



PORT COLBORNE



OFFICIAL PLAN

July 2026

DRAFT

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LAND ACKNOWLEDGEMENT

The Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The City of Port Colborne stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

1 INTRODUCTION AND HOW TO USE THIS PLAN

1.1 What is an Official Plan?

An Official Plan is a strategic document that sets out the land use policy directions for long-term growth and *development* in the municipality. Where an Official Plan is in effect, no public work is to be undertaken, and no by-law passed for any purpose unless it is in conformity with the Official Plan. To that end, the policies and schedules of this Plan shall be considered, applied and amended (as the case may be) when the City is preparing city-wide studies, plans and strategies which influence where public works are undertaken, such as, but not limited, transportation and *infrastructure* master plans, parks and recreation strategy or other relevant strategies and plans.

1.2 City of Port Colborne

The City of Port Colborne is a vibrant and growing community located on the shores of Lake Erie in the Niagara Region, close to the U.S. border. The historic Welland Canal runs through the City, serving as a major economic corridor that links the Great Lakes to the Atlantic Ocean and beyond. The City's location along the Welland Canal, along with its proximity to the US market and the Greater Toronto and Hamilton Area (GTHA), is the impetus for Port Colborne's growth and *development*. The City's attractive lakefront setting, abundant recreational and outdoor amenities, favourable *housing options*, and rich cultural and *natural heritage features* makes Port Colborne a great place to live, work and play.

1.3 Purpose of the Official Plan

The locational advantages that underpinned the City's historic growth continue to be relevant drivers for future growth in the City. This document, known as the ***“Official Plan for the City of Port Colborne”*** (the Plan) provides a new vision for the future growth of Port Colborne and a policy framework for guiding the City's growth over the next 30 years. It also provides an opportunity to establish a long-term path for sustainable growth that considers Provincial priorities, the City's unique local values and geographic strengths, and its social, environmental, and economic development objectives. This Plan is not fixed. It is intended to be a dynamic document that can be

updated at regular intervals to respond to changing circumstances as the City's needs evolve over time.

The main purpose of the Plan is to implement Provincial policy by:

- a) Establishing the City's long term growth and *development* objectives;
- b) Guiding growth management to the year 2056;
- c) Providing a detailed land use plan and supporting policies to guide growth and *development*;
- d) Protecting the natural environment, key resources, human health, property and safety from incompatible *development*;
- e) Coordinating land use planning with *infrastructure*, transportation and *public service facility* needs; and,
- f) Outlining a practical and efficient set of policies to help implement the Plan.

1.4 Alignment with the Provincial Planning Framework

This Official Plan has regard for matters of Provincial interest identified in the *Planning Act* and has been prepared to be consistent with the Provincial Planning Statement (2024). The Official Plan has been prepared to incorporate the relevant policies of the Region of Niagara's Official Plan (2022, as amended).

1.5 Relationship between this Official Plan and Region of Niagara's Official Plan

The Region of Niagara Official Plan (2022) was the Niagara Official Plan (NOP). The NOP provided land use planning policies and guidance for the Region as the upper-tier municipality, along with the twelve lower tier municipalities, including the City of Port Colborne. As of January 1, 2025, Provincial legislation removed planning authority from the Region of Niagara. As a result, the NOP became a Local Plan of the City of Port Colborne. This Official Plan replaces both the existing Port Colborne Official Plan and the NOP with a new Plan, with tailored policies to meet the City's current and future needs. Port Colborne's new Official Plan has been prepared to incorporate the relevant aspects of the NOP and to be consistent with the 2024 Provincial Planning Statement.

1.6 How to Use This Plan

1.6.1 Plan Organization

This Official Plan is organized into 10 sections. Together, they provide policies to direct how the City will plan for growth and address local planning needs, including land use, transportation, environmental protection, and the delivery of municipal services. The sections are as follows:

Section 1 – Introduction and How to Use This Plan (this section) explains the role and structure of the Official Plan and the political and administrative framework within which land use planning is carried out in Ontario.

Section 2 – Strategic Directions outlines the vision for the Port Colborne, as well as the key strategic objectives underpinning the policies of this Official Plan.

Section 3 – Growth Management and Settlement Area Structure establishes how and where the City's population, housing, and employment growth will occur for the next 30 years (to the year 2056). It defines the City's municipal structure, including the role and function of *Settlement Areas*, the *Agricultural Area*, and *Rural Areas* and sets out policies for where and how growth will be accommodated.

Section 4 – Land Use establishes the land use designations and associated policies of the Official Plan. It also includes general *development* policies and site-specific policies.

Section 5 – The Natural Environment establishes Port Colborne's environmental protection policies, including those related to the *Natural Heritage System* and water resources.

Section 6 – Local Landscape and Resource Management includes policies focused cultural heritage and archaeological features, mineral aggregate and *petroleum resources* as well as natural and human made hazards.

Section 7 - Infrastructure contains policies for transportation and *infrastructure* including water, sewer, and stormwater management, public utilities, and energy and telecommunications needs.

Section 8 – Implementation and Interpretation explains how to use and interpret the Plan, including details about the main planning tools the City will use to implement the Plan.

Section 9 – Definitions and Acronyms contains definitions and a tabulated reference key for acronyms found throughout the Official Plan.

Section 10 – Schedules and Maps contains the Plan’s schedules and maps.

1.6.2 A Note about Definitions and Language

Except for references to legislation which are italicized, other italicized terms throughout the Official Plan are defined in the Definitions chapter. For non-italicized terms, the normal meaning of the word applies. The defined terms in the Definitions chapter are based on the *Planning Act* and Provincial Policy Statement (2024).

1.6.3 References to External Documents

The Official Plan is one of many documents that shapes and informs how growth and *development* will occur in the City. Occasionally, the policies of this Official Plan will make reference to another plan or supporting document. In the event that referenced documents are updated after the City of Port Colborne adopts this Official Plan, references in this Plan to those other documents shall be interpreted to reference the newer document.

1.6.4 Schedules

In addition to the text of the Official Plan, there are 13 Schedules which also form part of this Plan. They can be found in Section 10. The schedules of this Plan may only be modified through an Official Plan Amendment, unless otherwise permitted under the interpretation and administrative update policies of Section 8.1.2.

Where boundaries of designations or features are shown following roads, watercourses, or property lines, they are intended to coincide with those physical or legal markers.

The Schedules are described below.

‘A’ Series: Land Use and Growth Framework

This series of schedules establishes the regulatory land use framework and growth boundaries for the city, which direct where specific activities and forms of *development* are permitted.

1. **Schedule A-1: Municipal Structure:** Maps the entire municipal land base. It delineates the outer Urban *Settlement Area* boundary, the boundaries of the

three distinct Rural *Settlement Areas* (Bethel, Gasline, and Sherkston), and the broad distribution of the Agricultural Area and *Rural Area*. This map functions as the high-level growth management framework for the City.

2. **Schedule A-2: Strategic Growth Areas:** Outlines the city-wide growth framework by identifying the Built-Up Area, *Designated Growth Areas* (for both Community and Employment uses), and specific *Strategic Growth Areas* (Main Street, King Street, and Downtown Waterfront). It serves to target residential *intensification* and coordinate *infrastructure* sequencing.
3. **Schedule A-3: Land Use:** Establishes the property-specific land use designations across the entire municipality. It maps out where the land use designations (Residential Neighbourhoods, Commercial Areas, Mixed-Use Areas, *Employment Areas*, Parks and Open Space, and the *Natural Heritage System*) are distributed.
4. **Schedule A-4: Land Use (Urban Settlement):** Provides a close-up, detailed view of the land use designations specifically within the Urban *Settlement Area* boundary.
5. **Schedule A-5: Site-Specific Policy Areas:** Delineates the exact boundaries of specific properties or geographic areas that are subject to unique, site-specific policies detailed in Section 4.12 of this Plan. This schedule acts as a spatial inventory for properties with specialized rules, where tailored *development* standards or land use permissions apply in addition to, or as an exception to, the standard underlying designation rules.

Note:
Schedule A-5
will be
included in the
next iteration.

‘B’ Series: Mobility Networks

This series of schedules maps out the *multimodal infrastructure* required to safely and efficiently move people, goods, and services across the city.

6. **Schedule B-1: Transportation System:** Identifies the established and planned road hierarchy across the City, classifying corridors as Provincial Highways, Regional Arterials, Arterials, Collectors, or Local Roads. It also maps out the rail network and major goods-movement pathways to ensure that industry is protected from the incompatible encroachment of land uses.
7. **Schedule B-2: Active Transportation:** Delineates the municipal cycling network and multi-use trail systems. This schedule functions as a long-term *infrastructure* layout to ensure continuous sidewalk and pathway connections are built between Residential Neighbourhoods, *Employment Areas*, and waterfront destinations.

Note:
Schedule B-1
is subject to
further
refinement.

‘C’ Series: Environmental Overlays and Hazards

This series of schedules acts as a protective spatial screening system. These maps sit directly on top of the ‘A’ Series (Land Use and Growth Framework). When a property contains an overlay feature from this series, its specific environmental protection or safety rules apply in addition to the underlying land use permissions.

8. **Schedule C-1: Natural Heritage System:** Maps protected ecological features across the City, including permanent and intermittent watercourses, *fish habitat*, *wetlands*, and natural corridors. Its function is to preserve local biodiversity, prevent *habitat* fragmentation, and screen *development* applications that may require an Environmental Impact Study.
9. **Schedule C-2: Water Resources:** Identifies key surface water and groundwater systems, specifically delineating *Significant* Groundwater Recharge Areas, Highly *Vulnerable* Aquifers, and regulated shoreline boundaries. Its purpose is to guide land uses away from *sensitive* areas to safeguard drinking water quality and natural *hydrologic functions*.
10. **Schedule C-3: Intake Protection Zones:** Establishes a strict safety overlay that maps Intake Protection Zones 1 and 2 (IPZ-1 and IPZ-2) in the waters and *adjacent lands* surrounding the municipal water treatment plant. This schedule functions as a mandatory screening tool to restrict high-risk activities or contaminant storage near the drinking water source.
11. **Schedule C-4: Natural and Human Made Hazards:** Pinpoints areas where *development* is limited or restricted due to unsafe physical conditions. This includes natural hazards like *flood plains* and regulated shorelines, alongside human-made constraints like former waste management facilities. Its function is to protect human life and property from environmental risks.
12. **Schedule C-5: Mineral Aggregate Resource Areas:** Maps out active licensed aggregate operations alongside verified bedrock stone resources and sand/gravel deposits of secondary or tertiary significance. Its function is to prevent high-quality aggregate features from being prematurely blocked or sterilized by surface development.
13. **Schedule C-6: Petroleum Resources:** Identifies verified deep-subsurface features, including active petroleum wells, natural gas pools, and underground natural gas storage zones. This map functions as a safety overlay to enforce mandatory building setbacks from active or abandoned operations.

1.6.5 Maps

The Official Plan also includes the following maps, found in Section 10:

Map 1: Archaeological Potential: Delineates geographic areas across the municipality that are likely to contain buried *archaeological resources* or registered historical sites. This map functions as a screening tool during the *development* review process to determine when an applicant is required to complete a professional archaeological assessment before any *site alteration* or grading can begin.

Map 2: Prime Agricultural Areas: Identifies the continuous agricultural land base comprised of high-quality soils (Classes 1 through 3) as classified by the Canada Land Inventory. This map serves as an informational reference layer to support the long-term preservation of farming operations and to ensure non-*agricultural uses* are directed away from prime food-production lands.

Map 3: Natural Heritage Features: Provides a detailed baseline inventory of individual, field-verified environmental assets, including provincially *significant wetlands*, *significant woodlands*, *fish habitats*, and wildlife corridors. While **Schedule C-1** maps the broader protected system, this map highlights the specific components to help developers and landowners identify ecological constraints early in the site design process.

1.6.6 Appendices

The Official Plan also includes the following appendices:

Appendix 1: Road Right-of-way Widths

Appendix 2: List of Required Studies

The policies of Section 8 provide additional details and guidance on how to interpret the policies, schedules, maps and appendices of this Plan.

2 STRATEGIC DIRECTIONS

2.1 Introduction

This section sets out the strategic directions for the Official Plan, including the Vision and Objectives that guide the Official Plan. Collectively, they provide direction for how Port Colborne will grow and change to 2056.

2.2 Vision

The following Vision for Port Colborne was developed through community, stakeholder and Council engagement during the preparation of the plan and describes the community's shared long-term direction:

Port Colborne is a thriving, vibrant, and diverse rural and urban lakefront community that is rooted in our cultural heritage and the natural landscapes of Lake Erie. Our community is welcoming, inclusive, and accessible to all ages and abilities. We work together to build a community that is walkable with a thriving downtown, complete streets, and varied and affordable housing options, while protecting our farmland and natural heritage features. Inspired by our commitment to maintain proper infrastructure, we also plan for expansive parks, green spaces, and community gathering spaces ensuring a healthy community for current and future generations. We have places to work and promote economic development, tourism, and arts and culture that support our community.

2.3 Official Plan Objectives

The following section outlines the objectives of the Official Plan. They build on the Vision and are organized around the following themes:

- a) Growth management and *complete communities*;
- b) Housing and community well-being;
- c) Economic prosperity;
- d) *Infrastructure*, mobility and efficient *development*;
- e) Indigenous relationships and engagement;
- f) Natural environment, climate and agriculture;
- g) Cultural heritage, identity and sense of place; and,
- h) Implementation and responsiveness.

2.3.1 Growth Management and Complete Communities

- 2.3.1.1 Support growth by accommodating the forecast population, housing and employment growth in a manner that is orderly, sustainable and aligned with the City's long-term growth outlook.
- 2.3.1.2 Direct the majority of future growth to the Urban Settlement Area, focusing intensification within Strategic Growth Areas, and new development in Designated Growth Areas.
- 2.3.1.3 Support *complete communities* by planning for an appropriate range and mix of housing, employment, services, parks, open spaces, community facilities and mobility options that meet the needs of current and future residents.
- 2.3.1.4 Guide growth in a manner that respects the distinct roles and functions of the City's growth framework, including the unique roles of the *Urban Settlement Area*, *Rural Settlement Areas*, the *Agricultural Area* and *Rural Areas*.

2.3.2 Housing and Community Well-Being

- 2.3.2.1 Increase the supply of *housing options* in appropriate locations.
- 2.3.2.2 Provide a full range and mix of *housing options*, including *affordable* and attainable housing, and guide new residential *development* in a manner that responds to local needs, planned densities, and the character of surrounding areas.
- 2.3.2.3 Encourage *development* patterns and neighbourhood design that support accessibility, safety, health, and a high quality of life.
- 2.3.2.4 Ensure that growth is accompanied by the parks, open spaces, trails, community services and public facilities needed to serve existing and future residents.

2.3.3 Economic Prosperity

- 2.3.3.1 Support a vibrant Downtown, waterfront and mixed-use areas as interconnected points for commerce, tourism and cultural activities, housing, investment and placemaking.
- 2.3.3.2 Support the tourism economy by promoting investment in the Downtown, waterfront, canal lands, harbour-related areas, trails, cultural heritage resources, festivals, events, accommodations, restaurants and other visitor-supportive uses that contribute to year-round economic activity.
- 2.3.3.3 Support major economic investment and advanced manufacturing opportunities in the City, including the *Employment Area* associated with the Highway 140 and Highway 58A corridor.
- 2.3.3.4 Plan for related employment growth in a manner that protects long-term employment land supply.
- 2.3.3.5 Support a strong and resilient economy by protecting and planning for *Employment Areas*.
- 2.3.3.6 Support Port Colborne's role as a place for investment and employment by maintaining an adequate and marketable supply of employment land and aligning land use planning with emerging economic opportunities.
- 2.3.3.7 Coordinate the implementation of this Plan with the City's economic *development* initiatives, Community Improvement Plans, *infrastructure* planning and future monitoring work so that the City can respond to changing market conditions, major economic catalysts and *development* readiness over the planning horizon.
- 2.3.3.8 Protect *Employment Areas* from incompatible *development*.

2.3.4 Infrastructure, Mobility and Efficient Development

- 2.3.4.1 Align growth and *development* with the provision and efficient use of transportation, water, wastewater, stormwater and other municipal *infrastructure*, including *infrastructure*-first phasing for new *development* areas.

- 2.3.4.2 Improve overall connectivity by promoting a walkable, accessible and well-connected community through complete streets, active transportation, *transit-supportive* planning and a *multimodal transportation system*.
- 2.3.4.3 Support the safe and efficient movement of people and goods and coordinate land use planning with transportation, servicing and utility planning.
- 2.3.4.4 Promote *development* patterns that make efficient use of existing and planned *infrastructure* and support financially responsible long-term growth.
- 2.3.4.5 Protect lands and promote investment in proximity to *major goods movement facilities and corridors*, including the Welland Canal, rail *infrastructure*, Highway 140, marine terminals, and related transportation corridors for uses that benefit from those locations and contribute to the movement of goods, industrial activity, and employment growth.
- 2.3.4.6 Protect and support the long-term function of the City's marine, canal-related, industrial, logistics and transshipment lands, including lands on the east and west sides of the Welland Canal, as strategic components of Port Colborne's economic base and goods movement network.

2.3.5 Indigenous Relationships and Engagement

- 2.3.5.1 Support reconciliation with the City's Indigenous communities through partnership on common objectives.
- 2.3.5.2 Engage early and meaningfully with Indigenous rightsholders to ensure perspectives are considered in planning matters.
- 2.3.5.3 Consider and apply the consultation protocols of Indigenous communities whose traditional territory is in the area when engaging on planning matters, and be open to hearing from members of these communities about concerns they have related to *development* on their traditional territory.
- 2.3.5.4 Identify, through ongoing collaboration, the areas of significance to local Indigenous communities that are located within or near proposed *development*.
- 2.3.5.5 Ensure Indigenous communities and groups have access to planning documentation, including but not limited to, the Official Plan and Zoning By-

law, as a means of fostering knowledge and encouraging dialogue related to planning matters.

2.3.6 Natural Environment, Climate and Agriculture

- 2.3.6.1 Protect and enhance the City's *natural heritage system*, water resources, shoreline areas, farmland and *ecological functions*, and support an integrated approach to environmental planning and climate resilience.
- 2.3.6.2 Protect *prime agricultural areas* for long-term agricultural use, support the viability of agriculture and related uses, and minimize land use conflicts in the *Rural Area*.
- 2.3.6.3 Protect environmental features and functions, including *wetlands*, shoreline areas, *habitat* and ecological linkages, and ensure that *development* is planned with regard for environmental constraints and long-term sustainability.
- 2.3.6.4 Encourage growth and *development* that contributes to climate adaptation, resilience, energy efficiency and the long-term health of the City's natural systems and communities.

2.3.7 Cultural Heritage, Identity and Sense of Place

- 2.3.7.1 Conserve and celebrate Port Colborne's cultural heritage resources, *archaeological resources*, cultural landscapes, and the significance of the Welland Canal and waterfront as defining elements of the City's identity.
- 2.3.7.2 Promote urban design, placemaking and public realm improvements that reinforce local character, improve community appearance and strengthen Port Colborne's identity as a unique lakefront city.
- 2.3.7.3 Preserve and strengthen the small-city, waterfront and rural character that residents value while accommodating appropriate growth and change.
- 2.3.7.4 Recognize the Welland Canal, waterfront and marine-related lands as important economic, cultural and identity-defining assets within the City.

2.3.8 Implementation and Responsiveness

- 2.3.8.1 Ensure that this Plan remains responsive to change through monitoring, review and the use of appropriate implementation tools.
- 2.3.8.2 Provide a clear and practical policy framework to guide Council, staff, residents, agencies and the *development* industry in making land use planning decisions.
- 2.3.8.3 Support ongoing review of growth, land supply, *infrastructure* capacity, housing needs and economic conditions so that the City can respond appropriately to changing circumstances over the planning horizon.

3 GROWTH MANAGEMENT AND SETTLEMENT AREA STRUCTURE

3.1 Introduction

This section sets out the growth management framework and overall *Settlement Area* structure for the City. It includes the growth forecasts, including the population, housing and employment targets, affordability and other relevant targets. The growth management policies outline how the City plans to accommodate its growth over the planning horizon.

3.2 Growth Forecasts

3.2.1 Time Horizon

- 3.2.1.1 The time horizon for this Official Plan is thirty years, providing guidance for growth to the year 2056.

3.2.2 Population Forecast

- 3.2.2.1 The population forecasts of this Official Plan are based on the Ministry of Finance forecast to 2051 and has been modified to extend the horizon to 2056. The City shall plan to accommodate a minimum population of approximately 29,130 persons by 2056, as shown in **Table 3-1**.

Table 3-1: Population Forecast for the City of Port Colborne

Year	Population Forecast
2026	22,240 people
2036	24,900 people
2046	26,960 people
2056	29,130 people
Growth from 2026 to 2056	6,890 people

- 3.2.2.2 The City's population forecast in **Table 3-1** shall be the basis for the residential land needs, *infrastructure*, community facilities, *public service facilities* and parks planning.
- 3.2.2.3 The City shall monitor population growth over time and may update the population forecast through the Official Plan review process or other Council-approved growth management exercise.
- 3.2.2.4 In reviewing population growth, the City shall have regard for updated Provincial guidance as well as changing market conditions, *infrastructure* capacity, economic *development* and other relevant circumstances.

3.2.3 Housing Forecast

- 3.2.3.1 The City shall plan to accommodate approximately 12,735 housing units by 2056. This housing forecast establishes the baseline amount of residential growth to be planned for through this Plan. The housing forecast shall be used to guide residential land budgeting, *intensification* planning, *infrastructure* planning, and the monitoring of housing supply. The breakdown of the City's housing forecast is identified in **Table 3-2**.

Table 3-2: City Housing Forecast

Year	Housing Forecast
2026	9,285 units
2036	10,435 units
2046	11,585 units
2056	12,735 units
Growth from 2026 to 2056	3,450 units

Note: **Table 3-2** is not intended to limit the potential for housing growth. The City has a large supply of residential development opportunities within the Urban Settlement Area, and there is physical potential for the market to perform at a pace beyond the figures identified in **Table 3-2**.

3.2.4 Housing Mix

- 3.2.4.1 The City's target housing mix is shown in **Table 3-3** and should be used to inform the planning of *New Neighbourhoods*, *intensification* areas and *redevelopment* opportunities, having regard for context, compatibility, servicing and the planned function of the area.

Table 3-3: City Target Housing Mix

Density Category	Example Dwelling Types	Housing Mix
Low Density	Singles, semis, duplexes, triplex, quads and <i>additional dwelling units</i>	50%
Medium Density	Townhomes (street, back to back towns) and low rise apartments,	20%
High Density	Stacked townhomes, mid rise and high rise apartment dwellings	30%

Note: Example dwelling types are provided for illustrative purposes only and are not intended to be exhaustive. Permitted dwelling types are established through the City's Zoning By-law, as amended from time to time..

- 3.2.4.2 The target housing mix in **Table 3-3** is intended to provide for an appropriate range and mix of *housing options* and densities to meet the City's projected requirements for current and future residents to 2056. To ensure there is an appropriate range and mix of *housing options* and densities, the City shall:
- Maintain the ability to accommodate residential growth for a minimum of 15 years through lands which are *designated and available* for residential *development*; and,
 - Maintain, where new *development* is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
- 3.2.4.3 The target housing mix is a long term guide and typically would not be required on each individual site or *development* application. Rather, the target housing mix it is to be used to guide long-range land budgeting,

subdivision design, residential *intensification* planning and *infrastructure* planning.

- 3.2.4.4 In applying the target housing mix, the City shall also consider infrastructure capacity, site suitability, compatibility, urban design, market conditions and the planned function of the area.
- 3.2.4.5 The City encourages a broad range of housing forms, including detached, semi-detached, townhouse, stacked townhouse, apartment, mixed-use residential and additional residential units, subject to the policies of this Plan.
- 3.2.4.6 The City encourages lotting patterns that improve land use efficiency, support *complete communities*, and provide greater choice for households at different ages, incomes and stages of life.
- 3.2.4.7 Port Colborne shall support the implementation of relevant actions from Niagara Region's Housing and Homelessness Action Plan, Affordable Housing Strategy, and Attainable Housing Strategy to address local housing gaps and help improve affordability across Port Colborne.

3.2.5 Affordable Housing

- 3.2.5.1 The City supports the provision of *affordable* and attainable housing as part of the full range and mix of *housing options* planned for the *Urban Settlement Area*.
- 3.2.5.2 The City will work towards a target of 30% of new housing units be *affordable* to *low and moderate income households*.
- 3.2.5.3 Within the overall *affordable* housing target, the City shall work toward sub-targets that:
 - a) 20% of new housing units over the planning horizon are *affordable* rental units at or below Average Market Rent, or such updated affordability benchmark as may be established through applicable Provincial policy; and,
 - b) 10% of new housing units over the planning horizon are *affordable* ownership units.
- 3.2.5.4 The City will report on *affordable* housing matters annually through a housing monitoring program or similar Council-directed reporting framework.

- 3.2.5.5 The City shall review *affordable* housing targets, policies and implementation measures at least every five years.
- 3.2.5.6 Proponents of residential or mixed-use *development* applications with more than ten (10) units shall be required to demonstrate how the proposed *development* addresses and contributes to the housing affordability and mix objectives set out in this Plan. This analysis must also demonstrate how the application aligns with the goals, metrics, or targets of any municipal housing strategy, affordability plan, or housing action brief subsequently adopted by Council. The evaluation must be explicitly detailed within the supporting Planning Justification Report (PJR), to the satisfaction of the City.
- 3.2.5.7 The City will consider the use of financial incentives, partnerships, streamlining of municipal regulations and funding programs to support the delivery of *affordable* housing and purpose-built rental housing over the planning horizon.
- 3.2.5.8 Where *affordable* housing is provided through municipal incentives, such as but not limited to increased density or reduced parking requirements, or the *redevelopment* of surplus public lands, the affordability of those units shall be secured over the long term through appropriate legal agreements registered on title.
- 3.2.5.9 Prior to the sale, lease, *redevelopment* or disposal of surplus municipal lands or buildings, the City shall evaluate the property to determine its viability for the *development* or *redevelopment* that includes *affordable* housing, purpose-built rental housing, or mixed-use *redevelopment* that includes *affordable* housing. Council, based on recommendations from City staff, shall determine whether a property is viable for these types of *developments* or *redevelopments* using the following baseline criteria:
- a) The property is located within the Urban Settlement Area;
 - b) The site has direct access to existing municipal water and wastewater infrastructure, or it can be connected in a cost-effective manner;
 - c) The land is within reasonable walking distance of active transportation networks, community services, parks, or commercial areas; and
 - d) The property is free of severe environmental hazards, contamination, or physical constraints that would make housing construction financially

unviable.

- 3.2.5.10 The City recognizes its potential role as a direct participant in the housing market and may act as the developer or long-term landowner of affordable housing developments to help achieve the targets of this Plan.
- 3.2.5.11 Where the City undertakes or retains land for *affordable* housing, it will support the co-location of *affordable* housing with supporting uses, such as *public service facilities*, open spaces, or *community infrastructure*, on City-owned lands to foster complete, well-served communities.
- 3.2.5.12 The City supports *affordable* and attainable housing through a range and mix of housing forms, including ground-related housing, bachelor and one-bedroom units, medium-density housing, apartments, purpose-built rental housing, mixed-use residential *development*, additional residential units, and other housing forms that respond to local needs and improve housing choice.
- 3.2.5.13 The City supports the retention and expansion of purpose-built rental housing and may establish additional policies, regulations, or a rental replacement framework to address the loss of existing rental units through demolition or *redevelopment*, and shall restrict the conversion of rental units to ownership tenure in accordance with Section 4.11.1 of this Plan.
- 3.2.5.14 To assist in achieving the *affordable* housing targets of this Plan, proponents of *affordable* housing *developments* are encouraged to prioritize sites that offer close proximity to everyday amenities, *public service facilities*, active transportation networks, and parks and open spaces to foster *complete communities*.
- 3.2.5.15 Where *affordable* housing units are provided within a larger mixed-income *development*, they shall be designed to be visually indistinguishable from market-rate units and should be integrated throughout the *development* rather than concentrated in a single area.
- 3.2.5.16 The City shall coordinate with the Region of Niagara, who acts as the service manager for housing and homelessness in Niagara Region, to address areas of shared interest, such as, but not limited to the provision of *affordable* housing, the protection and expansion of purpose-built rental housing, increasing the supply of housing, etc.

- 3.2.5.17 The City encourages discussion with private, public and non-profit housing providers during the *development* approvals process regarding opportunities for proposals to contribute toward the *affordable* housing objectives and targets of this Plan.
- 3.2.5.18 Private sector developers are encouraged to partner with non-profit housing providers, community land trusts, or co-operatives to jointly deliver, operate, and manage *affordable* housing components within new residential *developments*.

