, sanitary and stormwater, as well as identify the cost of servicing upgrades for proposed development. The study should also consider the impacts of any proposal on local and Regional services and identify any special measures required to satisfy flood-proofing.

f) Environmental Impact Study

Refer to Niagara Region's guidelines for preparing Environmental Impact Studies.

g) Transportation Impact study

The Transportation Impact Study must assess and confirm potential impacts to all modes of transportation on road networks and identify any potential improvements to the transportation network.

h) Record of Site Condition

Required for any properties proposed for residential use in accordance with the Environmental Protection Act, as amended.

i) Archaeological Assessment

The assessment should determine whether the site contains significant archaeological resources or areas of archaeological potential and recommend appropriate conservation methods to satisfy that all archaeological resource concerns have met licensing and resource conservation requirements.

j) Noise Study

The study should identify any potential impacts from nearby transportation or stationary noise sources and determine potential mitigation that may be required

k) Other studies

Any other studies required as part of the pre-consultation process

B1.10.5.3.2 Implementation

The City may adopt an Official Plan Amendment to change employment land uses to mixed use land uses within the Special Policy Area, provided that:

- a) The proposed amendment addresses the tests for conversion as outlined in the Growth Plan for the Greater Golden Horseshoe, as amended being:
 - i) There is a need for the conversion
 - ii) The municipality will meet the employment forecasts allocated to the municipality
 - iii) The conversion will not adversely affect the overall viability of the employment area and achievement of the intensification target, density targets and other policies
 - iv) There is existing or planned infrastructure to accommodate the proposed conversion
 - v) The lands are not required over the long term for employment purposes for with they are designated
 - vi) Cross-jurisdictional issues have been considered
- b) Lands with highway frontage and/or visibility on the 406, which are currently designated as Employment, are maintained as employment areas
- c) All of the above-noted studies are completed to the satisfaction of the City, Region and relevant agencies
- d) The amendment and proposed application align with all other relevant policies of the Brock Business Park Area Secondary Plan, such as, but not limited to, the urban design, transportation and infrastructure policies of the plan, as well as the City's Official Plan
- e) The amendment conforms to Provincial and Regional policies

Note: As modified by the City of Thorold, September 20, 2018, through OPA 04, By-law No. 27-2018

B1.10.5.4 Special Policy Area 2 – 3401 Schmon Parkway

The lands designated as “Special Policy Area 11” on Schedule “A-7” shall be governed by the “BBP Employment” policies.

Notwithstanding Section 2.3.3 Employment Areas, non-residential *Institutional* uses associated with a Post-Secondary institution shall be permitted.

B1.10.6 BBP Residential

The BBP Residential designation is intended to recognize the approved permissions for Part Lots 37, 38 and 39 located at the southern limits of the Plan Area. These lands have historically not been considered to be part of the Brock Business Park Area.

B1.10.6.1 Permitted Uses

On the lands located in Part Lots 37, 38 and 39, residential uses are permitted, including single detached, semi-detached, townhouse and low-rise apartment dwellings.

B1.10.6.2 Scale

The maximum height for new development is four stories. The minimum height is one storey.

B1.10.7 Environmental Protection Areas

The Environmental Protection One (EP1) and Environmental Protection Two (EP2) are intended to recognize the limits of lands which have significant environmental features and functions. The EP1 limits are associated with a Provincially Significant Wetland and the EP2 limits are associated with a Significant Woodlot.

The limits of these areas have been delineated based on mapping provided by the Region of Niagara and the Niagara Peninsula Conservation Authority.

The policy framework for the Environmental Protection One and Environmental Protection Two designation is found in Sections B3.2 and B3.3 of the Official Plan. Reference mapping of known natural heritage features is also provided on Schedule B of the Official Plan.

B1.10.8 Urban Design

The recommended urban design plan for the Brock Business Park Area is illustrated on Schedule D3.

B1.10.8.1 Gateways

Gateways are intended to function as formal entranceways into Brock Business Park Area and should create a strong sense of place and arrival.

B1.10.8.1.1 Location of Gateway Areas

There are three main Gateway Areas in the Brock Business Park Area:

- Schmon Parkway & Sir Isaac Brock Way (north)
- Schmon Parkway & Merrittville Highway (south)
- Merrittville Highway & Sir Isaac Brock Way (north)

B1.10.8.1.2 Urban Design Elements

Gateway areas should be designed to include a range of elements, including but not limited to:

- Intensive planting and landscaping that uses a mixture of native and ornamental species and, where possible, incorporate other natural elements, such as stone;
- Seasonal floral displays;
- Enhanced streetscaping, including but not limited to street furniture, decorative paving and other treatments which help to enhance the attractiveness of the street area;
- Public art;
- Lighting; and,
- Flags, banners and signage.

B1.10.8.1.3 Adjacent Development

Where possible, gateways should be designed to consider the broader context of the area, which includes Brock University and lands on the north side of Sir Isaac Brock Way in the City of St. Catharines. Where new development or redevelopment is planned near a Gateway Area, the proposed development/redevelopment should be designed in a manner which complements the function of the Gateway Area, through:

- Architectural detailing;
- Use of colour and materials;
- External site landscaping and lighting; and
- Building heights, massing and scale.

B1.10.8.2 Streetscape Improvement Areas

Streetscape improvement areas are intended to provide direction for future streetscape works. Two general types of streetscaping improvements are proposed for the Brock Business Park Area:

- Major Streetscaping Improvements;
- Minor Streetscaping Improvements

B1.10.8.2.1 Major Streetscape Improvement Area

The Major Streetscape Improvement Area is proposed for Sir Isaac Brock Way. As the main entranceway into the broader district (which includes Brock University, the Secondary

Plan area and the lands within the City of St. Catharines), Sir Isaac Brock Way provides a unique opportunity to establish a strong visual and functional profile. Accordingly, the designation of this corridor as a Major Streetscaping Area is intended to enhance the attractiveness of the exterior limits of the Brock Business Park Area (and the overall entranceway to Brock University) on both sides of Sir Isaac Brock Way and address opportunities for cross-jurisdictional collaboration. Major Streetscaping elements should include, but are not limited to:

- Shade tree plantings on both sides of the street;
- Gateway improvements at the two major intersections (see B1.10.8.1.1);
- Consistent landscaping treatments on both sides of the street;
- Improved active transportation infrastructure, including continuous sidewalks on both sides of the street;
- Street furniture such as benches/seating and improved/upgraded transit shelters; and,
- Signage and way-finding cues.

The City also encourages the Province to consider active transportation improvements on the Sir Isaac Brock Way/Highway 406 overpass which will improve network connectivity and safety. Improvements should consider both cyclists and pedestrians.

B1.10.8.2.2 Minor Streetscape Improvement Areas

Minor Streetscape Improvement Areas are proposed for portions of Schmon Parkway, Merrittville Highway and any new local roads. Minor streetscaping elements should include, but are not limited to:

- Active transportation infrastructure, such as shared lane markings (painted bike iconography for shared spaces), bike parking, painted/textured crosswalks and lighting;
- Consistent tree plantings on both sides of the street;
- Where possible, continuous sidewalks on both sides of the street; and,
- Enhanced lighting and street furniture which builds upon the campus themes.

A sample of minor streetscape improvements are shown below in Figure 1.1 (provided for illustrative purposes).

Figure 1.0 – Minor Streetscape Improvements: Before



Figure 1.1 – Minor Streetscape Improvements: After



B1.10.8.3 Linear Park and Connectivity

The linear park illustrated on Schedule D3 is intended to fulfil two functions:

- Improve pedestrian safety;
- Provide improved internal pedestrian connectivity within the Park and to Brock University; and,
- Provide a formal location for leisure and recreational space.

B1.10.8.3.1 Location of the Linear Park

The location illustrated on Schedule 3 illustrates the general alignment of the Linear Park. The actual alignment may alter slightly than the one presented, provided the connection is at least 10 metres wide and includes the design elements outlined below.

B1.10.8.3.2 Design Elements

The Linear Park should be designed to include the following key elements, which are to be accommodated with the 10 metre right of way:

- Occasional locations for sitting and gathering (both large and smaller seating areas)
- Adjacent natural landscaped area, including trees, shrubs, grasses, etc;
- A multi-use pathway and active transportation infrastructure;
- Public art; and,
- Lighting.

Four sample cross sections are provided for illustration purposes and show how the various elements could be organized. The City will work collaboratively with associated landowners to undertake a detailed design of the linear park.

Figure 2.0 – Photographic Example of Linear Park Concept

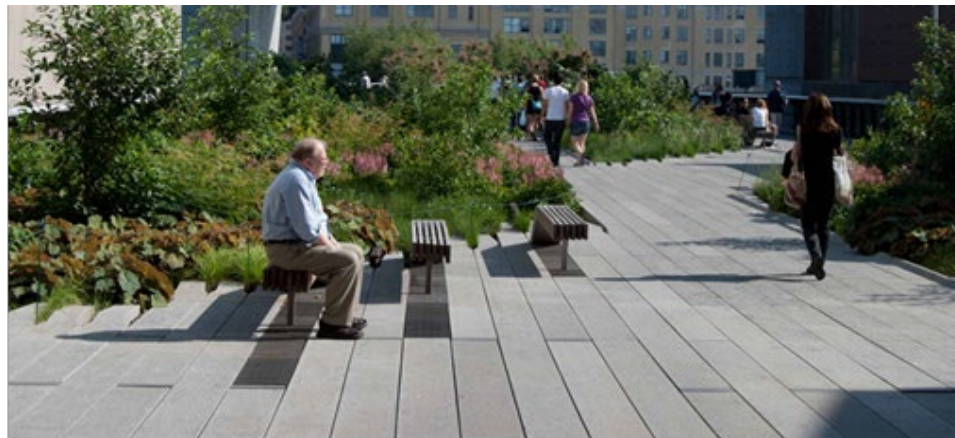


Figure 2.1 – Linear Park Concept, Small Seating and Gathering Area

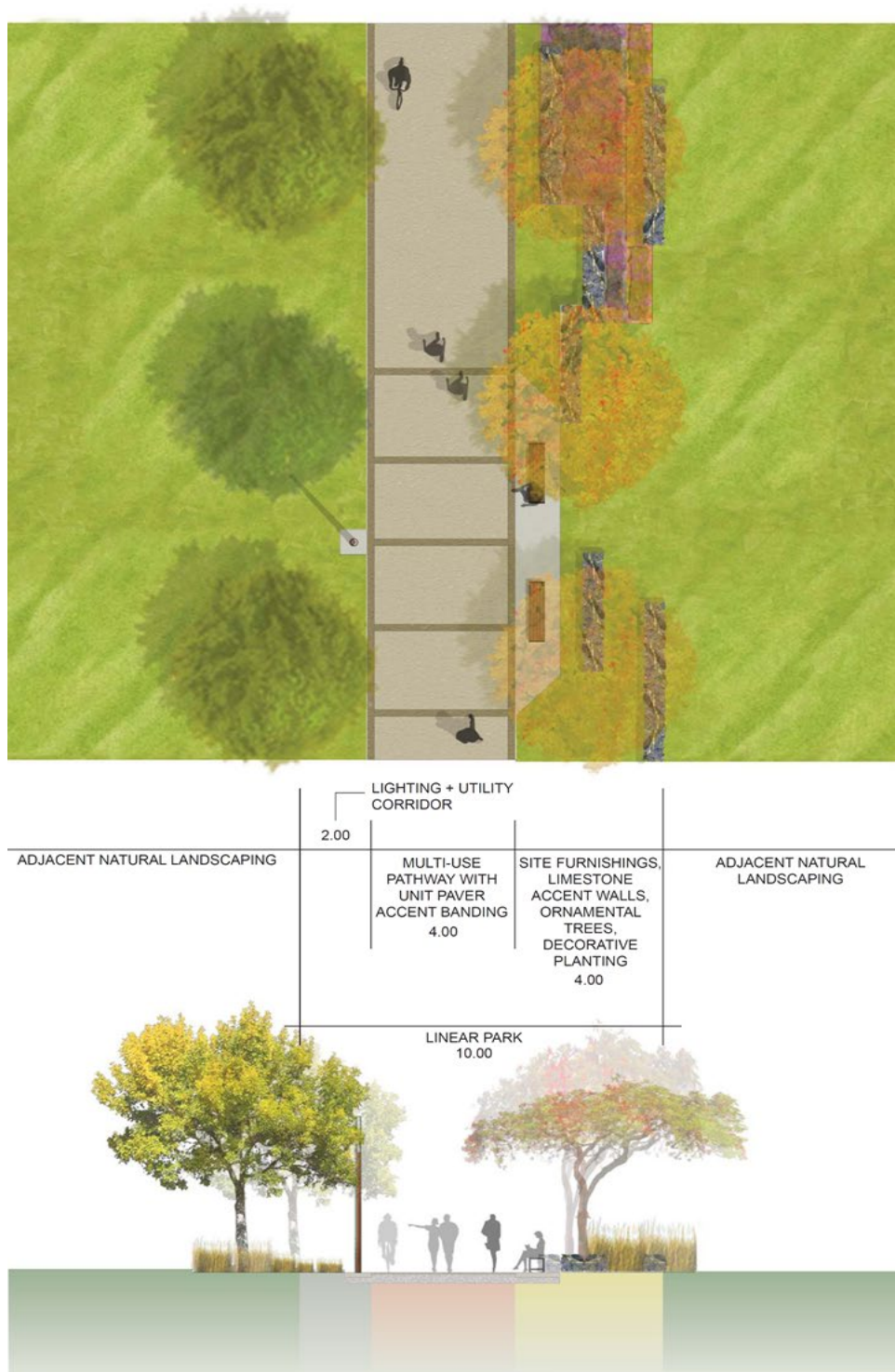
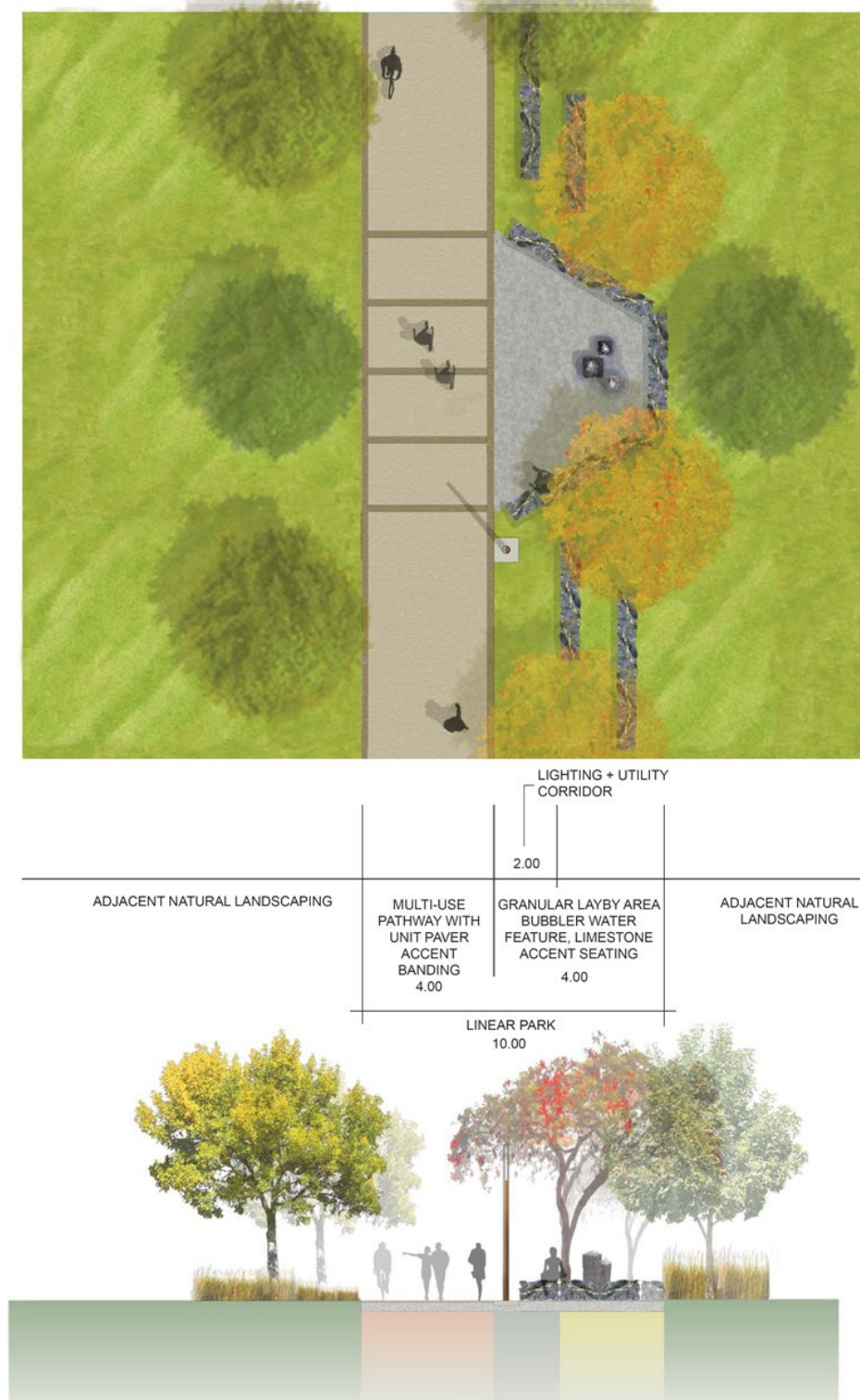


Figure 2.2 – Linear Park Concept, Large Seating and Gathering Area



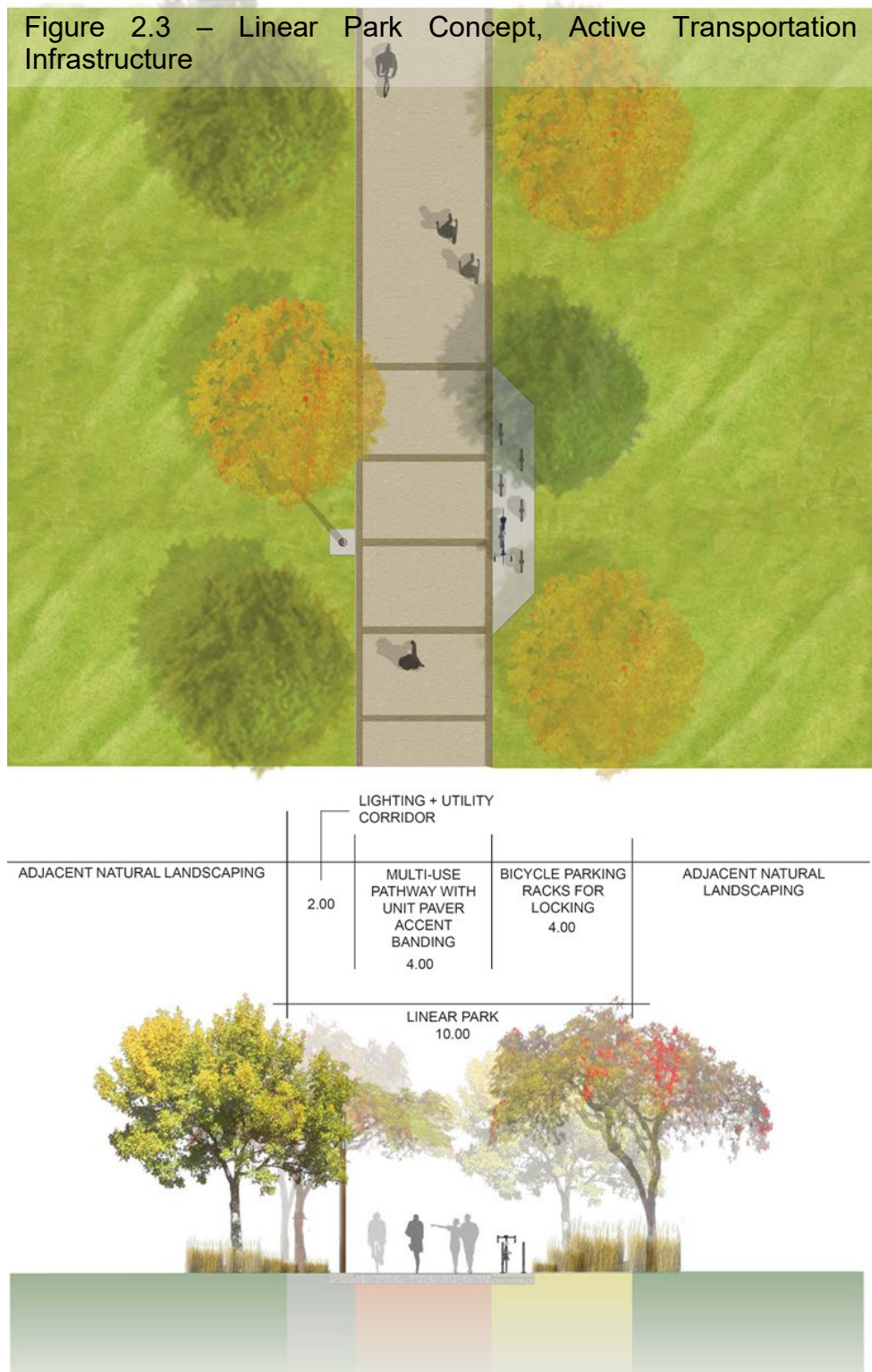
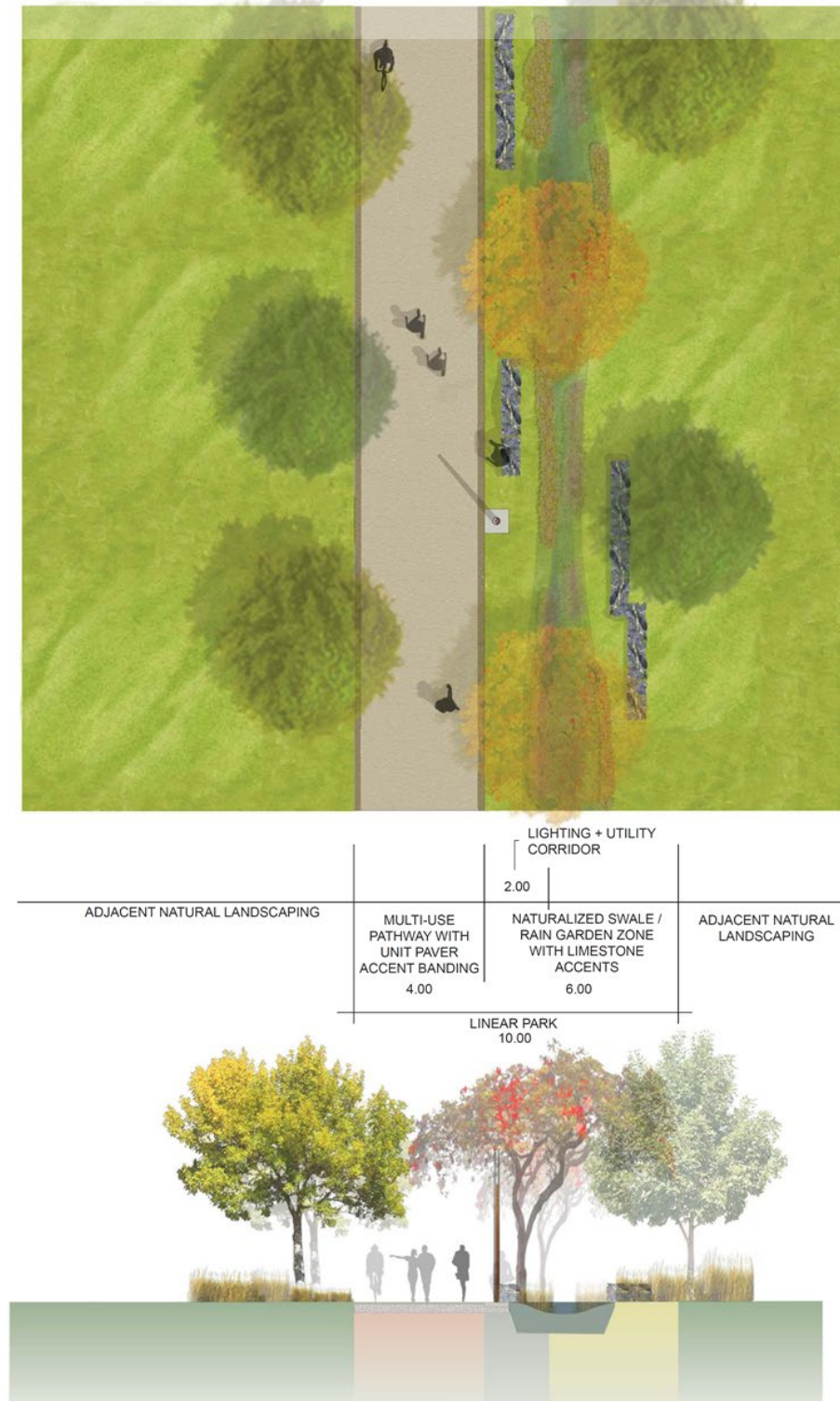


Figure 2.4 – Linear Park Concept, Public Art



B1.10.8.4 Private Realm Urban Design Guidelines

The private realm urban design guidelines are intended to:

- Provide flexibility for site development; and
- Ensure a consistent treatment of the overall campus theme through architecture and landscaping.