3.2.6 Employment Forecast

- 3.2.6.1 The City shall plan for a minimum of approximately 10,200 jobs by 2056, as shown in **Table 3-4**.

Table 3-4: Forecast Growth in Employment by Type

Employment Type	2021	2051	2056	2061
Major Office Employment	0	0	0	0
Population-Related Employment	3,470	4,670	4,855	5,060
<i>Employment Area</i> Employment	2,210	3,770	3,980	4,205
Rural Employment	915	1,360	1,360	1,360
TOTAL	6,595	9,800	10,200	10,625

- 3.2.6.2 The employment forecast shall be used to guide planning for *Employment Areas*, *infrastructure*, utilities, goods movement and economic development initiatives.
- 3.2.6.3 The City shall plan for, protect and preserve *Employment Areas* for current and future employment uses in accordance with this Plan and applicable Provincial policy. For the purposes of this Plan, *Employment Areas* consist of land designated for clusters of business and industrial activity, including manufacturing, warehousing, logistics, processing, assembly, and research facilities, as formally designated in Section 4.5 of this Plan and defined in Chapter 9.
- 3.2.6.4 The City's long-term supply of *Employment Areas* is required to ensure that there is a diverse supply of lands to meet current and future market needs

and to ensure that the City can achieve its forecast employment growth. The City shall protect lands designated as *Employment Areas* for the long term.

- 3.2.6.5 Land use planning, municipal servicing, transportation planning, utility *infrastructure*, and economic development initiatives must be coordinated as a unified process to achieve the following outcomes:
- a) Improve the market readiness of designated *Employment Areas* to ensure a competitive and developable supply industrial land; and,
 - b) Support the continued growth of population-related employment (e.g., commercial services, local retail, institutional jobs) throughout the wider community.
- 3.2.6.6 The City shall encourage a range of parcel sizes and configurations within *Employment Areas* to accommodate both large-format industrial users and smaller employment uses, while avoiding unnecessary fragmentation of lands intended for long-term employment purposes.
- 3.2.6.7 The City shall support the continued *development* of population-related employment in appropriate locations throughout the Urban Area, provided such uses do not undermine the planned function of *Employment Areas*.
- 3.2.6.8 The City shall only authorize the removal of lands from *Employment Areas* where it has been demonstrated that:
- a) There is an identified need for the removal and the land is not required for *Employment Area* uses over the long term;
 - b) The proposed uses would not negatively impact the overall viability of the *Employment Area* by:
 - i) Avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses; and
 - ii) Maintaining access to *major goods movement facilities and corridors*.

- c) Existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses;
- d) The City has sufficient employment lands to accommodate projected employment growth to 2056.
- e) *Adverse effects* to the proposed *sensitive land use* can be avoided or where avoidance is not possible, minimized and mitigated;
- f) Potential impacts on existing and planned employment uses can be minimized and mitigated;

3.2.6.9 The City shall ensure that *Employment Areas* remain suitable for industrial, marine, logistics, warehousing, manufacturing and other employment uses that support the economy.

3.3 Municipal Structure and General Approach to Growth

3.3.1 Municipal Structure

3.3.1.1 The City's planned Municipal Structure is identified on **Schedule A-1**(see Section 1.6.4 for a description of this Schedule) and identifies the following four main parts of the City:

- a) Urban Settlement Area;
- b) Rural Settlement Areas;
- c) Rural Areas; and,
- d) Agricultural Areas.

3.3.1.2 The Municipal Structure establishes the general geography for managing growth and change in Port Colborne. It provides the basis for where urban growth is to occur, where rural settlement patterns are to be maintained, and where agricultural and *rural lands* are to be protected for the long term.

3.3.1.3 The Municipal Structure also provides the basis for applying the land use designations of this Plan and for coordinating land use decisions with *infrastructure*, servicing and environmental considerations. These components are distinct but related, and are intended to work together to maintain a clear and defensible growth management framework.

3.3.2 Growth Management Strategy

- 3.3.2.1 The Urban *Settlement Area* shall be the primary focus for accommodating the planned growth forecasts contained within this Official Plan. The majority of the City's future growth to 2056 is planned occur within the Urban *Settlement Area*, where municipal water and wastewater services are available or planned and where a broader range of transportation choices, parks, *public service facilities* and *community infrastructure* can be provided. Directing growth to the Urban *Settlement Area* supports efficient use of *infrastructure*, reduces pressure for scattered *development* and helps concentrate new housing and jobs in locations where *complete communities* can be achieved.
- 3.3.2.2 Growth shall be managed in a manner that supports the vitality of the Urban *Settlement Area* while maintaining the distinct role and character of the City's Rural and Agricultural Areas. The City shall continue to develop as a thriving urban and rural community with a strong waterfront and Canal identity, *Established Neighbourhoods*, a growing economy, rural communities and a productive agricultural land base.
- 3.3.2.3 Growth within the Urban *Settlement Area* shall support *complete communities* and make efficient use of land, *infrastructure* and public investment.
- 3.3.2.4 The Urban *Settlement Area* shall contain a range of land uses, *housing options*, jobs, *public service facilities*, parks, open space and transportation options that together support *complete communities*.
- 3.3.2.5 *Development* within the Urban *Settlement Area* shall proceed in a manner that makes efficient use of land, municipal servicing, transportation *infrastructure* and public investment.
- 3.3.2.6 The City's planned urban structure distinguishes between the Built-Up Area and *Designated Growth Areas* within the Urban *Settlement Area* for the purpose of planning *intensification*, new neighbourhood *development* and *infrastructure* sequencing.

3.3.3 Settlement Area Expansion

- 3.3.3.1 The *Settlement Area* boundaries depicted on **Schedule A-1** provide a sufficient supply of land to accommodate the projected growth to 2056. It is not anticipated that the City will require an expansion of its *Settlement Area* boundaries to accommodate projected growth up to 2056.
- 3.3.3.2 The City shall review its long term land needs as part of its five-year Official Plan review process to ensure that there remains a sufficient supply of land to meet projected needs over the long term.
- 3.3.3.3 The establishment of a new *Settlement Area* within the City is prohibited.
- 3.3.3.4 In assessing the need for a future *Settlement Area* expansion, the City shall consider:
- a) The need to designate and plan for additional land to accommodate an appropriate range and mix of uses, as informed by a land needs assessment to the satisfaction of the City;
 - b) If there is sufficient capacity in existing and planned *infrastructure* and *public service facilities*;
 - c) Whether the applicable lands comprise specialty crops;
 - d) The evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
 - e) Whether the expanded Settlement Area complies with the minimum distance separation formulae;
 - f) Whether the impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and,
 - g) The expanded *Settlement Area* provides for the phase progression or urban *development*.
- 3.3.3.5 A private request for a *Settlement Area* boundary expansion must proceed through an application for an Official Plan Amendment. The City will evaluate the application against the criteria in Policy 3.3.3.4, the impact on the planned municipal structure, and whether the expansion conflicts with any other policy of this Plan.

- 3.3.3.6 Proponents of a private expansion application must submit a complete application package. The submission must include the following technical studies prepared by qualified professionals to the satisfaction of the City:
- a) A Land Needs Assessment demonstrating that the City requires additional land to accommodate projected population or employment growth over the planning horizon;
 - b) A Comprehensive Servicing Study confirming adequate capacity in existing or planned municipal water, wastewater, and stormwater *infrastructure* to support the expansion area without creating financial or operational bottlenecks;
 - c) An Agricultural Impact Assessment prepared in accordance with provincial guidance, if the expansion involves lands within the Agricultural Area; and
 - d) Any contingent studies identified in **Appendix B** and confirmed through the mandatory pre-consultation process.
- 3.3.3.7 Any expansion to a Rural *Settlement Area* boundary shown on **Schedule A-1** constitutes a *Settlement Area* boundary expansion and must satisfy the criteria outlined in Policy 3.3.3.4. Due to the partial servicing allocation within these areas, a hamlet expansion is only permitted where a comprehensive servicing options report demonstrates that the expanded area will be serviced by *private communal sewage services* and *private communal water services*, or *individual on-site water services* in combination with *private communal sewage services*, in compliance with Section 7.3.5 of this Plan.
- 3.3.3.8 Minor rounding out within the established boundaries of a Rural *Settlement Area* does not constitute a *Settlement Area* boundary expansion and does not require an amendment to this Plan. Minor rounding out is limited to infill *development* on a single vacant lot of record situated between two existing residential dwellings on the same side of an open, publicly maintained road. The proposed lot must comply with the private servicing and minimum lot size provisions established in Section 7.3.5 of this Plan.

3.3.4 Intensification Target

The Urban Growth Framework at a Glance

This Plan divides Port Colborne's Urban *Settlement Area* into distinct areas to manage population and housing growth efficiently over the next 30 years.

- **The Built-Up Area:** The existing developed footprint of the city where *infrastructure*, roads, and public services are already established. Growth here happens through infill *development* and reusing vacant or underutilized lots.
- **Strategic Growth Areas (SGAs):** Specific corridors and downtown hubs **inside** the Built-Up Area that are targeted for the highest variety of land uses and building heights. These are the primary focal points for *intensification*.
- **Designated Growth Areas (DGAs):** Undeveloped land outside the Built-Up Area but inside the outer urban boundary (often called greenfields). These areas are typically master-planned from the ground up for new housing and jobs.

- 3.3.4.1 The Built-Up Area is depicted on **Schedule A-2** (see Section 1.6.4 for a description of this Schedule) and shall be used for the purposes of measuring and monitoring *intensification* performance.
- 3.3.4.2 Residential *intensification* within the Built-Up Area forms an important component of the City's overall growth strategy. *Intensification* is intended to provide additional housing choices, support the vitality of the Downtown and important nodes and corridor (i.e. *Strategic Growth Areas*; refer to Section 3.3.5) and make best use of existing *infrastructure* and services.
- 3.3.4.3 The majority of the City's future *intensification* is planned to occur within the *Strategic Growth Areas* depicted on **Schedule A-2**. In addition to *intensification* within the *Strategic Growth Areas*, modest levels of *intensification* are planned occur in *Established Neighbourhoods* through small-scale infilling, accessing dwelling unit construction and uptake of vacant lands.

- 3.3.4.4 The City's *intensification* target is 30%, which represents 1,035 housing units accommodated within the Built-Up Area over the thirty-year planning horizon (averaging approximately 35 units per year). To ensure that growth is directed to appropriate locations, this 30% target will be achieved through the allocations shown in **Table 3-5**:

Table 3-5: Delineated Built-Up Area Housing Allocation (2026 to 2056)

Intensification Location / Category	Share of City-Wide Growth	Total Target	Annual Average
Strategic Growth Areas: Downtown Waterfront, King Street, and Main Street Corridors	25%	863 units	~29 units per year
General Built-Up Area: Small-scale infilling, <i>Additional Dwelling Units</i> , and neighbourhood infill outside of <i>Strategic Growth Areas</i>	5%	172 units	~6 units per year
TOTAL BUILT-UP AREA (INTENSIFICATION TARGET)	30%	1,035 units	~35 units per year

Note: Percentages and unit targets are based on the minimum forecast of 3,450 new housing units city-wide over the 30-year planning horizon.

3.3.5 Strategic Growth Areas

- 3.3.5.1 *Strategic Growth Areas*, as delineated on **Schedule A-2**, are priority locations on within the Urban *Settlement Area* where *intensification*, *redevelopment*, a broader mix of uses and higher density *development* are directed subject to compatibility, servicing and design considerations.
- 3.3.5.2 The majority of *intensification* is planned to occur within the City's three *Strategic Growth Areas*, which are:
- The Downtown Waterfront Mixed-Use Area;
 - The King Street Mixed-Use Corridor; and,
 - The Main Street Mixed-Use Area.
- 3.3.5.3 The City shall plan *Strategic Growth Areas* to support active transportation, *transit-supportive development* where feasible, high-quality public spaces

and an urban form that reinforces the function of these areas as focal points for growth.

- 3.3.5.4 New automotive-oriented forms of commercial *development* and auto-oriented uses are prohibited within designated *Strategic Growth Areas*, as identified on **Schedule A-2**, in accordance with the detailed land use policies in Section 4.3.2 of this Plan.

3.3.6 Designated Growth Areas

- 3.3.6.1 *Designated Growth Areas* are depicted on **Schedule A-2** and are expected to accommodate approximately 70% of all residential *development* over the planning horizon for growth occurring within the Urban *Settlement Area*. These areas are to be planned comprehensively, connected to the existing urban fabric and developed as *complete communities* with efficient municipal servicing and guided by orderly progression of phasing.
- 3.3.6.2 Planning for *Designated Growth Areas* shall provide a mix of housing types and tenures, parks, schools, stormwater management facilities, street and block patterns that support walking and cycling, and other amenities needed to serve future residents.
- 3.3.6.3 The City shall plan for *Designated Growth Areas* to achieve, on a city-wide basis, a minimum density target of 50 people and jobs per hectare.
- 3.3.6.4 *Development* of *Designated Growth Areas* shall proceed in a contiguous and orderly manner and shall avoid premature or fragmented *development*. *Development* shall be phased to align with the timely provision of municipal servicing, transportation *infrastructure* and *public service facilities*.

3.3.7 Rural Settlement Areas

- 3.3.7.1 The City has three Rural *Settlement Areas*, which are depicted on **Schedule A-1** and include:
- a) Gasline;
 - b) Sherkston; and,
 - c) Bethel.

- 3.3.7.2 Rural *Settlement Areas* provide for rural residential and small-scale non-residential uses that serve local residents and the surrounding rural and agricultural community. Rural *Settlement Areas* shall maintain a compact form, a village character and a level of *development* that is appropriate to private servicing and the surrounding land use context.
- 3.3.7.3 Rural *Settlement Areas* are partially serviced *Settlement Areas*, with access to municipal water and private sanitary servicing. Due to the limited servicing capacity in these areas, *development* shall be restricted to small-scale infill *development*.

3.3.8 Rural Area

- 3.3.8.1 The *Rural Area* includes lands outside *Settlement Areas* that are not designated for long-term agriculture and that accommodate a range of rural land uses, including rural residential, recreational, institutional, commercial, industrial, resource-related and other uses permitted by this Plan. *Development* in the *Rural Area* shall remain low in intensity, reflect the rural context and be planned so that it does not compromise adjacent agricultural lands, natural systems or the efficient operation of rural *infrastructure*.
- 3.3.8.2 *Development* in the *Rural Area* shall be compatible with the rural character of the area and shall generally be of a scale and intensity that can be accommodated on private services or other approved servicing arrangements.

3.3.9 Agricultural Area

- 3.3.9.1 The Agricultural Area includes *prime agricultural lands* that are to be protected for long-term agricultural use. These lands are a fundamental component of the City's economic base and rural landscape and are to be preserved for farming and farm-related activities. Land use planning in the Agricultural Area shall support *normal farm practices*, reduce fragmentation and avoid the introduction of uses that could constrain agricultural operations.
- 3.3.9.2 The Agricultural Area shall be protected for long-term agricultural use and agriculture shall be the principal use in this area.

4 LAND USE

4.1 Introduction

The following section sets out the policy framework for the *development* of land throughout the City. The policies of this section are organized around a series of general policies that apply to all land use designations, followed by the policies for each land use designation. Each land use designation includes a description of the planned function, general permitted uses and associated *development* policies.

4.2 General Policies

The policies in this section apply to all *development* in the City of Port Colborne, where relevant, in addition to the policies for specific land use designations.

4.2.1 Policies

4.2.1.1 **Schedule A-3** and **Schedule A-4** establish the land use designations that apply within the City of Port Colborne, which include:

- a) Mixed-Use Area;
- b) Residential Neighbourhoods;
- c) Employment Area;
- d) Commercial Area;
- e) Agriculture;
- f) Rural Area;
- g) Rural Settlement Area;
- h) Parks and Open Space;
- i) Natural Heritage System; and,
- j) Site-Specific Policy Area.

4.2.1.2 Public utilities, municipal *infrastructure*, stormwater management facilities, and transportation *infrastructure* are permitted in all land use designations, provided they are designed to minimize impacts on adjacent properties and the natural environment.

4.2.1.3 Legally existing buildings and structures that do not comply with the height or built-form performance standards of this Plan are permitted to be maintained, altered, or expanded. The implementing Zoning By-law shall establish

specific performance standards to regulate the alteration or expansion of these existing assets (e.g., existing one-storey commercial buildings or legally existing residential structures in Mixed-Use Areas, buildings exceeding established height envelopes) without requiring an amendment to this Plan, provided the proposed work satisfies the following criteria:

- a) It is compatible with the physical character, scale, and massing of the immediately surrounding streetscape;
- b) the *development* enhances the pedestrian realm or street-facing façade through updated architectural and urban design features (e.g., coordinated window glazing and signage, entry orientation, localized landscaping);
- c) Adequate on-site parking, loading, and appropriate servicing can be accommodated in accordance with the policies of this Plan and to the satisfaction of the City; and,
- d) It does not introduce a new auto-oriented use or format otherwise prohibited within the underlying designation.

4.2.1.4 *Public service facilities and institutional uses* that serve the local neighbourhood are permitted in all land use designations, unless otherwise stated, provided that they are compatible with the surrounding land use context.

4.2.1.1 The following policies apply to new residential or mixed-use *developments* equal to or greater than four storeys in height:

- a) They shall incorporate built-form transition measures to protect the character, privacy, and sunlight access of surrounding low-density properties;
- b) They may include a *view corridor study or visual impact assessment* where proposed along the waterfront and when exceeding six storeys in height, to ensure that public vistas are maintained; and,
- c) They shall minimize visual massing impacts through site design by:
 - i) Incorporating a physical step-back or angular plane above the third or fourth storey along public street frontages and abutting residential lot lines; and,
 - ii) Utilizing building articulation, architectural variation, and landscape *buffers*.

- 4.2.1.2 Final approval of *development* applications within the Urban Settlement Area, including the Built-Up Area, *Designated Growth Areas*, and *Strategic Growth Areas*, shall be contingent upon *infrastructure*, municipal servicing, and public service readiness. To manage local capacity limits, the City shall apply the following standards:
- a) Final approval may be denied or deferred where *infrastructure* capacity is limited or restricted by localized network bottlenecks, including capacity constraints at the Omer pump station or other municipal pumping facilities.
 - b) As part of draft plan approval or the clearance of conditions for draft plans of subdivision, the City shall require *development* proponents to provide written undertakings to acknowledge that municipal servicing capacity is not guaranteed, and that final building permits may be withheld if capacity limits are reached.
 - c) The City shall utilize Holding (H) symbols in the implementing Zoning By-law, pursuant to Section 36 of the *Planning Act*, to phase *development* and ensure that physical construction does not proceed ahead of operational *infrastructure* and public service readiness.
- 4.2.1.3 Notwithstanding any other policy in this Plan, lands within 300 metres of an Employment Area designation shall not be developed until noise, vibration, and air quality studies in accordance with provincial guidelines, standards and procedures have been completed to the satisfaction of the City.
- 4.2.1.4 The studies referred to in 4.2.1.3 above shall assume full build-out of all lands designated Employment Area as the basis for their analysis. The resultant mitigation measures determined by the studies for the proposed non-employment *development* shall ensure the future viability of the City's employment lands.
- 4.2.1.5 To advise future owners of potential adverse affects from employment uses in their proximity, the City may require that warning clause(s) be registered on title as a condition of *development* approval for lands within 300 metres of an Employment Area designation, and shall require warning clause(s) if the proposed *development* is a *sensitive land use*.

- 4.2.1.6 The regulation, design, and placement of outdoor storage, commercial display, and waste management areas shall be governed through the implementing Zoning By-law and subject to Site Plan Control based on the following city-wide *development* criteria:
- a) Standard, day-to-day operational outdoor storage (e.g., commercial waste dumpsters, recycling enclosures, seasonal restaurant patios, shopping cart corrals) is permitted accessory to any principal dwelling, provided it is structurally integrated or completely screened from view.
 - b) Bulk outdoor storage or the display of heavy inventory (e.g., raw materials, machinery, vehicle compounds) shall be restricted to designated Commercial Areas or *Employment Areas* where such storage is required for the principal business to operate.
 - c) Shipping containers and sea cans are not permitted as accessory structures in any designation, except within *Employment Areas* and Commercial Areas that permit Highway and Service Commercial uses, subject to the zoning and screening criteria of this Plan.
 - d) No outdoor storage or waste enclosure shall be located within a required front yard setback or immediately adjacent to a public street or a residential lot line. All such areas shall be directed exclusively to interior side or rear yards.
 - e) No outdoor storage, waste bin, or shipping container shall be located within a required front yard setback or directly adjacent to a public street or residential lot line. All such structures shall be directed to interior side or rear yards and screened from public view using permanent architectural walls, solid fencing, or dense native landscape *buffers*.
- 4.2.1.7 New commercial or mixed-use *development* located adjacent or in close proximity to *Employment Areas* shall be designed to avoid, or minimize and mitigate, potential land use conflicts. The City shall require appropriate buffering, screening, increased setbacks, and architectural landscaping to protect the long-term economic and operational viability of the adjacent or nearby *Employment Areas*.

4.3 Mixed-Use Areas

There are four distinct Mixed-Use Areas in the City, which are shown on **Schedule A-3** and **Schedule A-4** (see Section 1.6.4 for descriptions of these Schedules):

The Main Street Mixed-Use Area

The Main Street Mixed-Use Area:

- west of the Welland Canal, runs along Main Street West, between Steele Street and King Street; and,
- east of the Welland Canal, runs along Main Street East, between Welland Street and Elizabeth Street.

The King Street Mixed-Use Corridor

The King Street Mixed-Use Corridor runs along King Street, between Neff Street and Clarence Street.

The Downtown Waterfront Mixed-Use Area

The Downtown Waterfront Mixed-Use Area:

- is bounded by Clarence Street to the north, the Welland Canal to the east, King Street to the West, and Sugarloaf Street to the south; and,
- extends south of Sugarloaf Street to include lands on the east side of King Street bounded by Wharf 18 Service Road, and the properties on the west side of King Street immediately south of Sugarloaf Street.

The East Waterfront Mixed-Use Area

The East Waterfront Mixed-Use Area runs between Welland Street and Davis Street, along both Durham Street (south side only) and Nickel Street. This area functions as a flexible corridor identical to the King Street Mixed-Use Corridor framework.

4.3.1 Planned Function

4.3.1.1 The Mixed-Use Areas are locations where the greatest variety and intensity of uses are permitted. They are generally characterized by higher density *development*, when compared with other areas, and support intensified *housing options* and concentrated employment growth. Mixed-Use Areas shall be developed to:

- a) Provide opportunities for compact, mixed-use *development* and

intensification.

- b) Promote economic *development* in Port Colborne's historic core area(s).
- c) Support pedestrian-scale connectivity between complementary land uses.
- d) Encourage *transit-supportive* densities and transit supportive *development*.
- e) Provide a full range of housing tenures and housing types; and,
- f) Provide transition between established stable residential neighbourhoods and dynamic Mixed-Use Areas.

4.3.2 Permitted Uses

4.3.2.1 Permitted uses in the Mixed-Use Areas designation are:

- a) Mixed use *development* (i.e. *development* formats which combine uses listed in items b through g below).;
- b) A range of residential uses and housing types such triplex dwellings, townhouses, multiple unit dwellings, such as low-rise apartments, ADUs, group homes and multi-tenant houses.
- c) A range of commercial uses including retail, restaurants, grocery stores, offices, and tourism accommodation uses such as hotels, boutique inns, and short-term rentals;
- d) Cultural and private recreation uses;
- e) Public service facilities;
- f) Long-term care facilities; and,
- g) Parks and open spaces.

4.3.2.2 New incompatible industrial uses and new auto-oriented forms of commercial *development* that would detract from the planned function of Mixed-Use Areas are prohibited. For the purposes of this Plan, auto-oriented uses include commercial formats that rely on high vehicle-trip generation, low site-density, or vehicle-first design, including but not limited to: new drive-through facilities, gas bars, automobile service stations, car washes, vehicle repair shops, and automobile sales, rental, or service establishments. Legally existing auto-oriented uses and drive-through facilities are exempt from this prohibition and are permitted in accordance with Policy 4.3.2.3.

- 4.3.2.3 Notwithstanding Policy 4.3.2.2, legally existing drive-through facilities within the Downtown Waterfront Mixed-Use Area, and legally existing auto-oriented uses, automobile service stations, and vehicle repair shops located within the Mixed-Use Area along Main Street East (adjacent to the Welland Canal bridge terminus), are recognized as permitted uses. The continuous operation, maintenance, structural alteration, and expansion of these existing facilities shall be permitted as-of-right without requiring an amendment to this Plan, provided that any proposed expansion is demonstrated, to the satisfaction of the City, to minimize adverse visual or traffic impacts on the pedestrian environment and comply with the performance standards established in the implementing Zoning By-law.

4.3.3 General Policies

- 4.3.3.1 Mixed-Use Areas are to be planned as *complete communities* and *development* is encouraged to be in a mixed-use format, with compatible uses mixed within a building or across a site.
- 4.3.3.2 Within the King Street Corridor Mixed-Use Area and the East Waterfront Mixed-Use Area, a mix of uses is intended to be achieved across these corridors as a whole. Individual properties may contain a mix of uses, or may be developed for a single permitted use, including commercial or residential uses, provided the *development* supports the planned function of the corridor.
- 4.3.3.3 Within the Main Street Mixed-Use Area and Downtown Waterfront Mixed-Use Area, mixed-use buildings with non-residential uses at grade shall be the form of *development*. Where a mixed-use building cannot reasonably be achieved, *development* may be permitted in a mixed-use site format, provided that the site includes both residential and non-residential uses and supports an active street frontage. Standalone residential *development* with no current or future non-residential component is prohibited. Where ground-floor residential units are authorized due to market constraints that are documented and demonstrated to the satisfaction of the City, the ground floor shall be designed for future commercial conversion by providing:
- a) A minimum ground-floor clear ceiling height of 4.0 metres;

- b) An accessible, zero-step entrance and building façade oriented directly toward the public street; and,
- c) Utilities and mechanical rough-ins configured to support future retail or service commercial operations.

4.3.3.4 The City will support the planned function of Mixed-Use Areas over the long term by:

- a) Planning for and implementing improvements to the public realm, such as, but not limited to, streetscaping, pedestrian connectivity and safety improvements, public art installations, landscaping and tree planting, gateways, lighting, signage and wayfinding enhancements and new public spaces or enhancement of existing public spaces.
- b) Making improvements to the active transportation network which enhance connectivity to and through Mixed-Use Areas.
- c) Making upgrades and improvements to municipal *infrastructure* where required, to support *intensification* and *redevelopment* opportunities.

4.3.3.5 Notwithstanding Policy 4.3.2.2, legally existing auto-oriented uses, automobile service stations, and vehicle repair shops located along the Main Street East corridor (between the Welland Canal and Elizabeth Street) are recognized as permitted uses. The continuous operation, structural alteration, and expansion of these existing facilities shall be permitted without requiring an amendment to this Plan, provided that any expansion is demonstrated, to the satisfaction of the City, to minimize adverse visual or traffic impacts on the surrounding public realm and comply with the implementing Zoning By-law.

4.3.4 Development Policies

4.3.4.1 *Development* density shall not be regulated by a maximum numeric dwelling unit per hectare (units per hectare) density cap. Instead, *development* intensity and capacity shall be governed by built-form performance standards, including maximum building heights, yard setbacks, and angular planes, as established in this Plan and detailed within the implementing Zoning By-law.

- 4.3.4.2 As an interim measure until such time as the City updates its Zoning By-law to implement this Plan, the following standards will be applied to new *development* within the Mixed-Use Areas designation:
- a) The minimum height for new *development* in all Mixed-Use Areas shall be two storeys; and,
 - b) The maximum height for new *development* in all Mixed-Use Areas shall be eight storeys, subject to the city-wide built-form transition and step-back requirements established in Policy 4.2.1.1.
- 4.3.4.3 Notwithstanding Policy **Error! Reference source not found. Error! Reference source not found.**, the City may permit a maximum building height of up to 10 storeys within designated Strategic Growth Areas through a site-specific Zoning By-law Amendment or Community Planning Permit process, provided the development:
- a) secures a minimum of 10% of the total residential units as affordable housing for a minimum term of 25 years through a registered agreement with the City;
 - b) provides this benefit as an in-kind contribution in accordance with the City's Community Benefits Charge Strategy and the policies of Section **Error! Reference source not found.**; and,
 - c) complies with the built-form transition, step-back, and land use compatibility criteria of this Plan to ensure the building integrates safely into the neighbourhood streetscape.
- 4.3.4.4 The interim built form measures shall automatically expire, become null and void, and be deemed repealed immediately upon when the updated City's Zoning By-law comes into force and effect. Following its automatic repeal, the City may physically remove the above noted policy and this accompanying subsection from the working text of this Plan during subsequent administrative office consolidations without the requirement for a formal Official Plan Amendment. A mix of low and mid-rise *development* is encouraged.
- 4.3.4.5 Where a major *redevelopment*, complete structural demolition, or total replacement of an existing non-complying building is proposed, the new structure shall be designed to fully comply with all minimum and maximum

height requirements, setbacks, and built-form performance standards established in this Plan, to the satisfaction of the City.