B1.10.8.4.1 Mixed Use Areas

Within Mixed-Use areas, new buildings shall be street-oriented, with parking located at the side or rear of the lot. The building façade should cover a minimum of 60% of the frontage, to ensure that adequate space for access and side-yard landscaping treatments are provided. Street-oriented buildings should be activated with a range of elements, including generous space for pedestrians, shade trees, seating and other elements which enhance the pedestrian realm.

B1.10.8.4.2 Employment Areas

Generally, new buildings should be set-back from the street-edge and include a generous landscaped strip separating the building from the sidewalk. The majority of parking should be located at the side or rear of the building(s). A small amount of parking (10% of the total number of spaces) may be provided in the front, provided that the landscaped treatments provide sufficient buffering and screening from the street. Where parking space is provided at the front, enhancements to the private landscaped area are to be provided to animate the street interface area, including space for seating, water features, public art, enhanced landscaping, etc.

B1.10.8.4.3 Building Facades

Building facades which front onto the street should have a high degree of glazing, with primary access from the front of the building.

B1.10.8.4.4 Building Materials & Architectural Styles

Development and redevelopment within the Brock Park should feature a variety of architectural styles - from traditional, to modern and post-modern. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including, but not limited to:

- Limestone and masonry
- Red brick
- High degree of glazing
- Other natural elements

The use of corrugated steel as a finishing material should be avoided. Buildings should also avoid the use of dark, non-reflective surfaces for roofs (to reduce potential for urban heat island effect).

B1.10.8.4.5 Blank Facades

Visible components of buildings should be treated with a high degree of design. Blank facades which front onto a public street, private laneway or are visible from a Highway are not permitted.

B1.10.8.4.6 Building Rooftops

Rooftop mechanical systems should be incorporated into the overall building's architecture and should be screened from view. Planted or green roofs are encouraged.

B1.10.8.4.7 Building Landscaping

Landscaped areas should use a variety of local elements, including native trees, shrubs, grasses, flowers, stones and other materials. Landscaped areas should also include a mixture of formal and informal seating areas for employees, visitors and residents (as the case may be). Seating areas should be shaded and include lighting (where appropriate).

B1.10.8.4.8 Green Building & Site Layout Elements

Buildings are encouraged to promote sustainable design practices and should include a variety of "green" building elements, including but not limited to:

- Green roofs and green/planted walls;
- Community gardens (as appropriate);
- Energy efficient thermal and energy systems, such as metering, passive and active solar gain, etc.;
- Potable water conservation techniques such as efficient fixtures, water reuse systems (e.g. irrigation), metering, etc.; and,
- Other elements derived from best practices or LEED certified program.

B1.10.8.4.9 Exterior Building Lighting

Landscape and exterior building lighting should be used to highlight architectural accents and to also illuminate linkages. Accent lighting should be designed to avoid any unnecessary spill-over.

B1.10.8.4.10 Landscape Buffers

Areas adjacent to internal paths or the Linear Park should include a 3 metre landscape zone to ensure a smooth transition between public and private realm. Where appropriate and required, enhanced landscaped buffer areas which are beyond the 3 metres may be

required to provide for transition between different types of land uses. Landscape Buffer Areas identified on Schedule 3 which are located between the Mixed Use areas and Employment Areas shall include enhanced landscaping treatments.

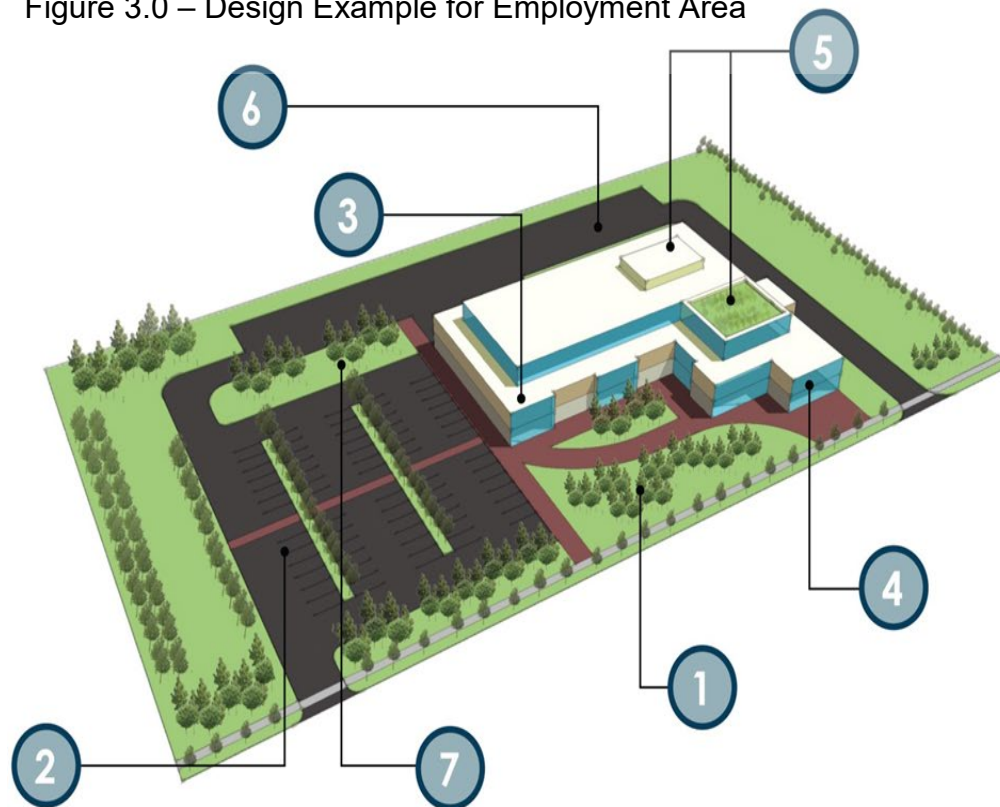
B1.10.8.4.11 Parking Areas

Parking areas should be safe, well lit, and include clear paths for pedestrians. Parking areas should also be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site. Landscaped areas should include trees, shrubs and, where appropriate, bio-swales and permeable surfaces. Barrier free parking should be located as close to the main entrance as possible. Where parking structures are provided, the architectural detailing should be attractive and consistent with the overall site design. Inter-connected parking areas and shared parking areas are also encouraged (where appropriate and feasible).

B1.10.8.4.12 Loading and Outdoor Storage

No outdoor storage of raw materials or finished products is permitted. Loading and garbage enclosures should be located at the rear of the building. Garbage enclosures should also be screened with landscaping.

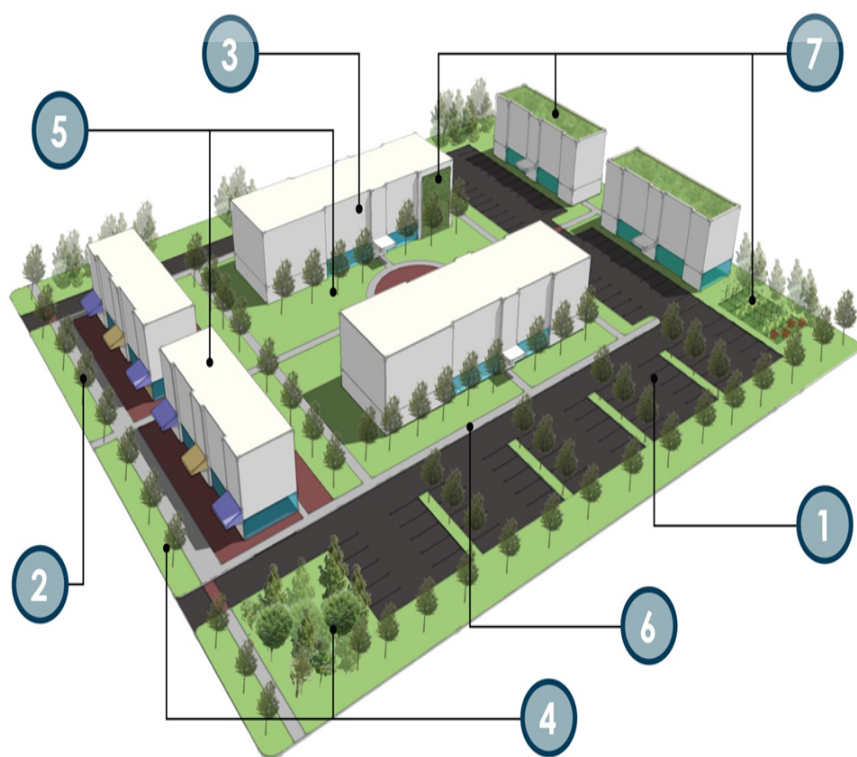
Figure 3.0 – Design Example for Employment Area



LEGEND

1. New buildings should be set back from the street-edge and include a landscaped strip separating the building from the sidewalk.
2. Majority of the parking should be located at the side or rear of the building(s).
3. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including but are not limited to: limestone & masonry, red brick, high degree of glazing and, other natural elements.
4. Visible components of buildings should be treated with a high degree of design. Blank façades which front onto a public street, private laneway or are visible from a Highway are not permitted.
5. Rooftop mechanical systems should be incorporated into the overall building's architecture and should be screened from view. Planted or green roofs are encouraged.
6. Loading and outdoor storage to be located in the rear, and be screened from street views.
7. Parking areas should be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site.

Figure 3.1 – Design Example of Mixed Use Area



LEGEND

1. Majority of the parking should be located at the side or rear of the building(s).
2. Landscaped treatments should provide sufficient buffering and screening from the street. Wide sidewalk and promenade allow for enhanced pedestrian activity and opportunities for business to utilize the space.
3. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including but are not limited to: limestone & masonry, red brick, high degree of glazing and, other natural elements.
4. Landscaped areas should be designed to reinforce the campus setting and use a variety of local elements, including native trees, shrubs, grasses, flowers, stones and other materials.
5. Amenity areas should also include a mixture of formal and informal seating areas for employees, visitors and residents (as the case may be). Seating areas should be shaded and include lighting (where appropriate).
6. Parking areas should be safe, well lit, and include clear paths for pedestrians. They should also be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site. Treatments could include: trees, shrubs and where appropriate bio-swales and permeable surfaces.
7. Buildings are encouraged to promote sustainable design practices and could include a variety of "green" building elements including but not limited to: green roofs/walls; community gardens; energy efficient thermal and energy systems; potable water conservation techniques; and, other elements derived from best practices or LEED certified program.

B1.10.8.5 Accessibility
Alignment of Public Spaces with Accessibility for Ontarians with Disabilities Act (AODA)

All new public spaces (as defined in the AODA) shall be designed and constructed to meet Ontario's Design of Public Spaces Standards (Accessibility Standards for the Built Environment, Part IV.1 of Ontario Regulation 191/11). All applicable aspects of the AODA should be met.

B1.10.9 Transportation and Infrastructure

B1.10.9.1 Transportation

The proposed transportation network for the Brock Business Park Area is designed to accommodate all modes of transportation, including automobiles, transit, cycling and pedestrians.

Proposed Improvements & Enhancements to Transportation Network

The existing road infrastructure, along with proposed improvements for Sir Isaac Brock Way are expected to be sufficient to accommodate the proposed land use plan within the existing built-up area of the Park. As the Park matures and approaches build-out, improvements to the active transportation network should include, but are not limited to:

- Completion of a continuous sidewalk network along Schmon Parkway, Sir Isaac Brock Way and Merrittville Highway
- Cycling infrastructure to promote improved internal circulation and external connectivity; and,
- Increased transit services in-line with development pattern and user needs (along with transit supportive infrastructure such as bus shelters, lay-bys, etc.).

B1.10.9.1.1 Transit Supportive Development

The proposed land use plan promotes infilling and intensification at a scale which would support increased transit ridership throughout the Brock Business Park Area.

B1.10.9.1.2 Complete Streets

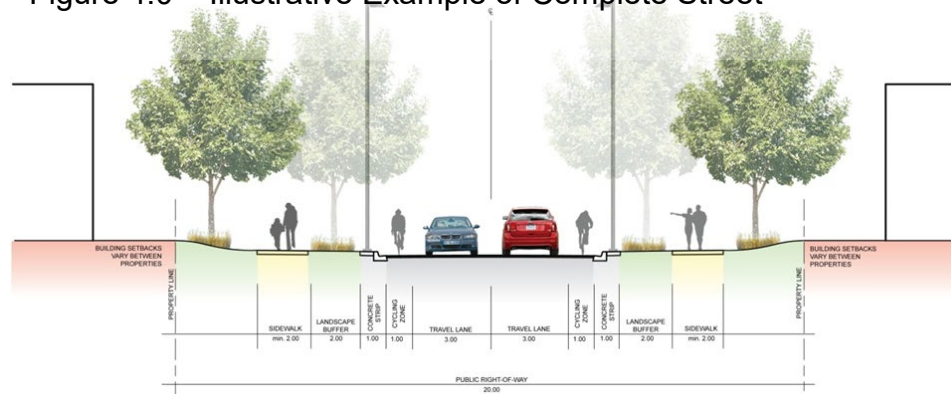
The urban design improvements presented in this Plan are intended to support complete streets and are targeted to areas which are deficient, namely pedestrian and cycling infrastructure. The expectation is that a complete streets approach will be undertaken for the Major and Minor Streetscape improvement areas depicted on Schedule D-2.

All new streetscape and road improvements will be designed and constructed to:

- Accommodate safe and accessible spaces for all users;
- Be context-sensitive, considering the road function (speed, traffic, capacity, etc.) for all modes (automobiles, pedestrians, cycling and transit); and,

- Enhance the overall attractiveness of the Brock Business Park Area.

Figure 4.0 – Illustrative Example of Complete Street



B1.10.9.2 Infrastructure

B1.10.9.2.1 Sanitary Sewer

The sanitary sewer system needs to be upgraded to allow for future and potentially intensified development in the Brock Business Park Area. The system downstream of the Highway 406 crossing, in the Confederation Heights development must be up-sized, as well as the crossing under Highway 406. A number of sections of sanitary sewer within the Brock Business Park Area also require up sizing.

The anticipated infrastructure required to service the redevelopment of the Brock Park is illustrated on Schedule D-3.

The Confederation Heights pumping station is expected to require upgrading to handle the increased flows associated with intensification within the Brock Business Park Area. Improvements are currently underway for the Confederation Heights Sewage Pumping Station with an upgrade to the forcemain to support the future projected flow from the land uses proposed in the Brock Business Park Area Secondary Plan and the growth portion of this project will be a Regional Development Charge item.

Water conservation and other sustainable design considerations should be included as part of development criteria for any future developments to reduce the increase in flows to the Brock Business Park Area sanitary sewer infrastructure.

Any proposed development on Decew Road or south of the existing business park needs to be reviewed with respect to the ability to service the proposed development by the construction of new infrastructure. A review of existing topography is needed to confirm if pumping of the sanitary sewage is required.

B1.10.9.2.2 Water Supply

A 900mm trunk water main exists on Sir Isaac Brock Way adjacent to the business park and upgrades to Regional infrastructure are not expected associated with intensification in the business park. Following the determination of future water demand associated with

planned intensification in the business park, confirmation of available capacity with the existing Regional water infrastructure should be undertaken.

Based on infrastructure records that were available that do not show a connection from the water main on Merrittville Highway to Sir Isaac Brock Way, it is recommended that the existing water main stub on Merrittville Highway south of Sir Isaac Brock Way be extended and connected to the existing water main at the intersection of Merrittville Highway and Sir Isaac Brock Way.

Hydrant flow testing should be undertaken in the park to confirm the availability of fire flows once the business park revised planning densities have been confirmed.

B1.10.9.2.3 Storm Water

Storm water management design criteria for storm water quality should be reviewed and / or developed for new development.

The proposed area of impermeability needs to be reviewed with the proposed development plan. If the area of impermeability increases with the proposed plan, then, storm sewer sizing will need to be reviewed and a storm water servicing plan developed for the business park.

Redevelopment or development of vacant and existing lots will need to produce a storm water management plan which may include on site storage to address any increased storm flows to the existing storm sewer system.

Any proposed development on Decew Road or south of the existing business park needs to be reviewed with respect to the ability to service the proposed development for storm water by the construction of new infrastructure. A review of existing topography is needed to confirm available outlets that may not be the storm sewers in the existing business park. Existing drainage channels and road side ditches would be included in this review.

B1.10.10 Implementation

B1.10.10.1 Financing Improvements

The City has identified capital planning requirements for the proposed improvements for the Brock Business Park Area. The capital requirements have been used to finalize the Brock Business Park Area Financial Strategy, which will be implemented upon adoption of the Secondary Plan.

The financial strategy considers:

- Cost-sharing opportunities for the implementing improvements;
- The eligibility of proposed improvements as potential “growth-related” projects which can be incorporated in the City’s Development Charges program;
- Opportunities to leverage provincial and federal funding programs to implement sustainable design practices;

- Opportunities to harmonize the City's Gateway Community Improvement Plan with the Brock Park Secondary Plan; and,
- The timing and potential phasing for proposed improvements.
- Exploring other potential funding approaches through Part 12 of the Municipal Act

B1.10.10.2 Urban Design Plan Implementation

Major and Minor Streetscaping improvements along Sir Isaac Brock Way and Merrittville Highway are the responsibility of the Niagara Region. Minor Streetscaping improvements along Schmon Parkway are the responsibility of the City of Thorold.

The Linear Park will be prepared and executed as a joint exercise led by the City of Thorold, with collaboration from private landowners and the Niagara Region. The Linear Park lands are to be conveyed to the City and the City will maintain the linear park upon completion of construction.

Gateway improvements within the public realm are the responsibility of the City of Thorold and the Niagara Region (depending on location of features). Gateway improvements within the private realm will be addressed through site plan control when development/re-development is occurring.

B1.10.10.3 Other Supporting Studies

Other supporting studies may be requested in support of individual development applications within the Brock Business Park Area. Supporting studies may include, but are not limited to the following areas:

- Transportation and active transportation;
- Land Use compatibility;
- Natural environment;
- Urban design;
- Land use planning;
- Infrastructure; and,
- Market and economics.

B1.10.10.4 Zoning

The City will update its zoning by law to align the zoning regulations within the Brock Business Park Area with the policies of the Secondary Plan. The City should also consider the use of a Holding designation to address any interim issues.

B1.10.10.5 Site Plan Control

The urban design guidelines are intended to be flexible and should be implemented through site plan control.

B1.10.10.6 Coordination with Brock University & City of St. Catharines

The City will continue to work closely with Brock University as it prepares a new Campus-wide Master Plan to ensure alignment between the Brock Business Park Area Secondary Plan and the new Campus Master Plan.

The City of Thorold will also work closely with the City of St. Catharines to ensure consistent policy direction between both Cities' plans.

The City of Thorold supports opportunities for more comprehensive and collaborative district-wide planning effort of the broader area (Brock Park, Brock University and the lands around the Hotel Dieu Shaver), including opportunities for:

- Linking active transportation networks;
- Improving way-finding, lighting and pedestrian safety; and,
- Integrated long range transportation and infrastructure planning.

B1.10.10.7 Coordination with Niagara Region

The Region of Niagara is undertaking a district planning exercise. The district planning exercise will examine the broader geographic area, including the Brock Business Park area, Brock Campus and other lands in St. Catharines. The City supports the Region's district planning initiative and it is understood that this Secondary Plan provides direction for managing change within the Brock Business Park Area. The policies of this Plan should be used as a foundation element within the Region's district plan. The City will continue to work with the Region in the development of the District Plan and will consider necessary modifications to this Secondary Plan, upon completion of the Niagara Region's district planning exercise.

The City also encourages the Region to also consider leveraging ongoing and future environmental assessment (EA) projects to implement the transportation and urban design objectives of this plan (along with the specific environmental assessment requirements as per the Ministry of the Environment and Climate Change Class EA process). The City further encourages the Region to prepare a Site Plan for the Regional Headquarters site to address opportunities for intensification, infilling, active transportation and urban design improvements.

B1.10.10.8 Gateway Economic Zone & Centre Community Improvement Plan

Applicants considering new employment development within the Brock Business Park Area should consider opportunities for accessing development incentives available under the City's Gateway Economic Zone & Centre Community Improvement Plan and Niagara Region Economic Gateway Development Incentives. Currently, the City has no incentives in place. Additional information is available through the City of Thorold and Niagara Region with respect to Regional incentives, such as Development Charge Rebate

Program, for industrial uses that qualify for a rebate under the Industrial Employment Land Development programs.

B1.10.10.9 Additional Tools

Upon adoption and approval of the Secondary Plan, the City will consider the need for additional implementation tools, including but not limited to:

- A development permit program;
- Comprehensive urban design guidelines for the area;
- The use of the Environmental Assessment process as a means of addressing and implementing urban design and active transportation solutions for Sir Isaac Brock Way (and other areas where appropriate);
- Where a development permit system is not undertaken, the City will also consider opportunities for the use of Section 37 of the Planning Act (“bonusing” and community benefits) as a means of implementing the various Park-wide public improvements recommended in the Secondary Plan, such as:
 - Enhancements to planned active transportation network;
 - Enhancement to planned transit infrastructure;
 - Enhancements to gateway areas, including signage, public art and landscaping;
 - Other community or public benefits deemed appropriate by the City; and,
- A business incubator/research and development sector feasibility study should be conducted in cooperation with Brock University and the Niagara Region.

B1.10.10.10 Monitoring

The City will monitor the progress and implementation of the Brock Business Park Area Secondary Plan and make periodic updates to the Plan as required. At a minimum, the Secondary Plan will be reviewed as part of the City’s regular Official Plan review cycle.

B1.11 GREENFIELD OVERLAY

Lands designated Greenfield Overlay are lands within urban areas that are located outside of the built boundary. Development occurring within the Greenfield Overlay designation shall be planned to achieve a minimum of 50 residents and jobs combined per hectare. In establishing an appropriate overall density for land located in a Greenfield area, the following features, which may be designated Environmental Protection One or Environmental Protection Two in this Plan, may be excluded from the density analysis and determination:

- a) wetlands;
- b) significant woodlands;
- c) significant valley lands;
- d) areas of natural and scientific interest;
- e) habitat of endangered species and threatened species;
- f) publically owned conservation lands;
- g) significant wildlife habitat;
- h) fish habitat; and,
- i) floodplain areas.

The following policies have been provided to describe the location of Greenfield Overlay areas in the Urban Living Area and provide guidance with respect to other policies in this Plan that may affect lands within the Greenfield Overlay. The following policies also provide a strategy for the future development of Greenfield Areas in the City by describing these areas as being either “high priority” or “low priority” areas for development. Lands characterized in the following policies as “high priority” are lands that the City views as being essential to the City’s Settlement Area Strategy and as such, are anticipated to accommodate new development within the first 10 years that this Plan is in effect. Lands described as “low priority” are lands that are characterized by servicing or environmental constraints and are not anticipated to be considered for development until the latter tenure of this Official Plan.

B1.11.1 The Neighbourhoods of Rolling Meadows Secondary Plan

The Neighbourhoods of Rolling Meadows Secondary Plan area was originally approved by the Region of Niagara in 2000 and was the subject of an Official Plan Amendment update in 2007 so that future development of the Plan conformed with the Growth Plan for the Greater Golden Horseshoe. The Planning Area is a high priority future development area in the City and contains the majority of the City’s total Greenfield Area, which is shown on Schedule A-3 as *Greenfield Overlay*.

B1.11.2 Port Robinson West Secondary Plan

The Port Robinson West Secondary Plan is shown on Schedule A6. The entire Port Robinson West Secondary Plan has been identified as a Greenfield Area. This Secondary Plan has been integrated with this Official Plan and the Phase 1 development area will provide a range of housing opportunities to accommodate new growth in the City.

B1.11.3 Brock University

Approximately 22 hectares of land owned by Brock University, located south of St. David's Road and west of the City's Prestige Industrial Park has been designated as a Greenfield Area. These lands are currently used for parking and recreational uses and the majority of these lands are designated Institutional and are considered to be a low priority area for new development.

B1.11.4 Thorold South – Lands South-West of Lundy's Lane and Allanport Road

There are five areas located east of the Welland Canal (Thorold South), shown on Schedule A-2 designated as Greenfield Areas. The most significant of these areas is located south of Lundy's Lane and west of Allanport Road together with another area that is proximate to Centre Street. This area is comprised of a mix of residential, industrial and commercial uses, but is constrained due to servicing issues. The other Greenfield Areas about Highway 58 and generally capture open space lands with a small portion designated for residential uses. Collectively these areas represent low priority future development areas due to servicing constraints.

B1.11.5 Other Greenfield Overlay Lands in Thorold

There are two other areas located within a *Greenfield Overlay* designation in Thorold which are considered to be low priority areas for development given the nature of current land use on or adjacent to these parcels. These lands are located north of Decew Road.