- 4.3.4.6 *Intensification* is encouraged throughout the Mixed-Use Area designation, with the goal of creating an attractive, accessible streetscape that serves the needs of users.
- 4.3.4.7 Active transportation routes and facilities, including bicycle parking, shall be provided throughout Mixed-Use Areas. Proponents shall provide for the needs of cyclists and pedestrians, including adequate bicycle parking and design measures to promote safety.
- 4.3.4.8 Multi-unit *developments* in Mixed-Use Areas must provide residents with on-site amenities and services, including on-site waste pickup.
- 4.3.4.9 Businesses in the Mixed-Use Areas designation shall be required to balance the need for parking with the designation's role as an active and public transportation corridor, providing a safe pedestrian environment. Large surface parking lots are discouraged and, when necessary, will be located to minimize visibility. The implementing Zoning By-law will provide more precise details on the location of parking areas.
- 4.3.4.10 Commercial, speculative, or standalone surface parking lots are prohibited as a primary or principal land use within the Mixed-Use Areas. Vacant lands resulting from the structural demolition of any building within these core designations shall not be altered, graded, or paved for the purpose of creating vehicle parking spaces.
- 4.3.4.11 Where a building within the Main Street Mixed-Use Area, King Street Mixed-Use Area, Downtown Waterfront Mixed-Use Area, or East Waterfront Mixed-Use Area is demolished, and immediate active replacement construction has not commenced under a valid building permit, the vacant lot shall be stabilized, graded, and landscaped in strict compliance with the City's Property Standards By-law and Site Alteration By-law.
- 4.3.4.12 New surface parking lots on West Street are prohibited, unless they are strictly accessory to a permitted principal use on the same lot. Standalone commercial, speculative, or principal-use surface parking lots are not

permitted. Where accessory surface parking is provided, it must be located entirely within the rear or interior side yards of the principal building mass and visually screened from public view.

- 4.3.4.13 Any accessory surface parking spaces required to serve a permitted principal use within the Main Street Mixed-Use Area must be located entirely to the rear or interior side yards of the principal building mass. Surface parking areas shall be visually screened from public streets, active transportation networks, and the public realm using robust low-impact *development* features, enhanced landscape structural *buffers*, or decorative architectural screening walls.
- 4.3.4.14 Where an Official Plan Amendment is proposed to change the land use designation of a property to Mixed-Use Area, the subject lands must be directly contiguous with an existing Mixed-Use Areas designation. The creation of isolated, fragmented, or non-contiguous Mixed-Use Areas within established, stable residential neighbourhoods is prohibited to ensure an orderly, contiguous extension of the urban fabric.

4.4 Residential Neighbourhoods

There are two categories of Residential Neighbourhoods: *Established Neighbourhoods* and *New Neighbourhoods*. *Established neighbourhoods* include all residential areas located within the Built-Up Area, and *New Neighbourhoods* include residential areas located in *Designated Growth Areas*, as shown on **Schedule A-2**.

While both *Established Neighbourhoods* and *New Neighbourhoods* are shown using the same symbology on **Schedule A-4**, the policies of this section distinguish between *Established Neighbourhoods* and *New Neighbourhoods*.

4.4.1 Planned Function

- 4.4.1.1 Residential Neighbourhoods are areas primarily intended for residential uses. They are generally characterized by lower density *development* when compared with Mixed-Use Areas and support a range of housing forms. Residential Neighbourhoods shall be developed to:
- a) Support diverse current and future housing needs by providing a full range of *housing options*, varied by type, size, mix, and density;

- b) Provide residents of Port Colborne with opportunities for *affordable* and attainable *housing options*;
- c) Support the creation of *complete communities* in Port Colborne by promoting active transportation and supporting the *development* of necessary ancillary uses in Residential Neighbourhoods;
- d) Promote *intensification* within existing Residential Neighbourhoods where *development* is compatible with surrounding land uses and makes best use of existing or planned *infrastructure* and *public service facilities*; and,
- e) Ensure that the design and *development* of new Residential Neighbourhoods is attractive, well designed and planned as a complete community.

4.4.2 Permitted Uses

4.4.2.1 Permitted uses in Residential Neighbourhoods are:

- a) Subject to the policies of this Plan, a range of residential densities, including Low Density, Medium Density and High Density Residential forms, and housing types such as single detached dwellings, semi-detached or duplex dwellings, triplex dwellings, townhouses, multiple unit dwellings, such as low-rise and mid-rise apartments, ADUs, group homes and multi-tenant houses;
- b) Home based businesses, subject to the policies in Section 4.11.3;
- c) A full range of *public service facilities* to meet the needs of existing and future residents;
- d) Small-scale commercial uses; and,
- e) Small-scale recreational uses, including neighbourhood parks and parkettes, recreational open space areas, and trails.

4.4.2.2 A broad range of housing arrangements are also permitted, and could include, but are not limited to, ownership, rental, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, supportive housing, transitional housing, long term care homes and student housing.

4.4.3 General Development Policies for Residential Neighbourhoods

- 4.4.3.1 The City plans for different types and levels of *development* based on location. *Strategic Growth Areas*, as shown on **Schedule A-2**, are the main locations for the highest intensity *development*. Outside of these areas, within Residential Neighbourhoods, the scale of *development* will depend on where a site is located (e.g., street location) and what surrounds it, generally as follows:
- a) Low Density Residential: Located in neighbourhood interiors and quieter streets that do not directly front on to arterial or collector roads. These areas are primarily intended for ground-oriented housing forms, such as detached, semi-detached, duplex, and townhouse dwellings
 - b) Medium Density Residential: Located on lands that front on collector roads, and in locations that provide direct access to parks, schools, or neighbourhood commercial uses. These areas support a mix of housing types and moderate *intensification* (e.g., townhouses, low-rise apartments).
 - c) High Density Residential: Located on lands that front onto arterial roads, within or adjacent to the Mixed-Use Areas and *Strategic Growth Areas*. These locations are intended to accommodate the broadest range of housing types, including mid-rise and high-rise apartment buildings, stacked townhouses, and other forms of multiple-unit housing. In certain locations, lands fronting onto Collector Roads may be considered for High Density Residential, provided the *development* demonstrates full compatibility with the surrounding built form, possesses adequate municipal servicing capacity and demonstrates that the local road network and parking requirements can be and demonstrates that the local road network and parking requirements can be and transportation network capacity.
- 4.4.3.2 Low Density Residential *development* shall have a minimum net residential density of 15 units per hectare and a maximum density of 30 units per hectare.
- 4.4.3.3 Medium Density Residential *development* shall have a maximum net residential density of 75 units per hectare.

- 4.4.3.4 High Density Residential *development* shall have a maximum net residential density of 200 units per hectare.
- 4.4.3.5 The implementing Zoning By-law shall establish precise zone provisions, regulations, and permitted dwelling types for each density classification in accordance with the policies of 4.4.3.2, 4.4.3.3 and 4.4.3.4.
- 4.4.3.6 Wherever possible, diverse *housing options* shall be developed in walking distance of necessary *community infrastructure*, including schools, libraries, parks, and small-scale commercial uses.
- 4.4.3.7 Multi-unit *developments* must provide residents with on-site amenities and services, including, but not limited to on-site waste pickup.
- 4.4.3.8 The City shall facilitate aging in place and support life-stage housing needs by:
- a) supporting *development* that provides accessible living environments, multi-generational housing, and a compact urban form;
 - b) encouraging the integration of universal design and barrier-free features in new residential *developments*;
 - c) permitting a range of *housing options*, including ADUs, co-housing, retirement homes, long-term care facilities, and continuum-of-care communities with on-site supports and services (e.g., a medical office on site or in the ground floor of the building); and,
 - d) encourage senior-oriented and assisted-living housing *developments* to be located in areas with convenient access to public transit, medical services, shopping, and community facilities.
- 4.4.3.9 When reviewing an application for *development* in the Residential Neighbourhood designation, the applicant shall demonstrate the following, to the City's satisfaction:
- a) Consistency with the policies of this Plan.
 - b) How the proposed *development* contributes to City's projected housing needs.
 - c) The protection, conservation and enhancement of natural environment.
 - d) The availability of existing or planned municipal services to support the proposed *development*.
 - e) The potential for impacts on the City's transportation network and the ability to mitigate adverse impacts on the surrounding *transportation*

system.

- f) The availability of existing or planned *public service facilities* in proximity to the proposed *development*.
- g) Support for active transportation and the provision of adequate parking.
- h) Compatibility with surrounding land uses.
- i) The prevention of adverse impacts on cultural heritage features.
- j) The incorporation of *green infrastructure* and other sustainability measures.
- k) Phasing and financial impact of the proposed *development*.

4.4.3.10 The high-level design principles established in this section shall be implemented directly through the evaluation of applications under the text of the comprehensive Zoning By-law and the Site Plan Control process. Council may develop and adopt specialized or city-wide Urban Design Guidelines, Waterfront Master Plans, or Secondary Plan design directives to further operationalize these policies. Once approved by Council, any such guidelines shall be utilized alongside this Plan to evaluate subsequent *development* proposals.

4.4.3.11 In accordance with Provincial intent to accelerate housing supply and maintain a functional *development* review process, where a regulation enacted under the *Planning Act* or the Provincial Planning Statement (2024) establishes a maximum limit on minimum lot sizes (lot area floors) or mandates minimum density standards for fully serviced urban residential land, the Provincial standard shall automatically prevail. To the extent of any conflict, the non-compliant provisions or performance standards within the City's implementing Zoning By-law shall be deemed modified to conform with the Provincial regulation without requiring an immediate amendment to this Plan.

4.4.3.12 Small-scale commercial uses are permitted within Residential Neighbourhoods. Small-scale uses are distinct from the types of commercial uses permitted under the Commercial Area designation, as they are differentiated by both their function, size/scale, impact and range of uses. Generally, small-scale commercial uses are planned to support the daily needs of residents in the surrounding area and include:

- a) Convenience and small-scale retail uses;

- b) Small-scale restaurants, cafes and personal service shops;
- c) Day cares;
- d) Fitness centres and well-being establishments, studios or shops.

The above-noted permitted uses are provided for illustrative purposes and not intended to be an exhaustive list of all possible small-scale commercial uses. The implementing Zoning by-law will provide more detailed direction on the range of permitted uses and other aspects of site design and layout.

- 4.4.3.13 Small-scale commercial uses may be located in a residential building as a mixed-use *development* or as a stand-alone commercial establishment. Small-scale commercial uses must have frontage and property access from a road with appropriate means of access, egress and parking. The implementing Zoning By-law shall establish an appropriate threshold for small-scale commercial uses.
- 4.4.3.14 Small-scale commercial uses shall not exceed 350 square metres on a per lot basis.
- 4.4.3.15 *Institutional uses* and *public service facilities* permitted within the Residential Neighbourhoods designation are limited to local or community-scale facilities that serve the daily needs of the neighbourhood, such as elementary schools, daycares, places of worship, and community hubs. Major or regional *institutional uses*, such as hospitals or post-secondary campuses, are not permitted within this designation and require an Official Plan Amendment.
- 4.4.3.16 Mid-rise and high-rise residential *developments* shall:
- a) Have direct access to an arterial or collector road and provide safe site ingress and egress; and,
 - b) Be located with direct access to active transportation routes or public transit networks.

4.4.4 Development Policies in Established Neighbourhoods

In support of the City's 30% *intensification* target, a modest amount of *intensification* is planned to occur within existing and *Established Neighbourhoods*.

- 4.4.4.1 In addition to the criteria in 4.4.5.1, the applicant shall demonstrate, to the City's satisfaction, the following items with respect to *intensification* within Existing Neighbourhoods and *Established Neighbourhoods*:
- a) Aspects of urban design, such as, but not limited to the overall fit of the proposed *development* with respect to building height, massing, scale and use of appropriate buffering, landscaping, building setbacks and step-backs, as the case may be.
 - b) The overall fit of the proposed *development* with the surrounding built form.
- 4.4.4.2 To ensure consistency with the character of *Established Neighbourhoods*, the requirement for an Official Plan Amendment for high-density residential uses shall be governed by the road network classification identified on **Schedule B-1** (see Section 1.6.4 for a description of this Schedule), in accordance with the following thresholds:
- a) Arterial Roads: High-density residential *developments* are permitted without the need for an Official Plan Amendment, provided they satisfy the compatibility and servicing criteria of this Plan. They are subject to Site Plan Control and may be subject to a Zoning By-law Amendment.
 - b) Collector Roads: High-density residential *developments* shall require an Official Plan Amendment. This comprehensive review will evaluate localized traffic impacts, *infrastructure* capacity, and the appropriateness of the building scale within the neighbourhood context.
 - c) Local Roads: High-density residential *developments* are prohibited on Local Roads.
- 4.4.4.3 Where permitted, proposals for medium-density or high-density *development* on smaller, fragmented, or physically constrained lots within established Residential Neighbourhoods shall demonstrate that the subject parcel is structurally capable of supporting the intended density. Proponents must prove, to the satisfaction of the City, that the site can fully integrate all required operational and built-form elements without creating adverse impacts on adjacent low-density properties. Eligible sites must successfully accommodate:
- a) Required off-street vehicular and bicycle parking spaces completely outside of required front-yard setbacks;

- b) On-site waste and recycling facilities equipped with automated or internal pickup configurations;
- c) Dedicated on-site snow storage areas that do not obstruct required parking or active transportation *infrastructure*; and,
- d) Functional outdoor amenity space and landscaped structural *buffers* to provide an appropriate transition to low-density lot lines.

4.4.4.4 *Established Neighbourhoods* are stable, not static. To that end, the City anticipates and supports the gradual change of the low-density residential areas within *Established Neighbourhoods* over time through gentle *intensification*, including *redevelopment* and infilling with semi-detached, duplex, triplex and other ground-oriented low-rise housing forms. Infill *development* and *intensification* shall be designed to be compatible with the character and scale of surrounding neighbourhood. Compatibility does not require replication of existing or prevailing built form. Compatibility shall be evaluated based on the following:

- a) Respecting the prevailing building setbacks, massing, and orientation of adjacent properties;
- b) Providing building height and transitions that are proportionate to surrounding *development* and do not result in undue visual dominance or overlook of adjacent properties;
- c) Maintaining the established streetscape pattern, including driveway configurations, front yard landscaping, and, mature tree canopy; and
- d) Minimizing adverse impacts on adjacent properties, including shadowing, privacy and grading/ drainage.

4.4.5 Development Policies for New Neighbourhoods

4.4.5.1 New residential neighbourhoods and subdivision layouts within *Designated Growth Areas* shall be comprehensively designed to achieve high-quality public realms, streetscape diversity, and pedestrian-supportive built forms. The City may refuse *development* applications or subdivision configurations that exhibit poor urban design character or fail to align with the complete community objectives of this Plan. Characteristics that constitute a substandard design subject to refusal include, but are not limited to:

- a) Streetscapes dominated by auto-oriented built forms or repetitive architectural façades that create visual monotony;

- b) Disconnected or highly fragmented street and block configurations that restrict public connectivity or active transportation movement; and,
- c) Layouts that fail to visually prioritize or physically integrate *natural heritage features*, parks, and public spaces as focal points for the community.

4.4.5.2 To ensure compliance with the City's design expectations, all new neighbourhood proposals shall demonstrate adherence to the following high-level design directives through the *development* review process:

- a) Street networks shall be planned in an interconnected grid or modified-grid pattern to optimize *multimodal* travel choices and emergency service access;
- b) The design of the streetscape shall prioritize a safe, continuous, and accessible active transportation network that connects residents seamlessly to *community infrastructure*;
- c) Built forms shall be configured to minimize the visual and physical dominance of vehicles along the public streetscape; and,
- d) Layouts shall incorporate a diverse mix of housing typologies, massing, and scales to ensure appropriate physical transitions between differing residential densities.

4.4.5.3 The following policies shall apply to *New Neighbourhoods* within *Designated Growth Areas* to ensure that they develop as complete, walkable communities:

- a) *New Neighbourhoods* shall be planned to avoid housing monocultures. All master plans and Draft Plans of Subdivision shall provide a diverse mix of housing types, including single-detached, semi-detached, townhouses, and low- to mid-rise multi-unit buildings.
- b) Subdivisions within *New Neighbourhoods* shall be designed with a highly interconnected, modified grid street network.
 - i) Cul-de-sac and dead-end streets shall be strictly minimized and only permitted where dictated by natural topography or environmental constraints.
 - ii) Dedicated pedestrian and cycling single-loaded walkouts shall be provided to link adjacent streets where vehicular connections are not feasible.
- c) Streets shall be designed as "Complete Streets" that integrate safe *infrastructure* for pedestrians, cyclists, and transit vehicles, to help

- ensure a connectivity to the broader municipal network.
- d) Parkland dedication in *New Neighbourhoods* shall be planned as centralized, highly visible community focal points rather than unbuildable remnant parcels. Parks must be directly accessible by public road frontage on at least two sides and located within a five-minute walk (approximately 400 metres) of the majority of residents within the *development*.

4.5 Employment Areas

Employment Areas are an important part of Port Colborne's long-term economic structure. These areas support job creation, protect lands for long-term employment use, and provide opportunities for investment in locations with access to transportation, servicing, and goods movement *infrastructure*.

4.5.1 Planned Function

- 4.5.1.1 *Employment Areas* are areas intended primarily for employment uses. They are generally characterized by concentrations of industrial, manufacturing, warehousing, and other employment-generating activities, and support long-term economic growth and job creation. *Employment Areas* shall be developed to:
 - a) Promote economic diversification by providing for an appropriate mix and range of employment uses to meet long term needs;
 - b) Provide opportunities for clusters of manufacturing, warehousing, goods movement and associated retail, associated office and ancillary facilities;
 - c) Support *intensification* and the efficient use of lands;
 - d) Provide areas for employment land investment in proximity to major goods movement facilities; and,
 - e) Ensure that there is a competitive supply of *Employment Areas* which are protected from incompatible *development*.
- 4.5.1.2 *Employment Areas* shall be planned and developed to support a full range of permitted uses and have been designated in locations to leverage proximity to the Welland Canal, rail *infrastructure*, Highway 140, Highway 58A, Regional roads, port facilities and other major goods movement corridors.

- 4.5.1.3 The City shall protect the east and west transshipment terminal areas along the Welland Canal as strategic employment assets. These lands shall be planned primarily for marine, port, transshipment, industrial, logistics, manufacturing, warehousing and goods movement uses.

4.5.2 Permitted Uses

- 4.5.2.1 Permitted uses in the *Employment Areas* are:
- a) Manufacturing;
 - b) Research and *development* in connection with manufacturing;
 - c) Warehousing;
 - d) Goods movement;
 - e) Retail and office uses that are accessory and directly related to a permitted employment use;
 - f) Ancillary facilities that directly support a permitted employment use; and,
 - g) *Cannabis production facilities*, subject to the urban compatibility policies of this Plan.
- 4.5.2.2 Retail and office uses must be clearly subordinate to the principal employment use, and they shall not detract from the long-term supply or function of *Employment Areas*. Ancillary facilities permitted under Policy 4.5.2.1 f) must exist solely to support the primary operation or its workforce, including but not limited to: employee cafeterias, gyms, training rooms, and daycares configured exclusively to serve the employees of the principal employment use.
- 4.5.2.3 A land use that is excluded from the list of permitted uses is authorized to continue, provided the use has been lawfully established on the parcel of land before the date of the adoption of this plan.
- 4.5.2.4 The establishment of a new industrial or industrial-related use that deals with the handling of *hazardous substances* may be permitted subject to a site-specific Official Plan Amendment and Environmental Compliance Approval from the Ministry of Environment.

4.5.3 Prohibited Uses

- 4.5.3.1 Institutional and commercial uses, including retail and office not associated with the primary employment use are prohibited within *Employment Areas*. Automotive commercial formats, including car dealerships, auto repair shops, and vehicle service establishments, are also prohibited within *Employment Areas*. Residential uses, *sensitive* uses and *public service facilities* are also prohibited within *Employment Areas*.
- 4.5.3.2 Mining or quarrying operations are prohibited, except for the lands of Port Colborne Quarries as more specifically addressed in Section 6.5 of this Plan.

4.5.4 General Policies

- 4.5.4.1 The City shall support the continued operation, modernization, *redevelopment* and expansion of existing employment uses where such *development* reinforces the planned function of the area.
- 4.5.4.2 The City shall protect planned and existing transportation corridors, rail corridors, *marine facilities*, utility corridors and servicing corridors that support *Employment Areas*. *Development* shall not preclude or negatively affect the use of these corridors for their planned goods movement, servicing or *infrastructure* function.
- 4.5.4.3 The *Employment Areas* identified on **Schedule A-4** include serviced, partially serviced, and unserviced lands. The timing, scale and form of *development* within these areas shall be coordinated with the availability of municipal servicing, transportation *infrastructure*, stormwater management, utilities and other *infrastructure* required to support the intended employment function.
- 4.5.4.4 New *development* in *Employment Areas* shall generally proceed on the basis of full municipal water and wastewater services where such services are available or planned.
- 4.5.4.5 Where municipal water and wastewater services are not immediately available, dry industrial uses or employment uses with minimal water and wastewater requirements may be considered, provided that the proposed servicing arrangement is sustainable, does not limit the long-term

development of the Employment Area, and satisfies all applicable Provincial, Regional and City requirements.

- 4.5.4.6 Existing and planned employment uses shall be protected from the encroachment of incompatible *sensitive land uses*. New *development* proposed within 300 metres of any Employment Area designation shall be permitted only where the proponent satisfies the city-wide land use compatibility criteria, study requirements, and operational protections established in Section 4.2.1 of this Plan.
- 4.5.4.7 New industrial *development* shall demonstrate land use compatibility in accordance with applicable Provincial guidelines and demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines.
- 4.5.4.8 The processing, sorting, and closed-loop resource recovery of components associated with the electric vehicle supply chain and clean technology sectors are classified as advanced manufacturing activities under this Plan. To facilitate major economic investment, these specialized industries are directed to the East Side Employment Lands (ESEL) associated with the Highway 140, Highway 58A, and Forkes Road corridors.
- 4.5.4.9 The City shall prioritize *infrastructure* readiness, including coordinated municipal servicing sequencing, utility network upgrades, and goods-movement road configurations within the ESEL corridor. This prioritization is designed to support major catalysts, such as the Asahi Kasei lithium-ion battery separator plant, and ensure seamless supply-chain integration with regional transportation assets.
- 4.5.4.10 The following policies shall apply to Marine Electrification *Infrastructure* and electrification corridor protection:
 - a) The City shall prioritize the integration of Marine Electrification *Infrastructure* within the East and West Transshipment Terminal footprints to support the Great Lakes Green Shipping Corridors Initiative.
 - b) The *development* of shore-power installations, clean fuel bunkering, and associated energy storage systems shall be protected from

encroachment by incompatible land uses that would limit their operational capacity or access to the canal system.

- c) Upgrades to the municipal utility network to support high-output marine charging *infrastructure* shall be coordinated with economic *development* initiatives, port authorities, and federal marine agencies.
- d) The City shall protect and preserve the physical routing paths and utility easements necessary for the expansion of high-output electrical grid *infrastructure* dedicated to shore-power (cold-ironing) and marine charging installations. *Development, site alteration*, or secondary utilities on lands adjacent to the East and West Transshipment Terminals shall not obstruct or preclude the realization of these strategic green shipping corridors.

- 4.5.4.11 The City encourages, on a voluntary and incentive-driven basis, *development* proposals that incorporate climate adaptation and mitigation measures, including *low impact development, green infrastructure*, tree planting, enhanced stormwater management, energy efficiency, rooftop solar readiness, and electric vehicle charging *infrastructure*.

4.5.5 Development Policies

- 4.5.5.1 All new or expanding development within *Employment Areas* is subject to Site Plan Control.
- 4.5.5.2 All industrial and economic activities, excluding permitted outside storage or commercial display areas, must be contained within enclosed buildings.
- 4.5.5.3 Buildings must present finished, high-quality architectural facades to public streets. Monolithic or blank building walls facing a public road are not permitted. Proponents shall break up large building masses using architectural articulation, windows, varied projection depths, or changes in colour and material texture.
- 4.5.5.4 Principal office components, customer entrances, and visitor parking must be oriented toward the public street to establish an attractive street presence. Loading docks, truck maneuvering tracks, and service utility *infrastructure* must be directed away from street frontages and located within the side or rear yards.

- 4.5.5.5 A continuous, landscaped *buffer* strip using native tree and shrub species is required within the required front yard setback and along any property line that abuts a public street or a residential neighbourhood. Landscaping must be used to frame building entrances, shade surface parking areas, and soften the visual impact of large industrial structures.
- 4.5.5.6 Driveway access points onto public roads must be minimized and consolidated through shared access easements with adjacent properties where practical. Driveways must be configured to eliminate traffic hazards, maintain clear sightlines, and minimize conflicts with municipal sidewalks and cycling networks.
- 4.5.5.7 Outside storage or the display of inventory is permitted only where accessory to a permitted principal employment use. Outside storage areas must be directed to interior side or rear yards and screened from public roads and adjacent *sensitive land uses* using permanent architectural walls, solid fencing, or dense native landscape *buffers*.
- 4.5.5.8 *Cannabis production facilities* are restricted to completely enclosed buildings. Greenhouse or outdoor cultivation formats for cannabis are prohibited within the Urban *Settlement Area* boundary. Any such facility must install *air treatment control* systems, submit odour and light monitoring plans, and maintain mandatory setbacks from *sensitive land uses* as dictated by the Zoning By-law.
- 4.5.5.9 To protect the urban fabric, *cannabis production facilities* within designated *Employment Areas* or gateway areas are restricted to completely enclosed buildings. The use of greenhouses or outdoor cultivation formats for cannabis is prohibited within the Urban *Settlement Area* boundary. Any such facility must install *air treatment control* systems, submit odour and light monitoring plans, maintain mandatory setbacks from *sensitive land uses* as dictated by the Zoning By-law, and proceed exclusively through Site Plan Control.
- 4.5.5.10 Shipping containers and sea cans are permitted within the Employment Area designation subject to the following criteria:
- a) They are prohibited in a front yard or exterior side yard and must be located within the rear or interior side yards; and,

- b) They must be screened from public view and adjacent roads by permanent architectural walls, solid fencing, or native landscape *buffers*.

4.6 Commercial Areas

Commercial Areas support Port Colborne's local economy by providing locations for retail, service, office, tourism-related, and other commercial uses that serve residents, businesses, visitors, and the travelling public. The Commercial Areas designation applies to lands within the Urban Area that are intended to accommodate concentrations of commercial *development*.

4.6.1 Planned Function

4.6.1.1 Commercial Areas are areas intended to accommodate concentrations of commercial uses. They are generally characterized by a range of retail, service, and related commercial activities located on sites with appropriate visibility, access, lot configuration, and servicing, and support the provision of goods and services to the community. Commercial Areas shall be developed to:

- a) Promote opportunities for economic development and job creation;
- b) Provide opportunities for commercial *development* to meet the needs of the City's growing population;
- c) Support a broad range of shopping, service, office and tourism-related activities;
- d) Provide transition in land use; and,
- e) Promote opportunities for *intensification* and *redevelopment*.

4.6.1.2 To implement the objectives above, this Plan recognizes that the scale, format, and impact of retail and service uses vary across the City based on localized land use contexts. To ensure *development* aligns with the surrounding urban fabric, this Plan identifies three distinct commercial typologies to guide zoning regulations and site design:

- a) **Core and General Commercial:** Focuses on the widest range of day-to-day retail, service businesses, professional offices, institutional functions, and community-scale amenities that serve the immediate neighbourhood or function as city-wide destinations.
- b) **Highway and Service Commercial:** Caters primarily to the traveling public and high-volume, specialized vehicle-dependent commerce. These uses generate increased vehicular traffic that is incidental to their operations and are directed to defined transportation nodes and major

arterial corridors.

- c) **Recreational Commercial:** Accommodates tourism, leisure, and private forms of recreational land uses (gyms and fitness facilities, indoor virtual golf simulators, private clubs, art studios, etc.).

4.6.1.3 To ensure appropriate integration into the community, vehicle-first configurations (e.g., automobile service stations, gas bars, vehicle repair shops, car washes, drive-through facilities) shall be subject to the Niagara Region Model Urban Design Guidelines, or any local urban design standards subsequently adopted by the City. These design directives will prioritize enhancing streetscape appearance, maximizing pedestrian safety and movement, and mitigating environmental or nuisance conflicts with adjacent *sensitive land uses*.

4.6.2 Permitted Uses

4.6.2.1 The specific range of permitted uses within the Commercial Areas designation shall be classified into distinct zones within the implementing Zoning By-law based on the following three typologies:

- a) Core and General Commercial permissions include but may not be limited to:
 - i) Retail stores, excluding large-format retail;
 - ii) Service businesses and personal service uses;
 - iii) Offices and major office uses;
 - iv) Restaurants and take-out restaurants, excluding those with drive-through facilities;
 - v) Places of amusement or recreation, including movie theatres;
 - vi) *Public service facilities*, major *institutional uses*, educational institutions and training facilities, where appropriate; and,
 - vii) Manufacturer's showrooms and laboratories.
- b) Highway and Service Commercial permissions include but may not be limited to:
 - i) Large-format retail and service commercial uses;
 - ii) Restaurants, including restaurants with take-out and/or drive-through facilities;
 - iii) Hotels and motels; and,
 - iv) Automobile sales and service establishments.

- c) Recreational Commercial permissions include but may not be limited to:
 - i) Commercial recreation uses;
 - ii) Hotels and motels; and,
 - iii) Facilities and uses that are ancillary to, and directly support, a permitted commercial recreation use.

4.6.2.2 Accessory uses, buildings, and facilities to a permitted principal use shall be permitted as-of-right in all Commercial Areas in accordance with Section 4.2.1.3 of this Plan, provided they are clearly subordinate and incidental to the principal use and do not detract from the planned function of the Commercial Areas designation.

4.6.2.3 The implementing Zoning by-law will establish a finer grain commercial hierarchy. Not all lands designated as Commercial Areas in the Official may be suitable for the full range of commercial uses permitted in this Plan. Factors such as location, site size, road access and adjacent land uses may limit the range of permitted commercial uses in the Zoning by-law.

4.6.3 Policies

4.6.3.1 The City will evaluate applications for new or expanding commercial uses against the following *development* criteria:

- a) The property must be a suitable size, shape, and layout to comfortably fit the proposed buildings, required parking spaces, and safe driving lanes.
- b) The site must have enough planned or existing municipal servicing and utilities to handle the business demands.
- c) The *development* must feature high-quality landscaping and building designs that visually enhance the streetscape and blend well with the surrounding public realm.
- d) The proposal must minimize noise, nighttime glare, and visual privacy issues for any nearby residential uses.

4.6.3.2 Commercial Areas shall be planned and designed to provide buffering to adjacent *sensitive land uses*; orient principal entrances and display windows to public streets where appropriate; minimize the visual impact of parking, loading and outdoor service areas; and provide landscaping, screening and

internal site organization that supports a high-quality commercial environment.

4.6.3.3 Any new or expanding *development* in the Commercial Areas designation shall be subject to Site Plan Control.

4.6.3.4 New commercial *developments* shall be designed and configured in an integrated manner based on the following criteria:

- a) Where multiple new commercial businesses are proposed together on a single site, the City encourages them to be built as a unified shopping centre or plaza with shared driving lanes, parking areas, and landscaping.
- b) Individual standalone commercial businesses are also permitted, provided they are designed to avoid creating continuous strip commercial *development* and use interconnecting access lanes or shared driveways with neighbouring properties where practical.
- c) Any shared parking facilities built under this policy must comply with the surface parking prohibitions, localized restrictions, and yard placement rules established elsewhere in this Plan.

4.6.3.5 Commercial properties must provide adequate off-street parking, well-organized driving lanes, and secure spaces for bicycles storage. To maintain smooth traffic flow and protect pedestrians, the City will restrict the total number of driveways allowed on a commercial property. Shared or consolidated access points between adjacent businesses are required wherever practical.

4.6.3.6 New or expanding commercial *development* may be required to submit a Traffic Impact Assessment, prepared by a qualified professional, to identify projected traffic generated by the *development*, methods of mitigating impacts, and any improvements required to the existing road network. Major commercial *development* may also be required to submit a market impact study where warranted by the scale or nature of the proposal.

4.6.3.7 The Highway 140 and Main Street East corridor serves as a major economic gateway and goods-movement route for the City. *Development* within this commercial area shall be managed in accordance with the following criteria:

- a) major office, major institutional, and large-scale commercial uses shall

be directed to this corridor node or to *Strategic Growth Areas*, where municipal services, transportation *infrastructure*, and active transportation networks can support the proposed *development*.

- b) Gateway-oriented commercial and office uses (e.g., hotels, offices, manufacturer's showrooms, restaurants, personal service uses, employee-serving commercial uses) may be permitted along the corridor, provided they are compatible with adjacent uses.
- c) Proposed commercial uses along this corridor must be designed so that they do not undermine, restrict, or conflict with the long-term operations and planned function of nearby *Employment Areas*.

4.6.3.8 Within Commercial Areas proximate to Provincial Highways or primary entry corridors, the *development* of cluster-oriented tourism accommodations (including hotels and motels) and associated visitor-serving commercial uses shall be encouraged, provided they offer continuous sidewalk or cycling path *infrastructure* linking travelers to the City's active transportation network.

4.6.3.9 Lands utilized or zoned for Highway and Service Commercial permissions (e.g., automobile sales and service establishments, gas bars, vehicle repair shops, car washes, drive-through facilities) shall be restricted to the following designated commercial nodes:

- a) The Highway 140 and Main Street East corridor node;
- b) The Highway 3 corridor node, located west of West Side Road; and,
- c) The Main Street East corridor node, located east of Elizabeth Street.

4.6.3.10 To safeguard the retail vitality and identity of the Downtown Mixed-Use Area, any proposal for a new large-format retail use that exceeds the maximum gross floor area threshold prescribed within the implementing Zoning By-law shall require a site-specific Zoning By-law Amendment. Such applications must be supported by a Planning Justification Report which addresses market impacts, funded by the proponent, demonstrating to the satisfaction of the City that the *development* will not cause a *significant* detrimental impact to the planned function or economic viability of the core downtown.

4.6.3.11 To prevent uncoordinated strip *development* and safeguard adjacent areas, the establishment of any new or expanding Highway and Service Commercial-permitted use within the three designated nodes above shall be subject to certain criteria through the Zoning By-law Amendment and Site

Plan Control processes. Proponents shall prove to the satisfaction of the City that the *development* fulfills the following criteria:

- a) The layout integrates robust landscape *buffers*, structural screening, and architectural controls to block outside storage, loading bays, and service areas from public view and adjacent *sensitive land uses*.
- b) Driveway access points onto public roads are limited in number, consolidated where possible with adjacent properties, and structurally configured to eliminate safety hazards for pedestrians, cyclists, and transit users.
- c) A submitted Traffic Impact Assessment confirms that the surrounding street network can safely absorb the projected vehicular volumes without undermining local traffic flows or active transportation lanes.
- d) Principal building massing, entrances, and display windows are oriented toward the public street to avoid a vehicle-dominated streetscape. Such designs shall comply with the Niagara Region Model Urban Design Guidelines, or any localized urban design guidelines or architectural control briefs formally adopted by Council.

4.6.3.12 Shipping containers and sea cans are prohibited in Core and General Commercial zones and Recreational Commercial zones. They are permitted within Highway and Service Commercial zones, provided they are located in the rear or interior side yards and screened from public view by permanent walls, solid fencing, or native landscape *buffers*.

4.7 Agriculture

Agricultural lands form an important part of Port Colborne's economic base, rural landscape and food production. The Agriculture designation applies to the City's *prime agricultural areas*, as shown on **Map 2** (see Section 1.6.5 for a description of this map) and includes lands intended to be protected for long-term agricultural use.

4.7.1 Planned Function

4.7.1.1 Agriculture designated lands are areas intended to be protected for long-term agricultural use. They are generally characterized by *prime agricultural lands* supporting farming operations, agricultural-related uses, and rural economic activity, and support the City's agricultural sector, rural landscape, and food production function. Agriculture designated lands shall be developed to:

- a) Implement an agricultural system approach by maintain a geographically contiguous agricultural land base;
- b) Promote opportunities for economic prosperity and enhance the productive capacity of the agri-food network;
- c) Protect the agricultural land base for long-term agricultural use;
- d) Support a full range of *agricultural uses*, agricultural-related uses and *on-farm diversified uses*;
- e) Support the viability of existing and future farming operations; and,
- f) Protect agricultural lands from incompatible *development* and avoid the introduction of uses that would fragment agricultural lands or hinder surrounding agricultural operations.

4.7.2 Permitted Uses

4.7.2.1 Permitted uses in the Agriculture designation are:

- a) Agricultural uses, including normal farm practices;
- b) Agriculture-related uses;
- c) On-farm diversified uses;
- d) Residential dwellings, limited to:
 - i) One principal dwelling associated with an agricultural operation, where permitted in accordance with this Plan;
 - ii) Dwellings legally existing before the adoption date of this Plan;
 - iii) Surplus farm dwellings severed in compliance with policy 4.7.3.6; and,
 - iv) One *Additional Dwelling Unit*;
- e) Home occupation and home industries;
- f) Conservation and forestry uses;
- g) *Cannabis production facilities*, subject to the compatibility policies of this Plan;
- h) Petroleum resource operations and mineral mining operations;
- i) alternative energy systems and renewable energy systems; and,
- j) low-intensity recreational uses (e.g., trails, boardwalks, foot bridges, fences, docks, picnic facilities).

4.7.2.2 In Agricultural areas, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that:

- a) Impacts to the *prime agricultural areas* are addressed; and,
- b) The site will be rehabilitated back to an agricultural condition.

- 4.7.2.3 *Non-agricultural uses* shall not be permitted unless specifically allowed by this Plan and applicable Provincial policy.

4.7.3 Policies

- 4.7.3.1 *Normal farm practices* shall be protected and promoted in accordance with provincial standards. The City shall ensure that municipal regulations and adjacent non-agricultural *development* do not restrict or hinder normal farm operations.
- 4.7.3.2 *Development* within the Agriculture designation shall be compatible with the rural character of the area and shall maintain the long-term agricultural function of the designation.
- 4.7.3.3 *Development* in the Agriculture designation shall minimize fragmentation of the agricultural land base and avoid or mitigate *negative impacts* on existing or future agricultural operations.
- 4.7.3.4 The City discourages the removal of topsoil within the Agriculture designation. The placement of fill on *prime agricultural lands* is prohibited, and the City shall enforce this restriction through the municipal Site Alteration By-law.
- 4.7.3.5 Lot creation within the Agriculture designation is discouraged and generally prohibited to safeguard the continuous, unfragmented agricultural land base. In accordance with the Provincial Planning Statement (2024) and NOP, lot creation via a consent or land severance application shall only be permitted for:
- a) *Agricultural uses*, provided that both the severed and remnant lots:
 - i) are of a size appropriate for the type of agricultural operations common in the area;
 - ii) sufficiently large to maintain long-term operational flexibility for future farming changes; and,
 - iii) possess a minimum lot size of 40 hectares for both parcels.
 - b) *agriculture-related uses*, provided the new lot is strictly limited to the minimum size required to safely accommodate the commercial or industrial agricultural use and its required sustainable private water and wastewater services;

- c) *infrastructure*, where the public facility, utility, or *infrastructure* corridor cannot reasonably be accommodated through alternative means such as easements or rights-of-way; and,
- d) a habitable residential dwelling that has become surplus to a farming operation as a direct result of a formal farm consolidation enterprise, provided the residence existed legally as a habitable dwelling as of June 16, 2006. The lot area for the surplus dwelling shall be a minimum of 0.4 hectares up to a maximum of 1.0 hectare. Proposals exceeding 1.0 hectare shall require an amendment to this Plan.

- 4.7.3.6 To reduce fragmentation of the agricultural land base, where a new lot is authorized for a surplus residential dwelling resulting from a farm consolidation under Policy 4.7.3.5 d), the remnant parcel of vacant farmland shall be merged on title with an abutting farm parcel, such as through a boundary adjustment or lot addition. Where the proponent demonstrates to the satisfaction of the City that the merging of the remnant parcel with an abutting farm is structurally or legally impossible, the remnant farm parcel shall be required to undergo a site-specific Zoning By-law Amendment to prohibit the construction of any subsequent residential dwellings on the remnant asset. The City may require a restrictive covenant to be registered on title at the proponent's sole expense.
- 4.7.3.7 Temporary accommodation for seasonal or full-time farm labor is permitted, provided that the size and nature of the agricultural operation requires on-site multi-worker employment, and the housing structures are configured to minimize the consumption of tillable agricultural land. The permanent severance or separate lot creation of any farm labor accommodation is prohibited.
- 4.7.3.8 Where *agricultural uses* and non-*agricultural uses* interface, land use compatibility shall be achieved by prioritizing the spatial avoidance of conflicts. Where complete avoidance is unachievable, *development* layouts must minimize and mitigate adverse impacts on the agricultural system close to the source. The City shall require the completion of an Agricultural Impact Assessment (AIA), prepared by a qualified professional based on provincial guidance, to support any application for a non-agricultural use or major linear *infrastructure* corridor within the Agriculture designation.

- 4.7.3.9 *Agriculture-related uses* are permitted where it is demonstrated that the use:
- a) is farm-related commercial or farm-related industrial in nature;
 - b) is directly related to farm operations in the area;
 - c) supports agriculture and provides products or services to farms as a primary activity; and
 - d) benefits from proximity to farm operations.
- 4.7.3.10 *On-farm diversified uses* are permitted where it is demonstrated that the use:
- a) is located on a farm;
 - b) is secondary to the principal agricultural use of the property;
 - c) is limited in area and scale relative to the farm property; and
 - d) is compatible with and does not hinder surrounding agricultural operations.
- 4.7.3.11 All *development*, including the construction of a dwelling on an existing lot of record where permitted, shall comply with the *Minimum distance separation formulae* and nutrient management requirements, where applicable.
- 4.7.3.12 Where private water and wastewater servicing is required, *development* shall be located on lots suitable in size and soil condition to support such servicing to the satisfaction of the appropriate agency.
- 4.7.3.13 Uses involving the processing of livestock or produce that would be more appropriately located in an enclosed building in an urban industrial area due to traffic generation, noise, odour, or water or wastewater servicing considerations shall not be permitted in the Agriculture designation.
- 4.7.3.14 The City shall utilize Site Plan Control to regulate greenhouses, livestock barns, *agriculture-related uses*, and *on-farm diversified uses*. Site plan evaluations will focus on protecting the surrounding landscape and controlling impacts related to entrance configurations, parking and loading structures, commercial signage, lot grading, stormwater drainage, and native landscape screening.
- 4.7.3.15 *Cannabis production facilities* and associated greenhouses or buildings within the Agriculture designation shall ensure strict land use compatibility with neighbouring properties. Proponents shall be required to provide:
- a) The installation and continuous operation of industrial-grade *air*

- treatment control* and light mitigation systems;
- b) Comprehensive odour and light control, maintenance, and monitoring plans to the satisfaction of the City;
- c) Strict adherence to the minimum separation setbacks from *sensitive land uses* established in the implementing Zoning By-law; and,
- d) Total shielding for greenhouses so that no artificial light escapes between sunset and sunrise when the facility bubbles or abuts a *sensitive land use*. All new or expanding *cannabis production facilities* within this designation shall be subject to Site Plan Control.

4.8 Rural Areas

Port Colborne's *Rural Areas* consist of lands outside *Settlement Areas* that are not designated for long-term agricultural use. These lands are not considered *prime agricultural lands* and accommodate a range of rural land uses and *development* patterns, including rural residential uses, shoreline-related residential areas, agriculture and agriculture-supportive activities, resource-related uses and other low-intensity uses appropriate to a rural context.

4.8.1 Planned Function

4.8.1.1 *Rural Areas* are areas intended to accommodate a range of low-density land uses outside of *Settlement Areas*. They are generally characterized by a mix of rural uses and *development* patterns, and they support the City's rural landscape and economic function. It is not anticipated that *significant* growth, *development* or *redevelopment* will occur in the *Rural Areas* over the planning horizon. *Rural Areas* shall be developed to:

- a) Recognize historic *development* patterns outside *Settlement Areas* that accommodate a range of rural land uses;
- b) Ensure that future *development* is consistent with the rural character of the area;
- c) Provide opportunities for non-intensive recreational uses compatible with agricultural and surrounding rural uses;
- d) Support the agricultural area by providing for a range of *agriculture-related uses* that serve the needs of farmers and rural residents; and,
- e) Promote opportunities for economic *development* on non-*prime agricultural lands*.

4.8.2 Permitted Uses

4.8.2.1 Permitted uses in the *Rural Areas* designation are:

- a) Rural residential uses and *Additional Dwelling Units*;
- b) Agricultural uses, agriculture-related uses and on-farm diversified uses;
- c) Home occupations and home industries;
- d) Conservation and forestry uses;
- e) Low intensity recreational uses;
- f) Wayside pits and quarries;
- g) Mineral aggregate operations; and,
- h) *Cannabis production facilities*, subject to the compatibility policies of this Plan.

4.8.2.2 Existing seasonal and permanent residential *development* patterns along the Lake Erie shoreline may continue in accordance with this Plan and the implementing Zoning By-law.

4.8.2.3 Limited rural residential *development* may be permitted in *Rural Areas*, subject to the policies of this Plan and the implementing Zoning By-law.

4.8.3 Policies

4.8.3.1 *Development* in *Rural Areas* shall be compatible with the rural character of the area and shall generally be of a scale and intensity that can be accommodated on private services or other approved servicing arrangements.

4.8.3.2 *Development* in *Rural Areas* shall not compromise adjacent agricultural lands, natural systems or the efficient operation of rural *infrastructure*.

4.8.3.3 *Development* in *Rural Areas* shall not preclude or hinder the establishment or operation of resource-related uses permitted elsewhere in this Plan.

4.8.3.4 Where new lots or new *development* are proposed in *Rural Areas*, the City shall have regard to:

- a) Topography, soils, drainage, erosion, lot size and lot shape;
- b) Safe road access;
- c) Compatibility with surrounding uses; and
- d) Minimum Distance Separation requirements, where applicable.

- 4.8.3.5 Where private water and wastewater servicing is proposed, *development* shall demonstrate that sustainable private servicing can be provided through appropriate technical studies, where required.
- 4.8.3.6 Where full municipal sewage and water services are not available, planned, or feasible, *private communal water services* and *private communal sewage services* shall be the preferred form of servicing for clustered multi-unit residential *redevelopments* or commercial/industrial operations in the *Rural Area*. The approval of any *development* utilizing private communal services is conditional upon the execution of a binding Responsibility Agreement between the developer and the City to secure long-term operational and financial sustainability.
- 4.8.3.7 *Agriculture-related uses* and *on-farm diversified uses* in *Rural Areas* shall be compatible with available rural services, including road access, private water and sewage services, utilities, fire protection, emergency services and other public services, where relevant.
- 4.8.3.8 The City may use site plan control, where appropriate, to regulate the impacts of *agriculture-related uses* and *on-farm diversified uses* in *Rural Areas* in relation to entrances, parking and loading, grading and stormwater drainage, buffering, landscaping and landscape protection.
- 4.8.3.9 *Cannabis production facilities* within the *Rural Areas* designation must comply with all odour control, light shielding, monitoring plans, and *sensitive land use* separation setbacks required under Policy 4.7.3.15, and shall be subject to Site Plan Control.

4.9 Rural Settlement Area

Rural *Settlement Areas* consist of established clusters of *development* located outside the Urban Area. There are three Rural *Settlement Areas* in Port Colborne: Bethel, Gasline and Sherkston.

4.9.1 Planned Function

- 4.9.1.1 Rural *Settlement Areas* are areas intended to accommodate existing and limited new *development* within defined rural communities. They are

generally characterized by low-density *development* and a mix of residential and small-scale community-serving uses, and they support the function of rural service nodes. Rural *Settlement Areas* shall be developed to:

- a) Recognize the historic communities of Bethel, Gasline and Sherkston;
- b) Provide opportunities for small-scale infilling and rural community *development* which supports the vibrancy of these areas; and,
- c) Support the surrounding Agricultural and *Rural Area* by promoting compact *development* in historic rural centres.

4.9.2 Permitted Uses

4.9.2.1 Permitted uses in Rural *Settlement Areas* include:

- a) Residential uses, including *Additional Dwelling Units*;
- b) Rural uses;
- c) Small-scale commercial uses;
- d) Parks and public service facilities;
- e) Open space uses;
- f) Existing agricultural uses; and,
- g) Limited dry industrial uses which are compatible with the surrounding *sensitive* uses.

4.9.3 Policies

4.9.3.1 The policies of this Official Plan are intended to allow for modest forms of *development* through infilling and *development* of vacant lands in the existing rural *Settlement Area* boundary. Infilling means the creation of a new lot between two existing residences which are on separated lots and which are situated on the same side of the road within a Rural *Settlement Area*.

4.9.3.2 In cases where residential *development* is proposed on lands adjacent to or abutting agricultural lands, the City will ensure that adequate buffering and/or mitigation measures, including applicable Minimum Distance Separation requirements, are provided between the *development* and the agriculture lands, so that *normal farm practices* are protected from *development* with Rural *Settlement Areas*. In this regard, the developer will be responsible for providing appropriate transitional space through the use of landscaping, setbacks, fencing and screening. The specific design aspects for addressing

interface conditions will be determined through the site plan and/or subdivision agreements.

- 4.9.3.3 *Development with Rural Settlement Areas* is subject to the provision of adequate servicing.

4.10 Parks and Open Space

The Parks and Open Space designation protects the City's recreational, cultural, and environmental land assets. The Land Use Schedules (**Schedule A-3** and **Schedule A-4**) map the City's major municipal destinations (e.g., H.H. Knoll Lakeview Park, Lock 8 Gateway Park, Centennial Park). Smaller local parks, neighbourhood green spaces, and linear trails are not all individually illustrated on the schedules, but they are permitted within all urban designations across the City.

This designation also includes certain privately owned lands, such as open spaces located on the east side of the canal and near the intersection of King Street and Sugarloaf Street. The policies of this designation regulate land use activities to preserve the open, green, or recreational character of these areas, regardless of whether the land is publicly or privately owned.

4.10.1 Planned Function

- 4.10.1.1 Parks and Open Space areas are areas intended to provide recreational opportunities, protect natural features, and support environmental functions. They are generally characterized by open spaces, natural areas, and recreational facilities, and support the City's parks system, ecological health, and quality of life. Parks and Open Space areas shall be developed to:
- a) Provide lands for active and passive recreational uses, allowing space for a variety of both public and private recreation and leisure related activities;
 - b) Provide a diverse range of recreational opportunities for residents;
 - c) Support the public health and well-being of residents by ensuring there is an appropriate distribution of parks and recreational spaces throughout the City;
 - d) Improve the connectivity between existing and planned future parks and open spaces; and,
 - e) Recognize the location of all existing parks and cemeteries and ensure these areas are protected for the long term.

4.10.2 Permitted Uses

4.10.2.1 Permitted uses in the Open Space designation are:

- a) Recreational uses, such as, but not limited to community parks, recreational open space areas and trails;
- b) Commercial uses that are accessory and ancillary to a principal *public service facility* (e.g., municipal multi-purpose recreation complex); and,
- c) Cemeteries.

4.10.3 Policies

- 4.10.3.1 The Parks and Open Space designation on **Schedule A-3** identifies the City's major public parks, *significant* waterfront recreational destinations, and cemeteries that serve a city-wide, multi-neighbourhood, or regional destination function.
- 4.10.3.2 Neighbourhood parks, parkettes, active trail clearways, and localized recreational open spaces that serve an immediate residential function are recognized as core components of *complete communities*. While these spaces contribute to the city-wide parkland hierarchy, they are fully permitted and anticipated within the Residential Neighbourhoods designation without being individually delineated as Open Space on **Schedule A-3**.
- 4.10.3.3 The establishment, acquisition, or dedication of new public parkland within a draft approved Plan of Subdivision or through the *development* approvals process does not require an amendment to the land use schedules of this Plan, provided the parkland functions in accordance with the City's updated Parks Master Plan.
- 4.10.3.4 All parkland dedicated to the City through the *development* approvals process must be unencumbered by environmental hazards, *significant natural heritage features*, or stormwater management facilities, unless explicitly accepted by the City.
- 4.10.3.5 The design of all new open spaces and public parks shall prioritize universal accessibility, active transportation connectivity to adjacent residential neighbourhoods, and the integration of low-maintenance native vegetation.

4.10.3.6 The following policies shall apply to Indigenous cultural land use and stewardship:

- a) Indigenous cultural practices, ceremonial activities, the establishment of temporary or permanent open-air gathering structures (such as lodges or sacred fire spaces), and traditional resource harvesting by rightsholders are recognized and authorized as permitted activities within the Open Space designation.
- b) The City shall collaborate with local Indigenous communities to explore opportunities for the co-management of public open spaces, shorelines, and natural preserves, ensuring that traditional ecological knowledge informs local landscape preservation and climate resilience strategies.
- c) Indigenous ceremonial or cultural structures and gathering spaces shall be recognized as a permitted use as-of-right within all public parks and open space designations, and the implementing Zoning By-law shall contain provisions to facilitate these uses without the need for a minor variance.

4.11 Specific Use Policies

4.11.1 Condominium Conversion and Rental Protection

4.11.1.1 Condominium conversions involve changing existing residential rental units to ownership units registered under the *Condominium Act*. While this process can increase homeownership opportunities, it may reduce the supply of purpose-built rental housing. Maintaining the City's rental housing stock is important to support affordability, housing choice and *complete communities* in Port Colborne. To this end, the City shall:

- a) Actively protect its rental *housing options* to maintain local choice and affordability;
- b) Restrict the conversion of existing residential rental properties containing six (6) or more units to condominium ownership; and,
- c) Only permit the conversion of existing residential rental units to ownership tenure where it is demonstrated that:
 - i) The average rental vacancy rate for the City of Port Colborne, as reported annually by the Canada Mortgage and Housing Corporation (CMHC), has been at or above 3.0% for the preceding three (3) consecutive annual reporting periods;

- ii) The *development* proposal directly results in the creation of *affordable* housing units secured through a binding agreement with the City; and,
 - iii) The conversion is required to address documented structural, health, and safety issues through extensive building retrofits and renovations, which would otherwise inherently escalate market rents beyond *affordable* thresholds.
- 4.11.1.2 Any application for condominium conversion shall include a Building Condition Assessment prepared by a qualified professional; and, a Tenant Relocation and Assistance Plan, to the satisfaction of the City as part of a complete application under the *Planning Act*.
- 4.11.1.3 The City supports the revitalization, renewal, and *intensification* of the local housing stock through residential *redevelopment*. However, to protect *vulnerable* households and preserve the rental housing supply, the demolition of existing residential rental properties containing six (6) or more units shall only be permitted if it is demonstrated that the project will not result in undue adverse impacts on existing tenants.
- 4.11.1.4 Applications proposing the demolition of a residential rental property containing six (6) or more units shall include a Tenant Relocation and Assistance Plan, to the satisfaction of the City. This plan must be funded entirely by the proponent and demonstrate that tenant displacement is mitigated through:
 - a) Structured tenant engagement protocols, including mandatory information meetings and formal notification timelines;
 - b) Direct financial assistance, including a moving cost allowance and a rent-gap subsidy to offset alternative market rent costs during the construction period;
 - c) Additional support for tenants with documented health, accessibility, or low-income needs; and,
 - d) A guaranteed right of first refusal for eligible displaced tenants to lease a replacement rental unit of a comparable type and bedroom count at an *affordable* or stable rent rate.

- 4.11.1.5 To implement and enforce the rental housing protections established in this section, Council may pass a Rental Housing Protection By-law pursuant to Section 99.1 of the *Municipal Act*. The by-law may establish a permit process, screening forms, and enforcement measures, which may include fines, to regulate the demolition and conversion of multi-unit rental housing assets across the City.