B1.11.6 Implementation

The implementation of minimum housing densities of about 20 units per hectare will be achieved through the use of zoning permissions that target higher density or mixed use housing types and the establishment of minimum housing densities through the City's Comprehensive Zoning By-law.

Where the following features, which may be located within the *Environmental Protection One* and *Environmental Protection Two* designations in this Plan are located within the *Greenfield Overlay* designation, the spatial area of such features shall be excluded from the calculation of lands used to determine housing density.

- a) Wetlands;
- b) Significant woodlands;
- c) Significant valley lands;
- d) Areas of natural and scientific interest;
- e) Habitat of endangered species and threatened species;

- f) Publically owned conservation lands;
- g) Significant wildlife habitat;
- h) Fish Habitat; and,
- i) Floodplain areas.

B1.12 REGENERATION OVERLAY

B1.12.1 Purpose

The purpose of the *Regeneration Overlay designation* is to identify lands in the City that have good potential for redevelopment that may provide opportunities for the establishment of more compatible land use within the existing built-up area.

B1.12.2 Intent

The intent of the *Regeneration Overlay* destination is to encourage reuse and redevelopment of a mix of housing types in an effort to provide more affordable housing in the City that is accessible to services and business in and in proximity to the Downtown area.

B1.12.3 Permitted Uses

Permitted uses in the *Regeneration Overlay designation* include:

- a) A mix of single, semi-detached and town house dwellings and apartment buildings;
- b) Long-term care facilities;
- c) Live-work units or studio apartments;
- d) Public or private schools;
- e) Institutional uses;
- f) Parks, open space and recreational uses;
- g) Private home day cares; and,
- h) Home occupations in detached, semi-detached, duplex, triplex, fourplex and private road development dwellings..

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B1.12.4 Development Policies

Applications for new development shall be subject to a Zoning By-law Amendment. In considering proposals for residential and mixed-use proposal in the *Regeneration Overlay* designation, the following policies shall apply:

- a) A minimum of 50% of the proposed residential unit type will be affordable in accordance with the Provincial Policy Statement;
- b) A comprehensive servicing plan shall be provided demonstrating how stormwater will be managed and identifying the location of all requisite utilities and installations;
- c) Where the subject lands were the site of an industrial use, the proponent shall be required to demonstrate that the site has been assessed and if necessary,

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

remediated in accordance with the requirements of O.Reg. 153/04 as amended. The proponent shall have a Record of Site Condition prepared by a qualified professional prior to the issuance of any final approval;

- d) The proposed building and landscaping plan shall be required to provide for suitable landscaping treatments and a building design and façade that is accommodating to the pedestrian and active forms of transportation; and,
- e) Maintenance, storage and parking areas shall be screened and shall not dominate the view from any public street or existing dwelling.

B1.12.5 Site Plan Control

All new development within the *Regeneration Overlay* designation may be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B1.12.6 Implementing Zoning By-law

All lands located within the *Regeneration Overlay* designation shall be placed in a Zone that reflects only existing uses in the Implementing Zoning By-law. Where such lands are absent an existing use or are vacant, the Zoning By-law shall place such lands in a Development Holding Zone.

B2 RURAL AREA DESIGNATIONS

B2.1 AGRICULTURAL

B2.1.1 Purpose

The purpose of the *Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture and support the economic viability of agricultural land and business. Lands within the Agricultural designation shall be protected in the following order of priority: Canada Land Inventory class 1, 2 and 3 lands, followed by any associated class 4 through 7 lands.

B2.1.2 Permitted Uses

The principal use of land in the *Agricultural* designation shall be agricultural uses. However, in the interest of supporting agri-business through farm diversification, this Plan identifies other uses that are considered to be agriculture-related and/or on-farm diversified uses on the basis that such uses assist in retaining or adding value to agricultural products and commodities or promote agri-tourism. These additional permitted uses include:

- b) Single detached dwellings accessory to a farm business or on a vacant lot of record;
- c) Accessory residential uses on farm properties subject to Section B2.1.3.5 and B2.1.3.6 of this Plan;
- d) Bed and breakfast establishments subject to Section B2.1.3.7 of this Plan;
- e) Home occupations and home industries subject to Section B2.1.3.8 of this Plan;
- f) Large animal veterinary clinics accessory to an agricultural use;
- g) Forestry and other resource management uses;
- h) Retail commercial uses on farm properties subject to Section B2.1.3.9 of this Plan;
- i) Passive recreational uses, such as walking trails and on lands owned by a public authority;
- j) Farm-related exhibitions and tourism establishments subject to Section B2.1.3.10 of this Plan;
- k) Temporary wayside pits and quarries and portable asphalt and concrete plants for all public authority contracts in the area.

All uses in the *Agricultural* designation shall be designed, located and managed to not detract from the primary role of the agricultural area as set out in Section B2.1.1 of this Plan.

The placement of a trailer or mobile home, as defined in the Implementing Zoning By-law, on a lot is not permitted, unless the mobile home is being used to accommodate farm help in accordance with Section B2.1.3.5 of this Plan.

B2.1.3 Development Policies

B2.1.3.1 The Creation of New Lots

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the City and direct the majority of new residential growth to settlement areas or existing vacant building lots, the creation of one new lot from a parcel may be permitted if:

- a) The lot to be severed to create a farm and both the severed and retained parcels are 40 hectares or more; or,
- b) The lot is necessary to accommodate a residence surplus to a farm operation resulting from a farm consolidation in accordance with Section B2.1.3.4.

The creation or acquisition of a lot by a public authority will not be considered as a previous severance providing this does not result in another remnant lot.

B2.1.3.2 Separation of Existing Uses

Consent may be permitted to separate agriculture-related uses which are legal and pre-date the approval of this Official Plan. Where the intent is to separate an existing agriculture-related use from a vacant agricultural parcel, the parcel size of the new lot associated with the agriculture-related use must be limited to the minimum lot area needed to accommodate the use (including sewage and water system appropriate for such a use). The remnant agricultural parcel must be zoned in such a manner to prevent any future residential development and where possible must have a minimum lot area of 40 hectares. The existing use shall also:

- a) be a farm-related commercial or industrial use directly related to farm operations in the area;
- b) support agriculture;
- c) benefit from being in close proximity to farm operations;
- d) provide direct products and/or services to farm operations as a primary activity; and,
- e) be compatible with surrounding agricultural operations.

In reviewing applications to sever agriculture-related uses, Council shall be satisfied the existing use poses no traffic, servicing and compatibility issues and may require the submission of technical reports or plans to address any potential issues.

B2.1.3.3 Other Types of Consents

Consents may be granted for legal or technical reasons, or to provide for minor lot line adjustments or correct lot boundaries provided such consents do not result in the creation of a new lot. Consents to sever land may also be considered for infrastructure where there is a public interest to sever land for such infrastructure instead of an easement or legal right-of-way.

B2.1.3.4 Farm Consolidations

It is acknowledged that the consolidation of farms into larger and more efficient operations is a reality in the Regional and Provincial agricultural economy. In this regard, the consolidation of two or more abutting or adjacent farm parcels or a boundary adjustment that increases the size of a farm parcel is permitted provided no new lot is created and provided the benefitting parcel captures the majority of arable farmland.

Residences that are surplus to a farm operation as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a residence surplus to a farm operation should provide for a maximum lot area of 0.4 hectares. If deemed necessary to accommodate private water and sewage services, a larger lot size, not exceeding the minimum size required to accommodate the residential use and the private services, will be considered. In addition it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

B2.1.3.5 Accessory Farm Help House

The establishment of a trailer or mobile home shall be permitted submitted to the following:

- a) Is required for farm help;
- b) Is located within the same cluster of farm buildings;
- c) Is provided with sewage and water services as required by the Niagara Region's Planning and Development Services Department; and,
- d) Is smaller than and located in the rear yard of the primary dwelling.

B2.1.3.6 Second Dwelling Units

The establishment of a second dwelling unit within an existing detached dwelling or within an ancillary building or structure shall be permitted subject to the following:

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

- a) The second dwelling unit in compliant with requirements of the Ontario Building Code;
- b) The second dwelling unit is capable of being sustained by the existing water supply and septic service located on the lot; and,
- c) The second dwelling unit is compliant with the provisions set out in the City's Zoning By-law.

Council may require that the development of a second dwelling unit on a farm property be subject to Site Plan Control. In no case, shall any second dwelling unit within an ancillary building or structure

established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

B2.1.3.7 Bed and Breakfast Establishments

New bed and breakfast establishments are permitted in a single detached dwelling in the Agricultural designation, subject to the following guidelines, which may be implemented in the City's Comprehensive Zoning By-law:

- a) The use is clearly secondary to the primary use of the dwelling as a residence;
- b) The bed and breakfast establishment must be the principal residence of the owner and operator;
- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) No more than three bedrooms are available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) The signage advertising the use is to be designed and located in accordance with the City's Bed and Breakfast Licensing By-law.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B2.1.3.8 Home Occupations and Home Industries

The City recognizes that the nature of farming is changing and that additional value-added activities, such as home occupations and home industries, can be carried out in the Agricultural designation and not have an adverse impact on agricultural uses.

Home occupations are typically professional work activities that are carried on within the residential dwelling that typically do not involve the retail sale of goods and services. In addition, home occupations do not utilize more than 25% of the gross floor area of the dwelling and do not change the residential character of the dwelling. Such uses will be permitted as-of-right in the Zoning By-law, subject to regulations.

Home industries are small-scale industrial uses that are accessory to agricultural uses and/or a single detached dwelling and may be located in an attached or detached accessory building. Such uses are encouraged to support Regional agri-business and/or tourism. These uses shall not detract from the primary use of the property for agricultural or residential purposes.

Home industries may include welding, carpentry or machine shops, or other agriculture-related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sale of products produced in the home industry is also permitted.

The repair, storage or sale of motor vehicles and machinery is not considered to be a home industry, but may be permitted subject to a zoning by-law amendment that restricts the scale of the use.

The development of a new home industry may be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B2.1.3.9 Retail Commercial Uses on Farm Properties

The development of accessory retail commercial uses on farm properties is permitted subject to the following criteria:

- a) The use is clearly associated with and located on a farm property;
- b) The retail component has a floor area of no more than 50 square metres (538 square feet); and,
- c) That a minimum 50% of the total floor area of the retail component be dedicated to the sale of products produced or manufactured on the farm property.

The development of a new commercial use on a farm property shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B2.1.3.10 Agriculture- Related and Agri-tourism Uses

Given the location of the City, Council supports the development of uses that promote the vitality of the agricultural community and agri-business. On this basis, one-time or annual events such as auction sales, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions that focus on agricultural education, awareness and promotion are permitted in the *Agricultural* designation. Such uses shall be small-scale, agriculture-related and encouraged to locate in existing farm buildings wherever possible.

Where facilities of this nature are proposed on a year-round basis, such uses shall be subject to a Zoning By-law Amendment and prior to approving such an Amendment, Council shall be satisfied that the proposed use is directly related to agriculture, or is an on-farm diversified use, is of a small scale and conforms with other applicable policies of this Plan.

B2.1.3.11 Non-Agricultural Uses in the Agriculture Designation

Non-agricultural uses are not permitted within the Agricultural designation as such uses can have adverse impacts on both agricultural and natural resources. Where non-agricultural uses are proposed within the Agricultural designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Official Plan Amendment subject to the following criteria:

- a) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community within the planning horizon provided for in this Plan;

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- b) There are no reasonable alternatives to accommodate the proposed use in urban areas and rural areas;
- c) There are no reasonable alternative locations to accommodate the proposed land use on land within the Agricultural designation with lower priority for protection;
- d) Consideration that the proposed non-agricultural use is compatible with and will not impact the normal operation of surrounding agricultural uses;
- e) Conformity with policies contained in Section B3 Natural Heritage Designations, Part C Environment and Ground Water Management Policies and Section B2.6 Aggregate Extraction Area;
- f) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and,
- g) Compliance with other policies contained in the City's Official Plan.

B2.1.3.12 Greenhouses

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) Greater than 50,000 litres of water per day will be required to sustain the greenhouse or hoophouse.

Any proposal to develop a greenhouse or hoophouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

B2.1.4 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.1.5 Implementing Zoning By-law

All lands in the Agricultural designation shall be placed in an appropriate Agricultural Zone in the Implementing Zoning By-law.

Note: As modified by the
Ontario Land Tribunal,
March 16, 2021 through
OPA 06, By-law No. 60-
2019

B2.2 SPECIALTY CROP

B2.2.1 Purpose

The purpose of the *Specialty Crop* designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. It is the intent of this Plan to support the viability of agricultural land and the existing and proposed agricultural businesses in the *Specialty Crop* designation. Lands within the Specialty Crop designation shall receive the highest priority of protection.

B2.2.2 Permitted Uses

The principle use of land in the *Specialty Crop* designation shall be for production of a full range of specialty crops that are capable of being grown in Niagara Region.

Permitted uses in the *Specialty Crop* designation include:

- a) Agricultural uses;
- b) Single detached dwellings;
- c) Accessory residential uses on farm properties;
- d) Bed and breakfast establishments; in accordance with Section B2.1.3.7;
- e) Home occupations and home industries in accordance with Section B2.1.3.8;
- f) Mineral aggregate operations in accordance with Section B2.6.4;
- g) Forestry and other resource management uses;
- h) Retail commercial uses in accordance with Section B2.1.3.9; and,
- i) Agriculture-related and Agri-tourism uses in accordance with Section B2.1.3.10.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B2.2.3 Non-Agricultural Uses in the Specialty Crop Designation

Non-agricultural uses should not be located in the *Specialty Crop* designation, except in accordance with the Greenbelt Plan or any amendment made thereto. Should a non-agricultural use be permitted, impacts from the use on surrounding agricultural operations and lands should be mitigated to the extent possible.

B2.2.4 Consents

The creation of new lots in the *Specialty Crop* designation is generally not permitted. Applications for consent may be considered by the Committee of Adjustment only in the following circumstances:

- a) The application will facilitate the conveyance of lands for natural heritage conservation to a public body or non-profit entity provided the land to be conveyed does not create a separate lot that could be used for residential purposes;
- b) The application facilitates a lot addition, boundary adjustment, mortgage discharge or validation of title provided such application is minor in nature and will not create a separate lot for a residential dwelling and will not fragment any key natural heritage or hydrological feature;
- c) The application will result in the creation of a new parcel that is intended for and capable of sustaining agricultural use. In order to fulfil this intent, the severed and retained lots shall each have a minimum area of 16.2 hectares (40 acres); or
- d) The application will result in the severance of a residence surplus to a farm operation as a result of a farm consolidation. In such cases the retained parcel shall be rezoned to prohibit future residential uses in perpetuity and the surplus dwelling shall have been in existence prior to December 16, 2004.

B2.2.5 Expansion of Existing Uses

Uses which are not permitted in the *Specialty Crop* designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a) The expansion does not require the provision or extension of a municipal water or sewer system; and,
- b) The proposed expansion is consistent with the existing use policies contained in the Natural Heritage policies of this Plan.

Where the proposed expansion is located within lands regulated by the NPCA, which includes watercourses, valleys, floodplains and wetlands, a permit may also be required from the NPCA.

B2.2.6 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.2.7 Greenhouses

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) Greater than 10,000 litres of water per day will be required to sustain the greenhouse or hoophouse.

Any proposal to develop a greenhouse or hoophouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

B2.2.8 Implementing Zoning By-law

All lands in the Specialty Crop designation shall be placed in a Specialty Crop Zone in the Implementing Zoning By-law.

B2.2.9 Exceptions

B2.2.9.1 Pleasantview Memorial Gardens

Notwithstanding the permitted uses and policies of Section B2.2, the expansion of Pleasantview Memorial Gardens and accessory uses are permitted on the lands along the north side of Regional Road 20 and east side of Regional Road 50 (Merrittville Highway) subject to the following:

- a) Watercourse crossing/works shall be permitted within the Environmental Zone, subject to the approval of the NPCA and the City;
- b) Prior to the relocation of a watercourse, or the construction of any crossing or works, requisite permits shall be obtained from the NPCA and a copy provided to the City;
- c) A buffer shall be established along the relocated watercourse, and such buffer shall be placed in an Environmental Zone; and,
- d) A Site Plan Agreement shall be executed between the City and the Cemetery.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B2.3 RURAL

B2.3.1 Purpose

The purpose of the *Rural* designation is to identify those lands which the Regional Official Plan have determined do not form part of a prime agricultural area and are suitable to accommodate other rural land uses.

B2.3.2 Permitted Uses

- a) Agricultural uses;
- b) Single detached dwellings on existing lots;
- c) Bed and breakfast establishments subject to the provisions of Section B2.1.3.7;
- d) Home occupations and home industries subject to the provisions of Section B2.1.3.8;
- e) Accessory residential uses on farm properties subject to Section B2.1.2.3.5 and B2.1.3.6;
- f) Large animal veterinary clinics;
- g) Commercial dog kennels subject to Section B2.3.3.2;
- h) Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- i) Forestry and resource management uses;
- j) Small-scale public uses;
- k) Greenhouses and hoopouses subject to the Section B2.1.3.12;
- l) Commercial uses on farm properties subject to Section B2.1.3.9 of this Plan; and,
- m) Temporary wayside pits and quarries and portable asphalt and concrete plants for all public authority contracts in the area.

B2.3.3 Development Policies

B2.3.3.1 The Creation of New Lots for Residential Purposes

Given the very limited land area located within the *Rural* designation in this Official Plan, this Plan shall not permit residential plans of subdivision in the *Rural* designation. Furthermore, this Plan does not encourage additional lot creation in the *Rural* designation for the purpose of accommodating rural residential uses, however, the creation of new lots may be considered by Council where the following criteria can be addressed:

- a) The severed and retained lots have lot frontages of at least 46 metres and lot areas of at least 1.0 hectare;
- b) The proposed new lot is capable of accommodating alternate rural land uses as permitted in section B2.3.2;
- c) The proposed lot can be serviced with a private well and septic system in accordance with regional health requirements and/or Part 8 of the Building Code Act;
- d) The proposed use of the new lot will be compatible with existing adjacent land uses; and,
- e) Where the proposed lot abuts or forms part of a natural heritage feature identified by this plan, the applicable natural heritage policies applicable to the feature shall be addressed prior to any approval.

B2.3.3.2 Commercial Dog Kennels

Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:

- a) The size of the proposed dog kennel is appropriate for the area;
- b) The building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) The use is located at least 1,000 metres from lands within an *Urban Area* designations;
- d) The noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) An appropriate animal waste management plan is put in place; and,
- f) An undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

B2.3.4 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.3.5 Implementing Zoning By-law

All lands in the *Rural* designation shall be placed in a Rural Zone in the implementing zoning by-law, where existing non-residential uses have been established and conform with this Plan.

Note: As modified by
the Ontario Land
Tribunal, March 16,
2021 through OPA
06, By-law No. 60-
2019

B2.4 RURAL INDUSTRIAL

B2.4.1 Purpose

The purpose of the *Rural Industrial* designation is to identify lands in the City that are suitable to accommodate a range of rural industrial uses that do not require full municipal services.

B2.4.2 Permitted Uses

Permitted uses on lands designated *Rural Industrial* include:

- a) Manufacturing;
- b) Assembly;
- c) Processing;
- d) Fabrication;
- e) Industrial storage, warehousing, and personal storage uses;
- f) Contractor's yards and construction uses;
- g) Research establishments;
- h) Commercial recreation uses;
- i) Veterinary clinics;
- j) Recycling facilities;
- k) Transportation and truck depot and inter-modal shipping areas;
- l) Wholesaling establishments;
- m) Licensed marijuana production facilities;
- n) Greenhouses and hoopouses, subject to Section B2.1.3.12;
- o) Commercial bulk fuel storage and sales;
- p) Public utilities and maintenance yards; and,
- q) Existing dwellings and minor expansions thereto.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

Accessory retail uses are also permitted, provided they occupy only a limited amount of the gross floor area and are accessory and incidental to the industrial use. Accessory residential uses are discouraged but may be permitted subject to a Zoning By-law Amendment.

B2.4.3 Dry Industrial Uses

Uses permitted in the Dry Industrial designation are to be developed on private water and sewer services and are therefore anticipated to be uses which do not generate large volumes of wastewater. Where any use is proposed to generate greater than 10,000 litres per day of wastewater, such a use shall obtain an Environmental Compliance Approval from the Ministry of the Environment and Climate Change.

B2.4.4 Site Plan Policies

All new uses **shall** be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Stormwater can be controlled in accordance with City and NPCA standards;
- b) Adequate parking and loading facilities are provided on the site;
- c) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- d) The proposed buildings or structures on sites with limited vegetation shall incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view from passing traffic;
- f) Ingress and egress to the site is compliant with City or Regional specifications;
- g) The proposed use can be serviced with an appropriate water supply and means of sewage disposal; and,
- h) Where a lot boundary of a proposed use abuts or is in proximity to a lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features may be required to ensure that there is adequate acoustical barrier and screening between the uses.

As part of the review of an application in accordance with this Section, the Region will be circulated and requested to provide comments on and/or confirmation of items (f) and (g).

B2.4.5 Conversion of Lands in the Rural Industrial Designation to Other Uses

Lands located within the *Rural Industrial* designation shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the City and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The City will meet the employment forecasts articulated in the settlement area strategy outlined at the beginning of this plan;

- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this plan;
- d) There is existing or planned infrastructure to accommodate the proposed use;
- e) The lands are not required over the long term for employment purposes for which they are designated;
- f) Cross-jurisdictional issues have been considered; and,
- g) The conversion will result in or support the remediation of a brownfield site.

B2.4.6 Lot Creation

The creation of one new lot from an existing lot within the *Rural Industrial* designation may be permitted where the intent is to establish a new industrial use subject to the following policies:

- a) The severed and retained lots have lot frontages of at least 46 metres and lot areas of at least 1.0 hectare;
- b) The retained lot is currently occupied by an existing industrial use;
- c) The severed and retained lot can be serviced with a private well and septic system in accordance with Regional Health requirements and/or Part 8 of the Building Code Act;
- d) New industrial uses will be subject to site plan control;
- e) The severed and retained lot(s) lot will be compatible with existing adjacent land uses; and,
- f) Where the proposed lot abuts or forms part of a natural heritage feature identified by this Plan, the applicable natural heritage policies applicable to the feature shall be addressed prior to any approval.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B2.4.7 Intensification

The City encourages intensification and/or the redevelopment of under-utilized lands located within the *Rural Industrial* designation for new employment uses through building expansion, conversion or reuse of existing buildings and infilling.

B2.4.8 Implementing Zoning By-law

All lands within the Rural Industrial designation shall be placed in appropriate Industrial Zones in the Implementing Zoning By-law.

B2.5 PORT ROBINSON EAST SPECIAL POLICY

B2.5.1 Purpose

The purpose of the *Port Robinson East Special Policy* designation is to recognize Port Robinson East as a historic and stable rural community, which is not a focus area for future growth in the City. All lands subject to the *Port Robinson East Special Policy* designation are shown on Schedule A-4 to this Official Plan.

B2.5.2 Permitted Uses

Permitted uses in the *Port Robinson East Special Policy* designation include:

- a) Residential uses;
- b) Commercial uses that serve the needs of the community and the surrounding rural area;
- c) Service commercial uses;
- d) Small scale institutional uses;
- e) Accommodation facilities such as inns and bed and breakfast establishments;
- f) Public uses and parks; and,
- g) Home occupations.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

B2.5.3 Development Policies

B2.5.3.1 Preferred Means of Lot Creation

Future development in Port Robinson East will be limited to infilling of lots that will support land use that respects the existing character and built form of Port Robinson. New lots within the *Port Robinson East Special Policy* designation shall abut an assumed public road and should maintain a minimum lot area and frontage that is comparable to adjacent residential lots.

B2.5.3.2 Preferred Means of Servicing

All development in the *Port Robinson East Special Policy* designation shall be serviced by municipal water and sanitary services.

B2.5.3.3 New Non-Residential Uses

New non-residential uses may be permitted in the *Port Robinson East Special Policy* designation subject to an amendment to the implementing Zoning By-law. Such uses shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit any of the uses listed in Section B2.5.2 (Permitted Uses), Council shall be satisfied that:

- a) The proposed use is compatible with the character of the community and specifically adjacent uses;
- b) The use has frontage and safe ingress and egress onto a public road that is compliant with City or Region specifications;
- c) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- d) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- e) Adequate parking and loading facilities and landscaping can be provided on the site;
- f) Where the proposed use is industrial in nature the City will have regard for the Ministry of the Environment and Climate Change's D-6 Series Guidelines for Separation, and,
- g) Where the lot boundary of a proposed use abuts or is in proximity to the lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses.

B2.5.4 Implementing Zoning By-law

All lands that are used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law. Lands that are used for non-residential uses shall be placed in appropriate zones that recognize the use.

B2.5.5 Exceptions

B2.5.5.1 Biggar Road, Part of Lot 17, Concession 1, Part 10

Lands located in Part of Lot 17, Concession 1, legally described as Part 10, RP 59R-10204, may be utilized for one single detached dwelling subject to the following:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) Completion of a scoped EIS assessing impacts on the significant woodlot;
- b) Completion of a Record of Site Condition in accordance with the Environmental Protection Act; and,
- c) Completion of a noise/vibration study.