4.11.2 Short Term Rentals

- 4.11.2.1 A Short-Term Rental consists of the commercial use of all or part of a legally established residential *dwelling unit* that provides transient accommodation for a period of 28 consecutive calendar days or less. Short-Term Rentals are classified as an accessory or secondary use of a dwelling unit and are universally permitted within all legally established *dwelling units* located within the Residential Neighbourhoods, Commercial Areas, *Rural Areas*, *Rural Settlement Areas*, and Mixed-Use Areas land use designations, subject to the City's Zoning By-law and the City's Short-Term Rental Licensing By-law, being *By-law No. 7388/79/25*, or the *By-law to License, Regulate, and Govern Short-term Rental Accommodations in the City of Port Colborne*.
- 4.11.2.2 For the purposes of this Plan, Short-Term Rentals are explicitly distinguished from other forms of commercial and hosted temporary accommodations as follows:
- a) Commercial Tourist Accommodations (e.g., hotels, motels, inns): Purpose-built commercial establishments where the primary land use is providing transient lodging to the general public within commercial suites (which do not constitute residential dwelling units) are not Short-Term Rentals. These uses are subject to distinct commercial zoning standards.
 - b) Bed and Breakfast Establishments: As detailed in Section 4.11.4 of this Plan, Bed and Breakfasts are distinguished from Short-Term Rentals by the mandatory requirement that the principal operator resides on-site as their primary residence during the guest's stay and typically provides a morning meal.

- 4.11.2.3 Per the requirements of the Short-Term Rental By-law, any entity or person operating a short-term rental accommodation in Port Colborne is required to apply for, obtain, and prominently display a valid municipal license, which must be renewed annually.
- 4.11.2.4 To protect long-term *housing options*, neighbourhood character, and community stability, the City shall regulate dwelling units utilized as Short-Term Rentals or Bed and Breakfast operations. In addition to the city-wide provisions and licensing mandates established under Section 4.11 of this Plan, the municipal licensing frameworks shall establish explicit, enforceable performance standards to regulate these uses, which may include but not be limited to:
- a) The maximum number of bedrooms utilized for a short-term rental is limited to the number of available off-street parking spaces on the premises, up to a maximum of five bedrooms;
 - b) Overnight occupancy is limited to two renters per bedroom, up to a maximum of 10 renters per premises, with an allowance for an additional two renters under 16 years of age;
 - c) Daytime guests are limited to one guest per bedroom up to a maximum of five guests, and are prohibited from remaining on the premises between 11:00 p.m. and 8:00 a.m.;
 - d) All required parking spaces must be located within a designated parking area consisting of a gravel, paved, concrete, or interlocking hard surface;
 - e) Garbage must be contained within secured containers and stored in designated side or rear yard garbage areas screened from public view; and,
 - f) Short-term rentals operating within a designated Vacation Residential zone are subject to specialized parking, occupancy, and site-mapping criteria approved directly by the City's licensing officer.

4.11.3 Home-Based Businesses

4.11.3.1 Home-based businesses are legal, privately-operated businesses within a residential dwelling, and play an important function by providing local employment opportunities to residents of Port Colborne. The following apply to home-based businesses:

- a) Home-based businesses shall not be located in an accessory building.
- b) Home-based businesses may be permitted in land use designations where residential uses are permitted as a primary use.
- c) The business shall be secondary to the residential use of the property and compatible with surrounding uses.
- d) To ensure that home-based businesses do not disrupt the residential character, quiet enjoyment, or amenities of the surrounding neighbourhood, all operations must satisfy the following criteria:
 - i) The outdoor storage, stockpiling, or outdoor display of any goods, raw materials, inventory, salvage, or commercial equipment associated with the business is strictly prohibited;
 - ii) The business shall not generate offensive noise, intense vibrations, smoke, dust, toxic or noxious fumes, electrical interference, or heavy odors that extend beyond the property lines or exceed standard domestic residential parameters;
 - iii) The external residential appearance of the dwelling and property shall be entirely preserved, and no external alterations shall be made that would signal the building is being used for a non-residential purpose; and,
 - iv) The operation shall not generate vehicular traffic, commercial delivery volumes, or on-street parking demands that disrupt the safe and efficient movement of the local street network.
- e) In an Agricultural Area, the business shall be secondary to the agricultural use of the property.
- f) A range of home-based business uses may be permitted, including, but not limited to, professional services, domestic arts, and bed and breakfast accommodations.
- g) The home-based business shall fulfill the requirements set out in the Zoning By-law, including matters such as operating hours, allowable floor space, and permitted signage.

4.11.4 Bed and Breakfasts

- 4.11.4.1 Bed and breakfasts are recognized as an asset to Port Colborne's tourism industry by providing a form of traveller accommodation within private homes.
- a) Bed and breakfast operations are subject to the provisions of the Home-based Business policies in Section 4.11.3.
 - b) When established in areas designated Agricultural, a bed and breakfast shall not exceed three (3) bedrooms, however up to six (6) bedrooms may be permitted through a site-specific Zoning By-law Amendment.

4.11.5 Group Homes

- 4.11.5.1 A group home is generally defined as a residence licensed or funded under provincial or federal legislation, for the accommodation of three (3) to ten (10) persons, not including staff, living under supervision in a single housekeeping unit. Group homes are recognized as meeting the varied needs of individuals who require a supervised group living arrangement for their well being. They are also recognized as an essential component of the City's inclusive housing continuum. The following policies shall apply to group homes:
- a) Group homes shall be permitted in any land use designation that permits a residential use (e.g., Residential Neighbourhoods, Mixed-Use Areas) or residence, including a farm residence, in the City of Port Colborne, subject to the regulations of the implementing Zoning By-law.
 - b) Adequate off-street parking, including for bicycles, and drop-off/pick-up areas must be provided for residents, staff, and visitors.
 - c) The built form of a group home must be compatible with the physical scale, density, and character of the surrounding neighbourhood, and must comply with the standard yard setbacks, height restrictions, and lot coverage provisions of the applicable zoning category.
 - d) The conversion of an existing residential dwelling to a group home shall require a formal Change of Use permit application through the Building Department. Prior to the issuance of a building permit, final occupancy clearance, or municipal registration, the proponent shall explicitly demonstrate that they have obtained all requisite provincial or federal licenses, operating mandates, or funding certifications associated with the facility.

- e) All group homes must undergo mandatory inspections and demonstrate, to the satisfaction of the City, continuous compliance with the Ontario Building Code, the Ontario Fire Code, and the City's Property Standards By-law prior to beginning operations, and shall maintain compliance as a condition of any applicable municipal registration or licensing renewal.

4.11.6 Multi-Tenant Houses

- 4.11.6.1 Multi-tenant houses, also known as rooming or lodging houses, are recognized as an important part of the housing continuum and are permitted throughout the municipality where residential uses are permitted, subject to the requirements of the Zoning By-law.

4.11.7 Places of Worship

- 4.11.7.1 Places of worship are permitted:
 - a) On lands designated Mixed Use, Residential and Rural *Settlement Area*; and,
 - b) on a collector or arterial road.
- 4.11.7.2 New places of worship shall not be permitted in the Agriculture or *Rural Areas*.

4.11.8 Additional Dwelling Units

Additional dwelling units (ADUs), also known as accessory dwelling units, basement apartments, in-law suites, or garden suits, are self-contained residential units with their own kitchen, bathroom, and sleeping area. An ADU may be located within an existing home or constructed as a separate building on the same property.

The City of Port Colborne encourages the construction of ADUs as a means of providing *affordable* and diverse *housing options*. The following additional policies apply to ADUs:

- 4.11.8.1 An ADU is only permitted as an accessory unit in conjunction with an existing primary residence, including a single-detached, semi-detached, duplex, townhouse, or street townhouse dwelling. An ADU must be located on the same lot as the primary residence.

- 4.11.8.2 Up to four (4) residential units are permitted per lot in the *Urban Settlement Area*, consisting of one primary dwelling and up to three (3) ADUs.
- 4.11.8.3 Up to three (3) residential units are permitted per lot in the *Rural Areas* and *Rural Settlement Area*, consisting of one primary dwelling and up to two ADUs (where sufficient servicing is available to accommodate the increased demand for sewage).
- 4.11.8.4 One ADU is permitted per lot in agricultural areas and must be compatible with the agricultural character of nearby farm operations (where sufficient servicing is available to accommodate the increased demand for sewage).
- 4.11.8.5 The density provisions of this Plan shall not apply to the *development of Additional Dwelling Units*.
- 4.11.8.6 The maximum number of *Additional Dwelling Units* established in this section may not be achievable on each site, due to site-specific factors such as lot size, building size, servicing capacity, and other zoning considerations. The actual number of units permitted on a specific lot shall be governed by physical site constraints, municipal servicing availability, and strict compliance with all applicable zoning performance standards.
- 4.11.8.7 Where a property has an existing garden suite, it shall be counted as one *Additional Dwelling Unit* for the purpose of calculating the maximum number of permitted *Additional Dwelling Units* on that lot.
- 4.11.8.8 A maximum of one (1) *Additional Dwelling Unit* may be located within a building or structure accessory to the principal dwelling unit. The City may consider circumstances where allowing a second additional dwelling unit within an accessory building or structure may be permitted without the need for a Zoning By-law amendment, where the total maximum *Additional Dwelling Units* is not exceeded and where it can be demonstrated that two detached *Additional Dwelling Units* is appropriate
- 4.11.8.9 To prevent the physical *overdevelopment* of low-density residential lots and safeguard neighbourhood character, the implementing Zoning By-law shall establish a strict maximum cumulative gross floor area cap for all *Additional Dwelling Units* combined on a single lot. The combined footprint and massing

of all *Additional Dwelling Units* shall remain subordinate to the primary residential dwelling and shall not exceed the cumulative gross area threshold prescribed in the Zoning By-law.

- 4.11.8.10 *Additional Dwelling Units* shall be designed to harmonize with the visual appearance, architectural scale, and character of the primary dwelling and the established streetscape. Where multiple *Additional Dwelling Units* are proposed on a single property (including semi-detached or duplex lots), the building configuration, height, and massing must maintain a low-density residential appearance and avoid monolithic, apartment-style built forms.
- 4.11.8.11 *Additional Dwelling Units* shall remain strictly accessory, subordinate, and secondary to the primary residential dwelling on the lot. *Additional Dwelling Units* located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling. The creation of a separate new lot to isolate or subdivide an *Additional Dwelling Units* from the primary dwelling through a land severance or consent application is strictly prohibited, in accordance with the lot creation policies in Section 8.3.9 of this Plan.

4.12 Site-Specific Policies

Site specific policies are to be completed in the next draft.

5 THE NATURAL ENVIRONMENT

5.1 Introduction

Port Colborne's natural environment system is a defining element of the City's structure, providing the ecological framework that sustains biodiversity and essential ecosystem services. This system is fundamental to the integrity of natural features and their function but also directly underpins public health, community safety, and economic stability, while ensuring long-term climate resilience and an exceptional quality of life for all residents. The Natural Environment includes two main components:

- a) Natural heritage system; and,
- b) Water resource system.

The policies of this section establish a systems-based framework for protecting, maintaining, restoring and, where appropriate, enhancing the City's natural heritage and *water resource systems*. These systems are not intended to be planned as isolated features. They are connected environmental systems that support biodiversity, *ecological function*, *hydrologic function*, shoreline health, climate resilience and the protection of municipal drinking water.

5.2 Natural Heritage System

5.2.1 Overview and Components of the Natural Heritage System

5.2.1.1 The *Natural Heritage System* is shown on **Schedule C-1** (see Section 1.6.4 for a description of this Schedule). The *natural heritage system* includes, but is not limited to:

- a) Provincially *significant wetlands* and *coastal wetlands*;
- b) *Significant woodlands*;
- c) *Areas of natural and scientific interest*;
- d) *Habitat of endangered species and threatened species*;
- e) *Significant wildlife habitat*;
- f) *Significant valleylands*;
- g) Permanent and intermittent streams;
- h) *Fish habitat*; and,
- i) Linkages.

The *Natural Heritage System* is shown in further detail on **Map 3** (see Section 1.6.5 for a description of this map).

- 5.2.1.2 Not all components of the *Natural Heritage System* are mapped on **Schedule C-1** due to the scale of mapping, the sensitivity of certain information, changes in field conditions, or the need for site-specific assessment. Components that are not mapped shall be identified and evaluated through an Environmental Impact Study, hydrologic evaluation, hydrogeological study, subwatershed study or other technical study accepted by the City.
- 5.2.1.3 The classification, evaluation, and determination of significance for *natural heritage features and areas* within the City shall be governed by the following administrative frameworks and technical authorities:
- a) *Significant Wetlands* and *Significant Coastal Wetlands* shall be identified, evaluated, and classified using the Ontario Wetland Evaluation System (OWES), as confirmed by the provincial ministry with jurisdiction.
 - b) *Significant Woodlands* shall be evaluated based on localized patch-size thresholds, species composition, and tree age characteristics established by the City, as informed by applicable Provincial technical manuals.
 - c) *Significant Valleylands* shall be classified based on distinctive landform depressions, hydrological functions, and contiguous natural vegetation cover, using evaluation criteria informed by prevailing Provincial reference manuals.
 - d) *Significant Wildlife Habitat* shall be identified, delineated, and evaluated in strict accordance with the Province's *Significant Wildlife Habitat* Technical Guide and the accompanying *Significant Wildlife Habitat* Criteria Schedules for Ecoregion 7E, as amended from time to time.
 - e) *Habitat of Endangered Species and Threatened Species* shall be identified and verified in strict compliance with the *Endangered Species Act, 2007* and the *Species Conservation Act, 2025*, under the direct regulatory administration of the Province.
- 5.2.1.4 Where a site-specific Environmental Impact Study or broader environmental planning study is triggered under this Plan, the technical determination of whether an unmapped feature is *significant* shall be completed by a qualified professional utilizing the explicit criteria and manuals mandated in Policy

5.2.1.3, subject to comprehensive review and final peer-review acceptance by the City.

- 5.2.1.5 Where lands are mapped or identified as two or more features or components of the natural environment system, the policies which provide the highest level of environmental protection shall apply in the event of any conflict.

5.2.2 Planned Function and Permitted Uses

- 5.2.2.1 The planned function of the *Natural Heritage System* is to protect the long-term ecological, biodiversity and connectivity functions of *natural heritage features and areas* while allowing only those uses that are permitted by this Plan, Provincial policy and other applicable legislation.
- 5.2.2.2 *Development and site alteration* within or adjacent to the *Natural Heritage System* shall only be permitted where it has been demonstrated, to the satisfaction of the City and in consultation with relevant agencies, that there will be no *negative impacts* on the natural heritage feature, hydrologic feature, ecological linkage or related ecological or *hydrologic function*.
- 5.2.2.3 Permitted uses within the *Natural Heritage System* shall be limited to uses that protect or support the *ecological function* of the area, including:
- a) Forestry, *fish* and wildlife management;
 - b) Conservation, restoration, floor control or erosion control works where the works are necessary in the public interest and alternatives have been considered;
 - c) Scientific research, environmental monitoring and education;
 - d) Existing *agricultural uses*, where recognized by this Plan and applicable Provincial policy;
 - e) *Infrastructure* and public works, including *infrastructure* authorized under an Environmental Assessment, completed in accordance with the *Environmental Assessment Act*; and
 - f) Passive recreational uses and small-scale public structures associated with such uses, including trails, boardwalks, footbridges, docks, viewing platforms, fencing, picnic facilities, where located and designed to avoid or minimize *negative impacts* and, where required, supported by an Environmental Impact Study or other technical study accepted by the

City.

- g) Small-scale structures for recreational uses on public land, including but not limited to, boardwalks, fences, footbridges, docks and picnic facilities, provided appropriate measures are taken to minimize their *negative impacts*.

5.2.2.4 New private accessory buildings or structures, including garages, workshops, sheds and decks, shall not be permitted within a required natural heritage *buffer*, except where specifically permitted by this Plan or where an existing legally established building or structure is being reconstructed in accordance with the policies of this Plan.

5.2.3 General Development Policies

5.2.3.1 *Development* and *site alteration* within or adjacent to the *Natural Heritage System* shall only be permitted where it has been demonstrated, to the satisfaction of the City and in consultation with relevant agencies, that there will be no *negative impacts* on the natural heritage feature, hydrologic feature, or ecological linkage.

5.2.3.2 *Development* and *site alteration* shall not fragment, sever or otherwise compromise the function of the *Natural Heritage System*. Where *development* is proposed within or adjacent to the *Natural Heritage System*, the proponent shall demonstrate that the proposal maintains or improves *ecological function*.

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

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

- a) the *development* satisfies *federal and provincial requirements* or has been specifically authorized by the appropriate approval authority; and
- b) the regulated setback, vegetated shoreline, stormwater management,

and slope-related policies of this Plan are met and the proposal is not for major *development*.

- 5.2.3.5 Where, through the review of an application for *development* or *site alteration*, or through the completion of a subwatershed study, it is found that there are features or components of the *Natural Heritage System* or related ecological and/or *hydrologic functions* that have not been adequately mapped, evaluated, or protected, the applicant shall have an evaluation prepared by a qualified professional in consultation with the City and, where appropriate, the relevant *Conservation Authority*. If the evaluation finds one or more *natural heritage features and areas*, key *natural heritage features*, or key hydrologic features, the policies of this Plan will be applied to the lands under application as appropriate.
- 5.2.3.6 The policies of this Plan distinguish between *adjacent lands*, minimum *buffers* and mandatory *buffers*. *Adjacent lands* represent a broader area of land that is contiguous with a natural heritage feature. Minimum *buffers* are lands within *adjacent lands* where *development* is restricted and applies to lands outside of the urban area and Rural *Settlement Areas*. Mandatory *buffers* refer to lands within *adjacent lands* where *development* is restricted and applies to lands within *Settlement Areas*.
- 5.2.3.7 For the purposes of this section, *adjacent lands* are lands contiguous to a natural heritage feature or area within the distances set out in [Table 5-1](#). *Adjacent lands* are not *natural heritage features* themselves, but they identify the area where *development* or *site alteration* may have the potential to affect the feature or its ecological or *hydrologic functions*.

Table 5-1: Natural Heritage System Adjacent Lands

Natural Heritage Feature	Adjacent Lands
Provincially <i>significant wetland</i>	120 metres
<i>Significant woodland</i>	120 metres
Other <i>woodland</i>	50 metres
<i>Significant valleyland</i>	50 metres
<i>Habitat of endangered species and threatened species</i>	50 metres
Life science <i>areas of natural and scientific interest</i>	50 metres

- 5.2.3.8 *Development or site alteration* proposed within *adjacent lands* shall require an Environmental Impact Study and/or hydrologic evaluation unless the City determines, based on the nature and scale of the proposal, existing site conditions, previous technical work or written confirmation from a qualified professional, that the proposal is not anticipated to result in *negative impacts*.
- 5.2.3.9 The City shall require minimum and mandatory *buffers* between *natural heritage features*, hydrologic features and adjacent *development or site alteration*, as appropriate.
- 5.2.3.10 Outside of *Settlement Areas*, minimum *buffers* from *natural heritage features* shall be provided in accordance with **Table 5-2**, unless a greater *buffer* is required through an Environmental Impact Study, hydrologic evaluation, subwatershed study, applicable legislation, regulation or approval authority.

Table 5-2: Minimum Buffer Distances for Natural Heritage Features Outside of Settlement Areas

Natural Heritage Feature	Minimum Buffer
Provincially <i>significant wetland</i>	30 metres
<i>Significant coastal wetland</i>	30 metres
<i>Significant woodland</i>	20 metres
Other <i>woodland</i>	10 metres
<i>Significant valleyland</i>	15 metres
Life science <i>areas of natural and scientific interest</i>	20 metres

- 5.2.3.11 *Development and site alteration* within the minimum *buffers* identified in **Table 5-2** shall be prohibited, except where it is comprehensively demonstrated through an Environmental Impact Study, to the satisfaction of the City, that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended.
- 5.2.3.12 The following forms of small-scale *development* may be permitted within the minimum *buffer* areas identified in **Table 5-2**:
- a) New buildings and structure or expansions to existing buildings or structures for *agricultural uses, agriculture-related uses or on-farm diversified uses*;
 - b) Reconstruction of an existing residential dwelling of the same size in the same location;
 - c) Passive recreational uses on public lands, such as trails, where it has been demonstrated that the *buffer* will continue to provide the *ecological function* for which it was intended.
- 5.2.3.13 Within *Settlement Areas*, mandatory *buffers* from *natural heritage features and areas* are required. The width of an ecologically appropriate *buffer* will be determined through an Environmental Impact Study and/or hydrological evaluation at the time an application for *development* or *site alteration* is made, or through the completion of a subwatershed study in support of a secondary plan or other comprehensive planning study.
- 5.2.3.14 Within *Settlement Areas*, required *buffers* from *natural heritage features and areas* shall be determined through an Environmental Impact Study and/or hydrologic evaluation at the time an application for *development* or *site alteration* is made, or through a subwatershed study, environmental planning study or other City-accepted technical study prepared for a new *development* area.
- 5.2.3.15 The width of the *buffer* will be based on the sensitivity of the *ecological functions* from the proposed *development* or *site alteration*, and the potential for impacts to the feature and *ecological functions* as a result of the proposed change in land use.
- a) *Buffers* required by this Plan shall be maintained and, where appropriate, restored as natural self-sustaining vegetation.

5.2.4 Environmental Impact Study and Other Studies

- 5.2.4.1 An Environmental Impact Study shall be required for *development* or *site alteration* proposed within, adjacent to, or with potential to affect the Natural Environment System.
- 5.2.4.2 Environmental Impact Studies shall be prepared by qualified professionals and shall be scoped to the nature and scale of the proposal. An Environmental Impact Study shall, as appropriate:
- a) identify and delineate *natural heritage features*, hydrologic features, ecological linkages, *buffers* and related ecological and *hydrologic functions*;
 - b) evaluate direct, indirect and cumulative impacts from the proposed *development* or *site alteration*;
 - c) assess whether alternatives are available to avoid or reduce *negative impacts*;
 - d) recommend measures to avoid, minimize, mitigate and, where appropriate, restore impacts;
 - e) identify required *buffers*, restoration areas, monitoring measures and implementation requirements; and,
 - f) demonstrate that the proposal will not result in *negative impacts* on *natural heritage features*, hydrologic features or their ecological or *hydrologic functions*.
- 5.2.4.3 Council may develop, adopt, and periodically update comprehensive Environmental Impact Study (EIS) and Hydrological Evaluation Guidelines. These guidelines shall be utilized to establish standardized terms of reference, baseline study methodologies, qualification metrics for professional authors, and administrative procedures for the technical review of environmental submissions.
- 5.2.4.4 The requirement for an Environmental Impact Study and/or hydrological evaluation may be waived or scoped by the City if the proposed *development* or *site alteration* is minor in scale and is comprehensively demonstrated have no *negative impacts* on the natural environment system. Any such waiver or scoping adjustments shall be evaluated in strict accordance with the criteria and procedural frameworks outlined in the City's Council-approved Environmental Impact Study and/or Hydrological Evaluation Guidelines.

- 5.2.4.5 The City may require an environmental planning study, subwatershed study or broader-scale review for new *development* areas, settlement area boundary expansions or adjustments, plan of subdivision, public *infrastructure* projects, *redevelopment* areas or other proposals where cumulative impacts, multiple properties, shared drainage systems, or the relationship between natural heritage and water resource functions require coordinated review.

5.2.5 Refinements to the Limits of the Natural Heritage System

- 5.2.5.1 Changes to the limits or classification of mapped features may be considered through the submission of an Environmental Impact Study, subwatershed study and/ or hydrological evaluation based on terms of reference approved by the City, in accordance with the policies of this Plan, and in consultation with the relevant *Conservation Authority* as appropriate. Minor revisions to the limits or classification of mapped features shall not require an amendment to this Plan.
- 5.2.5.2 Changes to the limits or classification of provincially *significant* features requires approval from the Province. Where changes are approved by the Province, an amendment to this Plan is not required.

5.3 Water Resource System

5.3.1 Overview of the Water Resource System

The *Water Resource System* is shown on **Schedule C-2** (see Section 1.6.4 for a description of this Schedule) and includes *surface water features*, *groundwater features*, *hydrologic functions* and shoreline areas that are necessary for the protection, improvement and restoration of water quality and water quantity.

The *Water Resource System* includes, but is not limited to:

- a) *significant* groundwater recharge areas;
- b) groundwater discharge areas, where identified;
- c) highly *vulnerable* aquifers;
- d) permanent and intermittent watercourses;
- e) shoreline areas along Lake Erie and the Welland Canal, where applicable to water resource protection;

- f) riparian areas, headwater drainage features, seepage areas and springs;
- g) aquifers, water tables and unsaturated zones; and
- h) other surface water and *groundwater features* and *hydrologic functions* identified through *watershed planning*, subwatershed studies, hydrogeological studies, hydrologic evaluations, water balance studies or other technical studies accepted by the City.

Where water resource features or *hydrologic functions* are not mapped on **Schedule C-2**, they shall be identified and evaluated through the appropriate technical study required by the City. The City may update the mapping of the *Water Resource System*, including shoreline areas, as improved information becomes available.

5.3.2 General Development Policies

- 5.3.2.1 The City shall protect and promote ecological connectivity within the *Natural Heritage System*, including connections between inland features, watercourses, riparian areas, *coastal wetlands*, shoreline areas and aquatic *habitat*. *Development*, *site alteration* and public works shall maintain and, where appropriate, strengthen such linkages.
- 5.3.2.2 *Development* and *site alteration* shall be designed to prevent contamination of groundwater resources. Uses, activities or facilities that may pose a risk to groundwater quality, including but not limited to fuel storage, chemical storage, pesticide or fertilizer storage, road salt storage, snow storage, waste disposal, waste transfer, septic systems, stormwater management facilities, underground storage tanks, pipelines, aggregate extraction, *petroleum resource* activities or other activities involving regulated or *hazardous substances*, may be subject to additional study, mitigation, risk management measures, site design requirements or restrictions.
- 5.3.2.3 Where other *groundwater features* or *sensitive groundwater features* are not mapped on **Schedule C-2**, they shall be identified through watershed plans, subwatershed studies, hydrogeological studies, hydrologic evaluations or other technical studies accepted by the City.
- 5.3.2.4 *Development* and *site alteration* shall be designed to avoid *negative impacts* on the *Water Resource System*. Where avoidance is not possible, the proponent shall demonstrate, to the satisfaction of the City and relevant

approval authorities, that impacts will be minimized and mitigated and that there will be no *negative impacts* after mitigation on:

- a) the quality and quantity of groundwater;
- b) groundwater recharge and discharge functions;
- c) aquifers, water tables and unsaturated zones;
- d) seepage areas, springs and baseflow to watercourses;
- e) *wetlands*, watercourses, shoreline areas and natural drainage systems that rely on groundwater contribution;
- f) natural heritage features and ecological functions supported by groundwater; and
- g) existing and planned municipal, communal or private water supplies.

5.3.2.5 In areas where the underlying aquifer is highly *sensitive* to contamination, the City may require a groundwater assessment prepared by a qualified professional where a proposed *development*, use or activity may use, store, generate, discharge or transport contaminants that could affect groundwater resources.

5.3.2.6 *Development* requiring a Permit to Take Water, construction dewatering, major groundwater diversion, groundwater discharge, or other water-taking activity shall demonstrate, to the satisfaction of the City and relevant approval authorities, that the proposed activity will not have *negative impacts* on the natural ecosystems or *quality and quantity of water* to meet existing and planned uses.

5.3.2.7 Where *development* is proposed on private water or private wastewater services, the City may require supporting technical studies to demonstrate that the proposed servicing arrangement can be sustained over the long term without *negative impacts* on groundwater and soil conditions.

5.3.2.8 Stormwater management for *development* within *Significant* Groundwater Recharge Areas, Highly *Vulnerable* Aquifers or other *sensitive* groundwater areas shall be designed to protect groundwater quality while maintaining infiltration and recharge functions.

5.3.2.9 Where potentially contaminated lands may negatively impact *sensitive* groundwater areas, the City may require environmental and hydrogeological investigation prior to *development* or *site alteration*.

5.3.3 Hydrological Study and Other Studies

- 5.3.3.1 The City may require a hydrogeological study, hydrologic evaluation or other technical study where *development* or *site alteration* may negatively impact groundwater quality, groundwater quantity, recharge or discharge functions, groundwater-dependent natural features, private wells, municipal water supplies or source water protection areas.
- 5.3.3.2 Where a hydrogeological study, hydrologic evaluation or water balance is required, the study shall, as appropriate:
- a) identify *groundwater features*, recharge areas, discharge areas, aquifers, water tables, seepage areas, springs and groundwater flow direction;
 - b) assess existing groundwater quality and quantity conditions;
 - c) assess the relationship between groundwater, surface water, *wetlands*, watercourses, *natural heritage features* and baseflow;
 - d) evaluate the potential impacts of the proposed *development*, *site alteration*, servicing, grading, stormwater management, construction dewatering or water taking;
 - e) identify mitigation measures to avoid, minimize or address impacts;
 - f) demonstrate how groundwater recharge and discharge functions will be maintained or improved;
 - g) assess cumulative impacts, where applicable; and
 - h) identify monitoring, maintenance or adaptive management measures, where required.