The above-mentioned studies shall be submitted as part of a complete application.

B2.6 AGGREGATE EXTRACTION AREA

B2.6.1 Purpose

The purpose of the *Aggregate Extraction Area* designation is to establish a land use designation for aggregate extraction in consideration of the following goals:

- a) Support the province's goal of protecting mineral aggregate resource supplies for the long term;
- b) protect and manage the City's mineral aggregate resources;
- c) provide for the rehabilitation of mineral aggregate operations;
- d) ensure lands use compatibility issues can be addressed;
- e) minimize the impact of mineral aggregate related traffic on the community;
- f) provide policies intended to direct applicant's and facilitate fair evaluation; and,
- g) facilitate orderly extraction.

B2.6.2 Permitted Uses

The primary use of land within the Aggregate Extraction Area designation will be mineral aggregate operations which may include refining, processing, and blending raw aggregate materials and may also utilize recycled aggregate material in conjunction with processing activities in order to produce semi-finished or finished goods. Rehabilitation of mineral aggregate operations as required under the *Aggregate Resources Act*, or successor thereto will be in accordance with the rehabilitation policies of this Plan, as applicable. Existing uses and uses in accordance with the land use designation for the lands that are identified as Mineral Aggregate Resource Area are permitted.

B2.6.3 Development Policies

B2.6.3.1 Location

There are currently no lands in the City of Thorold that have been designated Aggregate Extraction Area. Furthermore, there is no Regional or Provincial resource or data that confirms the location of primary or secondary mineral aggregate resources in the City. Any proposal to designate lands within the Aggregate Extraction Area designation or to identify resource information shall be require an amendment to this Plan. The policies contained in this section of the Plan are intended to provide guidance with respect to the information that is necessary to apply for an amendment to designate lands Aggregate Extraction Area.

B2.6.3.2 Land Use Compatibility

Mineral aggregate 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 mineral aggregate operations shall

be permitted to continue without the need for an Official Plan Amendment, Zoning By-law Amendment, or Development Permit under the *Planning Act*. Where *Planning Act* approvals are required for development within 300 metres of a mineral aggregate operation, the City shall require a Mineral Aggregate Resource Study to demonstrate land use compatibility, including appropriate setbacks and buffer distances.

B2.6.3.3 Applications for Planning Act Approvals to Permit New Operations

The establishment of a new or an expansion to an existing mineral aggregate operation shall require an amendment to this Plan and to the Regional Official Plan. An application to amend the Official Plan shall require the submission of the following supporting material, subject to pre-consultation discussions in accordance with Section E3.1 of this Plan which may clarify scope or refine the required supporting material:

- a) A completed application for a Regional Official Plan Amendment, in accordance with the Region's Policy Plan Amendment Fee Schedule (as amended from time to time), and all necessary supporting documents, reports as required;
- b) A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
- c) An application to amend the City's Zoning By-law and all the necessary supporting documents and reports;
- d) The provision of a detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereto; as listed in B2.6.3.3 (e) (xi); and,
- e) The applicant will pre-consult with the City of Thorold, Region of Niagara, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, and Ministry of Natural Resources and Forestry, as well as any others specified by the City of Thorold, to establish the supporting documents and reports. Through pre-consultation with the City of Thorold, Region of Niagara, Niagara Peninsula Conservation Authority, the required supporting material may be scoped or refined. Such documents and reports shall be completed by a qualified individual based on clear, reasonable and attainable standard and guidelines, and will be consistent with the reporting standards under the Aggregate Resources Act where appropriate. This may include, but may be not be limited to the following:
 - i) Planning Justification Report addressing and summarizing conformity matters required under the City's Official Plan, the Region of Niagara Policy Plan, and Provincial policy;
 - ii) Traffic and Haul Route Impact Study demonstrating that any additional traffic and/or road improvements will not have unacceptable impacts on the safe, efficient use and planned function of the road network or adjacent land uses, cultural landscapes, or environmentally sensitive features;
 - iii) The Planning Justification will include consideration of social impacts based on predictable, measurable, significant, objective effects on people

caused by factors such as, without limitation, noise, dust, traffic levels and vibration. The assessment will be informed by other studies as required under this Plan and be based on Provincial standards, regulations and guidelines. The assessment will consider and identify methods of addressing the anticipated impacts in the area affected by the extractive operation.

- iv) Heritage Impact Assessment in accordance with Section D3;
- v) Water Resources Study which will include surface water impacts, ground water impacts, surface/ground water interaction impacts, and impacts on adjoining private wells;
- vi) Noise and Vibration Study;
- vii) Assessment of potential impacts to air quality and recommended measures to minimize such impacts;
- viii) Public Consultation Strategy;
- ix) Comprehensive summary of monitoring requirements recommended in any of the above-mentioned studies addressing purpose, timing, frequency, responsible party or agency and reporting requirements;
- x) Agricultural Impact Assessment demonstrating that impacts associated with the aggregate extraction operation on surrounding agricultural operations and lands have been assessed, minimized, and will be mitigated to the extent feasible;
- xi) Detailed Site Development Plan(s) including a Progressive Rehabilitation Plan prepared to Aggregate Resources Act standards, which will include:
 - The location, topography, contours, dimensions and acreage of the property proposed for an mineral aggregate operation, as well as the extent of adjacent property which may be intended for future mineral aggregate operations;
 - The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for mineral aggregate operation;
 - The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
 - The location, quality and estimated quantity of mineral aggregate resources;
 - Existing and anticipated final grades of excavation and excavation setbacks within the site;

- Surface water diversion, storage and drainage provisions;
- All entrances, exits and proposed routes to be used by associated transport;
- Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the land after the extractive operations have ceased; and,
- Other information as determined through pre-consultation discussions.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

B2.6.3.4 Criteria for Approval

In considering an application for an amendment pursuant to the foregoing Policy B2.6.3.3, the following will be evaluated based on submitted studies:

- a) Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
- b) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
- c) Potential impacts on the quality and quantity of surface and ground water systems;
- d) Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;
- e) Potential impacts on the transportation system which will require trucks routes and points of site access to be established;
- f) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
- g) If applicable, the capability of the land for agricultural uses;
- h) Proposed progressive rehabilitation plan; and
- i) Other matters as the City deems necessary.

B2.6.3.5 Applications in the Agricultural Designation

New or expanding aggregate operations located in the Agricultural designation as an interim use shall only be permitted provided the site will be progressively rehabilitated to

an agricultural condition so that substantially the same area and average soil capability for agriculture is restored. Complete agricultural rehabilitation shall not be required if:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 lands, resources on lands identified as Greenfield Area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1,2 and 3 lands; and,
- c) Agricultural rehabilitation in remaining areas will be maximized.

B2.6.3.6 Progressive Rehabilitation

Outside prime agricultural areas or where agricultural rehabilitation is not required, the City will require progressive rehabilitation of pits and quarries to an appropriate after use that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses. The City will require the completion of a Progressive Rehabilitation Plan which will determine how the rehabilitation will be completed sequentially, within a reasonable time and in accordance with the Aggregate Resources Act, and any other regulations or applicable plans.

In natural heritage features, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Official Plan, and the appropriate watershed/sub-watershed study.

Where such resources exist, the City will promote and encourage rehabilitation of mineral aggregate operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of significant cultural or heritage features where practical.

B2.6.3.7 Mineral Aggregate Resource Conservation

Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

Within Niagara Escarpment Plan Areas, recycling and reprocessing uses are permitted as incidental and subordinate uses to mineral aggregate operations, but shall be discontinued following the completion of on-site extraction activities in accordance with O. Reg. 828/90, subsection 19.1.

B2.6.4 Aggregate Extraction in the Specialty Crop Designation

In addition to the policies contained in B2.6.3, the following policies apply to new or expanding aggregate operations in the *Specialty Crop* designation.

A new mineral aggregate operation or the expansion of an existing operation shall only be permitted in the *Specialty Crop* designation where the applicant demonstrates the following:

- a) **The physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and allow for the microclimate for which the site and the surrounding area may be dependent for specialty crop production to be maintained; or,**
- b) **If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and will not allow for the microclimate on which the site and the surrounding area may be dependent for specialty crop production to be maintained, the applicant shall consider alternative locations; and,**
- c) **Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial high-quality aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area will be maximized as a first priority to allow production of specialty crops.**

B2.6.4.1 Rehabilitation in the Specialty Crop Designation

Rehabilitation as identified in B2.6.4 (a) to (c) is required to support the production of specialty crops, as appropriate. The following policies respecting rehabilitation of mineral aggregate operation sites in the *Specialty Crop* designation shall also apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
- b) If there are lands within the *Environmental Protection Three* designation on the site, or if such features existed on the site at the time of application:
 - i) The health, diversity and size of these key natural heritage features and key hydrologic features will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and,
 - ii) Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of this policy; and,
- d) Final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.

B2.6.4.2 New Mineral Aggregate Operations or Expansions to Existing Operations on Lands in the Greenbelt Natural Heritage Overlay

Where a new mineral aggregate operation or an expansion to an existing operation is proposed in lands within the *Greenbelt Natural Heritage Overlay*, the policies in Section B3.5 applicable to aggregate operations will apply.

B2.6.5 Implementing Zoning By-law

The Implementing Zoning By-law shall place all licensed aggregate operations in a zone that permits quarries and sand and gravel extraction operations. The Implementing Zoning By-law may contain setbacks for extraction operations from adjoining properties designated for residential use by this Plan, municipal rights-of-way and property boundaries.

Wayside pits and quarries and portable asphalt and concrete plants used for public authority contracts shall be permitted in all land use designations without the need for *Planning Act* approvals except in those areas of existing development or in environmental areas. The City shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

B2.7 RURAL HIGHWAY COMMERCIAL

B2.7.1 Purpose

The purpose of the *Rural Highway Commercial* designation is to recognize existing commercial lands primarily located along Regional Road 20 and provide policy to ensure future expansion and redevelopment of this area is orderly and safe. It is the intent of this Plan that development within the *Highway Commercial* designation be comprehensively planned to ensure that servicing and access can be adequately addressed. In this regard the establishment of new uses within the *Rural Highway Commercial* designation shall be planned in conjunction with other existing and proposed uses to minimize direct access onto Highway 20.

B2.7.2 Permitted Uses

Uses that cannot be adequately located within the urban areas due to size and/or land use compatibility are permitted on lands designated *Rural Highway Commercial* include:

- a) Vehicle service and sales, including recreational vehicles and boats;
- b) Equipment sales and services;
- c) Contractor's shops;
- d) Building material sales and services;
- e) Rental shops;
- f) Warehousing and cold storage;
- g) Wineries;
- h) Wholesale establishments;
- i) Fuel sales and convenience stores;
- j) Public and private recreational uses;
- k) Personal warehousing and storage;
- l) Restaurants including drive-throughs;
- m) Places of amusement and recreation;
- n) Farm markets;
- o) Veterinary clinics;
- p) Garden centres;
- q) Antiques shops, shows and sales;

- r) Auction sales and liquidation; and,
- s) Financial Institutions.

B2.7.3 Development and Design Policies

New uses may be subject to an amendment to the Implementing Zoning By-law and will be subject to Site Plan Control. Any redevelopment of existing uses which would involve an expansion to the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) A private water and septic system capable of complying with Niagara Region Public Works requirements can be provided on-site;
- b) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
- c) Outdoor storage areas are substantially screened from view from passing traffic;
- d) All options respecting shared access from the road are reviewed and implemented , if feasible;
- e) Parking and loading areas are suitable for the use and are oriented to the rear or side of the lot so the primary building can be brought closer to the road;
- f) Where a proposed use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses; and,
- g) Natural heritage impacts have been assessed and addressed in the manner required in Sections B and C of the Plan.

B2.7.4 Market Impact Study

A Market Impact Study shall be required for any rural highway commercial developments/redevelopments and expansions exceeding 186 m² in total floor area. The Market Impact Study shall identify the primary trade area and address such items as:

- a) The need for the proposed use;
- b) The location, size and scale of the proposed development;
- c) The potential market impacts on existing and planned commercial areas;
- d) The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use;
- e) Compatibility;

- f) Negative effects on natural features; and,
- g) The adequacy of the private water and wastewater services.

Where the trade area for a market study extends beyond the boundary of the municipality, the City shall consult with the Region of Niagara and all affected municipalities. All market impact studies will be evaluated by the City on the basis of a peer review to be undertaken at the applicant's expense.

B2.7.5 Implementing Zoning By-law

All lands within the *Rural Highway Commercial* designation shall be placed in an appropriate Commercial Zone in the Implementing Zoning By-law.

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

B3 NATURAL HERITAGE DESIGNATIONS

The Environmental Protection designations contained in this Plan are intended to comprise and reflect the natural heritage system in the City. The following designations address the natural heritage policies of the Provincial Policy Statement, Niagara Escarpment Plan, Greenbelt Plan and the Regional Official Plan:

- a) Niagara Escarpment Plan – refer to Section B3.1;
- b) Environmental Protection One (Regional Environmental Protection Area) – refer to Section B3.2 for the applicable policies for this designation;
- c) Environmental Protection Two (Regional Environmental Conservation Area – refer to Section B3.3 for the applicable policies of this designation; and,
- d) Environmental Protection Three (Greenbelt Plan Key Natural Heritage and Key Hydrological Features) – refer to Section B3.4 for the policies applicable to this designation.

B3.1 NIAGARA ESCARPMENT PLAN AREA

The Niagara Escarpment is a prominent and environmentally significant landform in the City of Thorold and covers approximately 20% of the City's total land mass.

According to the Niagara Escarpment Plan, "*[the Niagara Escarpment] is the source of some of southern Ontario's prime rivers and streams and one of the province's principal outdoor recreation areas.*" On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man and Biosphere (MAB) program approved the designation of the Niagara Escarpment as a Biosphere Reserve.

It is the intent of this Plan to align with the policies of the Niagara Escarpment Plan (NEP). In the event of any conflict between the NEP and this Plan, the policies and intent of the NEP shall prevail. On this basis, this section of the Plan identifies the following designations that apply to the Niagara Escarpment in the City:

- *Escarpment Natural Area;*
- *Escarpment Protection Area;*
- *Escarpment Rural Area;and,*
- *Mineral Resource Extraction Area.*

The NEP shall be consulted to determine the exact location of each designation and to determine the policies applicable to these designations. The policies of Section B2.2.4 shall form the basis of municipal comments and planning opinion. .

B3.2 ENVIRONMENTAL PROTECTION ONE

B3.2.1 Purpose

The purpose of the *Environmental Protection One* designation is to protect and enhance the ecological integrity of natural heritage features identified as “Core Natural Heritage Area – Environmental Protection Areas (EPA)” by the Regional Official Plan.

B3.2.2 Components of the Environmental Protection One Designation

The *Environmental Protection One* designation contains natural heritage features and functions of special importance to the character of the City and the Region of Niagara. These areas are significant because of their size, location, outstanding quality, or ecological functions. They contribute to the health of the broader landscape and may contain features of local, provincial or even national significance.

The *Environmental Protection One* designation is intended to identify significant natural heritage features outside of the Greenbelt Plan including Provincially Significant Wetlands (PSW). The *Environmental Protection One* designation also includes Provincially Significant Life Science Areas of Natural and Scientific Interest (ANSI) and the habitat of endangered species and threatened species inside and outside of the Greenbelt Plan, but not within the Natural Heritage System of the Greenbelt Plan.

The status and boundaries of the features identified in this Policy may change as new information becomes available and consultation with the Province prior to development is recommended. Additional significant natural areas may be identified through comprehensive planning or a development application process. Those new features shall be evaluated for significance and appropriate policies applied, accordingly.

Lands designated *Environmental Protection One* are shown on the A-series schedules to this Plan. The individual components of the *Environmental Protection One* designation are shown on Schedule B to this Plan. The source of the natural feature data originated from the Ministry of Natural Resources and Forestry through Land Information Ontario (LIO).

Mapping of the habitat of endangered species and threatened species is not specifically identified on the Schedules to this Plan. Habitat of endangered species and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies of this Section of the Plan.

B3.2.3 Permitted Uses

Permitted uses on lands designated *Environmental Protection One* are limited to the following:

- a) Forest, fish and wildlife management uses,
- b) Conservation, flood control projects and agricultural drains where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; and,

- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features, and,
- d) Mineral aggregate operations may be permitted within a Provincially Significant Life Science ANSI subject to demonstrating no negative impact to the feature or its ecological functions and also subject to Section B2.6 of this Plan.

B3.2.4 Policies Applicable to the Environmental Protection One Designation

B3.2.4.1 General Conditions for Development and Site Alteration

Given the sensitive nature of features within the *Environmental Protection One* designation, applications for new development and site alteration in this designation are anticipated to be very limited. However, where development of uses listed in Section B3.2.3 is proposed, the proponent shall prepare an Environmental Impact Study (EIS) in accordance with Section C6 of this plan, which will be subject to the review and approval of the appropriate approval authority. Nothing in this Section is intended to limit the ability of agricultural uses to continue on lands that are designated *Environmental Protection One*.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection One* designation, efforts should be made to identify and create, maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, and/or *Environmental Protection Three*.

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

B3.2.4.2 Earth Science Areas of Natural and Scientific Interest (ANSI)

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI. Where an amendment to the City's planning documents, or a major 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.

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.

B3.2.4.3 Existing Uses in the Environmental Protection One Designation

Existing, legal uses located within the *Environmental Protection One* designation shall be recognized as legal non-conforming uses in this Plan or as exceptions in the City's Comprehensive Zoning By-law, however, such uses may not be physically expanded or enlarged.

B3.2.4.4 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres (393.7 feet) from the boundary of a Provincially Significant Wetland (PSW);
- 50 metres (164 feet) from the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI); and,
- 50 metres (164 feet) from the habitat of endangered species and threatened species.

No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that, there will be no negative impact on the feature or its ecological functions. The EIS shall be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan. In conjunction with the pre-consultation and/or review of a proposal for development or site alteration within the *Environmental Protection One* designation the NPCA shall confirm if a permit under O. Reg. 155/06 is required.

B3.2.4.5 Lot Creation

Where lot creation is proposed in a parcel comprised of lands designated *Environmental Protection One*, the severed lot(s) shall not be comprised of any land in the *Environmental Protection One* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned or identified through a Site Plan Agreement to protect ecological functions and natural features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempted from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands of a feature in the *Environmental Protection One* designation, the requirement for an EIS may be waived if Council and the Region in consultation with the NPCA and in accordance with the Region's EIS Guidelines are satisfied that standard mitigation measures can avoid negative impacts on the key natural heritage features and key hydrologic functions.

B3.2.4.6 Infrastructure

New or expanding infrastructure is not permitted in the *Environmental Protection One* designation with the exception of linear infrastructure constructed by a public authority or agency through an Environmental Assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the feature or its related functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these elements may be established within the *Environmental Protection One* designation as per the *Ontario Drainage Act* R.S.O. 1990, Chapter D 17, and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

B3.2.4.7 Other Areas Identified Through a Planning Process

There may be areas in the City where a planning approval process identifies a currently non-designated natural heritage feature that meets the criteria of the Environmental Protection One designation that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be incorporated within the Official Plan through the Secondary Plan process or by separate Official Plan Amendment, and shall be subject to the policies of this Plan. The City may request an EIS or site screening at the time of a development application to determine if there are any natural heritage features or hazards that may not be reflected in the municipality's schedule mapping.

Minor refinements to the extent of the Environmental Protection One designation shall not require an Amendment to this Plan, provided such refinements are undertaken in consultation with the Ministry of Natural Resources and Forestry (MNRF), where such refinements affect Provincially Significant Wetlands, Provincially Significant Life Science ANSI's or the habitat of endangered species and threatened species.

B3.2.4.8 Use of Lands in Private Ownership

Where any land within the *Environmental Protection One* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.2.4.9 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support and/or facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection One* designation will be purchased by the City or any other public agency.

The use of conservation easements held by public agencies or not-for-profit corporations will be considered by the City to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection One* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.2.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection One* designation were derived from mapping provided by the Region of Niagara and are shown on Schedule A to this Plan. Lands within the *Environmental Protection One* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection One* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

Some of the policies in this Section that apply to adjacent lands are discretionary and in most cases the ability to alter or development land is dependent upon the completion of an EIS. Where this is the case, adjacent lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with future development subject to the fulfilment of specified technical requirements, which may include the issuance of a permit under O. Reg. 155/06 from the NPCA. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by a By-law prepared in accordance with the policies of this Plan.

B3.3 ENVIRONMENTAL PROTECTION TWO

B3.3.1 Purpose

The purpose of the *Environmental Protection Two* designation is to recognize and maintain other natural heritage features not included in the *Environmental Protection One* designation. Features within the *Environmental Protection Two* designation represent Environmental Conservation Areas under the Core Natural Heritage Areas of the Regional Official Plan.

B3.3.2 Components of the Environmental Protection Two Designation

The following is a listing of those natural heritage features that comprise the *Environmental Protection Two* designation:

- a) Locally significant wetlands located outside of the Greenbelt Plan;
- b) Significant habitat of special concern species;
- c) Significant woodlands;
- d) Significant valley lands;
- e) Regionally significant Life Science Areas of Natural and Scientific Interest (ANSI);
- f) Savannahs and tall grass prairies;
- g) Alvars;
- h) Significant wildlife habitat; and,
- i) Publicly owned conservation lands.

B3.3.3 Permitted Uses

B3.3.3.1 Principal Land Uses

The principal uses of land in the *Environmental Protection Two* designation shall be:

- a) Forest, fish and wildlife management uses;
- b) Conservation and flood control projects where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; and,
- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or the natural heritage features or on the ecological functions of such features.

Nothing in this Section is intended to limit the ability of agricultural uses to continue on lands that are designated *Environmental Protection Two*.

B3.3.3.2 Additional Uses

The following additional uses may be permitted in the *Environmental Protection Two* designation in accordance with the provisions of Section B3.3.4. These uses include:

- i) Accessory residential uses on farm properties;
- ii) Agriculture-related uses;

- iii) Agricultural uses;
- iv) On-farm diversified uses
- v) Bed and breakfast establishments;
- vi) Home occupations;
- vii) Single detached dwellings on an existing lot of record; and,
- viii) Development and land use similar to and compatible with existing adjacent or proposed land use in accordance with Section B3.3.4.1.

B3.3.4 Policies Applicable to the Environmental Protection Two Designation

B3.3.4.1 General Conditions for New Development

New development and site alteration may be permitted in the *Environmental Protection Two* designation provided it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impact to the natural heritage feature or its ecological functions. An Environmental Impact Study submitted in accordance with this section of the Plan shall be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. Where a proposal addresses the requirement of no negative impact, the adjacent official plan designation will apply and a Zoning By-law Amendment will be required to identify those lands where site alteration and development will be permitted.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection Two* designation, efforts should be made, to maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, or *Environmental Protection Three*.

In addition, where development or site alteration is proposed, a Tree Preservation Plan shall be required to provide recommendations with respect to the protection or enhancement of existing trees. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and implementation of the plan should be authorized and monitored by a member of the Ontario Professional Forestry Association.

B3.3.4.2 Earth Science Areas of Natural and Scientific Interest (ANSI)

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI. Where an amendment to the City's planning documents, or a major 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.

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.

B3.3.4.3 Existing Uses in the Environmental Protection Two Designation

An expansion to an existing use located within an Environmental Protection Two Designation may be permitted if it will have no negative impact on the natural heritage feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Study in accordance with Section C6 of this Plan.

B3.3.4.4 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within 50 metres of land designated *Environmental Protection Two*.

Development and site alteration may be permitted without an Official Plan Amendment on adjacent lands, subject to the completion of an Environmental Impact Study (EIS). The EIS will be required to demonstrate that there will be no negative impact on the natural heritage feature or its ecological function. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan.

B3.3.4.5 Existing Lots

A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part on lands designated *Environmental Protection Two* if they are sited, designed, and constructed to minimize negative impacts on the natural features and ecological functions of the subject lands and provided such site alteration or development has addressed NPCA regulations to allow the issuance of a permit under O. Reg. 155/06.

B3.3.4.6 Lot Creation

Where lot creation is proposed in the *Environmental Protection Two* designation, the new lot(s) shall not be comprised of any land in the *Environmental Protection Two* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned to protect ecological functions and natural heritage features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempt from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands to lands designated *Environmental Protection Two*, the requirement for an EIS may be waived if Council and the Region in consultation with the NPCA are satisfied that standard mitigation measures can avoid negative impacts on the natural heritage feature and its ecological functions.