5.3.4 Watershed Planning

- 5.3.4.1 The City shall coordinate land use planning, servicing planning, stormwater planning, asset management and capital planning to ensure that water resource decisions support long-term environmental protection, *infrastructure* resilience and fiscally responsible growth.
- 5.3.4.2 The City shall adopt and apply the *watershed planning* hierarchy established through Provincial and Regional Policy, and shall use watershed plans, subwatershed studies, drainage studies and site-scale technical studies, as appropriate, to guide planning and *development*.

- 5.3.4.3 Stormwater management shall be planned and designed to protect and improve water quality and quantity, maintain *hydrologic functions* to the greatest extent feasible, reduce runoff volumes and peak flows, minimize erosion and downstream impacts, and address cumulative impacts over time.
- 5.3.4.4 The City shall require the completion of a subwatershed study, to the satisfaction of the City and in consultation with Niagara Region and relevant agencies, where a new *development* area, plan of subdivision, *Settlement Area* boundary expansion or adjustment, or other *development* proposal has the potential to affect watershed-scale or subwatershed-scale hydrologic, ecological, drainage or stormwater functions.
- 5.3.4.5 The City may require integrated Stormwater Management Master Plans or equivalent comprehensive stormwater planning documents for new *development* areas, major *redevelopment* areas or other areas where cumulative impacts on the drainage and stormwater system require coordinated analysis.
- 5.3.4.6 *Watershed planning* and subwatershed planning shall inform:
- a) the identification and refinement of the Natural Environment System and *Water Resource System*;
 - b) the protection, enhancement and restoration of water quality and water quantity;
 - c) the location, form and phasing of *development*;
 - d) *Settlement Area* boundary expansions, where applicable;
 - e) secondary plans and large-scale *development* proposals;
 - f) water, wastewater and stormwater *infrastructure* planning;
 - g) *climate change* adaptation and natural *hazard* mitigation; and
 - h) the assessment of cumulative impacts.

5.3.5 Source Water Protection

- 5.3.5.1 The City shall protect municipal drinking water sources in accordance with the *Clean Water Act, 2006*, the Niagara Peninsula Source Protection Plan, the Niagara Peninsula Source Protection Area Assessment Report, the Explanatory Document, and this Plan.

- 5.3.5.2 The Port Colborne Water Treatment Plant Intake Protection Zones are identified on **Schedule C-3** (see Section 1.6.4 for a description of this Schedule) as an overlay. The underlying land use designations shown on other schedules and maps forming part of this Plan continue to apply. *Development, site alteration* and land use activities within the Intake Protection Zones shall be subject to the applicable restrictions, prohibitions, risk management measures, study requirements and approvals required under the applicable Source Protection Plan.
- 5.3.5.3 The City shall protect the source water for the Port Colborne Water Treatment Plant by ensuring that land use planning decisions do not create new *negative impacts* or expand existing *significant* drinking water threats within the Port Colborne Intake Protection Zones.
- 5.3.5.4 The policies of this section shall be read together with the Niagara Peninsula Source Protection Plan, the Niagara Peninsula Source Protection Area Assessment Report, the Explanatory Document, the *Clean Water Act*, 2006, the Niagara Official Plan, the implementing Zoning By-law and any other applicable legislation, regulation or guideline.
- 5.3.5.5 Where there is a conflict between the long-term protection of municipal drinking water sources and other land use planning considerations, the protection of municipal drinking water sources shall take priority.
- 5.3.5.6 The Port Colborne Intake Protection Zones shown on **Schedule C-3** shall be used as an overlay to the land use schedules of this Plan. The boundaries of the Intake Protection Zones may be updated without an amendment to this Plan where updated mapping is issued through the applicable Source Protection Plan, Source Protection Authority, Niagara Region or other approval authority.
- 5.3.5.7 The implementing Zoning By-law may identify restricted land uses within the Port Colborne Intake Protection Zones that must be screened by the Risk Management Official before the City accepts, processes or approves a *Planning Act*, *Condominium Act*, *Building Code Act* or other municipal approval application.

- 5.3.5.8 Any planning application, building permit application or other municipal approval for a land use other than a residential use within the Port Colborne Intake Protection Zone 1 or Intake Protection Zone 2 may require a Section 59 Notice from the Risk Management Official. The need for a Section 59 Notice shall be determined through the application screening process.
- 5.3.5.9 New *waste disposal sites*, including new *waste disposal sites* for the application of untreated septage to land, shall not be permitted within the Port Colborne Intake Protection Zone 1 or Intake Protection Zone 2.
- 5.3.5.10 Within the Port Colborne Intake Protection Zone 1, the commercial storage of pesticides in a quantity greater than 2,500 kilograms may only be permitted where an approved Risk Management Plan has been prepared, where required by the applicable Source Protection Plan.
- 5.3.5.11 Future open storage of road salt greater than 5,000 tonnes shall not be permitted within the Port Colborne Intake Protection Zone 1.
- 5.3.5.12 Future storage of snow greater than one hectare in area shall not be permitted within the Port Colborne Intake Protection Zone 1.
- 5.3.5.13 New combined sewers, wastewater treatment facilities and industrial effluent systems shall not be permitted where they would constitute a *significant* drinking water threat within the Port Colborne Intake Protection Zone 1 or Intake Protection Zone 2.
- 5.3.5.14 An application for, or expansion, extension or alteration of commercial or industrial *development* or storm water management facilities, may be deemed to pose a *significant* threat to municipal drinking water, within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2, as shown on **Schedule C-3**, by the Risk Management Official and Region's Commissioner of Planning and *Development*. In such cases the *development* application shall be accompanied by a stormwater management plan that demonstrates the *development* does not pose a *significant* threat to municipal drinking water to the satisfaction of the Region's Commissioner of Planning and Development Services and City of Port Colborne in consultation with the Risk Management Official.

- 5.3.5.15 Stormwater management plans prepared for lands within the Port Colborne Intake Protection Zone 1 or Intake Protection Zone 2 shall address, as appropriate, the quality and quantity of runoff, pollutant loading, spills management, erosion and sediment control, stormwater treatment, *low impact development*, best management practices, maintenance requirements and any other matters required by the City, Niagara Region, the Niagara Peninsula *Conservation Authority* or the Risk Management Official.
- 5.3.5.16 The storage and application to land of agricultural source material, and the lands used for such activities, are considered *significant* drinking water threats within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2. Future agricultural land uses shall not be permitted within the Port Colborne Intake Protection Zone 1 or Intake Protection Zone 2.
- 5.3.5.17 Where a proposed use, activity or *development* may constitute a *significant* drinking water threat, the City shall require the proponent to demonstrate that the *significant* threat will not occur or will cease to exist through prohibition, risk management measures, site design, or controls.
- 5.3.5.18 Where required to address existing or future *significant* drinking water threats related to stormwater discharges, the City shall, within five (5) years from the date the Source Protection Plan comes into effect, prepare and implement a comprehensive stormwater management master plan for catchments draining to the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2.
- 5.3.5.19 A stormwater management master plan will be prepared in accordance with the Municipal Class Environmental Assessment for catchments draining to the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2. The stormwater management plan should address, as appropriate:
- a) Cumulative environmental impacts of stormwater from existing and planned *development*;
 - b) The effectiveness of existing stormwater management works at reducing the *negative impacts* of stormwater on the environment;
 - c) Examination of retrofit opportunities for areas where stormwater is uncontrolled or inadequately controlled;
 - d) Identification of additional stormwater management retrofit opportunities

- or improvements to existing stormwater management works that could improve the level of treatment;
 - e) Description of existing or planned maintenance programs for stormwater management *infrastructure*;
 - f) Identification of recommended stormwater management approaches; and
 - g) An implementation plan for recommended works or programs.
- 5.3.5.20 The City shall support the monitoring and reporting of *significant* drinking water threats in coordination with the Source Protection Authority. Monitoring may include tracking *development* applications in Intake Protection Zones, Section 59 screening, Risk Management Plans, and education or outreach measures related to source water protection.
- 5.3.5.21 The City shall encourage education, best management practices and coordination with landowners, businesses, agricultural operators, institutions, Niagara Region, the Niagara Peninsula *Conservation Authority* and the Risk Management Official to reduce risks to the Port Colborne municipal drinking water source.

5.4 Restoration

- 5.4.1.1 The City shall encourage restoration, re-naturalization, *habitat* enhancement, tree planting, the planting of native species, the enhancement of riparian areas, and the management of invasive species as part of the long-term protection and improvement of the *Natural Heritage System*.
- 5.4.1.2 The City may require tree preservation, restoration, enhancement, or monitoring plans, where appropriate, to ensure that approved *development* is implemented in a manner that protects and improves *ecological functions*.
- 5.4.1.3 Replacement may be required where tree or vegetation removal is permitted as part of an approved *development* or *site alteration* application and where avoidance, minimization and mitigation measures have been considered. Compensation shall not be accepted as justification for the removal of, or encroachment into, a natural heritage feature or area where such removal or encroachment is otherwise prohibited by this Plan.

- 5.4.1.4 The need for compensation, and the form, amount, location and timing of any required compensation, shall be determined by the City through the *development* review process, based on applicable studies, plans and technical recommendations, and in consultation with relevant agencies where required.
- 5.4.1.5 Where *development* or *site alteration* is proposed within or adjacent to the *Natural Heritage System*, the City may require restoration, enhancement or compensation measures to strengthen climate resilience, including native tree and shrub planting, restoration of riparian areas, naturalization of *buffers*, invasive species management, *wetland* enhancement, shoreline restoration, soil restoration, or other measures identified through an Environmental Impact Study, hydrologic evaluation, subwatershed study or other technical study accepted by the City.
- 5.4.1.6 The City shall encourage restoration and enhancement measures that improve groundwater recharge and discharge functions, including naturalization, soil restoration, native vegetation planting, *wetland* restoration, riparian restoration, reduction of impervious surfaces and the protection or restoration of seepage areas and springs.

5.5 Climate Change

5.5.1 Climate Adaptation and Resilience

Climate change impacts, including extreme heat, extreme rainfall, flooding, freeze-thaw cycles, freezing rain and ice storms, poor air quality, power outages, lake-level fluctuations and harmful algal blooms, are expected to affect Port Colborne's *infrastructure*, natural systems, public health and community services. This Plan supports climate adaptation by integrating climate considerations into land use planning, *development* review, *infrastructure* planning, asset management, emergency preparedness, natural heritage protection and urban forestry.

- 5.5.1.1 The City will use the Climate Adaptability Plan, as updated, to inform land use planning, *development* review, *infrastructure* planning, asset management, emergency preparedness and other municipal decisions that support climate adaptation and resilience.

- 5.5.1.2 The City will consider *climate change* projections and local climate risks when preparing or updating municipal plans, strategies, guidelines, by-laws and standards, including matters related to extreme rainfall, flooding, extreme heat, freeze-thaw cycles, freezing rain and ice storms, poor air quality, power outages, lake-level fluctuations and harmful algal blooms.
- 5.5.1.3 The City will work with relevant public agencies, utilities, Indigenous communities, community organizations and other partners, where appropriate, to support emergency preparedness and response to climate-related impacts, including extreme heat, poor air quality, flooding, power outages and other extreme weather events.
- 5.5.1.4 The City will identify, promote and, where feasible, enhance access to public facilities and community spaces that may serve as cooling, warming or clean air spaces during extreme weather or poor air quality events.
- 5.5.1.5 The City will support public education and outreach, in coordination with Niagara Region Public Health and other partners where appropriate, to improve awareness of climate-related health risks and protective actions.
- 5.5.1.6 The City may require, through the *development* review process, a Green *Development* Standards checklist, climate-responsive design brief, or equivalent submission demonstrating how the proposal addresses applicable climate-related risks and resilience measures.
- 5.5.1.7 When planning and designing new municipal *infrastructure*, the City will consider *climate change* projections and adaptation measures to improve resilience, asset life and long-term performance.
- 5.5.1.8 The City will assess critical municipal *infrastructure* for climate vulnerability and use the results, where appropriate, to inform asset management planning, capital planning, renewal, replacement, protection and other resilience measures.
- 5.5.1.9 The City will integrate climate vulnerabilities, risks and adaptation priorities into asset management planning, capital planning and other long-range *infrastructure* decision-making frameworks.

- 5.5.1.10 *Infrastructure, public service facilities* and municipal works will be planned, designed and maintained, where feasible, to reduce vulnerability to extreme rainfall, flooding, extreme heat, freeze-thaw cycles, freezing rain or ice storms, power outages and other climate-related impacts

5.5.2 Green Infrastructure and Low Impact Development

- 5.5.2.1 The City will support the protection, restoration and expansion of *green infrastructure* as part of a climate adaptation strategy to reduce flood risk, improve stormwater management, enhance *habitat* connectivity, reduce urban heat and provide other ecosystem services.
- 5.5.2.2 *Development and redevelopment* shall incorporate *low impact development* and *green infrastructure* where feasible and appropriate to manage stormwater close to source, reduce runoff volumes and peak flows, support groundwater recharge, improve water quality and reduce climate-related risks.
- 5.5.2.3 *Green infrastructure* and *low impact development* may include, but are not limited to, bioswales, rain gardens, permeable surfaces, naturalized stormwater facilities, tree planting, green roofs, natural channels, enhanced landscaping and other measures that support stormwater management and climate resilience.
- 5.5.2.4 Through the *development* review process, the City may require a Green *Development* Standards checklist, climate-responsive design brief, stormwater management report, landscape plan or equivalent submission demonstrating how the proposal addresses applicable climate-related risks, *green infrastructure* opportunities and resilience measures.
- 5.5.2.5 *Development* proposals shall demonstrate, where applicable and to the satisfaction of the City, how the relevant policies of this section have been addressed.

5.5.3 Urban Forestry and Tree Canopy

- 5.5.3.1 The City shall work toward achieving an urban tree canopy cover target of 40% by 2040, as set out in the Urban Forest Management Plan.
- 5.5.3.2 The City will support the implementation of the Urban Forest Management Plan, including tree planting, maintenance and protection policies that contribute to climate resilience, stormwater absorption, air quality, biodiversity and urban heat reduction.
- 5.5.3.3 The City will support tree planting within public boulevards, parks, open spaces, stormwater facilities and other appropriate public lands, and will seek to address identified canopy gaps over time.
- 5.5.3.4 The City shall protect existing public trees and encourage the retention of private trees, where appropriate, as part of *development* review and the City's broader climate adaptation and resilience strategy.
- 5.5.3.5 The City may require tree preservation, planting, replacement, compensation or landscape plans through the *development* review process, where appropriate, to support canopy growth, reduce urban heat, improve stormwater absorption and strengthen the urban forest.
- 5.5.3.6 *Development* and *site alteration* that may affect existing trees may be required to submit and implement an arborist report, tree inventory, and/or tree preservation and replacement plan, to the satisfaction of the City.
- 5.5.3.7 In considering *development* proposals that may affect existing trees, the City shall apply the following preferred approach, where appropriate: preserve healthy existing trees; relocate healthy trees where feasible; provide replacement planting where trees are removed; and incorporate additional tree planting.
- 5.5.3.8 Tree replacement and new tree planting required through the *development* review process shall use diverse native and non-invasive species, where appropriate, having regard for site conditions, *infrastructure* constraints and long-term climate resilience.

5.5.4 Retrofitting and Existing Development

- 5.5.4.1 The City will encourage the retrofitting of existing buildings, sites and *infrastructure* to improve resilience to *climate change* impacts and reduce long-term vulnerability.
- 5.5.4.2 Retrofitting measures may include, but are not limited to, tree planting, additional shading, reflective or cool surface materials, energy efficiency improvements, *green infrastructure*, *low impact development*, flood protection, backflow prevention, shoreline protection, water conservation, and site design measures that reduce vulnerability to extreme weather.

6 LOCAL LANDSCAPE AND RESOURCE MANAGEMENT

6.1 Introduction

This chapter establishes the policy framework for managing Port Colborne's vital local landscapes, physical resources, and potential land use risks. Its primary purpose is to balance the protection of public health and safety with the responsible utilization and conservation of the City's cultural and physical assets. Specifically, the chapter outlines detailed policies for:

- directing *development* away from natural hazards (e.g., flooding, erosion) and human-made hazards (e.g., contaminated sites, wildland fires); and,
- the long-term protection and extraction of mineral aggregate and *petroleum resources*, alongside the preservation of the community's rich cultural heritage and archaeological features.

6.2 Natural and Human Made Hazards

The policies of this section distinguish between natural hazards and human-made hazards. Generally, natural hazards include flooding, erosion, and shoreline hazards and human-made hazards include contaminated sites, *oil, gas and salt hazards*, along with former *mineral aggregate operations* and former petroleum operations.

The location of known natural hazards and human-made hazards are illustrated on **Schedule C-4** (see Section 1.6.4 for a description of this Schedule).

6.2.1 General Policies

- 6.2.1.1 *Development* shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

6.3 Natural Hazards

6.3.1 Flood Hazards

Low lands adjoining waterbodies and watercourses, especially rivers, streams, and small inland lakes, can present risk of flooding. There is a need in Port Colborne to minimize any flooding damage to buildings or structures, which is what presents the flooding hazard.

The policies in this section are in place to reduce *negative impacts* that result directly or indirectly from *development* and/or other activities in flood-prone areas by limiting *development* in the *flood plain*. The City also recognizes the important role that *flood plains* play in the local natural drainage system.

- 6.3.1.1 *Development* and *site alteration* in the regulated *flood plain*, including *defined portions of the flooding hazard along connecting channels* as identified on **Schedule C-4**, is prohibited, apart from uses that must be in the *flood plain*, such as flood control facilities or water intake facilities. Any such *development* is subject to applicable Federal, Provincial, and *Conservation Authority* legislation and approval.
- 6.3.1.2 Conservation, wildlife management, forestry, outdoor education, or similar uses are permitted in the *flood plain* provided that no buildings or structures are located within the *flood plain*.
- 6.3.1.3 Setbacks from flood hazards are to be determined based on the severity of the hazard and in consultation with the relevant *Conservation Authority*.
- 6.3.1.4 *Development* may be subject to a *flood plain* management study, as deemed necessary by the City when there is concern about a property's suitability for *development*.

6.3.2 Erosion Hazards

- 6.3.2.1 Lands along waterbodies and watercourses, as well as lands with steep slopes, can pose risks to people and property resulting from potential slope instability or erosion. *Development* on steep slopes or erosion-prone lands can negatively impact *natural heritage features and areas* and surface water quality and quantity.

- 6.3.2.2 *Development* shall generally be directed to areas outside of lands impacted by *erosion hazards* or *other water-related hazards* adjacent to the shorelines of Lake Erie.
- 6.3.2.3 Setbacks will be imposed from steep slopes and *erosion hazards* relative to the extent of severity of the hazard, in consultation with the Niagara Peninsula *Conservation Authority*.

6.3.3 Dynamic Beach Hazards

- 6.3.3.1 *Dynamic beach hazard* areas are defined as areas with inherently unstable accumulations of shoreline sediment along *large inland lakes*. For Port Colborne, the *dynamic beach hazard* area is located along the shores of Lake Erie, as shown in **Schedule C-4**.
- 6.3.3.2 No *development* shall be permitted to occur within the *dynamic beach hazard*.
- 6.3.3.3 *Development* shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of *dynamic beach hazards*, unless it has been demonstrated that the site can be accessed safely for the nature of the *development*.

6.4 Human Made Hazards

6.4.1 Contaminated Sites

- 6.4.1.1 Contaminated sites are lands where previous activity may have caused harm to the environmental condition. There are many possible sources of contamination, including waste material disposal, raw material storage, rail operations, maintenance activities, and fuel or chemical spills, to name a few. While these sites present a potential hazard, there is also the possibility for *redevelopment* or reuse when they are cleaned up and decommissioned properly.
- 6.4.1.2 No activity or *development* is to occur on a potentially contaminated site prior to an environmental site assessment and site remediation, such that there will be no *adverse effects*. The City shall require the proponent of

development on such sites to determine the extent of contamination and the necessary remediation measures in accordance with the policies below.

- 6.4.1.3 All applications for *development* on land with known or suspected soil contamination will require a Phase I Environmental Site Assessment (ESA). Where contamination is revealed through the Phase I ESA, a Phase II ESA will be required.
- 6.4.1.4 Clean up of contaminated sites shall occur in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04) and Provincial guidelines.

6.4.2 Former Waste Management Sites

- 6.4.2.1 Reuse of a former waste management site shall not be permitted to occur until at least 25 years after closure of the site, unless the proposed reuse is permitted under applicable Provincial legislation and has been approved by the Ministry of the Environment, Conservation and Parks.
- 6.4.2.2 Develop on, or within 250 metres of a former waste management, or on lands affected by a *mine hazard*, site shall address Provincial requirements for contaminated sites.
- 6.4.2.3 Develop within 500 metres of a former waste management site shall demonstrate that it does not pose a risk to human health and safety.

6.4.3 Hazardous Substances

- 6.4.3.1 The City will require all *hazardous substances* and waste to be clearly identified, inventoried, stored, and transported, per applicable regulations and guidelines.
- 6.4.3.2 All proposals for new or expanded facilities that handle *hazardous substances* which could impact *sensitive* off-site uses to include adequate mitigation measures to reduce any impact of *hazardous substances* to less than *significant* levels.
- 6.4.3.3 No *development* that uses *hazardous substances* and could impact existing *sensitive land uses*, including schools, residences, retirement residences, day care facilities, emergency services, or other *sensitive* receptors, shall be

approved without incorporating adequate mitigation or separation *buffers* between uses.

6.4.4 Excess Soils

- 6.4.4.1 The management of *excess soil* is critical to protect human health and the environment. *Excess soil* is soil that is not required at a construction or *development* site and is transported to a new location. In some cases, *excess soil* may be temporarily stored at one location before being moved to a final destination.
- 6.4.4.2 *Excess soil* shall be managed in accordance with Ontario Regulation 406/19 under the *Environmental Protection Act*.
- 6.4.4.3 Best management practices for *excess soil* generated during the *development*, site alteration and/or *infrastructure development* works shall be implemented to ensure that:
- a) *Excess soil* generated is reused on site or locally where feasible;
 - b) Temporary storage sites are encouraged to be permitted close to soil reuse sites to reduce transportation and environmental impacts;
 - c) *Excess soil* placement at receiving sites shall demonstrate that the activity will not have a *negative impact* on existing land uses, the natural environment, surrounding land uses and cultural heritage resources.
- 6.4.4.4 At the City's discretion, a *soil management plan*, meeting Provincial best practices is to be prepared as part of any *Planning Act* application process for new *development*.
- 6.4.4.5 The City will update its Site Alteration By-law to ensure that best management practices for *excess soil* management are implemented.

6.4.5 Wildland Fires

- 6.4.5.1 *Development* and *site alteration* shall generally be directed to areas outside of lands that are unsafe due to the presence of *hazardous forest types for wildland fire*.

- 6.4.5.2 Notwithstanding the policies of this Plan, *development* may be permitted in lands with *Hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

6.5 Mineral Aggregate Resources

Mineral aggregate resources include sand, gravel, stone, and shale, all of which, to varying degrees, are present in and around Port Colborne. These resources have an array of important uses in major construction projects but are finite and thus must be protected for long-term use.

The policies in this Plan provide for the protection of aggregate resources for long-term use, rehabilitation, protection from incompatible uses and guidance for active operations.

6.5.1 Mineral Aggregate Resources

- 6.5.1.1 Known mineral aggregate areas, including licensed aggregates (such as pits and quarries) are identified on **Schedule C-5** (see Section 1.6.4 for a description of this Schedule) of this Plan. Updates to the mapping of aggregate resources areas issued by the Province shall not require an amendment to this Plan.
- 6.5.1.2 Proposed new *development* in areas within 300 metres of sand and gravel resource areas or 500 metres of bedrock areas, delineated as stone resource on **Schedule C-5**, which would preclude or hinder the establishment of new *mineral aggregate operations* or access to the resources, is not permitted, except where it can be demonstrated that:
- a) Resource use would not be feasible;
 - b) The proposed *development* serves a greater long-term public interest; and
 - c) Issues of public health, safety, and environmental impacts are addressed.

6.5.2 Mineral Aggregate Operations and Extraction

- 6.5.2.1 Existing *mineral aggregate operations* are identified in **Schedule C-5** of this plan.
- 6.5.2.2 Existing licensed *mineral aggregate operations*, as identified on **Schedule C-5**, shall be permitted to continue without the need for an official plan amendment, zoning by-law amendment or other approval under the *Planning Act*. When a license for a *mineral aggregate operation* ceases to exist, policies which protect *deposits of mineral aggregate resources* will continue to apply where deposits are still present.
- 6.5.2.3 Site-specific policies and their associated licensed area shown on **Schedule C-5** shall be removed once the *mineral aggregate operation* land is rehabilitated and the license is surrendered to the Provincial Ministry with jurisdiction.
- 6.5.2.4 The majority of the licensed areas shown on **Schedule C-5** do not include site-specific policies, as they pre-date the policies of this Plan. A site-specific amendment was approved for the expansion of Pit 3, which is discussed in greater detail in Section 4.11 and captured in the Site-Specific Policy Area (SSP-1) on **Schedule A-3** and **Schedule A-4**. Additional site-specific policies may be included where a *mineral aggregate operation* is approved through amendment to this Plan.
- 6.5.2.5 An amendment to this Plan is required for expansions of existing *mineral aggregate operations* beyond the limits of the site identified on **Schedule C-5**.
- 6.5.2.6 An application to permit a *mineral aggregate operation* shall not be required to demonstrate the need for the resource.
- 6.5.2.7 Proposed new *development* or other activities in areas located within 500 metres (sand and gravel) and 1,000 metres (bedrock, referenced as stone resource on **Schedule C-5**) of existing *mineral aggregate operations* is not permitted, unless it can be demonstrated by the applicant that satisfactory mitigation measures can be put in place to ensure that the ongoing operation or expansion of the existing *mineral aggregate operation* will not be hindered.

The cost and responsibility for any required mitigation measures shall be borne by the applicant.

- 6.5.2.8 The City will consider applications for a *mineral aggregate operation* within the *deposits of mineral aggregate resources*, which are identified on **Schedule C-5**, and outside known *deposits of mineral aggregate resources* where the applicant has demonstrated that there are a sufficient quantity and quality of resources to warrant extraction.
- 6.5.2.9 Where two or more *mineral aggregate operations* are separated by a road, the City will work with the aggregate producers (and the Region, if applicable) to maximize the extraction in the vicinity of roads.
- 6.5.2.10 In the case of adjacent *mineral aggregate operations*, the City will, wherever practical, encourage the removal of all economically viable material between the operations, and require continuous and comprehensive rehabilitation.

6.5.3 Proposed Mineral Aggregate Operations

- 6.5.3.1 New *mineral aggregate operations* are not permitted within *Settlement Areas*. The removal of economically viable material on site within a *Settlement Area* in advance of other approved *development* shall be considered on a site-specific basis.
- 6.5.3.2 An application to permit a *mineral aggregate operation* shall require a site-specific amendment to this Plan.
- 6.5.3.3 Applications to permit a *mineral aggregate operation* shall:
 - a) Be consistent with the Provincial Planning Statement and other applicable provincial policies, regulations and guidelines;
 - b) Conform with the policies of this Official Plan; and,
 - c) Consider policies of the *Conservation Authority*.
- 6.5.3.4 Applications for a new or expanded *mineral aggregate operation* shall be accompanied by the necessary technical studies as determined through pre-consultation with the City and partnering agencies. Where an operation is proposed to extend below the water table, a detailed hydrogeological assessment shall be required to demonstrate that the operation will not

cause adverse impacts on the quality and quantity of local groundwater and surface water resources, and shall explicitly address:

- a) Potential for groundwater drawdown and the clear mapping of the operation's zone of influence;
- b) Potential impacts on nearby private, agricultural, commercial, or municipal water supply wells;
- c) Potential impacts on connected surface water systems, locally or provincially *significant wetlands*, and ecological features dependent on groundwater discharge;
- d) A comprehensive water monitoring program and mitigation strategy, including legally binding contingency plans to immediately restore or replace any impacted local water supply at the proponent's expense;
- e) Potential for *negative impacts* on existing and future adjacent and surrounding land uses;
- f) Potential for *negative impact* on views and vistas;
- g) Potential for negative air quality, noise, vibration, social, and health impacts;
- h) Potential for negative impacts on significant built heritage resources, significant cultural heritage landscapes, and archaeological resources or areas of archaeological potential;
- i) Potential for *negative impacts* on the natural environment system;
- j) Proposed manner of operation and rehabilitation;
- k) Proposed haulage routes and the potential *negative impacts* on roads and other users of the *infrastructure*;
- l) Potential for impacts on Regional and local *infrastructure* and services;
- m) Potential economic and financial impacts/benefits;
- n) Potential for *negative impacts* on agricultural operations in *prime agricultural areas*;
- o) Potential geotechnical considerations as appropriate; and,
- p) Other potential impacts which may be specific to a proposed operation or site.