In conjunction with the pre-consultation and processing of any application, the City will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

B3.3.4.7 Infrastructure

New or expanding infrastructure is not permitted in the *Environmental Protection Two* designation with the exception of linear infrastructure constructed by a public authority or agency through an Environmental Assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the natural heritage feature or its related ecological functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these installations may be established within the *Environmental Protection Two* designation as per the Ontario Drainage Act R.S.O. 1990 Chapter D.17 and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

B3.3.4.8 Mineral Aggregate Operations

Where a mineral aggregate operation is proposed in lands located within the *Environmental Protection Two* designation, an Official Plan Amendment and Zoning By-law Amendment shall be required and shall be supported by an EIS prepared in accordance with Section C6. In addition to the requirements of Section C6, the EIS shall also specifically consider:

- a) Whether connectivity among natural heritage and hydrological features will be maintained or enhanced, before, during and after mineral aggregate extraction;
- b) Whether hydrologic features and functions will be maintained or enhanced, before, during and after mineral aggregate extraction; and,
- c) How *Environmental Protection Two* features and their ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in the particular setting or ecodistrict of the feature or features to be impacted.

B3.3.4.9 Other Areas Identified Through a Planning Process

There may be areas in the City where a detailed planning approval process identifies a non-designated natural heritage feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be added to the Official Plan by amendment or in conjunction with the planning process that realized the feature.

B3.3.4.10 Use of Lands in Private Ownership

Where any land within the *Environmental Protection Two* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.3.4.11 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would facilitate/support the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Two* designation will be purchased by the City or any other public agency.

The use of conservation easements by public agencies or not-for-profit corporations will be considered by the City to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Two* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.3.4.12 Significant Woodlands

It is noted that while the *Environmental Protection Two* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Two* designation. When a field assessment of these features has been completed to the satisfaction of the City, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Two* designation through an Official Plan Review or by a special amendment. In the interim, when development or site alteration is proposed within 120 metres of a Wooded Area identified on Schedule B, an assessment may be required to determine if the feature is significant in accordance with Regional policy. This assessment will be completed to the satisfaction of the City, Region and NPCA.

B3.3.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection Two* designation were derived from mapping provided by the Region of Niagara and shown on Schedule A to this Plan. Lands within the *Environmental Protection Two* designation will be placed in appropriate environmental zones in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection Two* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an EIS. Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.4 ENVIRONMENTAL PROTECTION THREE

B3.4.1 Purpose

The purpose of the *Environmental Protection Three* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies to key natural heritage features located in the Greenbelt Natural Heritage System and key hydrologic features anywhere within the Protected Countryside.

B3.4.2 Components of the Environmental Protection Three Designation

B3.4.2.1 Key Natural Heritage Features in the Natural Heritage System

- Habitat of endangered species and threatened species, and special concern species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat;
- Sand barrens, savannahs and tallgrass prairies; and,
- Alvars.

B3.4.2.2 Key Hydrologic Features Located Anywhere within the Protected Countryside of the Greenbelt Plan

- Permanent and intermittent streams;
- Lakes and their littoral zones;
- Seepage areas and springs; and,
- Wetlands.

B3.4.2.3 Location of Key Natural Heritage and Key Hydrologic Features

Schedule B identifies a wide range of key natural heritage and key hydrologic features. This mapping represents the most current information that was available at the time this Official Plan was prepared.

It is anticipated that there are features listed in Section B3.4.2.1 and B3.4.2.2 that have not been identified on Schedule B to this Plan. This being the case, it will be a priority at the time of an Official Plan Review to specifically review environmental feature data prepared by the Region, the NPCA or any Provincial Ministry to ensure the information contained in this Plan is up-to-date.

It is also noted that while the *Environmental Protection Three* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Three* designation. When a field assessment of these features has been completed to the satisfaction of the City, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Three* designation through an Official Plan Review or by a special amendment.

When development or site alteration is proposed within 120 metres of a Wooded Area identified on Schedule B within the Greenbelt Natural Heritage Overlay, an assessment will be required to determine if the feature is significant in accordance with the Greenbelt Plan. This assessment will be completed to the satisfaction of the City, Region and NPCA.

In addition, the City will require a proponent of a development application to assess or confirm the boundaries of key hydrologic features on-site or within 120 metres of the proponent’s lot in cases where Schedule B identifies a hydrological feature or where such a feature has been confirmed by a field assessment. Should a key hydrologic feature be confirmed, the policies of this Section with respect to impact assessment shall apply.

B3.4.3 Permitted Uses

B3.4.3.1 Principal Land Uses

The principal uses of land in the *Environmental Protection Three* designation shall be:

- a) **Forest, fish and wildlife management;**
 - b) **Conservation and flood control or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;**
 - c) **Linear infrastructure subject to the policies of this Plan;**
 - d) **Mineral aggregate operations and wayside pits and quarries proposed in the *Environmental Protection Three* designation may be provided such uses are consistent with the policies of the Provincial Policy Statement except as provided by the *Specialty Crop* rehabilitation policies and the *Greenbelt Natural Heritage Overlay* policies; and,**
 - e) **Small scale passive recreational uses, subject to the policies of this Plan.**
- Nothing in this section is intended to limit the ability of existing agricultural uses to continue on lands that are designated *Environmental Protection Three*.

B3.4.4 General Policies

B3.4.4.1 Policies for New Development

In accordance with the policies of the Greenbelt Plan (2005), new development and/or site alteration is not anticipated within the *Environmental Protection Three* designation as this designation is intended to represent the most significant concentration of sensitive environmental land in the Greenbelt. In accordance with the Greenbelt Plan and Regional Official Plan, no new development or site alteration shall be permitted within lands designated *Environmental Protection Three*, including any associated vegetation protection zone, with the exception of uses specified in Section B3.4.3.

Any proposal for development or site alteration on lands within 120 metres of any feature located within the *Environmental Protection Three* designation shall prepare an Environmental Impact Study (EIS), the primary purpose of which is to identify a self-sustaining vegetation protection zone. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan.

The vegetation protection zone shall be determined in conjunction with a planning approval, however in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum width of the vegetation protection zone shall be 30 metres.

Any vegetation protection zone developed in accordance with this Section should be sufficient to protect features as identified in the *Environmental Protection Three* designation and the related function(s) of the feature during and subsequent to site alteration or development. Vegetation protection zones shall also be designed to exist over the long term in a natural self-sustaining manner. Vegetation protection zones may also be zoned or recognized in Site Plan Agreements or Development Permits to protect their natural features and ecological functions.

New agricultural buildings and structures, agriculture-related buildings and structures or on-farm diversified uses are permitted in the adjacent lands to a feature in the *Environmental Protection Three* designation provided such buildings or structures maintain a minimum 30 metre vegetation protection zone. However, if the lands are used for agricultural purposes at the time of construction, such development may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrological features and functions.

B3.4.4.2 Use of Vacant Lots for Residential Use

Where a vacant lot exists in the *Environmental Protection Three* designation, such lot may be used for a single residential dwelling provided the lot was zoned to permit a single residential dwelling use on December 16, 2004, the date the *Greenbelt Plan (2005)* came into effect and a permit has been issued by the NPCA in accordance with Ontario Regulation 155/06 or its predecessor if a permit is required.

B3.4.4.3 Expansion of Buildings or Structures

The expansion of agricultural buildings or structures and residential dwellings may be permitted on lands in the *Environmental Protection Three* designation provided the existing buildings or the proposed expansion does not occur in a Provincially Significant Wetland (PSW) or Life Science ANSI, or the habitat of endangered

species and threatened species. Where such development is proposed, the proponent shall demonstrate through an application for a zoning by-law amendment, that there is no reasonable alternative, that negative impacts on the natural feature and ecological functions have been minimized, and that the expansion is directed away from the feature as much as possible.

Any application to expand an existing building shall be subject to an application to the Committee of Adjustment to expand a legal non-conforming use or a Development Permit. In conjunction with the pre-consultation and processing of any application, the City will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

B3.4.4.4 Other Areas Identified Through a Planning Process

There may be areas in the City where a detailed planning approval process may identify a key natural heritage feature or key hydrological feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be added to the Official Plan by amendment.

B3.4.4.5 Use of Lands in Private Ownership

Where any land within the *Environmental Protection Three* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.4.4.6 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Three* designation will be purchased by the City or any other public agency.

The use of conservation easements by public agencies and not-for-profit corporations will be considered by the City to implement the policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Three* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.4.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection Three* designation were derived from mapping provided by the Region of Niagara and the Province of Ontario through the Greenbelt Plan (2005). Lands within the *Environmental Protection Three* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection Three* designation in

relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.5 GREENBELT NATURAL HERITAGE OVERLAY

B3.5.1 Purpose

The purpose of the *Greenbelt Natural Heritage Overlay* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies in the City of Thorold.

B3.5.2 Location

The *Greenbelt Natural Heritage Overlay* designation applies to all lands designated as *Natural Heritage System* on Schedule ‘4’ of the *Greenbelt Plan (2005)*, and on Schedule ‘A’ to this Official Plan with the exception of key natural heritage features and key hydrologic features, which have been placed in the *Environmental Protection Three* designation.

B3.5.3 Permitted Uses

B3.5.3.1 Principal Land Uses

Permitted uses within the *Greenbelt Natural Heritage Overlay* shall be those of the underlying land use designation. The *Greenbelt Natural Heritage Overlay* designation intends to add moderate environmental policies to such lands in the interest of protecting linkages between key natural heritage features and hydrologic features.

Where the *Greenbelt Natural Heritage Overlay* designation applies, the provisions of the underlying designation shall also apply, unless there is a policy conflict between the two land use designations in which case the provisions of the more restrictive designation shall apply.

B3.5.4 General Policies

B3.5.4.1 Policies for New Development

Development and site alteration may occur within the *Greenbelt Natural Heritage Overlay* designation provided that an Environmental Impact Study (EIS) is prepared in accordance with Section C6 of this Plan. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. In addition to the requirements of Section C6, such an EIS will also demonstrate that:

- a) There will be no negative effects on key natural features or key hydrologic features or their functions within the *Greenbelt Natural Overlay*;
- b) Connectivity between key natural heritage features and key hydrologic features is maintained, or where possible, enhanced to allow the natural migration and movement of native plants and animals across the landscape. Furthermore, connectivity along the system and between key natural heritage features or key hydrologic features located within 240 metres of each other shall be maintained or enhanced;
- c) The removal of other natural features not identified in Section B3.4.2 should be avoided and such features should be incorporated into the planning and design of the proposed development, where possible;

- d) Buildings or structures do not occupy more than 25% of the total developable area and are compatible with the surrounding natural environmental features;
- e) The disturbed area of any site does not exceed 25%, and the impervious surface does not exceed 10%, of the total developable area, except for recreational uses and mineral aggregate operations;
- f) Notwithstanding (e), the maximum disturbed area for golf courses shall not exceed 40% of the site; and,
- g) At least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, except for mineral aggregate operations.

Where major development is approved, a Tree Preservation Plan shall be required demonstrating the maintenance or enhancement of the remaining natural features on site. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and its implementation shall be monitored by a member of the Ontario Professional Forestry Association.

B3.5.4.2 New or Expanding Agricultural Uses

The policies of Section B3.5.4.1 shall not apply to new or expanding agricultural buildings and structures, agriculture-related buildings and structures or on-farm diversified uses but such development and site alteration is subject to Section B3.4.4.1.

B3.5.4.3 New Mineral Aggregate Operations

The establishment of new mineral aggregate operations, and wayside pits and quarries, together with any ancillary uses may be permitted within the *Greenbelt Natural Heritage Overlay* designation provided the operation is not proposed within:

- a) Provincially Significant Wetlands (PSW);
- b) Habitat of endangered species and threatened species; and,
- c) Significant woodlands, unless the woodland constitutes a young plantation or early successional habitat as defined by the Ministry of Natural Resources and Forestry.

Where the establishment of a new mineral aggregate operation, wayside pit and quarry, together with any ancillary or accessory use is proposed within the *Greenbelt Natural Heritage Overlay* designation, including within other key natural heritage features and key hydrological features not identified in a), b) or c) above, and any vegetation protection zone associated with such other feature as per the Greenbelt Plan, the following matters shall be addressed in conjunction with an application for Official Plan and Zoning By-law Amendment:

- i) The proponent shall prepare a Hydrogeological Assessment to demonstrate how the Water Resource System will be protected or enhanced;

- ii) The health, diversity and size of key natural heritage features and key hydrologic features on-site will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health;
- iii) Any permitted extraction of mineral aggregate that occurs in a key natural heritage feature or key hydrological feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;
- iv) Aquatic areas remaining after extraction are to be rehabilitated and shall be representative of the natural ecosystem with the particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of ii) and iii) above;
- v) Rehabilitation will be implemented so that the connectivity of key natural heritage features and key hydrologic features on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved;
- vi) The proponent shall demonstrate how connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates; and,
- vii) In the event habitat is lost from the site, the EIS shall establish how habitat will be immediately replaced on the site or on adjacent lands.

In the case of applications under the Aggregate Resources Act for a wayside pit or quarry, the above criteria vi) and viii) shall not apply.

B3.5.4.4 Expansion of Existing Mineral Aggregate Operations

The expansion of existing mineral aggregate operations may be permitted within the *Greenbelt Natural Heritage Overlay* including key natural heritage and key hydrologic features and any associated vegetation protection zones provided such expansion is consistent with the Provincial Policy Statement (2005) and the relevant policies of the Greenbelt Plan.

B3.5.4.5 Rehabilitation of Mineral Aggregate Operations

Subject to Section B2.6.3.5, the following additional policies concerning rehabilitation may apply to mineral aggregate operations in the *Greenbelt Natural Heritage Overlay* designation, except in areas where Specialty Crop is the underlying designation, section B2.6.4 applies:

- a) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict;
- b) Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and,

- c) Rehabilitation will be implemented so that the connectivity features within the *Environmental Protection Three* designation on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved.

B3.5.4.6 Use of Vacant Lots for Residential Use

Where a vacant lot exists in the *Greenbelt Natural Heritage Overlay* designation, such lot may be used for residential use provided the lot was zoned to permit residential use on the date the *Greenbelt Plan (2005)* came into effect and provided that site alteration and development occurs in accordance with the policies of this Section. Where such vacant lot is located in or adjacent to lands regulated by the NPCA, a permit under O. Reg. 155/06 may also be required prior to site alteration or development.

Where the policies of the underlying land use designation permit lot creation, the requirement for an Environmental Impact Study (EIS) may be waived if Council, the Region and the NPCA are satisfied that mitigation measures can be implemented to avoid or minimize negative impacts on key natural heritage features and functions or key hydrologic features and functions.

B3.5.4.7 Infrastructure

New or expanding public infrastructure should avoid the *Greenbelt Natural Heritage Overlay* designation where possible.

Where it has been established that there is no reasonable alternative, new or expanding infrastructure shall be permitted to cross or encroach into such areas. In such cases, planning, design, and construction practices shall minimize negative impacts and disturbance on the features and related functions and, where reasonable, maintain or improve connectivity among such features.

For infrastructure serving the agricultural sector, such works and installations may be established within fish habitat or key natural heritage or key hydrologic features provided all reasonable efforts are made to keep such infrastructure out of such features and provided an appropriate permit under O. Reg. 155/06 has been issued by the NPCA in cases where site alteration or development is proposed in or adjacent to lands regulated by Ontario Regulation 155/06.

B3.5.4.8 Use of Lands in Private Ownership

Where any land within the *Greenbelt Natural Heritage Overlay* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.5.4.9 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support/facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Greenbelt Natural Heritage Overlay* designation will be purchased by the City or any other public agency.

The use of conservation easements should be considered by the City to implement the policies of this Plan. Council shall consider every opportunity to obtain the dedication of lands within the *Greenbelt Natural Heritage Overlay* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.5.5 Zoning By-law Implementation

The boundaries of the *Greenbelt Natural Heritage Overlay* designation are delineated on Schedule A. Where boundaries illustrated on Schedule '4' of the Greenbelt Plan (2005) and Schedule A of this Plan do not coincide, every effort should be made to refine the boundaries with greater precision in the Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Greenbelt Natural Heritage Overlay* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.6 FLOODPLAIN

B3.6.1 Purpose

To identify lands regulated by the NPCA as being prone to flooding and to protect public safety by restricting land use and development within the floodplain.

B3.6.2 Permitted Uses

- a) Reconstruction or minor additions to existing structures in accordance with Section B3.6.4;
- b) Additions or extensions, including new structures, to existing primary agricultural operations which are not likely to incur significant flood damages, impede flows, reduce flood storage, or cause pollution to a watercourse, as a result of a flooding event;
- c) Open space uses, public and private recreational areas (including boat docks and marina facilities), excluding buildings;
- d) In-ground swimming pools provided:
 - i) Adequate hydrostatic pressure relief is incorporated into the design; and,
 - ii) Excavated material is removed from the site;
- e) Parking lots provided:
 - i) The flood depths under a regulatory flood event do not exceed 0.3 metres (1.0 foot) (based on the technical criteria developed through the “MNRF Natural Hazards Technical Guide, 2002”); and,
 - ii) The depth criteria, noted in item (i) above, is not achieved through the placement of fill material;
- f) Material and equipment storage provided that:
 - i) They are properly anchored to prevent flotation;
 - ii) They are not subject to major damage by flooding;
 - iii) They are not of a polluting nature; and,
 - iv) Flood flows or flood water storage are not impeded;
- g) Railroads, streets, bridges, public services, and pipelines for transmission and distribution of water, gas, oil and electricity, provided that the approved engineering designs recognize and, where necessary, address the flooding potential at the site;
- h) Uses, excluding structures, not likely to incur or create damage from floodwaters;

- i) Any development which by nature must locate within the floodway, including flood or erosion control works; and,
- j) Any area identified as a Special Policy Area by the Minister of Natural Resources and Forestry and Minister of Municipal Affairs and Housing in accordance with Section 3.1.4 (a) of the Provincial Policy Statement (2014).
- k) Notwithstanding the above uses, the following uses shall not be permitted to locate within the Floodplain identified on the schedules to this Plan:
 - i) **an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;**
 - ii) **an essential emergency service such as that provided by fire, police and ambulance stations as well as electrical substations; and,**
 - iii) **uses associated with the disposal, manufacture, treatment or storage of hazardous substances.**

B3.6.3 One Zone Approach

The NPCA implements a one zone approach to floodplain management. Under the one zone approach, the regulatory floodplain shall be defined as follows:

- a) Where 100 year flood information is available - the 100 year flood;
- b) Where Regional flood information is available and the 100 year flood information is not available - the Regional flood. Under this clause, however, the landowner will have the option of the determining, at the landowner's expense, the limits of the 100 year flood; and,
- c) Where no floodplain information is available and the NPCA has a flooding concern, the landowner will be requested to determine the limits of the 100 year flood.

Under the one zone approach, construction activities are limited/restricted within the regulatory floodplain. Permitted development may include reconstruction or minor additions to existing structures as well as extensions to existing agricultural operations, provided certain technical requirements of the NPCA can be achieved. Other uses, such as open space, or others which are not likely to incur or create damage to other properties from floodwaters, or cause a threat to public safety, or are not of a polluting nature may be permitted within the floodplain. Examples of uses or structures that would create adverse impacts in the floodplains or our riverine systems include, but are not limited to, new buildings, above-ground swimming pools, septic tile fields and tanks, as well as manure storage and handling facilities.

B3.6.4 Existing Buildings in the Floodplain

- a) Any building, which is located in the floodplain or that has been destroyed for reasons other than flooding, may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the floodplain, as determined by the NPCA. All of the following criteria must be achieved through the reconstruction proposal:

- i) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources and Forestry Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
 - ii) The building will be built on the existing foundation area and will not exceed the original flood area (ground floor area) of the previous structure;
 - iii) Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
 - iv) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the reconstruction.
- b) Minor additions to existing buildings in the floodplain may be permitted provided that:
- i) They are of a peripheral nature (such as decks, patios, open porches); and, they are properly anchored to prevent flotation; they are not subject to major damage by flooding; and, flood flows and flood water storage are not impeded; or,
 - ii) They meet all of the following criteria:
 - a) Any addition to the ground floor area of an existing building shall not exceed 20% of the original ground floor area or 300 square feet, whichever is the lesser. Subsequent requests for additions which will result in the cumulative exceedance of 20% of the original floor area or 300 square feet, whichever is the lesser, will not be considered under this section. Proposed additions greater than that noted above will be regarded as ‘major’ additions and are not permitted.
 - b) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources and Forestry Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
 - c) Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
 - d) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition.

B3.6.5 Role of the Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) is the primary agency responsible for assessing and permitting development within the *Floodplain* designation and on all hazardous lands and hazardous sites duly regulated under the Conservation Authorities Act and its appurtenant regulations. Where planning approvals or building permits are required to facilitate development on lands regulated by the NPCA, such approvals and permits will be dependent on clearance from the NPCA.

B3.6.6 Implementation

All lands located in a *Floodplain* designation will be placed in a Hazard Land Zone which restricts land use in accordance with the policies of this Plan.

B3.7 NATURAL RECOVERY AREA POLICIES

B3.7.1 Purpose

Note: As modified by the City of Thorold, September 1, 2020 through OPA 10, By-law No. 118-2020

The City acknowledges the presence of contaminants in the sediments of the lake beds of Marlatt's Pond and Lake Gibson and supports the management and remediation of contaminated sediments through natural recovery. OPG, in concert with the MECP, are establishing a Monitored Natural Recovery Program, which will facilitate cleaner upstream sediments covering the contaminated sediments present in the Marlatt's Pond/Lake Gibson lakebed and improve water quality and overall ecological health. The Natural Recovery Overlay designation is intended to identify the area associated with the Monitored Natural Recovery Program and to provide additional protections to the aforementioned water bodies, as they constitute important water resources for the City and the Region.

B3.7.2 Location

The Natural Recovery Area policies apply to lands that are adjacent to or that drain into Marlatt's Pond and Lake Gibson.

B3.7.3 Permitted Uses

Permitted uses within the Natural Recovery Area designation shall be the uses permitted in the underlying land use designations.

B3.7.4 Policies Applicable to the Natural Recovery Area

The following policies provide direction for future land use change occurring on lands within the Natural Recovery Area.

B3.7.4.1 General Conditions for New Development and Site Alteration

Future development or site alteration of lands and/or capital works adjacent to and that drain into Marlatt's Pond and/or Lake Gibson shall accommodate, design and provide technical studies/information mitigating any resuspension of existing contaminated sediments in the lakebed and thus not further compromising the integrity of the lake.

During the planning and approval stage of any proposed development, redevelopment, and/or site alteration within the Natural Recovery Area, specific consideration shall be given to the potential impacts of:

- i) Stormwater flows and runoff;
- ii) Construction; and,
- iii) Maintenance and operations occurring on the lands of any new development.

B3.7.4.2 Consideration of the Marlatt's Pond/Lake Gibson Natural Recovery Program

When evaluating any proposals for development or site alteration within the Natural Recovery Area, the City, Region, NPCA and MECP will consider potential implications on the Marlatt's Pond/Lake Gibson Monitored Natural Recovery Program and on stormwater infrastructure that discharges into the affected water bodies.

B3.7.4.3 Stakeholder Notification

Note: As modified
by the City of
Thorold,
September 1,
2020 through
OPA 10, By-law
No. 118-2020

During any discussions and/or consultation for potential development and/or capital projects within the Monitored Natural Recovery Overlay, the City will identify the importance of maintaining the approved Monitored Natural Recovery Program to all of the relevant stakeholders.

PART C – ENVIRONMENTAL AND GROUND WATER MANAGEMENT POLICIES

C1 APPLICABILITY

The policies contained in this Section are intended to be applied generally throughout the City and are also intended to complement the Natural Heritage policies articulated in Sections B3.2, B3.3, B3.4 and B3.5. However, where the policies of Section C and the policies elsewhere in this Plan conflict, the more restrictive policies shall prevail.

C2 RIVERS AND STREAMS

C2.1 FUNCTION OF RIVERS AND STREAMS

All of the natural rivers and streams in the City as shown on the Schedules to this Plan are considered to be environmentally significant since they:

- a) Constitute fish habitat;
- b) Function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) Serve to maintain the quality and quantity of surface and ground water features; and,
- d) Assist in the improvement of air quality.

It is the intent of this Plan to protect all rivers and streams from incompatible development to minimize the impacts of such development on their function.

C2.1.1 Implementation

In order to protect fish habitat adjacent to rivers and streams, development and site alteration may be subject to Site Plan Control to identify and protect a natural vegetated buffer area of 30 metres for critical fish habitat and 15 metres for important or marginal fish habitat measured from the stable top of bank for features located outside of the *Specialty Crop* designation.

This Plan does not identify the location of critical, important or marginal fish habitat. As such, the determination of fish habitat type will be required in conjunction with a Planning Act application and will be established in consultation with the NPCA to determine the type or quality of the habitat. It is noted the lands adjacent to rivers and streams are a regulated area by the NPCA in accordance with O. Regulation 155/06.

Where otherwise permitted by the policies in Part B, a reduction in the setback from a river or stream shall not require an Amendment to this Plan but will require the preparation of an EIS pursuant to Section C6 of this Plan, in conjunction with either an Amendment to the Implementing Zoning By-law, a site plan agreement, a minor variance or a Development Permit subject to the comments and/or issuance of a permit under O. Reg. 155/06 by the Niagara Peninsula Conservation Authority as well as comments from the Region. Matters to be considered in reviewing an application to reduce the setback include:

- a) The nature and stability of the soils;
- b) The nature and stability of the vegetation and cover;
- c) The slope of the land;
- d) The nature of existing and proposed drainage patterns;
- e) The nature of the fish habitat and its potential to be impacted by development or site alteration; and,
- f) The scale of the proposed development.

Council or Committee shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the habitat feature. In instances where a permit has been obtained from the NPCA under the Ontario Regulation 155/06, this should substantially satisfy the above requirements. However, in no case shall the natural vegetated buffer from critical fish habitat be less than 15 metres.

The cultivation and maintenance of agricultural land will not be prohibited with the above-mentioned setbacks and will not be subject to the implementation policies contained in this Section to protect rivers and streams.

C3 CORRIDORS AND LINKAGES

Section A2.5 of this Plan recognized the importance of protecting individual features and components of the Natural Heritage System as well as maintaining and creating linkages and connectivity amongst natural heritage features. In large part, this need for connectivity will be fulfilled in the rural area if the Vision, Goals and Objectives and supporting policies of this Plan are achieved and/or implemented over the long term.

The City acknowledges that the Regional Official Plan has illustrated conceptual corridors and linkages on the Region's Core Natural Heritage Map. While these corridors are conceptual and the Region has indicated that a future study will be undertaken to further define corridors and linkages, the City will require proponents of new development that is subject to an EIS to assess corridor linkages, and if possible maintain or enhance such linkages.

C4 WATER RESOURCE MANAGEMENT

C4.1 PROTECTION OF THE RESOURCE

At the present time, many of the City's residents obtain water from private water supplies. In the urban areas however, residents obtain water from Regional water systems located at the Welland Canal and in St.Catharines. It is a policy of this Plan to protect, improve or restore the quality and quantity of all sources of water for future use by ensuring that development and site alteration does not cause negative impacts on water resources, including cross-jurisdictional and cross-watershed impacts.

In an effort to protect, improve or restore surface and ground water features, objectives of this Plan include:

- a) Managing the use of water resources in a sustainable manner that ensures their continued availability to future generations;
- b) Working with the Region, Conservation Authority and the Province to prepare watershed and subwatershed plans to assist in the proper management of water as a key resource and to such plans as a foundation for considering the cumulative impacts of development;
- c) Protecting existing surface and ground water quality from degradation and to improve and restore water quality where degraded;
- d) Minimizing potential negative impacts, including cross-jurisdictional impacts and cross-watershed impacts;
- e) Identifying water resource systems, which are necessary for the ecological and hydrogeological integrity of the watershed;
- f) Maintaining linkages and related function amongst water features;
- g) Establishing and implementing necessary restrictions on development and site alteration to protect water features;
- h) Planning for efficient and sustainable use of water resources;
- i) Incorporating source protection objectives into the land use planning process to ensure that the sources of water are not compromised in the future as a result of land use decisions;
- j) Encouraging the establishment of water conservation measures as a way to meet water supply needs in the same manner that alternatives to create new supplies are investigated; and,
- k) Educating the public on the value of protecting the resource and how they can contribute to its protection.

C4.2 IMPACT ASSESSMENT

Major applications for site alteration or development outside of the Thorold urban areas may need to be supported by a Hydrogeological or Hydrological Report.

The purpose of the report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) How to maintain or enhance the quality and quantity of the water resource;
- b) How to minimize or eliminate the effect of the proposed use on the ground water recharge function;
- c) How to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;

- d) How to maintain or enhance sensitive ground water recharge/discharge areas, aquifers and headwater areas;
- e) Whether it is required to monitor water budgets for ground water aquifers and surface water features; and;
- f) How to ensure that the quality of the watercourses affected by the development are maintained; and,
- g) How to control or manage the risk of flooding or erosion.

C4.3 SOURCE WATER PROTECTION

C4.3.1 Intake Protection Zones (IPZ)

Intake protection zones in the City which are susceptible to the risk of contamination or adverse impact due to runoff, sedimentation and hydrologic dynamics have been identified by the Niagara Peninsula Conservation Authority and are shown on Schedule C to this Official Plan.

The DeCew Falls Intake Protection Zone (IPZ) is identified on Schedule C to this Plan as a Level 1 IPZ. An IPZ represents a contiguous area of land and water immediately surrounding a surface water intake that is susceptible to contamination due to minimum travel times and/or response times to address potential contamination. The DeCew Falls Water Treatment Plant has 3 intakes, and therefore has three Primary Intake Protection Zones. The following policies shall apply to land use and monitoring of land use within this identified area:

- a) The placement of untreated septage to land is considered a significant drinking water threat in the DeCew Falls Intake Protection Zone 1. New waste disposal sites for the application of untreated septage to land shall not be permitted within the DeCew Falls Intake Protection Zone 1;
- b) The discharge from new stormwater management facilities is considered a significant drinking water threat where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New stormwater management facilities, which meet these criteria, are not permitted within the DeCew Falls Intake Protection Zone 1. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the DeCew Falls Intake Protection Zone 1. For the purposes of this policy, new industrial or commercial land uses include industrial or commercial uses which are not currently designated as such in this Official Plan;
- c) The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant drinking water threat as defined under the applicable circumstances as outlined by the Ministry of the Environment and Climate Change in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New combined sewers, wastewater treatment facilities, and industrial effluent systems which meet these criteria are not permitted within the DeCew Falls Intake Protection Zone 1;

- d) Any planning or building permit application for a land use other than residential in the DeCew Falls Intake Protection Zone 1 may require a Section 59 Notice from the Region's Risk Management Official. The requirements of the notice will be determined through the application screening process.
- e) By February 1st of each year, the City of Thorold shall report to the Source Protection Authority on the steps it has taken in the previous calendar year to implement the significant drinking water threat policies.

C4.3.2 Highly Vulnerable Aquifer

A highly vulnerable aquifer is a subsurface, geologic formation that is or could be a source of drinking water and which could be easily impacted by pollutants. Where development and/or site alteration requires a planning approval, the City, in consultation with the NPCA may require the undertaking of a technical study to assess the risk of negative impact on highly vulnerable aquifers. The scope of such a study will be determined through pre-consultation with the City and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.

In order to minimize risks, the following uses shall be prohibited on lands which are located within an area confirmed by the NPCA as a highly vulnerable aquifer:

- a) generation and storage of hazardous waste or liquid industrial waste;
- b) new waste disposal sites and facilities, organic soil conditioning sites, and soil storage and disposal sites;
- c) underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- d) storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990 or its successor.

C5 STORMWATER MANAGEMENT

All commercial, industrial, institutional and urban residential development proposals, including intensification and redevelopment proposals shall be supported by a Stormwater Management (SWM) report. The content and scope of the SWM report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of the City, the Niagara Peninsula Conservation Authority, the Region of Niagara and the appropriate agencies and be prepared in accordance with the following documents:

- a) Ministry of the Environment and Climate Change Stormwater Management Practices Planning and Design Manual (2003);
- b) NPCA Stormwater Management Policies (2010), as amended, or its successor, including the Low Impact Development (LID) approach to stormwater management;

- c) Greater Golden Horseshoe Conservation Authorities Erosion and Sediment Control Guidelines for Urban Construction (2006) as amended, or its successor;
- d) Niagara Peninsula Source Protection Plan (SPP) Policy # DC-2; and,
- e) Section 1.6.6.7 of the Provincial Policy Statement (2014).

In preparing a Stormwater Management Report, the primary intent of the report is to:

- a) Provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates;
- b) Document the possible impacts of development on watershed flow regimes including their interconnection with ground water features;
- c) Provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) Document the means by which stormwater volume control will be provided; and,
- e) Determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.

All stormwater management facilities in a Plan of Subdivision shall be placed in an appropriate Open Space or Environmental Protection Zone in the Implementing Zoning By-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized. Stormwater facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the City may be required as a condition of approval, to provide for their continued maintenance. Where stormwater is proposed to be directed to Marlatt's Pond in conjunction with a development application, such outlets shall be subject to the review and comment by the City, Niagara Region, NPCA, MECP, and Ontario Power Generation.

Note: As modified by the City of Thorold, September 1, 2020 through OPA 10, By-law No. 118-2020

The City acknowledges the presence of contaminants in the sediments in the lake bed of Marlatt's Pond and Lake Gibson, which are addressed in greater detail in the Natural Recovery Overlay policies in Section B3.7 of this Plan.

C6 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

C6.1 PURPOSE OF AN EIS

The purpose of an EIS is to:

- a) Collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes, connectivity and functions of relevant environmental feature(s); and,

- b) Make an informed decision as to whether or not a proposed use will have a negative impact on natural features and ecological functions.

Any EIS required by this Plan must be prepared in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Regional Niagara. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the Natural Heritage System on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the Natural Heritage System.

Any EIS prepared as a requirement of this Plan shall be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan.

C6.2 CONTENTS OF AN EIS

The EIS shall include a description of:

- a) The proposed undertaking;
- b) Any requirements specified in a Secondary Plan, if applicable;
- c) Any requirements specified through pre-consultation with the Niagara Peninsula Conservation Authority, if applicable; and,
- d) A description of the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- e) A description and evaluation of hydrogeological features and functions;
- f) Any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designations;
- g) The site and its position and role in the broader landscape;
- h) The direct and indirect effects to the ecosystem that might be caused by the undertaking with consideration for cumulative impacts caused by an undertaking;
- i) Any environmental hazards (i.e. slope stability, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- j) Any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- k) How the proposed use affects the possibility of linking core natural heritage areas of the Natural Heritage System by natural corridors that may or may not be identified on the Schedules to this Plan;
- l) How the proposed use affects key natural heritage features and key hydrologic features;

- m) Recommendations identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how natural heritage features and functions will be enhanced where appropriate/applicable. Within the Greenbelt Natural Heritage System, recommendations shall also establish the limits of buffers and setbacks adjacent to key natural heritage features and key hydrological features; and,
- n) Insight and recommendations with respect to the significance of the cumulative net environmental impacts expected over the long term after measures recommended in (k) have been implemented.

The required scope and/or content of an EIS may be modified, through pre- consultation with the City, Region, Niagara Peninsula Conservation Authority, and/or Niagara Escarpment Commission, where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the City and Region.

C6.3 AGENCIES RESPONSIBLE FOR REVIEW AND APPROVAL

In accordance with the Regional Official Plan, as amended from time to time, the review and approval of any EIS prepared to fulfil a requirement of this Official Plan shall be undertaken by the City, in consultation with the Region and the NPCA for lands located within any Urban Area Designation. For lands outside of the Urban Area Designations, the Region shall be the approval authority, in consultation with the City and the NPCA. Where an EIS involves the assessment of lands regulated by the Conservation Authority under Ontario Regulation 155/06, the City and Region will consult with the NPCA as part of the review and approval of the EIS.

C7 SOLID WASTE DISPOSAL AREAS

There are no open waste disposal sites and 3 closed waste disposal sites in the City as shown on the Schedules to the Plan. The development of new uses or new or enlarged buildings or structures within an assessment area 500 metres (1,640 square feet) from the fill area of a closed site, may be permitted provided an assessment is completed to determine:

- a) The impact of any potential methane gas migration;
- b) Whether the proposed use will be adversely affected by presence of the closed the waste disposal site, which may include future mining or remediation efforts;
- c) That geo-technical conditions are safe and do not pose a threat or risk;
- d) Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
- e) The impact of the proposed use on leachate migration from the landfill site.

The assessment is intended to address these matters and other items outlined in the Province's Guideline D-4, April 1994, or its successor as required to ensure that the proposed land uses are compatible in nature and do not adversely impact upon each other.

The studies required to support a development application within the assessment area shall be based on the type and/or scale of the development proposed or the studies may be waived as appropriate. The nature of the required studies and their scope shall be determined by the City in consultation with the Region of Niagara at the time the development is proposed.

All lands within the assessment area shall be subject to a Holding Provision in the Implementing Zoning By-law. The lifting of a Holding Provision permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required by the City and Region have been completed.

In cases where an Amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Councils' consideration.

An amendment to this Plan will be required for a new waste disposal site.

It is a policy of Council to encourage the reduction, reuse and recycling of solid waste to ensure that the amount of waste required to be stored in landfills is minimized.

C8 GAS WELLS

Schedule D to this Plan identifies the location of 3 gas wells in the City. The status of these wells has been categorized by Provincial authorities as “abandoned” or “unknown”.

Petroleum resources shall be protected for long-term use. The City supports the subsurface storage and retrieval of gas or other hydrocarbons, subject to Provincial regulations, but only if they do not adversely affect current legal land uses, or development and natural heritage policies articulated in this Plan.

The City will consult with the Province:

- a) When new non-petroleum developments are proposed within 300 metres of an existing well site as identified on Schedule B2 to this Plan; and,
- b) Where assistance is needed in the rehabilitation or closure of well sites, specifically where non-producing wells represent a public health hazard.

Where applicable, the City and/or Region will require that improperly non-producing wells that are known or discovered on the lands during development to be properly plugged, capped or otherwise made safe in accordance with Provincial requirements as a condition of a Planning Act approval or as a pre-consultation requirement.

The City supports the use of technology, such as directional drilling for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a natural heritage area as identified on Schedule B to this Plan. New wells and associated works are prohibited from causing any surface or subsurface ecological disturbance to the natural heritage system identified on Schedule B to this Plan and proponents shall be required to address applicable policies in this Plan where exploration and associated works are proposed within natural features or within the adjacent lands of such features.

C9 LAND USE COMPATIBILITY

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries. It is a policy of this Plan that incompatible land

uses be separated or otherwise buffered from each other. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Council undertaken in accordance with the D-Series guidelines and criteria established by the Ministry of the Environment and Climate Change.

Such a study shall be prepared to the satisfaction of Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies.

The Implementing Zoning By-law may utilize a Holding Provision on certain properties where incompatible land uses are located in proximity to each other to ensure that the intent of this Section is met before development occurs.

C10 CONTAMINATED SITES

C10.1 BROWNFIELD SITES

Brownfield sites are generally former industrial lands which are suspected or known to be contaminated. If the site of a proposed use is known or suspected to be contaminated, Council shall require the proponent to demonstrate that the site has been assessed and if necessary, remediated in accordance with the requirements of O. Reg. 153/04 as amended. The proponent shall have a Record of Site Condition prepared by a qualified professional and placed on the Brownfields Environmental Site Registry prior to the issuance of any final approval for the site's development.

Council may place lands which are known to be contaminated in a Holding (H) Zone to restrict development until clearance is provided in the form of a Record of Site Condition.

C10.2 GREYFIELD SITES

Greyfield sites refer to vacant and/or underutilized commercial lands in a state of decline. The redevelopment of greyfield sites may also require the proponent to undertake the completion of a Record of Site Condition depending on the nature of the former use and the redevelopment proposal. Council may establish incentives for redevelopment of greyfield sites through the preparation of a community improvement plan.

C11 VALLEYLANDS

C11.1 PURPOSE

The purpose of establishing valleyland policies is to implement the "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06" prepared by the Niagara Peninsula Conservation Authority relating to valleylands, and the provisions of the Provincial Policy Statement (2014) relating to valleylands and hazardous lands.

C11.2 PERMITTED USES

Permitted uses within valleylands as defined by the NPCA shall be restricted to agricultural uses and those uses required for public works, utilities and other projects taken on by Crown Corporations as well as for unusual circumstances, subject to the approval of the NPCA and the municipality.

C11.3 GENERAL POLICIES

C11.3.1 Policies for New Development, Site Alteration, and Lot Creation

No new development, site alteration or lot creation shall be permitted in areas located within valleylands except for projects necessary for bank stabilization or erosion control purposes or to facilitate the uses permitted in accordance with Section C11.2. Where valleylands are confirmed by the NPCA, such lands are encouraged to be maintained in a natural state with no disturbances to existing vegetation.

Where permitted, all new development, site alteration and lot creation shall ensure that overland drainage is directed away from valley slopes and that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

C11.3.2 Policies for New Development, Site Alteration, and Lot Creation on Adjacent Lands

No new development, site alteration or lot creation shall be permitted within 7.5 metres of lands confirmed as being valleylands by the NPCA except to facilitate the permitted uses outlined in Section C11.2.

In areas where the instability of the valleyland slope has been identified by the municipality or the NPCA or where a field investigation reveals evidence of:

- Outward tilting of trees;
- Tow erosion at the base of the slope;
- Slumping, gullyng or other visibly evident Erosion process;
- The addition of Fill Material;
- Containing an easily eroding soil type; or,
- Where the angle of the slope is steeper than 3(H):1(V).

Proponents proposing development on adjacent lands shall undertake a geotechnical investigation. This investigation shall be undertaken by a qualified geotechnical engineer and shall be prepared to the satisfaction of the NPCA and the City. Where a geotechnical investigation has determined that greater setbacks are required, the proponent shall adhere to the greater requirements.

All new development, site alteration or lot creation on lands adjacent to confirmed valleylands shall demonstrate to the satisfaction of the City and the NPCA that no negative impacts on the valleylands will result from the adjacent development.

New development, site alteration or lot creation on lands adjacent to confirmed valleyland shall ensure that overland drainage is directed away from valley slopes and that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

Where a Plan of Subdivision has been submitted for lands adjacent to confirmed valleylands, the City may require the proponent to protect the valleylands in perpetuity as part of the approvals process including the dedication of valley lands to the City or other appropriate public agency.

C11.3.3 Policies for Existing Development on Adjacent Lands

Where existing structures are located within 15.0 metres of confirmed valleylands and a 7.5 metre publicly owned access is not provided adjacent to the valleyland, the following policies shall apply:

- a) The replacement or addition to existing building(s) or structure(s) may be permitted provided that such addition or replacement does not result in further encroachment into the confirmed valleyland. The submission of a geotechnical assessment by the proponent may be required prior to permitting any development or redevelopment on adjacent lands. In cases where the building or structure can be reasonably located outside the setback the applicant will be encouraged to do so.
- b) In cases where existing structures or private roads exist within a confirmed valleyland, reconstruction or alteration may be permitted provided that best efforts are taken to relocate the existing structure outside of the confirmed valleyland, a geotechnical assessment is completed and submitted in accordance with NPCA requirements and that no adverse environmental impacts to existing natural features and functions of the valleylands are shown to result.
- c) The replacement or addition to existing buildings and structures will be encouraged to direct overland drainage away from valley slopes wherever possible. All replacement or addition to existing buildings or structures shall ensure that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

C11.3.4 Policies for Existing Lots on Adjacent Lands

Where existing lots are located adjacent to lands located within a confirmed valleyland, a minimum 7.5 metre setback shall be maintained. A reduction of this setback may be permitted in cases of unusual circumstances where an existing lot of record contains insufficient depth to accommodate the required setbacks and where a geotechnical investigation reveals that some infringement within the setback area, together with appropriate mitigative measures, can be accommodated on-site while maintaining bank stability and will result in no adverse long-term environmental impacts. All reductions in setbacks shall be subject to NPCA requirements for valleylands.

C11.4 IMPLEMENTATION

Valleylands have not yet been mapped in the City of Thorold. When mapping is available, it will be added to this Plan through an amendment process. Lands which are confirmed by the NPCA as being valleylands will be placed in a Hazard Land Overlay Zone which restricts land use in accordance with the policies of this Plan.

C12 NATURAL HAZARDS

Natural hazards pose risks to life and property. Hazardous lands include property or lands that could be unsafe for development due to naturally occurring hazards which may include unstable soils or unstable bedrock.

C12.1 POLICIES FOR NEW DEVELOPMENT AND SITE ALTERATION

On hazardous sites, development and site alteration will not be permitted unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated to the satisfaction of the Niagara Peninsula Conservation Authority, that applicable policies can be met. On hazardous lands and hazardous sites, the following uses shall not be permitted:

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

Where, under this Plan, development and site alteration may be permitted on portions of hazardous lands or sites, then the Niagara Peninsula Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

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

PART D – GENERAL DEVELOPMENT POLICIES

D1 WATER AND SEWER SERVICING

D1.1 WATER AND SEWER SERVICING IN THE URBAN AREAS

The provision of water and waste water services is a shared responsibility with the Region, however the City is responsible for local water and waste water services. Water and sewer servicing in the Thorold urban areas shall be by full municipal water and sewage services.

D1.2 WATER AND SEWER SERVICING IN PORT ROBINSON EAST

The preferred means of servicing in the historic settlement of Port Robinson East shall be by full municipal water and sewer services, except that where an existing lot is serviced by a private well and/or private septic system, such individual on-site sewage and water services may continue to be used provided they do not pose a risk to public health and/or safety or until such time as full municipal services become available.

The establishment of new private communal water or sewage services is not permitted.

D1.3 WATER AND SEWER SERVICING FOR THE RURAL AREA

The preferred means of servicing uses in the rural and agricultural area outside of the settlements shall be individual on-site sewage (septic) and water (well or cistern) services. Full municipal water and sewage services are only permitted outside of the settlement area boundaries of Thorold, subject to Regional Policy 8.B.8 or as amended.

It is the intent of this Plan that lot creation only be permitted where the City is satisfied that that new lot can maintain sustainable private water or wastewater services. The establishment of new private communal water or sewage services is not permitted.

D1.4 ADEQUACY OF CITY SERVICES

Where the policies of this Plan promote or encourage development, redevelopment and intensification, any proposal for development, redevelopment or residential intensification will only occur where municipal water and sanitary services and stormwater drainage are adequate to sustain such development redevelopment or intensification proposal. The City may conduct studies of servicing upgrades necessary to support development, redevelopment or intensification projects and/or will require the proponents of any development, redevelopment or intensification proposals to assess and document servicing capabilities as part of a complete application submission.

D2 TRANSPORTATION

D2.1 OBJECTIVES

It is the intent of this Plan to:

- Facilitate the safe movement of both people and goods in an effective and efficient manner;
- Ensure that new development does not create traffic hazards or unmanageable levels of congestion;
- Support transportation demand management;
- Protect corridors and rights-of-way for long-term transportation and infrastructure needs;
- Ensure appropriate right-of-way widths for all existing and proposed roads;
- Restrict development on unopened road allowances and individual rights-of-way unless an agreement on service limitations is registered on title; and,
- Promote and where possible integrate forms of accessible transport throughout the Municipality with an emphasis on the urban areas.

D2.2 ACCESS TO THE ROADS IN THE CITY

The responsibility for approving an entrance onto a public road in the City depends on which level of government maintains the road. The types of roads described in this section of the Plan are shown on Schedule D.

D2.2.1 Provincial Roads

The City of Thorold is served by Highway 58 and Provincial Highway 406 together with four interchanges. These highways have controlled access and new development abutting these highways is required to obtain a Ministry of Transportation (MTO) Land Use Permit, and may entail the review and approval of a transportation impact study as a condition for the issuance of MTO permit(s).

D2.2.2 Regional Roads

These roads serve a regional role by carrying traffic through and to the City. All development abutting Regional Roads shall be subject to the jurisdiction of the Region of Niagara.

D2.2.3 Arterial Roads

These are intermediate roads which carry significant volumes of traffic from local roads to Regional Roads. Direct access to arterial roads will generally not be permitted unless traffic impacts have been assessed and, if necessary, mitigated. All arterial roads as identified in

this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.4 Collector Roads

Collector roads are local roads that provide efficient access between Regional and arterial roads from local roads. All collector roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.5 Local Roads

Local roads carry traffic from the Regional Road system and from the arterial roads to individual properties. Access to these roads is subject to the jurisdiction of the City. All local roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.6 Private Roads

The construction or development of new private roads or extensions to existing private roads shall not be permitted unless the private road is in a Plan of Condominium. New rights-of-way, in the form of private driveways, may be granted by the Committee of Adjustment for access only to parcels that are presently land locked and which are the site of an otherwise legal residential use on the date the implementing by-law is passed. All proposed rights-of-way for existing land locked parcels must be developed from an existing public road that is maintained year round and is of a standard acceptable to the City.

D2.2.7 Other Types Of Roads

The other types of roads in the City include:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) Private roads which cross private property to access a lot;
- b) Unopened municipal road allowances;
- c) Unassumed roads; and,
- d) Roads that are owned and maintained by a public authority for only a part of the year.

The construction or development of new private roads or extensions to existing private roads shall not be permitted unless the private road is in a Plan of Condominium. New rights-of-way, in the form of private driveways, may be granted by the Committee of Adjustment for access only to parcels that are presently land locked and which are the site of an otherwise legal residential use on the date the implementing by-law is passed. All proposed rights-of-way for existing land locked parcels must be developed from an existing public road that is maintained year round and is of a standard acceptable to the City.

D2.3 RIGHT-OF-WAY WIDTH

Determining the appropriate right-of-way width for Regional Roads is the responsibility of the Region. The minimum right-of-way width for all new Municipal roads shall generally be 20 metres (65.62 feet). Every effort will be made to secure this right-of-way width as a condition of *Planning Act* approvals.

D2.4 TRANSPORTATION STUDIES

Transportation studies may be required by the Region and/or the City to evaluate a development application. The intent of such a study is to measure the impact of the development on the road network and ensure that all proposed development is capable of being properly designed.