6.5.3.5 The establishment of new *mineral aggregate operations* and new *wayside pits and quarries*, or any ancillary or accessory use within the *Natural Heritage System* is not permitted in the following key *natural heritage features* and key hydrologic features:

- a) Provincially *significant wetlands*;

- b) *Habitat of endangered species and threatened species*; and,
- c) *Significant woodlands* unless the *woodland* is occupied by a young plantation (an immature, human-planted forest community) or early successional *habitat*, as defined by the Province, in which case, the application must demonstrate to the satisfaction of the approval authority that Provincial policies and relevant environmental protection policies of this Plan have been addressed.

6.5.3.6 Any application for a new *mineral aggregate operation* within the *Natural Heritage System* will be required to demonstrate how:

- a) Connectivity between key *natural heritage features* and key hydrologic features will be maintained before, during, and after the extraction of *mineral aggregate resources*;
- b) The operator could replace key *natural heritage features* and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on *adjacent lands*;
- c) The *Water Resource System* will be protected or enhanced; and,
- d) Any key *natural heritage features* and key hydrologic features and their associated vegetation protection zones will be addressed in accordance with Provincial policy and the policies of this Plan.

6.5.3.7 An application to permit the expansion of an existing *mineral aggregate operation* within the *Natural Heritage System* may be permitted, including in key *natural heritage features*, key hydrologic features and any associated vegetation protection zones, if the related decision and rehabilitation is consistent with the policies of this Official Plan and Provincial policy.

6.5.3.8 Applications to permit a *mineral aggregate operation* shall implement the Provincial guidelines and industry best practices on managing and mitigating potential impacts related to noise, dust, and vibration.

6.5.3.9 Applications to permit a *mineral aggregate operation* shall demonstrate how potential *negative impacts* to ground and surface water resources will be minimized. Where extraction is proposed below the water table, applicants shall demonstrate how impacts on both water quality and quantity are avoided first and mitigated where avoidance is not possible.

6.5.3.10 In *prime agricultural areas*, applications to permit a new *mineral aggregate operation* shall be supported by an Agricultural Impact Assessment in

accordance with Provincial guidance. The Agricultural Impact Assessment shall provide guidance on how to maintain or improve connectivity of the agricultural system and be completed by a qualified professional.

6.5.4 Haul Routes

- 6.5.4.1 *Mineral aggregate resources* are generally transported using trucks to access the market. The City also encourages and supports opportunities for alternative ways to transport *mineral aggregate resources* to the market, including the use of railways and shipping routes.
- 6.5.4.2 Mineral aggregate truck traffic shall be directed away from *Settlement Areas* to the maximum extent feasible and make use of existing Provincial and Regional road networks. Local road networks should be used as local access routes only. In general, each *mineral aggregate operation* should have a defined haul route.
- 6.5.4.3 Applications to permit a *mineral aggregate operation* shall demonstrate how *negative impacts* associated with mineral aggregate truck traffic will be mitigated.
- 6.5.4.4 The City may require applicants to enter into Haul Route Agreements as part of the process to permit a *mineral aggregate operation*.

6.5.5 Rehabilitation

- 6.5.5.1 In recognition of the interim nature of mineral aggregate extraction, progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility and to mitigate the *negative impacts* of extraction. Where extraction occurs below the water table, final rehabilitation may take the form of a passive lake or water feature, provided that ecological integrity, slope stability, public safety, and surface and groundwater quality are maintained.
- 6.5.5.2 Rehabilitation shall take into consideration the surrounding existing and planned land uses.

- 6.5.5.3 In instances where there exists a concentration of *mineral aggregate operations*, the City encourages comprehensive rehabilitation planning to ensure that a coordinate effort takes place to restore the area.
- 6.5.5.4 In *prime agricultural areas*, on *prime agricultural land*, the extraction of *mineral aggregate resources* is permitted as an interim use, provided that impacts to the agricultural system are avoided, minimized, or mitigated in accordance with an Agricultural Impact Assessment, and the site is rehabilitated back to an agricultural condition.
- 6.5.5.5 Complete rehabilitation to an agricultural condition is not required if the depth of planned extraction makes the restoration of pre-extraction agricultural capability unfeasible, provided that agricultural rehabilitation in the remaining areas of the site is maximized.

6.5.6 Recycled Aggregates

- 6.5.6.1 The City supports and encourages conservation through the use of recycled aggregates on *infrastructure* projects, where performance and life expectancy of City assets can be maintained or enhanced while utilizing recycled products.
- 6.5.6.2 The City supports the wise use of *mineral aggregate resources* including utilization or extraction of on-site *mineral aggregate resources* prior to other *development* occurring.
- 6.5.6.3 *Excess soil* from a *mineral aggregate operation* should be reused on-site or locally to the maximum extent possible. A plan for the reuse of *excess soil*, meeting Provincial requirements shall be prepared as part of the *Planning Act* application process.

6.5.7 Wayside Pits and Quarries

- 6.5.7.1 The use of *wayside pits and quarries*, portable asphalt plants and portable concrete plants on public authority contracts shall be permitted temporarily without the need for an amendment to this Plan.
- 6.5.7.2 Such use shall not be permitted in areas of existing *development* or *natural heritage features and areas*, key *natural heritage features*, and key

hydrologic features and areas as shown in this Plan which have been determined to be incompatible with extraction and associated activities.

6.6 Petroleum Resources

6.6.1 General Policies

- 6.6.1.1 *Petroleum resources* include oil, gas, and salt and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. A significant portion of land within Port Colborne's boundaries have *petroleum resources* and are identified on **Schedule C-6** (see Section 1.6.4 for a description of this Schedule). These resources shall be protected for long-term use.
- 6.6.1.2 *Petroleum resource operations* shall be protected from *development* and activities that would impede their expansion and/or continued use, or which would be incompatible for environmental, public health, or public safety reasons.
- 6.6.1.3 *Development* must be at least 75 metres removed from a *petroleum resource operation* unless the operation has been decommissioned and rehabilitated, per the standards set out in the *Oil, Gas and Salt Resources Act*.
- 6.6.1.4 New road allowances, utility corridors, electrical transmission lines and railways shall be at minimum 50 metres away from a *petroleum resource operation*.
- 6.6.1.5 *Development* which would hinder the establishment of future *petroleum resource operations* shall not occur on known *petroleum resource* areas unless:
- a) Resource use would not be feasible; or
 - b) The proposed land use or *development* is determined to serve a greater long-term public interest; and
 - c) Issues of public health, safety, and environmental impact are appropriately addressed.

- 6.6.1.6 Abandoned petroleum wells need to be properly plugged and decommissioned, or they can pose a public safety and environmental risk. Under the *Oil, Gas and Salt Resources Act*, an inspector may, in writing, order a well to be plugged or decommissioned at such time as activity relating to the well has been suspended, or if the inspector believes the well poses a hazard to the public or the environment.
- 6.6.1.7 Properties near abandoned petroleum wells shall require a gas well study to be undertaken.

6.7 Cultural Heritage and Archaeology

6.7.1 Cultural Heritage Resources

- 6.7.1.1 Cultural heritage resources include built heritage resources and cultural heritage landscapes. Protected heritage properties, which contain built heritage resources or cultural heritage landscapes shall be conserved.
- 6.7.1.2 The protection of *built heritage resources* will be considered in all *development* proposals and public works.
- 6.7.1.3 Port Colborne will work with other levels of government, authorities, and agencies as a means of strengthening conservation of *cultural heritage resources*.
- 6.7.1.4 The City shall lead by example by conserving, maintaining, and adaptively reusing municipally owned property that holds cultural heritage value.
- 6.7.1.5 The City will maintain its Port Colborne Heritage Register (Heritage Register) listing all properties considered to be of significant cultural heritage value or interest. This includes properties designated under the *Ontario Heritage Act* and non-designated properties.
- 6.7.1.6 The Heritage Register shall be updated on a regular basis. Properties may be added to the Heritage Register as non-designated listed properties provided they meet at least one of the criteria for determining cultural heritage value or interest prescribed by provincial regulation.

- 6.7.1.7 In accordance with the *Ontario Heritage Act*, a non-designated property may only remain on the Heritage Register for a maximum period of two years. If Council does not issue a Notice of Intention to Designate the property within this two-year period, the property shall be removed from the Heritage Register.
- 6.7.1.8 Where a non-designated property is removed from the Heritage Register because the statutory timeline has expired, or where a legacy listed property was removed after January 1, 2027 without being designated, the property shall not be relisted on the Heritage Register as a non-designated property for a period of five years following its removal.
- 6.7.1.9 *Cultural heritage resources* considered to meet Provincial criteria and having heritage value and interest under the *Ontario Heritage Act* will be designated by Council.
- 6.7.1.10 *Development*, alterations, and/or public works on or adjacent to designated and non-designated heritage properties shall be subject to a Heritage Impact Assessment. The Heritage Impact Assessment is to be prepared by a heritage conservation professional, pursuant to the *Ontario Heritage Act*.
- 6.7.1.11 A Heritage Impact Assessment must demonstrate that the heritage attributes of a heritage property will be *conserved* prior to Port Colborne permitting any *development* to take place.
- 6.7.1.12 Pursuant to the *Ontario Heritage Act*, and in consultation with the City's Municipal Heritage Committee, where one exists, Council may, by by-law:
- a) designate properties to be of cultural heritage value or interest;
 - b) define the City, or any area or areas within the City as an area to be examined for designation as a heritage conservation district; and
 - c) designate the City, or any area or areas within the City, as a Heritage Conservation District (HCD).
- 6.7.1.13 Council may, by by-law, designate HCDs under Part V of the *Ontario Heritage Act* to conserve the distinct character, architectural cohesion, and historic fabric of specific commercial, residential, or waterfront precincts within the City.

- 6.7.1.14 Prior to designating an HCD, Council shall authorize an HCD Study to evaluate the area's historical significance, character-defining elements, concentration of *built heritage resources*, and boundaries. Areas considered for an HCD study must exhibit at least one of the following characteristics:
- a) A concentration of *built heritage resources* or *cultural heritage landscapes* that reflect a distinct historical era or theme, such as early settlement, marine commerce, or Welland Canal construction;
 - b) A cohesive visual identity characterized by unique architectural scales, materials, streetscape patterns, or land-use relationships; and/or,
 - c) A high degree of distinct cultural, social, or historical association with the *development* of Port Colborne.
- 6.7.1.15 *Development*, infill construction, structural alteration, and public works within an adopted HCD shall comply with the specific design guidelines and objectives established within that district's Council-approved Heritage Conservation District Plan. In the event of a conflict between the underlying Zoning By-law and an adopted HCD Plan, the provisions that provide the highest level of conservation for the heritage attributes of the district shall prevail.
- 6.7.1.16 The City shall identify and conserve *cultural heritage landscapes*, which may include distinct geographic areas modified by human activity that possess significant cultural, aesthetic, or historical value. The City may maintain an inventory of potential *cultural heritage landscapes* and require a Cultural Heritage Impact Assessment (CHIA) for any major *development* proposal within or adjacent to these identified areas to ensure their defining vistas, open spaces, and natural elements are preserved.
- 6.7.1.17 To assist property owners with the economic viability of preserving historic assets, Council may establish a Heritage Property Tax Relief Program pursuant to Section 365.2 of the *Municipal Act* or introduce targeted grant and loan programs through an active Community Improvement Plan (CIP). Financial incentives shall be prioritized for the structural stabilization, facade restoration, and adaptive reuse of designated properties.

6.7.2 Welland Canal National Heritage Corridor

- 6.7.2.1 The Welland Canal has played a significant role in the *development* of Port Colborne and surrounding areas. It transformed the community into a vital port and industrial centre with its construction in the 19th century. Today, the Canal is a working waterway and continues to drive opportunities for economic *development* and trade in the City.
- 6.7.2.2 The City encourages opportunities for celebrating aspects of the Canal's contributions to the City's historic *development* through the use of murals, signage and wayfinding systems and through the preservation of important views and vistas in the vicinity of the Canal.

6.7.3 Archaeological Resources

Archaeological resources include artifacts, archaeological sites and marine archaeological sites as defined under the *Ontario Heritage Act*. Port Colborne acknowledges the presence of *archaeological resources* within its boundaries, including those of significance to Indigenous peoples.

- 6.7.3.1 *Areas of archaeological potential* are areas that have been determined by a licenced archaeologist to likely contain *archaeological resources*. **Map 1** (see Section 1.6.5 for a description of this map) shows *areas of archaeological potential within* the City of Port Colborne.
- 6.7.3.2 The identification and evaluation of *archaeological resources* is based on fieldwork undertaken in accordance with the *Ontario Heritage Act*.
- 6.7.3.3 *Development* and *site alteration* is not permitted on lands containing archaeological resources or *areas of archaeological potential* unless significant *archaeological resources* have been *conserved*.
- 6.7.3.4 An archaeological assessment of lands is required if the lands are:
- a) Located in an area of archaeological potential as identified on **Map 1**; or
 - b) Where an archaeological site has previously been registered on the property

- 6.7.3.5 Pursuant to the *Ontario Heritage Act*, potential for the presence of marine features, such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, and other items of cultural heritage value shall require a marine archaeological assessment by a licensed archaeologist.
- 6.7.3.6 The City shall require an archaeological assessment for any Environmental Assessment (EA) project, municipal *infrastructure* project, or public works project in involving ground disturbance within an *area of archaeological potential* on **Map 1**. Routine maintenance of existing municipal facilities, roads, infrastructure, and agricultural drains is exempt from this requirement.
- 6.7.3.7 Proponents of *development* applications under the *Planning Act* on lands wholly or partially within an area of archaeological potential identified on Map 1 shall submit an archaeological assessment as part of a complete application. For lands outside the Urban *Settlement Area* boundary where *development* will not affect the entire property, or where previous extensive ground disturbance can be documented to the satisfaction of the City, the assessment may be scoped or exempted in consultation with the Province.
- 6.7.3.8 The City may require an archaeological assessment prior to the issuance of a building permit or *site alteration* permit for any *development* or soil disturbance proposed on lands identified as having archaeological potential on **Map 1**.
- 6.7.3.9 The City shall engage early with Indigenous communities, including but not limited to, the Mississaugas of the Credit First Nation, to ensure their rights and interests are considered when identifying, protecting and managing *archaeological resources*. Section 8.7 of this Official Plan provides additional guidance regarding consultation and engagement with Indigenous communities.
- 6.7.3.10 Port Colborne will proactively collaborate and engage with Indigenous communities, provincial and federal levels of government to ensure conservation of cultural heritage resources are *conserved*.
- 6.7.3.11 The conservation of *archaeological resources* will be encouraged through review of municipal projects to determine any impacts on potential *archaeological resources*.

- 6.7.3.12 The City relies on the Archaeological Management Plan (AMP) prepared for the Region of Niagara, which provides:
- a) Additional policies, processes and tools for managing *archaeological resources* in the planning approvals and environmental assessment processes;
 - b) An inventory of registered and unregistered archaeological sites within Niagara Region; and,
 - c) A framework for identifying *areas of archaeological potential* specific to Niagara Region.
- 6.7.3.13 The City will use the Archaeological Management Plan as the basis for conserving *archeological resources* in the City and may modify as required.
- 6.7.3.14 Port Colborne shall follow the emergency protocol for the discovery of unexpected *archaeological resources* as identified in Archaeological Management Plan.

7 INFRASTRUCTURE

7.1 Introduction

This chapter outlines the strategic framework for the planning, provision, and phasing of *infrastructure* necessary to support Port Colborne's projected growth. Its primary purpose is to ensure that *development* is aligned with the safe, efficient, and financially sustainable delivery of municipal services and transportation networks. The policies contained in this section address the City's *multimodal transportation system*, including road networks, active transportation, public transit, and major goods movement corridors.

This section also details the requirements for municipal water, wastewater, and stormwater servicing, alongside guidelines for waste management, public utilities, and the orderly phasing of new *development*.

7.2 Transportation

7.2.1 Transportation System

- 7.2.1.1 The *transportation system* for the City of Port Colborne shall be developed in a way which supports the land use goals of this Plan. It is the intent of the policies of this Plan to develop an accessible, balanced and efficient transportation network for all members of the community.
- 7.2.1.2 The City seeks to ensure communities and neighbourhoods are well connected through a *multimodal transportation system* that contributes to safe and efficient movement of people and goods.
- 7.2.1.3 The *transportation system* is depicted on **Schedule B-1**, showing the existing and planned road network, rail network and major goods movement facilities. **Schedule B-2** (see Section 1.6.4 for a description of this Schedule) shows the City's existing and planned Active Transportation network.

7.2.2 Road Network

- 7.2.2.1 The Plan's road hierarchy is based on the following classification of roads:
 - a) Provincial Highways
 - b) Arterial Roads

- c) Collector Roads
- d) Local Roads
- e) Private / Condominium Roads

7.2.2.2 The planned rights-of-way widths for all road is depicted in Appendix A.

7.2.2.3 As conditions of the approval of a *development* application, under the *Planning Act*:

- a) The dedication of lands for road allowance widening purposes will be required within the designated future road allowance rights-of-way, or as otherwise identified in the City and/or Region's Transportation Master Plan.
- b) The full costs of road improvements on a roadway established by the public road authority, deemed necessary because of proposed *development*, will be paid for by the developer unless otherwise identified in the *Development Charges Background Study*.

7.2.2.4 Where a new *development* for a *sensitive land use* is adjacent to a Regional Road, the City will work with the Region to assess the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.

Provincial Highways

7.2.2.5 There are three Provincial Highways in the City of Port Colborne, which include Highway 140, Highway 3 and Highway 58. Provincial Highways are under the jurisdiction of the Province and are planned to carry medium to high volumes of long distance and inter-regional traffic. Direct access from abutting properties is controlled, and most intersections are at grade.

7.2.2.6 The following policies apply to Provincial Highways shown on **Schedule B-1**:

- a) The planned right-of-way width is determined by the Ministry of Transportation.
- b) Direct access from abutting properties will be strictly controlled to avoid interference with the highway's primary function of carrying through traffic.
- c) The comments of the Ministry of Transportation relating to traffic concerns and / or requirements will be obtained pertaining to *development* applications up to 400 metres from Provincial Highways.

Arterial Roads

- 7.2.2.7 Generally, Arterial Roads fall under the jurisdiction of the Region of Niagara and are planned to carry moderate volumes of medium distance inter-regional and intermunicipal traffic as well as traffic enroute to or from the Provincial Highway system. Regional Arterial Roads include Regional Road 84, Regional Road 98, portions of Main Street West and portions of Killaly Street West as depicted on **Schedule B-1**. A number of Arterial Roads in the City fall under the jurisdiction, which are also depicted on **Schedule B-1**.
- 7.2.2.8 The following policies apply to Arterial Roads shown on **Schedule B-1**:
- a) Arterial Roads are roads that serve large volumes of all types of traffic moving at medium to high speeds. Direct access to adjacent *development* is limited and traffic flow is generally uninterrupted. Design speeds range between 50 and 100 kilometres per hour.
 - b) A right of way (ROW) width between 26 and 30 metres (plus slope requirements) should be provided for Arterial Roads.
 - c) Direct access to an Arterial road from abutting properties will be strictly controlled and may be directed to a local road where practical and reasonable, as determined by the Director, Infrastructure Services. The Region will be consulted through the *development* approvals process (Subdivision, Site Plan, Building Permit, etc.) to provide proper protection to Regional Arterial Roads.
 - d) Building setbacks will be required which are sufficient to provide rights-of-ways for future traffic needs while still providing acceptable pedestrian access and achieving the built form outcomes of this Plan.
 - e) Provision may be made for a sidewalk or equivalent shared pedestrian / cycling path on at least one side of Arterial Roads within the developed areas when deemed appropriate to meet active transportation needs.
 - f) On-street parking should be restricted on both sides of Arterial Roads.
 - g) Intersections on Arterial Roads shall be designed to ensure efficient and safe traffic operations. Priority shall be given to the traffic movements along the Arterial Road at intersections with Collector and Local Roads.
 - h) Road widening dedication requirements for Regional Roads will be based on those identified by the Region.
 - i) Road widening dedication requirements for City Arterial Roads will be based on those identified in this Plan or as determined by Staff.

Collector Roads

- 7.2.2.9 Collector roads are designed to carry moderate volumes of inter-neighbourhood and inter-district traffic and function as a link between roads of higher classification and Local Roads. Collector Roads fall under the jurisdiction of the City and the following policies shall apply to Collector Roads shown on **Schedule B-1**.
- a) Truck and heavy vehicle traffic not having an immediate origin or destination shall be discouraged on Collector Roads.
 - b) Collector Roads may provide direct access to all forms of adjacent *development* where this does not reduce traffic operational efficiency and safety.
 - c) A minimum right of way width of 20 metres (plus slope requirements) should be provided for Collector Roads.
 - d) Collector Roads shall be planned and designed to accommodate two through travel lanes (i.e., one in each direction). Additional auxiliary lanes may be provided at intersections to accommodate turning traffic.
 - e) Provision for a pedestrian sidewalk or equivalent pedestrian path will be accommodated on both sides of the roadway.
 - f) On-street parking may be accommodated on at least one side of the roadway subject to adequate pavement width being provided beside the designated travel lanes.
 - g) Direct access from abutting properties may be permitted where practical and reasonable, as determined by the Director, Infrastructure Services.
 - h) Collector Roads shall contemplate provision of bicycle lanes in combinations with, or as an alternative to, on-street parking within the Plan area.

Local Roads

- 7.2.2.10 Local Roads are designed to carry relatively low volumes of traffic traveling at low speeds in residential neighbourhoods and *Employment Areas* to higher classified roads. The following policies shall apply to Local Roads shown on **Schedule B-1**:
- a) Priority shall be given over vehicular traffic to local property access, to the safety of adjacent residents and to the liveability of the adjacent neighbourhood areas on Local Roads.
 - b) A sidewalk or equivalent pedestrian path should be provided on at least

- one side of the roadway.
- c) Local Roads shall generally have a 20-metre right-of-way; however, reduced right of way widths may be considered where traffic, servicing and pedestrian requirements can be fully accommodated.
- d) All local roadways in the study area shall be designed to have a basic two-lane cross section. Two-way stop controls should be provided on the minor approach at intersections. Where there is a four-way intersection with similar volumes on each approach, an all-way stop sign control may be utilized.
- e) Local road intersections shall be planned and designed to discourage through traffic by means of low-speed design and road pattern, as well as the implementation of traffic calming features.
- f) Cross intersections shall generally be discouraged while T-intersections and 90-degree bends shall be encouraged. It is recognized that the northern portion of the Plan area is influenced by natural feature areas, developable area limitations, existing points of access and as a result, curvilinear street patterns and cul-de-sacs may afford efficiencies over grid or modified grid road alignments. The southern plan area shall be designed with grid or modified grid road patterns.

Private and Condominium Roads

- 7.2.2.11 Private and / or Condominium Roads include road *infrastructure* that is built on private property to facilitate access to a building/s on site, or used to facilitate servicing functions (emergency services, waste collection etc.). The following policies apply to Private and / or Condominium Roads:
- a) Direct access to Arterial Roads and Collector Roads shall be considered through the *development* application process.
 - b) Pedestrian access shall be considered through the implementation of appropriate designed walkways at each road access point.
 - c) A pedestrian access plan shall be submitted with each new or altered Private or Condominium Road.
 - d) Private and / or Condominium Roads should be a minimum of 6m in width (excluding pedestrian walkways) to facilitate emergency access.
- 7.2.2.12 Private and Condominium Roads shall be constructed and maintained by the Property Owner or Condominium Board, at no cost to the City. The construction and maintenance standards will be prescribed as a condition of approval by the City.

- 7.2.2.13 The City will consult the Region through the *development* approval process including site plan approval to provide proper protection to Regional roadways.

7.2.3 Active Transportation Network

The active transportation network is shown on **Schedule B-2**.

- 7.2.3.1 A comprehensive active transportation network will be integrated into the *transportation system* to:
- a) Enable safe and convenient inter-municipal and intra-municipal travel for active transportation users; and
 - b) Provide continuous linkages from neighbourhoods to *Strategic Growth Areas, major trip generators*, employment land, tourism destinations, *public service facilities*, post-secondary institutions and transit stations, including sidewalks and dedicated lane space for cyclists on the major street network, or other safe and convenient alternatives.
- 7.2.3.2 Active transportation linkages, including those that provide access to parks and open space, will be enhanced and expanded.
- 7.2.3.3 The City recognizes the importance active transportation plays in creating a *multimodal* transportation network that provides residents with a multitude of choices on how they get around. The following policies apply:
- a) The active transportation network will align with Schedule J2 of the Niagara Region Official Plan, and the City will work with the Region to implement sections of the Strategic Cycling Network located within Municipal boundaries to establish linkages to the broader regional active transportation *infrastructure* network;
 - b) The active transportation network will be planned to be connected, continuous and considered safe and comfortable by users;
 - c) The active *transportation system* will consist of both on-road and off-road facilities, including sidewalks, bike lanes and routes, trails, multi-use paths, and paved shoulders;
 - d) The active transportation network will give priority to connecting with frequent destinations and points of interest, including parks, shopping areas, schools, and hospitals. Active transportation *infrastructure* will also be provided within parks and open space areas where appropriate;

- e) The Region's Transportation Master Plan will act as a guidelines for all designs and through the implementation of active transportation *infrastructure* within the City; and,
- f) The City will be informed by the Region's guidelines on minimum provisions for active transportation facilities, including bicycle *infrastructure* and storage in new developments, *redevelopments* and public works projects.

7.2.4 Transit

- 7.2.4.1 Public transit in the City of Port Colborne is currently operated by Niagara Region Transit. It provides connections to the City of Welland's Transit Terminal, which provides a link to the broader Regional transit network. The Regional also provides on-demand micro transit services in the City.
- 7.2.4.2 The City will collaborate with Niagara Region Transit, neighbouring municipalities, and partnering agencies to improve transit access and *infrastructure* integration in the City. To that end, the City will:
 - a) Engage with the Region and the Niagara Transit to maintain and enhance on-demand transit service and micro-transit particularly to *Strategic Growth Areas* and other key destinations in the City;
 - b) Advocate for improved transit connections between Port Colborne and regional transit networks, including Niagara GO stations;
 - c) Consult with regional transit authorities, where appropriate, on *development* applications and other land use planning initiatives to improve the integration of land use planning and public transit planning;
 - d) Work with the Region, the Province, and other agencies, where applicable, to support the integration of active transportation networks and public transit systems;
 - e) Plan to achieve transit-supportive densities within Designated Growth Areas;
 - f) Improve active transportation linkages between key transit destinations, *Strategic Growth Areas* and *Designated Growth Areas*; and,
 - g) Support park and ride facilities and secure bike storage facilities near transit stops.
- 7.2.4.3 In addition to the general parking management and zoning compliance standards established in this section, the establishment, location, landscaping, and structural orientation of parking spaces within core urban

environments shall be subject to the strict speculative use prohibitions and lot-stabilization criteria set forth in this Plan. Where a conflict arises regarding parking permissions on lands designated Downtown Mixed-Use or Waterfront Mixed-Use, the restrictive land-use provisions of Chapter 4 shall prevail.

7.2.5 Goods Movement and Planned Corridors

- 7.2.5.1 Maintaining efficient goods movement *infrastructure* is important for economic competitiveness, investment attraction and overall economic *development*. The City will work with all levels of government to ensure that the City's goods movement *infrastructure* is protected from incompatible land uses so that *major goods movement facilities and corridors* are protected for the long term.
- 7.2.5.2 The City's major goods movement facilities are depicted on **Schedule B-1** and include:
- a) *Marine facilities*, including the Welland Canal and the marine terminal;
 - b) Rail facilities, including industrial spurs serving employment lands adjacent to the Welland Canal; and,
 - c) Portions of the road network.
- 7.2.5.3 The City shall protect planned and existing transportation corridors, rail lines, *marine facilities*, and utility alignments from *development* or *site alterations* that would compromise their long-term functionality, capacity, or operational viability.
- 7.2.5.4 New *development* proposed on lands adjacent to existing or *planned corridors* and transportation facilities, including major goods movement facilities, should be designed to be compatible with and supportive of the long term purposes of the corridor and/or goods movement facility. Where avoidance is not possible for new *development*, new *development* should be designed to minimize and mitigate *negative impacts* on and *adverse effects* from the corridor and/or transportation facility.
- 7.2.5.5 Applications for *development* adjacent to or along designated *infrastructure* and major goods movement corridors, including but not limited to the Welland Canal, Highway 140, and Highway 58A, shall be reviewed to ensure that the

proposed land use does not negatively impact the feasibility, cost, structural integrity, and future expansion of the *infrastructure* network.