D2.5 TRUCK TRAFFIC MANAGEMENT

Truck traffic in the City shall be managed by:

- a) Directing it away from, or around, residential or sensitive areas where the road capacities are inadequate or where there is a potential for noise and/or safety hazards, and, in particular, designate, establish and monitor truck routes in co-ordination with the Region;
- b) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the City; and,
- c) Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

D2.6 PUBLIC TRANSIT

It is the intent of this Plan is to explore opportunities for the provision of public transit including the potential for transportation demand management and coordinated transit planning with adjacent municipalities. This can be achieved by:

- a) All Arterial and Collector Roads designed to accommodate a future transit network; and,
- b) Any work that results in improvements to the transit network is subject to the requirements of the Municipal Engineers Association Class Environmental Assessment.

The Towpath Terminal and planned future transit hubs will be sufficiently linked to intensification areas and intensification opportunities.

D2.7 ACTIVE TRANSPORTATION

Given that the focus for future population growth will be primarily in the urban areas, the City will encourage diversity in transportation modes. It is anticipated that through development of the Secondary Plans and redevelopment in areas within and proximate to

the Downtown, there will be opportunities to support active transportation modes as well as transit-supportive neighbourhoods. The City is ideally suited to show leadership on this emerging need in urban planning and will, in partnership with the Region, prepare an Active Transportation Plan to develop policies and zone regulations that support and foster active forms of transportation in all industrial, commercial, and residential development by requiring design elements such as pedestrian trails and linkages and bicycle storage and parking.

D2.8 CORRIDORS

Development will not be permitted in planned transportation and infrastructure corridors that could preclude or negatively affect the use of the corridor for the purpose(s) it was identified. New development proposed on adjacent lands to existing or planned corridors should be compatible with the existing or planned use of the corridor.

The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever practical and feasible.

D2.9 ENVIRONMENTAL ASSESSMENT

The development of new public infrastructure shall comply with the Environment Assessment Act, which in some cases may require the completion of a Municipal Engineers Association (MEA) Municipal Class Environmental Assessment. In cases where a Municipal Class Environmental Assessment (MCEA) is to be undertaken for a development or undertaking that requires an Official Plan or Zoning By-law Amendment, the completion of the MCEA may be initiated at the same time or in parallel with the Planning Act approval to help the public understand the project and to facilitate a more informed public consultation program.

D2.10 MARINE AND RAIL

Planning for land uses in the vicinity of rail and marine facilities shall be undertaken in a manner that protects the long-term operation and economic role of the facility and integrates surrounding land use in a compatible manner.

D3 HERITAGE AND ARCHAEOLOGICAL RESOURCES

D3.1 OBJECTIVES

It is the intent of this Plan to:

- Continue to identify and protect heritage building and sites that have been designated by the City under the Ontario Heritage Act;
- Recognize that the maintenance of the City's heritage resources will contribute to the preservation of the City's character; and,
- Consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the City.

D3.2 GENERAL POLICIES

D3.2.1 Heritage Impact Assessment

Council may require the submission of a Heritage Impact Assessment (HIA) to support an application for development if the affected lands are the site of an identified cultural heritage resource as identified on Schedule E to this Official Plan. The intent of the HIA is to determine what impacts the development will have on the resource and whether the application for development will conform to the goals, objectives and policies of this Plan.

The HIA shall be in the form of a report undertaken by a qualified professional with expertise in heritage studies, and contain a description of:

- a) The proposed development;
- b) The cultural heritage resource(s) to be affected by the development;
- c) The effects upon the cultural heritage resource(s) by the proposed development;
- d) The measures necessary to mitigate the adverse effects of the development upon the cultural heritage resource(s); and,
- e) How the proposed development will relate, in terms of height, bulk, massing and presence with identified heritage buildings on the property and in the area.

Prior to considering a development that requires the preparation of a HIA, Council shall be satisfied that the development will conform to the goals and objectives of this section and will be compatible, in terms of height, massing, bulk and scale with adjacent development.

D3.2.1.1 Public Works

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any

Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

D3.2.1.2 Mitigation of Impacts on Cultural Heritage Resources

Council may impose as a condition of any development approval the retention and conservation of cultural heritage resources identified in a HIA, or the implementation of appropriate mitigation measures, to minimize the impact of the development on the cultural heritage resource.

D3.2.1.3 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources. Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the *Planning Act*. Council may also restore, rehabilitate, enhance and maintain municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

D3.2.2 Built Heritage and Cultural Landscape Resources

D3.2.2.1 Built Heritage Register

In accordance with Section 27 of the *Ontario Heritage Act*, the City must maintain a register of all designated properties, but Council may also include land and buildings that have not been designated but that Council believes to be of cultural heritage value or interest.

D3.2.2.2 Cultural Heritage Landscape Register

In accordance with the *Ontario Heritage Act*, the City must also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place. The City, when evaluating potential cultural heritage landscapes, may refer to the *Guidelines for Identifying, Researching and Evaluating Cultural Heritage Landscapes in Thorold, Ontario*, prepared by Heritage Thorold Local Architectural Conservation Advisory Committees (LACAC).

D3.2.2.3 Designation under the *Ontario Heritage Act*

The City of Thorold has approximately 45 sites of cultural heritage significance in accordance with the *Ontario Heritage Act*. These sites are identified on Schedule E to this Official Plan and where new sites are added, such sites will be recognized in this Plan at the time of an Official Plan Review and Update.

Council will continue to designate cultural heritage resources, such as individual properties and conservation districts pursuant to the Ontario Heritage Act and the policies of this section. Prior to the passage of any by-law to designate a building or property, Council shall be satisfied that:

- a) The building or property has historical or associative value because it:

- i) is strongly associated with a person, theme, event, belief, activity, organization or institution that played an integral role in the development of the City and/or is well-known locally, nationally or internationally;
 - ii) yields, or has the potential to yield, information that contributes to an understanding of the community or of local culture, or
 - iii) is the work of, or reflects the work or ideas of a recognized architect, artist, builder, designer, or theorist who is significant to the community.
- b) The building or property has architectural value because it:
 - i) is a distinctive, rare, unique, representative, or early example of a style, type, expression, material, or construction method used in a certain period of history,
 - ii) displays a high degree of craftsmanship or artistic merit, or
 - iii) demonstrates a high degree of technical or scientific achievement.
- c) The building or property has contextual value because it:
 - i) is the location of, or is associated in a significant way, with a significant local, national or international event,
 - ii) is physically, functionally, visually, or historically linked to its surroundings,
 - iii) is considered to be an easily recognizable landmark in the City, or
 - iv) contributes to the character of the community.
- d) When considering a neighbourhood, the neighbourhood contains a collection of buildings and properties described in Sections a), b), and c) above, and which collectively contribute to the character of the City.

D3.2.2.4 Official Plan Policy and Zoning By-law Provisions to Identify Heritage Conservation Districts

Council may, by Amendment to this Plan or incorporation into a Secondary Plan, include policies that are intended to provide guidance on how buildings and properties can be developed/redeveloped in an area where a concentration of significant cultural heritage resources in an area exists. The intent of the policies would be to conserve and enhance the cultural heritage of an area or district, in accordance with the goals and objectives of this Plan. These policies shall:

- a) Describe the historical development context of the area;
- b) Review the existence and significance of cultural heritage resources in the area;
- c) Identify the conservation priorities for identified and defined cultural heritage resources;

- d) Establish how cultural heritage resources should be considered through a redevelopment process; and,
- e) Identify and describe the architectural design and streetscape guidelines that will guide development in a defined area.

In the establishment of this policy, it is acknowledged that over 20 buildings and sites have been recognized under the Ontario Heritage Act in Downtown Thorold. On this basis, the Downtown should be a priority area for the establishment of site-specific policy intent on defining and fostering a Heritage Conservation District.

The policies may be implemented in the Implementing Zoning By-law through the creation of a heritage overlay zone or an area-specific heritage area zone, as appropriate.

D3.2.2.5 Retention/Relocation of Heritage Buildings

Council encourages the retention of buildings of cultural heritage value or interest in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

D3.2.2.6 Adjacent Lands

Development and site alteration may be permitted on lands adjacent to a protected heritage property as shown on Schedule E where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Where development of site alteration related to a Planning Act approval is proposed on lands proximate to a protected heritage property, Council shall require a Heritage Impact Assessment (HIA) to fulfil the following:

- a) To assess the nature of site alteration or development and confirm that development will not adversely impact the heritage attributes of the protected property; and,
- b) To confirm or provide recommendations to ensure that the vista and viewshed to or from the protected properties will be protected.

Mitigative measures and/or alternative development approaches shall be required in order to conserve heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

D3.3 ARCHAEOLOGICAL RESOURCES

D3.3.1 Archaeological Assessment Requirements

Council recognizes that there are archaeological remnants of early pre-contact and early historic habitation as well as areas of archaeological potential within the Niagara Region. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological assessments and the conservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements referenced under the *Ontario Heritage Act*.

Council may conserve the integrity of archaeological resources by adopting Zoning By-laws under Section 34 of the *Planning Act*, to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

D4 SUBDIVISION OF LAND

This section is intended to contain policies that are to be considered with every application to subdivide land in the City. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

D4.1 PREFERRED MEANS OF LAND DIVISION

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) The extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) The area that is proposed to be developed is not considered to be infilling; or,
- c) A Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- d) Six or more new lots are being created.

D4.2 NEW LOTS BY CONSENT

D4.2.1 General Criteria

Prior to considering an application to create a new lot for any purpose, the Committee of Adjustment shall be satisfied that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,
- i) Complies with Provincial Minimum Distance Separation Formulae, where applicable.

D4.2.2 Legal or Technical Consents

A consent may be permitted for legal or technical reason of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

D4.2.3 Farm Property Consolidations

Farm property consolidations may be considered where the effect of the property boundary adjustment or consolidation is to improve the flexibility and potential agricultural viability of a farm operation provided:

- a) No new lot is created;
- b) The benefitting parcel captures the majority of the arable farmland; and,
- c) The flexibility and potential agricultural viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

D4.2.4 Lots for Utilities

The creation of new lots for public utilities of a linear nature such as communication utilities and pipelines may be permitted, provided:

- a) The area of the proposed lot is minimized and reflects what is required for the use;
- b) The Implementing Zoning By-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot;
- c) The land, building and structures are subject to Site Plan Control.

D4.3 SUBDIVISION DEVELOPMENT POLICIES

This section is intended to contain general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) The approval of the development is not premature and is in the public interest;
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification;

- d) The subdivision, when developed, will be easily integrated/connected with other development in the area;
- e) The subdivision has incorporated design measures and green standards that will support accessibility, active transportation and transit;
- f) The subdivision conforms with the environmental protection and management policies of this Plan; and,
- g) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the City will be required. Applicants are required to pre-consult with the approval authority prior to submitting an application.

D4.3.1 Energy Conservation and Sustainability

The City encourages innovative subdivision and site plan design that minimizes energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other renewable energy sources. Additional measures to maximize energy conservation and sustainability may include:

- a) integrating the plan or development with on-site, renewable energy generation and co-generation systems, as well as district energy systems;
- b) maximizing water conservation, which may include collection and reuse of stormwater and utilizing water efficient plant species for landscaping purposes;
- c) designing for appropriate stormwater infiltration at-source and ensuring that stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces;
- d) integrating green rooftops into energy and water conservation strategies;
- e) integrating active transportation and transit into development plans; and,
- f) maintaining natural heritage features and functions in accordance with the policies of this Plan.

D4.3.2 Extension of Draft Plan Approval

In considering a request for an extension to draft plan of subdivision approval, the City will communicate with the Region, NPCA and all other affected agencies to ensure that such conditions of draft approval are reflective of current policies, guidelines and technical standards.

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

Only one extension to a lapsing draft plan of subdivision shall be approved by the City for a period of up to two years, unless the draft plan meets the growth management and environmental policies of the Regional and Thorold Official Plans.

D4.4 PUBLIC PARKLAND

D4.4.1 Objectives

It is the objective of this Plan to:

- a) Establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) Enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) Ensure that appropriate amounts and types of parkland are acquired by the City through the development process;
- d) Encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) Manage the public open space and parkland areas in a manner that is consistent with the 'environment-first' objectives of this Official Plan.

D4.4.2 General Policies Applying to all Public Parkland

D4.4.2.1 Integration of Other Public Uses with the Public Parkland System

Where a public parkland area is to be integrated with an educational or major recreational facility, it is the intent of this Plan that the two uses complement each other by limiting physical barriers between the uses.

D4.4.2.2 Dedication of Land through the Development Process

Council will require the dedication of five percent of the land for all forms of residential development or redevelopment, as a condition of approval, to be dedicated to the City as parkland. Two percent of the land within a commercial development shall be dedicated as parkland, however, mixed-use development (residential/commercial) shall be five percent of land within the development. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. All other forms of development or redevelopment, as a condition of approval, require that up to five per cent of such lands shall be conveyed to the municipality for park or other public recreation purposes.

All lands dedicated to the City shall be conveyed free and clear of any encumbrances and shall be in a physical condition satisfactory to the City for its intended functional use.

Lands within any *Environmental Protection* designation and/or which have been identified as hazard or floodprone lands or stormwater management facilities shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

D4.4.2.3 Dedication of Land in High Density Development Proposals

As an alternative to the requirement set out in Section D4.4.2.2, in high density residential development proposals, Council may require land to be conveyed for park or other public recreational purposes at a rate of up to one hectare for each 300 dwelling units proposed. In lieu of the above requirement, Council may require cash-in-lieu of parkland instead, as deemed appropriate.

D4.4.2.4 Parkland Dedication By-law

Council shall enact a Parkland Dedication By-law that establishes:

- a) The lands to which the by-law is applicable;
- b) The rate of parkland dedication in accordance with Section D4.4.2.2 and the applicable Section of the *Planning Act* used to require parkland dedication;
- c) The development applications which are subject to parkland dedication requirements; and
- d) Land uses which are exempt from parkland dedication requirements.

D4.4.3 Parkland Development Policies

D4.4.3.1 Parks and Recreation Master Plan

In making future decision with respect to improvements to parks and recreation facilities as well as capital expenditures, Council will be guided by the Parks and Recreation Master Plan (2010) or its successor.

D4.4.3.2 Parkland Siting and Design

It is the intent of this Plan that all public parkland:

- a) Have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
- b) Be appropriately lit for safety purposes;
- c) Have direct and safe pedestrian access from adjacent residential areas;
- d) Be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access and parking;
- e) Incorporate natural heritage features wherever possible into the design of the parkland;
- f) Be integrated into the fabric of the adjacent neighbourhood; and,

- g) Be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

D4.5 FINANCIAL

D4.5.1 Public Facilities and Infrastructure

Where new development creates the need for new or expanded public facilities and infrastructure, Council will ensure the cost of providing such facilities is borne by the development proponent to the greatest extent possible under applicable provincial legislation.

D4.5.2 Waste Recycling and Collection Services

Where new development creates the need for waste recycling and collection services, such development must be compliant with the Region of Niagara Waste Collection Policy.

D4.5.3 Coordination of Capital Planning

Council will align its investment strategy in new infrastructure and transportation with the Region and other municipalities. Specifically, the Strategic Locations for Investment and the Gateway Community Improvement Area as identified by the Region shall be focal points for co-ordinated investment.

D4.5.4 Developer's Group/Front Ending Agreements

Developer's Group/Front Ending Agreements recommended by secondary plans, servicing plans and/or any other studies deemed necessary by the City, shall be entered into by the benefiting parties and approved by the City as a condition of the approval of development applications.

Such agreements shall ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincident with occupancy and use of land. Items which may be addressed in the Developer's Group/Front Ending Agreements include:

- a) open space and environmental features;
- b) streetscape features;
- c) water distribution and wastewater collection;
- d) storm water management facilities;
- e) road infrastructure, internal access and widenings; and,
- f) other utilities.

If difficulties or undue delays are encountered with respect to the preparation of any Developer's Group/Front Ending Agreement required above, the City may be requested to facilitate discussions amongst parties to address difficulties or delays. Where resolution of disputes amongst parties is not deemed feasible by the City or is not possible even with

the City's intervention, the City may approve alternative mechanisms to satisfy the intent of the applicable policy.

D5 OIL AND NATURAL GAS PIPELINES

D5.1 LOCATION

Trans Canada Pipelines Limited (TCPL) and Enbridge Pipelines Inc. (Enbridge) own and operate high pressure pipelines regulated by the National Energy Board (NEB). TransCanada Pipelines Limited operates two high pressure natural gas pipelines within its right-of-way which is located in the north extent of the City. Enbridge operates two high pressure petroleum pipelines in the same area. Both are identified on Schedule D to this Plan

D5.2 AUTHORITY

TransCanada and Enbridge are regulated by the National Energy Board which, in addition to TransCanada and Enbridge, have 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 increasing the population density in the area that may result in TransCanada or Enbridge being required to upgrade its pipeline to comply with the CSA Code Z662. Therefore, the City shall require pre-consultation with TransCanada and/or Enbridge or its designated representative for any development proposals within 200 metres of its facilities.

D5.3 NEW BUILDINGS AND STRUCTURES

The implementing Zoning By-law shall establish requirements prohibiting new permanent buildings or structures from being located within 7 metres of the pipeline right-of-way. The Zoning By-law shall also require accessory structures to maintain a minimum setback of at least 3 metres from the limit of the right-of-way and that no building or structure shall be permitted within 3 metres of the right-of-way. These setbacks may be varied subject to the review and approval of TransCanada and/or Enbridge or their authorized agent and such variance shall not require an Official Plan Amendment.

D6 UTILITY INFRASTRUCTURE

D6.1 INTENT

Utility infrastructure such as water and sanitary sewer pipes, communications and hydroelectric cabling and wiring shall be permitted in all land use designations unless other policies in this Plan prohibit or require impact assessment prior to the installation of utility infrastructure. It is the intent of this Plan that the installation and provision of such infrastructure will be integrated concurrent with new development or redevelopment. In addition, the development of sustainable, compatible, energy supply systems will be encouraged in the City to accommodate current and projected needs.

D6.2 FUNCTIONAL SERVICING REPORTS

Where the policies of this Plan or where pre-consultation discussions resolve the need for a proponent of new development to prepare a Functional Servicing Report, such report shall:

- a) Identify preferred locations for large utility equipment, including the identification of cluster sites;
- b) Outline an installation plan to ensure utilities will be installed in a coordinated and cost-efficient manner with minimal disruption; and,
- c) Suggest innovative design measures in an effort to minimize visual impacts and preserve or contribute to the establishment of a neighbourhood or community character particularly in cases where the policies of this Plan have established urban design guidelines and objectives.

D6.3 LOCATION OF UNDERGROUND UTILITIES

Underground utilities may be located in public or private rights-of-way provided appropriate legal agreements and other measures are in place to ensure that such utilities will have unfettered access for maintenance purposes.

D6.4 TELECOMMUNICATION TOWERS

The approval authority for telecommunications towers is Industry Canada. In accordance with Industry Canada's siting and approval procedures, proponents who wish to establish new telecommunication towers are required to consult with the City. The purpose of this policy is to provide guidance and expectations for the proponents of new or expanding telecommunication towers and infrastructure.

D6.4.1 Complete Application Requirements

All applications for new telecommunications towers, antenna facilities and modifications to existing towers which require municipal consultation in accordance with Industry Canada's antenna siting and approval procedures shall require the submission of an application to the City comprised of the following information:

- a) A written submission providing the rationale for the preferred location, which includes an assessment of other non-tower and co-location options. This submission will also address design considerations for the site and identify measures intended to minimize visual impacts caused by the tower;
- b) A site plan drawn to scale identifying the subject property, topographic information including contours, lot lines, existing and proposed buildings and structures, fences, vegetation, access and parking and complete tower specifications; and,
- c) An overlay of the site plan information on an air photo providing sufficient detail on surrounding land use within a minimum radius of 1 kilometre from the proposed tower site.

D6.4.2 Public Consultation

The City encourages the proponents of telecommunication towers to provide opportunities for public consultation. The City will assist proponents in facilitating public consultation by providing a mailing list of property owners in proximity to the proposed tower site. Public consultation can be accomplished through:

- a) Providing a notice of intent to adjacent landowners through regular mail;
- b) Posting a notice of intent in the local newspaper; and/or,
- c) Hosting a public information open house.

The City will require a summary of comments raised through public consultation together with proponent responses.

D6.4.3 Consultation with City and Regional Emergency Service Departments

Proponents shall be required to contact City and Regional Emergency Service departments to determine if their telecommunication system requirements could be improved by the installation of the proposed tower.

D7 ACCESSIBILITY

D7.1 OBJECTIVE - MOBILITY FOR ALL PERSONS

The City shall strive to improve the mobility of all persons to make conditions safe for walking, persons using mobility devices, including wheel chairs and scooters, and people utilizing accessible conventional transit, specialized transit and accessible taxis.

D7.2.1 Accessible Design for New Buildings

All new public, commercial, residential, recreational, and institutional buildings and facilities will incorporate accessible design, including, but not limited to, escalators/elevators where appropriate, automatic door openers, and ramps at building entrances.

D7.2.2 Development Review Considerations

In the review of development applications, the City will address accessibility needs by:

- a) requiring driveway and sidewalk slopes at a ratio of 1:12, height to length;
- b) requiring sidewalk curb cuts at all intersections;
- c) requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;
- d) requiring designated parking spaces for persons with disabilities, as specified in the Zoning By-law;
- e) encouraging any other features appropriate to ensure that barrier-free design is provided and,
- f) where appropriate, circulating the Application to an Accessibility Advisory Committee for comment.

D7.2.3 Preparation of Guidelines

The City may prepare specific design guidelines for accessibility and/or ensure that accessible design is addressed when preparing design guidelines for neighbourhoods.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The City will work with Niagara Region, not-for-profit housing agencies and the private sector to ensure that a sufficient supply of housing is provided which is affordable to low- and moderate-income households. The City 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 City will consider alternative requirements for residential lot standards and required floor space in the Zoning By-law which would support the provision of affordable housing.

D7.2.4 Accessible Housing

The City will work Niagara Region, the Province, the private sector and other special needs groups to ensure that an adequate supply of accessible housing is provided to meet long term demand for persons with physical disabilities.

D8 CONSULTATION WITH FIRST NATION COMMUNITIES

The City shall consult with First Nation communities on any planning matter that the City believes may be of interest to First Nation groups or where a First Nation community may have background and knowledge that would benefit the planning process.

D9 LICENSED MARIJUANA PRODUCTION FACILITIES

Facilities licensed by Health Canada for the production of medical marijuana will be permitted by this Plan in the Rural Industrial designation. The City shall use the Comprehensive Zoning By-law to define and further regulate licensed facilities for the production of marijuana through the use of setbacks from sensitive uses, minimum lot area and frontage, maximum floor area and other suitable zone regulations to address matters of compatibility. Where the Comprehensive Zoning By-law does not permit a marijuana facility as-of-right, a zoning by-law amendment shall be required. Marijuana production facilities shall be subject to site plan control.

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

PART E – PLAN IMPLEMENTATION AND ADMINISTRATION

E1 PLAN IMPLEMENTATION AND ADMINISTRATION

E1.1 ZONING BY-LAWS

After this Official Plan is approved by the Region of Niagara, a review of the City's Comprehensive Zoning By-law shall be undertaken to ensure that it properly implements the policies of this Plan.

E1.2 TEMPORARY USE BY-LAWS

The City may pass temporary use by-laws that apply to private or public land. These temporary uses may be authorized for a time period of generally three (3) years with the exception of garden suites which may be authorized for twenty (20) years. Extensions to a temporary use by-law may be considered by Council, however once a temporary use by-law has lapsed, the use will be viewed as contravening the Implementing Zoning By-law.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the roads in the area;
- e) Parking facilities required by the proposed use shall be provided entirely on-site;
- f) The proposed use shall conform to Provincial, Regional and Local policies;
- g) The proposed use should be beneficial to the neighbourhood or the community as a whole; and,
- h) The owner has entered into an agreement with the City and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

E1.3 HOLDING PROVISIONS

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the City have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or

may be specified within the language of a Zoning By-law Amendment. The objective of utilizing a Holding Provision is to ensure that:

- a) The appropriate phasing of development or redevelopment occurs;
- b) The completion of any technical study or plan;
- c) Development does not proceed until services and utilities are available to service the development and all associated financial requirements are satisfied; and/or,
- d) Agreements respecting the proposed land use or development are entered into and any other specific conditions of approval have been fulfilled.

E1.3.1 Conditions under which Holding Provisions will be removed

The requirements for the lifting or removal of Holding Provisions will be specified in the By-law adopted by Council to establish the Holding Provision. However, the following are considered to be appropriate requirements for the establishment of a Holding Provision:

- a) The completion and execution of Site Plan, Development or other types of agreements;
- b) The payment of fees and charges owing to a public authority;
- c) The provision of adequate water and sewer servicing;
- d) Obtaining a license or permit required under a legislative authority other than the Planning Act; and/or,
- e) The fulfilment of requirements or recommendations of a technical report, such as an Environmental Impact Study (EIS).

E1.4 SITE PLAN CONTROL

All areas of the City are designated as proposed Site Plan Control areas under the provisions of the *Planning Act*. Specific uses subject to site plan control shall be identified in the City's Site Plan Control By-law passed under the provisions of the *Planning Act*.

The intent of a Site Plan Agreement is to ensure that any proposed development is designed to be compatible with adjacent development, appropriately serviced and accessed and otherwise in conformity with the goals and strategic objectives of this Plan. Any required site plan agreement shall deal with the following, as appropriate:

- a) Road widenings;
- b) Location of vehicular access points;
- c) Loading, parking and driveway locations;
- d) The surface of loading, parking and driveway areas;

- e) The location and design of walkways and walkway ramps,
- f) The location, massing and conceptual design of any buildings and structures;
- g) The location and type of lighting and landscaping;
- h) The location and type of garbage storage;
- i) The location and nature of easements;
- j) The grade and elevation of the land;
- k) The type and location of storm, surface and wastewater disposal facilities;
- l) The location and type of snow removal facilities;
- m) Exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- n) Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
- o) Facilities designed to have regard for accessibility for persons with disabilities.

In accordance with the provisions of the Planning Act, RSO 1990, items m, o and p shall apply only to residential buildings greater than 25 units. These provisions may also apply to residential buildings with less than 25 unit buildings, but only in the *Downtown*, *Downtown Transition* and *Urban Living Area* designations.

Site Plan Control may also be utilized to formalize and/or implement the recommendation(s) of an EIS prepared in support of site alteration or development within or adjacent to Natural Heritage Features identified in this Plan.

E1.5 MINOR VARIANCES

In accordance with the *Planning Act*, Council will appoint a Committee of Adjustment for the purpose of hearing applications for relief from a provision or provisions of the City's Zoning By-law.

In determining whether to approve an application for a minor variance, Committee will need to be satisfied that the application meets the four tests:

- a) That the requested variance conforms with the general intent of the Official Plan;
- b) That the requested variance is in keeping with the spirit and intent of the City's Zoning By-law;
- c) That the requested variance is appropriate for the desirable development of the lot; and,

- d) That the requested variance is minor.

In making a determination of whether a variance is minor as required in E1.5 (d), Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

E1.6 MAINTENANCE AND OCCUPANCY BY-LAWS (PROPERTY STANDARDS)

E1.6.1 Intent

Council may update or enact a Property Standards By-law in accordance with the *Municipal Act*, regarding minimum standards for the following:

- a) The physical condition of buildings and structures;
- b) The physical condition of lands;
- c) The adequacy of sanitation; and,
- d) The safety of buildings and structures for occupancy.

Such a by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of substandard property, and require the demolition and clearing of such property which the owner does not intend to repair and maintain. Upon passing a Property Standards By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.

E1.6.2 Property Standards Committee

Council shall also appoint a Property Standards Committee, in accordance with the *Ontario Municipal Act*, for the purpose of hearing appeals against an order issued by the Property Standards Officer.

E1.7 COMMUNITY IMPROVEMENT

The following policies are intended to provide a basis and mechanism for Council or Council to utilize the provisions of Section 28 of the Planning Act to encourage the development, redevelopment revitalization and renewal of specific areas in the City.

Council may undertake Community Improvement Plans (CIP) in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible Council will seek funding from senior government sources and other partnerships to assist in community improvement programs after clarifying what components of improvement plans will be eligible for Community Improvement grants and loans as prescribed by Section 28(7) and Section 32 of the Planning Act. Through a Community Improvement Plan the municipality may also register agreements relating to grants and loans issued to fulfil CIP objectives.

E1.7.1 Definition and Identification

- a) Community improvement is generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities of the City of Thorold, within the context of the requirements of the *Planning Act*.
- b) Community improvement project areas are designated in compliance with the provisions of the *Planning Act* and are intended to identify areas in which Community Improvement Plans may be undertaken.
- c) The following areas are designated as community improvement project areas.
 - The Thorold Urban Areas as shown in Schedules A1, A2, and A3; and,
 - The Rural Settlement Area as shown on Schedule A4.

Specific Community Improvement Areas may be defined by by-law and Community Improvement Plans may be prepared for all or a portion of the defined areas.

E1.7.2 Community Improvement Goals

Individual CIP's will contain goals specific to the improvement area, but in a general sense, the following goals will apply:

- a) To encourage the conservation and restoration of buildings with cultural heritage significance;
- b) To encourage private investment;
- c) To develop a more attractive, safe and efficient community for existing and future residents;
- d) To provide for the continued social and economic development of the City of Thorold;
- e) To provide an environment that is attractive to new investment in the City of Thorold; and,
- f) To encourage the ongoing maintenance, rehabilitation, redevelopment, upgrading and improvement of external public and private space.

E1.7.3 Criteria for Delineating Community Improvement Project Areas

Areas identified as Community Improvement Project Areas shall be determined according to the following criteria:

- a) Areas that show deficiencies in public services including:
 - i) Deficiencies in sewer and water services;
 - ii) Deficiencies in storm drainage;
 - iii) Deficiencies in roads, sidewalks, street-lighting, and fire hydrants;
 - iv) Desired streetscape improvements – boulevard conditions;
 - v) Streetscape definition; and,
 - vi) Impediments to pedestrian movement.
 - b) A
- reas that are deficient in social or recreational services including:
- i) Lack of recreational facilities, including parks, open space and public facilities, playgrounds;
 - ii) Under-utilized public recreational facilities;
 - iii) Architectural or historical significance of sites/areas;

- iv) Lack of a range of housing types; and,
 - v) Opportunities for identifying a character of the community.
- c) Contaminated lands or brownfield sites which remain undeveloped but which could provide significant opportunity for infill and intensification;
- d) Areas that may be characterized as inefficient or underutilized from an urban development perspective and may be suited to intensification or redevelopment in accordance with the policies of this Plan;
- e) Land, building and structures which possess barriers to accessibility and active forms of transportation;
- f) Areas that exhibit any of the following features:
 - i) Presence of conflicting/encroaching land use;
 - ii) General aesthetics of the use/area;
 - iii) Availability and suitability of parking facilities;
 - iv) Under-utilization of land, blocks; and,
 - v) Building condition; need for upgrading to meet current standards – availability of land and areas for reasonable expansion of uses in the area.

E1.7.4 Potential Incentives and Implementation Methods

E1.7.4.1 Participation in Government or Agency Funding Programs

There are many programs which have been established by upper levels of Government which can assist in achieving the City's Community Improvement goals. These include grant or loan programs, geared both to the private and public sectors. Where recommended through a CIP process, Council supports the use of local grant or loan programs to support CIP objectives, provided such funding is available.

While some programs are tailored to specific types of improvements, others are of general application or apply to a specific type of use. While these programs generally reflect the Provincial or Federal Governments' perception of priorities, they can still be used to the advantage of the City when its priorities match those of the program.

E1.7.4.2 Use of Full Range of Legislative Authority

The Municipality may be able to take advantage of powers given to it through a multitude of Provincial statutes. The full use of the Planning Act, Municipal Act, Heritage Act, Ontario Water Resources Act, and many others can all be used to further the City's objectives.

E1.7.4.3 Acquisition

In designated Community Improvement Areas, the City may acquire, assemble, clear and dispose of lands for purposes which conform to the intent of the Community Improvement Plan. This is a very powerful tool which permits the City to become involved and assist in encouraging redevelopment where private investment may not initially have been interested. This tool is also beneficial in acquiring lands that are incompatible with surrounding land uses, and that may be better located elsewhere in the community.

E1.7.4.4 Capital Budgets

The ten-year capital budget allows the City to forecast its needs and priorities over a ten year period. This provides an opportunity to co-ordinate projects and to allocate funds to projects that can provide for optimum improvement of the Community. It provides as well the opportunity for more efficient use of public funds in the urban environment.

E1.7.4.5 Modification of Zoning Regulations

In particular areas, zoning provisions can be used to develop a character, to encourage private infill development that would add to the tax base of the community while protecting and improving the existing development. Temporary Use By-laws, provisions for Holding By-laws and bonusing provisions can all be used to achieve stated objectives.

E1.7.4.6 Site Plan Control/Development Permits

Site plan control and/or Development Permits can be an effective tool in encouraging and requiring private development to meet certain municipal objectives (e.g. streetscape improvements, better property access, naturalization, etc.).

E1.7.4.7 Community Groups

Working with community groups may provide a variety of means of expanding and maintaining a range of public facilities, such as affordable housing or housing geared to seniors.

E1.7.4.8 Heritage Committee

The local Heritage Committee can play an active role in defining a character in which redevelopment activities occur. With the advice of the Committee, Council may identify sites and areas that may be redeveloped with a particular emphasis on heritage conservation in the Community.

E1.7.5 The Gateway Economic Centre Community Improvement Plan (GCIP)

E1.7.5.1 Authority and Lands Subject to the GCIP

The Growth Plan for the Greater Golden Horseshoe identified the Gateway Economic Centre in Niagara Region as a Provincially significant corridor of employment land and transportation infrastructure focussed on Highway 406 and the Welland Canal. In light of this Provincial designation, the Region adopted Regional Official Plan Amendment RPPA 1-2012. The purpose of this Amendment is to establish community improvement policies to encourage investment focused on employment lands. The GCIP applies to all designated employment lands in the City of Thorold.

E1.7.5.2 Incentive Programs

The following incentive programs have been established in conjunction with the GCIP:

- a) Tax Increment Based Grant Program; and,

- b) Development Charge Grant Program.

The City may at its discretion, establish a site-specific CIP for any employment area for the purpose of establishing grant or incentive programs.

E1.7.5.3 Administration

The City of Thorold will partner with the Region to administer the GCIP in accordance with RPPA 1-2012 and its related program requirements. Where funding and/or resources are available, the City will support and promote the GCIP through strategic investment in infrastructure as well as marketing monitoring and stakeholder consultation.

E1.8 DEVELOPMENT PERMIT SYSTEM

The City may, through a By-law passed pursuant to Section 70.2 of the Planning Act, and Regulation 608/06 establish a Development Permit System for one or more specific areas of the City. The Niagara Escarpment Commission employs its own Development Permit System under the Niagara Escarpment Planning and Development Act.

E1.8.1 Lands Subject to Development Permit System

The following area(s) are described as proposed development permit area(s) and may be designated as such by a Development Permit By-law passed by Council pursuant to the provisions of the Planning Act and its associated regulations:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) The adjacent lands to any natural heritage feature or hydrologic feature for which the policies of this Plan require some level of impact assessment as a pre-condition to site alteration or development; and,
- b) The Urban Living Area designation for which the policies of this Plan allow second dwelling units or bed and breakfast uses within detached or semi-detached dwellings.

E1.8.2 Intent

The intent of the Development Permit System is to establish a more efficient technical and administrative procedure to implement the policies of this Plan as they relate to the regulation of future development in sensitive environmental areas and to accommodate the provision of affordable housing within existing built-up areas of the City.

E1.8.3 Goals

In developing and implementing a Development Permit System for site alteration and development within adjacent lands, the goals are to:

- a) Protect natural heritage features and hydrologic features;
- b) Minimize disruption to the local and Regional natural heritage system through management and regulation of development and site alteration;
- c) Enact a system that facilitates discussion and collaboration with a collective goal of protecting or enhancing the health and quality of the lake eco-system; and,
- d) Create an efficient approval process that provides for informed decision-making and the execution of binding agreements.

E1.8.4 Scope of Authority

The Development Permit By-law is intended to be restricted to site alteration and development in the adjacent land to natural heritage features and hydrologic features. The By-law will also establish minimum standards and requirements to allow for the establishment of second

dwelling units and bed and breakfast use, all of which will be more specifically defined in the Development Permit By-law.

Within the areas for which a Development Permit By-law has been enacted, the Zoning By-law will continue to apply, however zoning regulations relating to building construction may be modified, without the need for a zoning amendment.

E1.8.5 Criteria

The modification of zoning regulations will be dependent on the extent to which criteria established through the Development Permit By-law have been met. Examples of such criteria may include:

- a) The submission of environmental assessment reports and site plans;
- b) Protection, enhancement and/or restoration of natural vegetation;
- c) Protection, enhancement and/or restoration of critical areas of fish habitat;
- d) In the case of redevelopment or expansion, siting new buildings and structures in such a manner as to minimize impacts on features and functions;
- e) Stormwater management designs that restrict or intercept stormwater from flowing directly to the lake;
- f) The submission of elevation and floor plans;
- g) The submission of site plans to identify compliance with parking requirements and the provision of outdoor amenity space; and,
- h) The submission of technical drawings to confirm compliance with the Ontario Build Code.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

E1.8.6 Conditions

The modification of zoning regulations may require the landowner to fulfil certain conditions established through the Development Permit By-law. Examples of such criteria and conditions may include:

- a) Agreeing to conserve certain lands in a natural state;
- b) Agreeing to enhance and/or restore of critical areas of fish habitat;
- c) Agreeing to enhance and/or restore vegetative buffers or protection zones;
- d) Designing on-site stormwater management systems to restrict or intercept stormwater from flowing directly to the lake; or,
- e) Agreeing to fence or landscaping all or a portion of the lot.

E1.8.7 Administration

The Development Permit System in the City of Thorold will be administered in accordance with O. Reg 608/06 with the further requirement that a Notice of Complete Application for a Development Permit shall be forwarded to all abutting landowners of the applicant's land at least 10 days prior to Council's consideration of the permit.

E1.9 CONDITIONAL ZONING

Section 34 of the Planning Act R.S.O 1990 provides municipalities with the authority to implement Conditional Zoning. This policy shall enable Council to implement Conditional Zoning in all areas of the City where Planning Act authority applies.

E1.10 HEIGHT AND DENSITY BONUS PROVISIONS

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019

Pursuant to Section 37 of the Planning Act R.S.O 1990, Council may through a Zoning By-law Amendment approve increases to the height of buildings and/or the density of development in cases where the City will secure such facilities, services or other matters that would benefit the social and economic development of the City. Where the proposed height and/or density of a development proposal exceeds a policy standard established in this Plan an Amendment shall not be required unless the increase is greater than 25% of the maximum standard established by this Plan.

E2 NON-CONFORMING USES

E2.1 INTENT OF THE OFFICIAL PLAN

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with or more compatible with the goals of the Official Plan and the intent of the Implementing Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the City for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to another site.

E2.2 ROLE OF THE COMMITTEE OF THE ADJUSTMENT

If a property occupied by a non-conforming use cannot be acquired or the building(s) relocated, the Committee of Adjustment may, without an amendment to this Plan, allow similar or more compatible extensions or changes to a non-conforming use. Prior to such approval, the Committee shall consider the following:

- a) The size of the extension in relation to the existing operation;
- b) Whether the proposed extension is compatible with the character of the surrounding area;
- c) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,
- d) The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, Site Plan Control and other means to improve the existing situation, as well as minimize the problems from extension.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

E3 COMPLETE APPLICATION REQUIREMENTS

Council and/or its delegate shall not declare any application made under the *Planning Act* to be complete until Council is provided with information, studies or drawings specified in this Plan that are necessary to inform the public and make a decision on the application. Until an application is submitted that addresses pre-consultation and complete application requirements as specified below, Council will deem such applications to be incomplete.

E3.1 PRE-CONSULTATION AND COMPLETE APPLICATIONS

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law, require a proponent to attend a pre-consultation meeting with City and/or Region and NPCA or any other applicable

agency prior to the submission of a planning application. Prior to attending any pre-consultation meeting, it is expected that the proponent will have reviewed and be aware of policies in this Plan that may be applicable to the proponent's objective. Subsequent to a pre-consultation meeting, the City will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations, if necessary;
- c) Prescribed information and material as required by Planning Act Regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation.

The following supporting information may be required as part of a complete application, to be determined through pre-application consultation with staff:

- a) Transportation Impact Study;
- b) Municipal Servicing Study;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Functional Servicing Report
- f) Hydrogeological Assessment;
- g) Watershed or Subwatershed Study;
- h) Floodline Delineation Report;
- i) Architectural/Urban Design Study;
- j) Environmental Site Assessment;
- k) Planning Justification Report;
- l) Ministry of Environment, Conservation and Parks (MECP) Record of Site Condition (RSC);
- m) Contaminant Management Plan;

Note: As modified
by the City of
Thorold,
September 1,
2020, through
OPA 10, By-law
No. 118-2020

- n) Environmental Impact Study;
- o) Agricultural Impact Assessment;
- p) Archaeological Assessment;
- q) Heritage Impact Assessment;
- r) Wind Study;
- s) Noise Study;
- t) Vibration Study;
- u) Geotechnical Study;
- v) Slope Stability Study;
- w) Market/Retail Impact Study or Analysis;
- x) Conceptual Site Plan and Building Elevations;
- y) Erosion and Sediment Control Plans; or,
- z) Any other study, report or assessment considered relevant to the proposal.

E3.2 TECHNICAL STUDIES AND PEER REVIEWS

Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted in support of any application, the City, Region and/or the NPCA and any other relevant agency may authorize a qualified professional to peer review such studies and provide advice to the approval authority at the applicant's expense.

E4 PUBLIC NOTIFICATION

The *Planning Act* contains provisions that allow municipalities to establish alternative measures for informing and obtaining the views of the public for official plan amendments, zoning by-law amendments, consents, minor variances and draft plans of subdivision/ condominium in a different manner than those prescribed in the Act and its regulations, provided that an alternative method is prescribed in the municipality's Official Plan.

The following alternative measures will be used for informing and obtaining the views of the public:

Consent, Minor Variance, Site Specific Zoning Bylaw and Official Plan Amendment, Draft Plan of Subdivision/ Condominium	Comprehensive Zoning By-law and Official Plan Amendments that are not technical changes as per Policy E5 in the Official Plan
--	--

--	--

E4 TECHNICAL AMENDMENTS TO THE PLAN

Council shall not issue public notification under the *Planning Act* for changes to the Official Plan which facilitate the following:

- Change the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- Consolidate previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- Correct grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
- Reword policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps; and,
- Translate measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

In all other instances, notification to the residents of the City of public meetings held by Council shall be given in accordance with the requirements of the *Planning Act*.

E5 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundaries of the *Environmental Protection* designations may be imprecise and subject to change, given the dynamic and or seasonal nature of some natural heritage features. The City shall determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the *Environmental Protection* designation shall not require an Amendment to this Plan.

Where a lot is within more than one (1) designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

E6 OFFICIAL PLAN REVIEW PROCESS

The assumptions, objectives and policies of this Plan shall be reviewed at least once every five (5) years at a meeting of Council, which shall be advertised in accordance with the *Planning Act*, as amended.

The five-year review shall consist of an assessment of:

- a) Regional growth allocations and the degree to which such allocations are being achieved;
- b) The effectiveness of the Plan in protecting water quality, heritage resources, natural resources and habitat and the general environment within the City;
- c) The continuing relevance of the vision that forms the basis of all policies found in this Plan;
- d) The degree to which the objectives of this Plan have been met;
- e) The amount and location of lands available for urban development;
- f) Whether the City has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
- g) The City's role within the Region and its relationship with other municipalities;
- h) Development trends in the Region and their effect on development in Thorold; and,
- i) Matters which are necessary to address to ensure consistency with Regional and Provincial Plans and policy documents.

PART F – SITE SPECIFIC POLICY AREAS

F1 SITE SPECIFIC POLICY AREAS

Site Specific/Special Policy Area	Location	Policy	By-law
1	Hansler Heights Subdivision	The lands described on the attached Schedule “A” are subject to an Official Plan Amendment Special Policy that permits townhouse dwellings to be constructed throughout the plan area, subject to meeting other policies of the City of Thorold Official Plan, including density targets.	By-law No. 01-2017
2	23A St. David Street East	The lands designated on Schedule “A” as “Site Specific Policy Area 2” shall generally be governed by the “Urban Living Area” policies. Notwithstanding the policies of Section B1.1.3 c) ii) the subject lands shall: a) Have a maximum density of 113 units per hectare. The subject lands shall also meet the following policies: a) An apartment dwelling is permitted subject to the policies contained in Section B1.1.5. b) An apartment dwelling will be restricted to a maximum height of four (4) storeys.	By-law No. 27-2018
3	1596 Allanport Road	The lands designated on Schedule “A” as “Site Specific Policy Area 3” shall generally be governed by the “Rural Industrial” designation policies. Notwithstanding the policies of Section B2.4.2 a home-based commercial dog kennel is permitted to be used in the existing barn on the subject lands.	By-law No. 90-2019

4	32 & 34 Pine Street South, 8 & 10 Sullivan Ave, and 33 Towpath Street	The lands designated on Schedule "A" as "Site Specific Policy Area 4" shall generally be governed by the "Downtown" designation policies. Notwithstanding Section B1.2.2 q), an apartment building containing residential uses only is permitted on the subject lands.	By-law No. 27-2020
5	75 Ormond Street South	The lands described as Reference Plan 59R-13920, Part of Township Lots 16 and 17 and all of Lots 76, 77, 78 and 79, Registered Plan No. 897 (formerly Plan No. 103), City of Thorold; Reference Plan 59R-9691, Part of Lot 16; Reference Plan 59R-1681, Parts of Township Lots 16, 17, 29, and 30, Part of Road Allowance between Township Lots 16 and 29, Part of Lot 5, Part of Lots 24A and 25A, Part of Portland Street, Part of William Street (formerly Clifton Street) and Part of Ormond Street; municipally known as 75 Ormond Street South, City of Thorold on the attached Schedule "A" are designated Urban Living Area Special Policy Area No. 5 to permit medium to high density residential uses not greater than 120 units per hectare, subject to meeting other policies of the City of Thorold Official Plan and conditions of site plan approval including but not limited to: a) A land Use compatibility Analysis be completed using the MECP's D-1 and D-6 Guidelines; b) A noise study (completed by a qualified Acoustical Noise Consultant) be completed, if required; c) The filing of a Record of Site Condition on the MECP Brownfields Environmental Site Registry, in accordance with Ontario Regulation 153/04 as amended by Ontario Regulation 511/09, and providing a	By-law No. 160-2018

		copy of the Ministry's acknowledgement of the filing of the RSC to the Region; d) An analysis of Section C7 of the Official Plan by a qualified professional; e) A Geotechnical Study be submitted to support the proposed structure as it relates to the former canal and infrastructure easements; and f) The removal of abandoned infrastructure and any related easements.	
6	2350 Gainer Street	The lands designated on Schedule "A" as "Site-specific Policy Area 6" shall generally be governed by the "General Industrial" and "Greenfield Overlay" designation policies. Notwithstanding Section B1.5.3, the existing accessory building only is permitted to be used for a hockey training facility.	By-law No. 2020-142 & By-law No. 2020-143
7	PLAN 662 PT Mackan Street	The lands designated on Schedule "A" as "Site-specific Policy Area 7" shall generally be governed by the "Urban Living Area" Policies. Notwithstanding Section B1.1.3 c) i), the maximum density for the subject lands shall be 29 units per hectare.	By-law No. 149-2020
8	1071 Old Thorold Stone Road	The lands designated on Schedule "A" as "Site Specific Policy Area 8" shall generally be governed by the "Rural Industrial" designation policies. Section B2.4.6 b) shall not apply to the lands identified on Schedule "A" The lands designated on Schedule "A" as "Environmental Protection 2" shall generally be governed by the	By-law No. 60-2021

		"Environmental Protection 2" designation policies.	
9	2015 Allanport Road	The lands designated on Schedule "A" as "Site Specific Policy Area 9" shall generally be governed by the "Rural Industrial" designation policies. Section B2.4.6 b) shall not apply to the lands identified on Schedule "A"	By-law No. 39-2022
10	2248 Centre Street	The lands designated as "Special Policy Area 10" on Schedule "A-2" shall be governed by the "Urban Living Area" policies. Notwithstanding Section B1.1.3.c), the maximum density of development on the subject lands shall be 13 units per hectare.	By-law No. 126-2023
11	3401 Schmon Parkway	The lands designated as "Special Policy Area 11" on Schedule "A-7" shall be governed by the "BBP Employment" policies. Notwithstanding Section 2.3.3 Employment Areas, non-residential <i>Institutional</i> uses associated with a Post-Secondary institution shall be permitted.	By-law No. 125-2023
12	22 Cunningham Street, 10 Lyndon Street West and 12 Lyndon Street West	The lands designated on Schedule "A" as "Site Specific Policy Area 12" shall generally be governed by the "Urban Living Area" designation policies. Notwithstanding Section B1.1.3(c)(i), the unit density on the lands described above and shown on Schedule "A" may be increased to 62 units per hectare for two 3-storey apartment buildings containing six units in each building for a total of twelve units.	By-law No. 42-2020
13	1426 Kottmeier Road	Notwithstanding Policy B1.9.6.2.1.1, the lands [designated on Schedule "A-5" as "Site-specific Policy Area 13"] shall be permitted to be developed entirely with	By-law No. 118-2023

		townhouses to a maximum density of 40 units per hectare.	
--	--	--	--