- 7.2.5.6 The St. Lawrence Seaway Management Corporation has jurisdiction for the Welland Canal. The City will work with the St. Lawrence Seaway Management Corporation on matters of mutual interest, including matters which affect the City, its citizens and businesses.
- 7.2.5.7 The City will promote economic *development* opportunities in proximity to the Welland Canal.

7.2.6 Railways

- 7.2.6.1 The City shall evaluate public lands and support the acquisition of abandoned railway rights-of-way by public authorities for transportation facilities, utility corridors, bicycle and foot paths, transit rights-of-way, outdoor recreation, reforestation and open space uses.
- 7.2.6.2 The following policies apply for *development* adjacent to railways:
- a) All *development* in proximity to railways and rail facilities shall be developed in accordance with the Federation of Canadian Municipalities and Railway Association of Canada (FCM/RAC) Guidelines for New Development in Proximity to Railway Operations.
 - b) All proposed *development* adjacent to railways shall implement appropriate mitigation measures, including but not limited to, safety setbacks, berms, crash barriers, and security fencing, in accordance with the FCM/RAC Guidelines.
 - c) All proposed residential or other *sensitive* uses within 300 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the municipality, in consultation with the appropriate railway operator, and shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified.
 - d) All proposed *development* within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the municipality, in consultation with the appropriate railway operator, and shall undertake appropriate measures to mitigate any *adverse effects* from vibration that were identified.

7.2.7 Parking

- 7.2.7.1 Parking must be adequately managed in accordance with the City's transportation and climate goals.
- 7.2.7.2 The following policies apply to street parking:
- a) to removing or adding on-street parking, the City will consider the context of the area including walkability and cycling opportunities.
 - b) The City may conduct a future parking study to update parking standards in the implementing zoning by-law and other applicable by-laws, policies, and standards.
- 7.2.7.3 Off-street parking standards for all land uses and loading facilities standards for industrial and commercial uses will be established and implemented in the associated zoning by-law. Appropriate off-street vehicular and bicycle parking will be provided for all *development* or *redevelopment* pursuant to such standards.

7.3 Municipal Servicing

7.3.1 General Servicing Policies for Water and Sanitary Services

- 7.3.1.1 The provision of safe and efficient water and sanitary services is a shared responsibility between the City and the Region of Niagara. The Region of Niagara is responsible for the provision of water and sanitary servicing treatment and capacity and the City is responsible for the collection and distribution of municipal water and sewage servicing.
- 7.3.1.2 Within the two-tiered system, the City's planning for water and sanitary servicing shall be coordinated with the Region to ensure:
- a) There is a sufficient amount of capacity to accommodate the forecast growth of this Plan;
 - b) Ensure that new services are financially viable over their lifecycle;
 - c) Ensure that the systems are provided in a matter that can be sustained by the water resources upon which rely and help to mitigate the impacts of a changing climate;
 - d) Promote water conservation and where appropriate, leverage the best available technology to support innovative the delivery of water and sanitary servicing;

- 7.3.1.3 *Development* within the Urban *Settlement Area* shall be serviced by *municipal water services* and *municipal sewage services*. Existing private services within the Urban *Settlement Area* are permitted to continue until such time as municipal services are available. Private or *partial services* shall only be permitted in the following circumstances:
- a) Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or,
 - b) To allow for infilling and minor rounding out of existing *development* on *partial services* provided site conditions are suitable for the long-term provision of such services with no *negative impacts*.
- 7.3.1.4 Construction of new, or the expansion of existing municipal water and municipal sanitary services should take into account strategies for water conservation and other water demand management initiatives within the existing service area. Plans for expansion of services should also take into account applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.
- 7.3.1.5 The City shall prioritize the allocation of available municipal water and sewer servicing capacity to *development* within the Urban *Settlement Area*, with preference directed to:
- a) *Strategic Growth Areas*;
 - b) *Designated Growth Areas*; or,
 - c) The lands within the Built-Up Area.
- 7.3.1.6 The City shall comprehensively approach and integrate growth with required *infrastructure* and establish priority and phasing policies for water and wastewater services in accordance with Policy 7.6 of this Plan.
- 7.3.1.7 Prior to approval of *development*, the City shall consider whether the required water and sanitary services and servicing capacity is available to support the *development*. Conditions for servicing may be applied as part of an approval for *development*.
- 7.3.1.8 Private lateral connections to Regional water or wastewater mains are discouraged within the Urban *Settlement Area*.

- 7.3.1.9 Existing municipal combined sewer and storm drainage systems shall be separated, where technically and financially feasible.
- 7.3.1.10 All *development* which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the *development*. The connection to the combined sewer will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing combined sewer services has been confirmed.
- 7.3.1.11 Water and wastewater facilities shall be designed with consideration to reducing energy use and greenhouse gas emissions.
- 7.3.1.12 Where *development* is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of *development* shall be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.

7.3.2 Municipal Water Services

- 7.3.2.1 The designation of lands for *development* is not considered a commitment by the Region of Niagara or City to extend water services to the area by a specific time horizon.
- 7.3.2.2 The sizing of water supply *infrastructure* shall take into account the growth management policies of this plan, planned *development*, including potential for infill and *intensification*.

7.3.3 Municipal Sanitary Services

- 7.3.3.1 The City will consider ways to reduce wet weather flows in the sanitary system.
- 7.3.3.2 Existing municipal combined sewer and stormwater drainage systems will be separated, where technically and financially feasible over the long-term.
- 7.3.3.3 Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* are the preferred form of servicing for multi-unit lot *development* to support the

protection of the environment and minimize potential risks to human health / safety.

- 7.3.3.4 Where *municipal sewage services* or *private communal sewage services* are not available, planned or feasible, *individual on-site sewage services* may be used provided that site conditions are suitable for the long term provision of such services with no *negative impacts*
- 7.3.3.5 The City shall coordinate with the Region to review, update and assess the long-term impacts of *individual on-site sewage services* on the environmental health and the desired character of rural settlements and the feasibility of other forms of servicing.
- 7.3.3.6 All new *development* outside of the *Settlement Area* boundaries will provide sustainable private water and sewage services. The landowner will be the party responsible for maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.
- 7.3.3.7 All new *development* which is proposed to be connected to existing combined sewer facilities will be served with separated systems within the property limits of the *development*. The connection to the combined sewer will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing combined sewer services has been confirmed.
- 7.3.3.8 Each sustainable private sewage disposal system will require approval by the authority having jurisdiction. If any area appears questionable for the proper operation of a sustainable private sewage disposal system an evaluation of the subject lands by a competent authority will be required before *development* is allowed to proceed which may include the submission of an engineering report to establish the depth of bedrock and the water table, the feasibility of providing an individual sewage disposal system, and evidence that a suitable drinking water supply can be provided.

7.3.4 Municipal Water and Wastewater Outside of Urban Areas

- 7.3.4.1 Lateral connections to Regional water or wastewater mains are not permitted outside of the *Urban Settlement Area*.
- 7.3.4.2 Municipal water supply mains or municipal sewers shall not be extended outside of the *Urban Settlement Area* except:
- a) Where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and,
 - b) Where extensions of the water supply system are for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.
- 7.3.4.3 All *development* outside the *Urban Settlement Area* shall be serviced by sustainable individual on-site water and *individual on-site sewage services*. An existing lot of record outside the *Urban Settlement Area* may be permitted to connect to existing municipal services where municipal sewers or water supply mains have been extended outside the urban areas to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment, Conservation and Parks.
- 7.3.4.4 Individual water supply and sewage disposal systems are permitted outside the *Urban Settlement Area* provided the site conditions are suitable for the long-term provisions of such services with no *negative impacts*. Lot creation on *individual on-site sewage services* is only permitted if there is confirmation of sufficient *reserve sewage system capacity* for hauled sewage.

7.3.5 Private Sanitary and Water Services

- 7.3.5.1 Municipal water and *municipal sewage services* are the preferred form of servicing for *Settlement Areas*. The City's three *Rural Settlement Areas* and *Agricultural and Rural Areas* are serviced by private systems.
- 7.3.5.2 Where *municipal sewage services* and *municipal water services* are not planned, available or feasible, *private communal sewage services* and

private communal water services are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.

- 7.3.5.3 The City may, at its discretion, choose not to enter into a default responsibility agreement for any private communal water supply or sewage treatment system as may be required pursuant to Ministry of the Environment, Conservation and Parks' guidelines whether or not the existing or proposed *development* is permitted by this Plan or the implementing zoning by-law.
- 7.3.5.4 In instances where private communal water and sewage services are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.
- 7.3.5.5 *Partial services* shall only be permitted in the following circumstances:
- a) Where they are necessary to address failed on-site sewage services and *individual on-site water services* in existing *development*;
 - b) Within Rural Settlement Areas, to allow where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.
- 7.3.5.6 All new *development* located outside *Settlement Area* boundaries will provide sustainable private water and sewage services. The landowner is responsible for the maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.
- 7.3.5.7 New *development* on private services shall:
- a) Conform to the minimum lot size requirements of the applicable designation and corresponding policy pertaining to lot creation or existing lot of record (as the case may be).
 - b) Demonstrate suitable soil and drainage conditions for the siting of buildings, the supply of potable water and the long-term operation of a private waste disposal system.
 - c) Not interfere the with the natural drainage systems of the surrounding lands.

- 7.3.5.8 Sustainable private sewage disposal systems require approval by the authority having jurisdiction. If, any area appears questionable for the proper operation of a sustainable private sewage disposal system an evaluation of the subject site by approval authority will be required before *development* is allowed to proceed. This may include the submission of an engineering report to establish the depth of bedrock and the water table, the feasibility of providing an individual sewage disposal system, and evidence a suitable drinking water supply can be provided.

7.3.6 Stormwater Management

- 7.3.6.1 All new *development* and *redevelopment* in *Settlement Areas* must be provided with separate storm drainage systems or separate storm drainage connections.
- 7.3.6.2 The City will collaborate with the Region for the provision of adequate storm drainage facilities.
- 7.3.6.3 The City shall implement a sustainable stormwater management plan and strategy as part of *development* and *redevelopment*.
- 7.3.6.4 Proposals for large scale *development* proceeding by way of plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
- a) Conforms with *watershed planning* policies of this Plan;
 - b) Ensures all proposals for *development* or *redevelopment* are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and water budget to minimize stormwater flows and reliance on stormwater ponds, which includes *low impact development* and *green infrastructure*, where appropriate;
 - c) Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
 - d) Ensures stormwater management facilities are designed to support key features and *ecological functions* in the City's natural environment system, where possible; and,

- e) Aligns with the stormwater master plan or equivalent for the *Settlement Area*, where applicable.

7.3.6.5 The City shall consider through site plan control the *development* of *green infrastructure*, such as naturalized retention ponds and rain gardens to increase stormwater offset.

7.4 Waste Management

7.4.1.1 The Region will provide for the disposal and treatment of solid wastes, and in alignment with the Region's Long Term Waste Management Strategic Plan.

7.4.1.2 The Region will provide *waste management systems* that are an appropriate size and type to accommodate present and future requirements, and facilitate, encourage, and promote reduction, reuse, and recycling objectives.

7.5 Utilities and Telecommunications

7.5.1 General Policies

7.5.1.1 The City will coordinate with relevant public and private sector utility providers to ensure *infrastructure* is planned and managed to support the policies of this Plan.

7.5.1.2 The shared use of rights-of-way and corridors is encouraged wherever feasible to:

- a) lessen the social, environmental and economic impacts of uncoordinated alignments of various single purpose authorities; and,
- b) avoid land use and *development* conflicts associated with such rights-of-way and alignments.

7.5.1.3 The construction of utilities shall comply with environmental policies of this Plan.

7.5.1.4 Necessary public utilities will be provided in accordance with the servicing needs of existing and future *development* and with economic, safety and environmental considerations.

7.5.1.5 As part of the *development* review process, the City will confirm that utility providers are able to provide services to support the proposed *development*

in a timely manner and that, if required, appropriate locations for large utility equipment and utility cluster sites have been determined.

- 7.5.1.6 The City encourages the burial of overhead utilities in *Strategic Growth Areas*.
- 7.5.1.7 Utility providers proposing to locate, relocate or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards, and guidelines.
- 7.5.1.8 Utility providers are encouraged to consult with the City when new major *infrastructure* is required, or existing *infrastructure* is identified for a major upgrade. The City will work cooperatively with utility providers in effort to facilitate their needs while balancing the interests of the area residents and businesses.
- 7.5.1.9 Utility companies are encouraged to work cooperatively with the City and regulatory authorities in determining suitable locations that are compatible with existing and planned *development*, in effort to reduce or eliminate potential conflicts.
- 7.5.1.10 It is the responsibility of utility providers to ensure their respective utility has been planned and located in accordance with any relevant safety regulations, separation requirements and/or municipal standards, either through individual utility plant location or as part of a combined installation.
- 7.5.1.11 Installation of new utilities in areas designated for new residential *development* will be subject to subdivision and/or site plan control provisions as contained in the *Planning Act*. The City will confirm, as part of the *development* review process, that utility providers are able to provide services to support the proposed *development* in a timely manner and that, if required, appropriate locations for large utility equipment and utility cluster sites have been determined.

7.6 Phasing

7.6.1 Orderly Development

- 7.6.1.1 Phasing of *development* enables the City to plan for *development* in identified areas in an orderly and coordinated manner, in particular with regards to water, wastewater, and transportation capacity, land use compatibility, community benefits and the provision of *public service facilities* and other *infrastructure*. The City will ensure that the sequence of growth and *development* and the provision of *infrastructure* is phased based on the following principles:
- a) *Development* is located in accordance with the growth management policies of this Plan;
 - b) *Development* makes efficient use of existing and planned *infrastructure* and *public service facilities*;
 - c) *Development* facilitates the provision of *infrastructure* and *public service facilities* in a coordinated and financially sustainable manner.
- 7.6.1.2 The phasing policies of this Plan are intended to ensure that:
- a) There is a balance of *development* opportunities within the City;
 - b) there is orderly progression of *development* of *Designated Growth Areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs; and,
 - c) The sequencing of *development* aligns with municipal and Regional capital planning.
- 7.6.1.3 The City shall work with the Region to coordinate *infrastructure* improvements to ensure that the timing of regional *infrastructure* improvements aligns with the City's growth management objectives. To that end, *development* within *Designated Growth Areas* shall be aligned with the timing and delivery of water and wastewater and transportation *infrastructure* to ensure financial sustainability.
- 7.6.1.4 *Development* within *Designated Growth Areas* shall include an individual phasing plan. The phasing and servicing of each phase of *development* may proceed when the City is satisfied that all of the external *infrastructure* / services for that phase are in place, meaning that the *infrastructure* exists

and is operational to the satisfaction of the City. It also means the capacity of such *infrastructure* has been formally allocated by the City for use in connection with the *development*.

7.6.2 Front-Ending Agreements

- 7.6.2.1 At its discretion, the City may enter into front-ending agreements (or *development* charges credits or any other such permitted financial mechanism) with landowners or developers to provide for the financing and construction of municipal *infrastructure* and community facilities required to service *development* in Port Colborne. Such agreements shall be in accordance with the provisions of the *Planning Act* and are intended to facilitate the orderly progression of *development* and assist the City in recovering its investment in major *infrastructure* required to support the housing targets set in Section 3.2 of this Plan.
- 7.6.2.2 To distribute growth-related capital costs equitably, the City shall require landowners within a shared *development* precinct or designated growth area to enter into private cost-sharing agreements. The execution of such agreements, or proof of a proponent's participation in an established cost-sharing framework, shall be required as a condition of draft plan of subdivision, condominium, or site plan approval.
- 7.6.2.3 The execution of a front-ending or financing agreement shall not impose any financial obligation or debt liability on the City to recover uncollected carrying costs, interest charges, or financing shortfalls resulting from delayed *development* timelines. Any temporary *infrastructure* or "throwaway" works required to facilitate accelerated *development* staging shall be funded entirely at the developer's sole expense and risk.
- 7.6.2.4 *Infrastructure* funded or constructed through a front-ending agreement must comply fully with all applicable municipal engineering design standards, accessibility requirements, and public procurement best practices. Entering into a financing agreement does not guarantee or imply the automatic allocation of servicing capacity, nor does it constrain Council's authority to evaluate associated *Planning Act* applications independently.

8 IMPLEMENTATION & INTERPRETATION

8.1 General

8.1.1 Introduction

This chapter provides the administrative and regulatory framework required to effectively execute and interpret the vision, objectives, and policies of the Port Colborne Official Plan. It outlines the primary planning tools available to the City (e.g., zoning bylaws, community improvement plans, subdivision controls) to ensure that all future *development* conforms with the City's strategic goals.

This section also details the requirements for various municipal processes and *Planning Act* applications, emphasizing complete application requirements, supporting technical studies, and the management of legal non-conforming uses. It also establishes the City's protocols for ensuring meaningful public participation and Indigenous consultation throughout the land use planning process.

8.1.2 Interpretation

- 8.1.2.1 This Plan is intended to be read in its entirety and existing and proposed land uses may be subject to policies within different sections of the Plan.
- 8.1.2.2 Where a conflict arises between policies, the more restrictive policy prevails. If a conflict arises between a City-wide land use policy and a site-specific policy or secondary plan, the site-specific policy prevails.
- 8.1.2.3 The boundaries of land use designations shown on **Schedule A-3** and **Schedule A-4** of this Plan are approximate, except where they follow *Settlement Area* boundaries, Rural and Agricultural Area boundaries, respectively, roads, railways or other defined physical barriers. Minor boundary adjustments may be made for the purpose of any Zoning By-law or Zoning By-law Amendment without the need for a formal Official Plan Amendment, provided the general intent of the Plan is maintained, at final discretion of the City.

- 8.1.2.4 The words “will”, “shall” and “must” indicate mandatory compliance with the stated policy directive. The words “should”, “may”, “encourage” and “support” provide strategic direction and guidance, allowing for context-specific discretion.
- 8.1.2.5 This plan, including the appendices and schedules, may be updated from time to time to reflect and consolidate amendments approved under the *Planning Act*, in which case the City may undertake an administrative process to consolidate the contents of this Plan, referred to as an “office consolidation”.
- 8.1.2.6 Minor adjustments to this Plan may be completed in office consolidations without an Official Plan Amendment, including but not limited to the following changes:
- a) Formatting adjustments, including numbering, cross-referencing, and the arrangement of tables, text and figures.
 - b) Technical updates to maps, including topographic information, notes, legends, shading, and title blocks.
 - c) Corrections of clerical, grammatical, dimensional, boundary, mathematical or typographical errors; and,
 - d) Modifications to environmental, hazard, or resource features on 'C' Series Schedules or the Maps of this Plan, where updates are based on more precise data, field verification, or updated mapping issued directly by the Province, the Region of Niagara, or the relevant *Conservation Authority*.

8.1.3 Transition Policies

Applications made under the 2013 City of Port Colborne Official Plan shall follow these transition policies:

- 8.1.3.1 The 2013 City of Port Colborne Official Plan, as amended, will apply to decision on applications submitted and deemed complete prior to approval of this Plan.
- 8.1.3.2 Any Official Plan Amendments to the 2013 Official Plan that have cleared appeals prior to approval of this Plan will be incorporated into this Plan by the City.

8.1.4 Jurisdiction and Conformity

- 8.1.4.1 The policies of this Plan apply to all lands within the geographic boundaries of the City of Port Colborne. Should lands owned by the Federal or Provincial Crown be transferred to a private entity or non-crown agency, the policies and land use designations of this Plan shall immediately apply.
- 8.1.4.2 In accordance with the *Planning Act*, no public work shall be undertaken and no municipal by-law shall be passed for any purpose that does not conform with this Official Plan.
- 8.1.4.3 Where there is a conflict between the general policies of this Plan and a more detailed secondary plan or site-specific policy area, the more detailed or restrictive policy shall prevail unless otherwise explicitly stated.

8.2 The Official Plan

8.2.1 Official Plan Amendments

Applications for Official Plan amendment shall demonstrate that the proposal is consistent with the Provincial Planning Statement, conforms to relevant provincial plans and legislation, and represents sound land use planning supported by a Planning Justification Report. An Official Plan amendment is required for:

- a) A change in a land use designation;
- b) An increase in building height or density that exceeds the maximum performance standards established in this Plan;
- c) The creation, deletion, or altering of a Site-Specific Policy Area; and,
- d) Any alteration to the Urban and/or Rural *Settlement Area* boundaries.

8.2.2 Monitoring of the Official Plan

- 8.2.2.1 The City will regularly monitor the implementation of this Official Plan to ensure that the Vision, objectives, targets, and policies are being achieved.
- 8.2.2.2 The City will establish a monitoring and reporting program to track and evaluate municipal performance metrics on a regular basis. This program will monitor:
 - a) Residential *intensification* rates within the Delineated Built-Up Area and designated *Strategic Growth Areas*;

- b) Development densities and the progression of complete communities within Designated Growth Areas;
- c) The supply, mix, and delivery of *housing options*, including *affordable* rental and ownership housing targets;
- d) The absorption, availability, and market-readiness of lands within *Employment Areas*; and,
- e) Actual population, housing, and employment growth relative to the growth forecasts in Section 3.

8.2.2.3 The City will use the data collected from this monitoring program to inform asset management planning, *infrastructure* sequencing, capital works programming, and updates to the Zoning By-law or this Plan.

8.2.2.4 This Plan will be reviewed every five years, or in accordance with the statutory timelines of the *Planning Act*, or earlier if warranted. Housekeeping amendments will be carried out as required to address changes in legislation or where there is a demonstrated need for policy revisions.

8.3 Planning Tools

8.3.1 Zoning By-law

The Zoning By-law is the primary legal mechanism used to implement the strategic visions, land use designations, and *development* policies established in this Official Plan. While the Official Plan provides general long-term direction, the Zoning By-law contains precise, day-to-day regulatory standards governing the use of land, buildings, and structures across the City.

8.3.1.1 In accordance with the *Planning Act*, any Zoning By-law passed by City Council must conform to the policies and designations of this Official Plan. Where the policies of this Plan indicate that a specific land use form, density, or environmental protection measure is required, the implementing Zoning By-law shall contain corresponding regulations to enforce that intent.

8.3.1.2 The implementing Zoning By-law shall be used by the City to regulate specific built form and operational matters, including but not limited to:

- a) Establishing distinct zone categories to prescribe exactly what primary and accessory uses are authorized on a lot.

- b) Regulating the bulk, height, lot coverage, floor area, spacing, and precise front, rear, interior side, and corner side yard setbacks of buildings and structures.
- c) Dictating the minimum lot area, lot depth, and lot frontage required for *development*, including measuring standards for unique or irregular parcels.
- d) Prescribing the minimum dimensions and per-unit or per-square-metre requirements for standard, tandem, accessible, and bicycle parking spaces, alongside dedicated loading bays and drive-thru stacking lanes.
- e) Establishing specific setbacks from top-of-bank for river and stream systems, *dynamic beach hazard* limitations along the Lake Erie shoreline, and municipal drain *buffers*.
- f) Enforcing restrictive performance standards, shielding rules, *air treatment control*, and minimum separation distances to protect *sensitive land uses* from *major facilities* or conflicting operations.

8.3.1.3 Following the formal approval and coming into force and effect of this Official Plan, City Council shall amend or comprehensively update the municipal Zoning By-law within three years to ensure total conformity with this Plan, in accordance with Section 26(9) of the *Planning Act*.

8.3.1.4 The implementing zoning by-law may be more restrictive than the provisions of this Plan. It is not intended that the full range of uses, built forms, densities or heights permitted by this Plan will be permitted by implementing zoning by-law in all cases.

8.3.1.5 Until such time s the zoning by-law is amended, the existing zoning by-law will remain in effect. However, any Amendment to the existing zoning by-law is required to be in conformity with this Plan.

8.3.1.6 Applications for a Zoning By-law Amendment will be evaluated based on the following criteria:

- a) Conformity with the vision, objectives, and land use designations of this Official Plan;
- b) Compatibility with the physical scale, massing, and character of the surrounding neighbourhood or land use context;
- c) The suitability of the site's size, configuration, and topography to accommodate the proposed use and all required *development* standards;

- d) The availability and adequacy of municipal water, wastewater, and stormwater *infrastructure* to service the *development*;
- e) The capacity of the surrounding transportation network to safely accommodate projected vehicular, pedestrian, and cycling traffic volumes; and,
- f) The minimization or mitigation of potential land use conflicts or nuisance impacts, such as noise, vibration, odour, or shadowing, on adjacent properties.

8.3.2 Minor Variance

8.3.2.1 Minor variations to the standards established in the implementing Zoning By-law may be considered by the Committee of Adjustment, in accordance with the provisions of the *Planning Act*.

8.3.2.2 When considering an application, The Committee of Adjustment will:

- a) Consider the professional advice provided by the Town staff, including legal, planning, engineering, etc.;
- b) provide an explanation as to what effect the written and oral submissions it received had on the decision, if any; and,
- c) Be satisfied that the general intent and purpose of this Plan and the implementing zoning by-law would be maintained, and that the variance would be minor in nature and desirable for the appropriate *development* or use of the land, building, or structure.

8.3.3 Holding Provisions

8.3.3.1 Pursuant to Section 36 of the *Planning Act*, the City may utilize Holding ("H") symbols in an implementing or amending Zoning By-law to specify the use of lands, buildings, or structures, while delaying actual *development* or occupancy until specific conditions are met.

8.3.3.2 The use of the Holding ("H") symbol allows Council or their delegate (e.g., Chief Planner) to approve the underlying principle of a land use or *development* proposal, while ensuring that construction or *site alteration* does not proceed until the City is satisfied that all necessary *infrastructure*, technical studies, and financial arrangements are in place.

- 8.3.3.3 A Holding (“H”) symbol may be applied to a property, and subsequently be removed by by-law at the discretion of the Chief Planner as delegated authority, based on the completion of any of the following, to the satisfaction of the City:
- a) The provision of adequate *infrastructure* to service the proposed *development*;
 - b) Phasing of *development*;
 - c) Completion of transportation and *infrastructure* improvements;
 - d) Fulfillment of financial obligations, including but not limited to parkland, community services and facilities, *affordable* housing, posting of any securities, etc.;
 - e) The applicant signing servicing, subdivision, site plan, or *development* agreement, and posting all required financial securities with the City;
 - f) Draft plan of subdivision and/or site plan control approval/ approval in principle
 - g) Entering into legal agreements, including a subdivision agreement, and other agreements pursuant to the *Planning Act*, to secure any of the matters required to satisfy the conditions of removal of the holding provision
 - h) Provision of *affordable* and attainable housing, where applicable, including entering into agreements that secure the duration, monitoring, enforcement, and any associated zoning reliefs (such as reduced parking rates contingent upon the *affordable* units);
 - i) Measures to protect cultural heritage resources, including entering into legal agreements to implement the recommendations of a Heritage Impact Assessment, such as salvage, documentation, and commemoration plans;
 - j) Measures to protect *archaeological resources*, including the completion of required assessments and receipt of confirmation that they have been entered into the Ontario Public Register of Archaeological Reports;
 - k) The provision of *multimodal transportation systems* and safe site ingress/egress, including the registration on title of an easement agreement or legal arrangement to secure permanent vehicular or pedestrian access over *adjacent lands*;

- l) The submission and municipal approval of detailed engineering drawings demonstrating that site access, including any existing municipal laneways, will be designed and upgraded to City standards;
- m) Environmental remediation of contaminated sites or brownfields;
- n) Natural environmental hazard management;
- o) The protection of the Natural Environment, including tree protection
- p) The provision of parkland; and,
- q) Additional technical studies as may be required.

8.3.3.4 The amending Zoning By-law containing the Holding ("H") symbol shall explicitly identify the permitted interim uses, which may include existing uses, open space, or temporary structures. The by-law may also establish specific thresholds or criteria to permit the minor expansion, maintenance, or alteration of existing legal uses while the holding provision remains in place.

8.3.4 Interim Control By-laws

8.3.4.1 In accordance with Section 38 of the *Planning Act*, Council may pass interim control by-laws to temporarily prohibit the use and/or *development* of land, buildings or structures: within the city or a defined area of the city; for a period of time specified by the *Planning Act*; and, for the purpose of undertaking detailed studies, and/or reviews of policies and/or plans related to the City.

8.3.4.2 Following completion of the study or policy review, the City may amend this Plan and implementing zoning by-law to implement the recommendations determined by the study.

8.3.5 Temporary Use By-laws

8.3.5.1 Council may enact a temporary use by-law in accordance with the *Planning Act*, which would allow land and buildings to be zoned for a use which is permitted by this plan but may not conform to the implementing zoning by-law.

8.3.5.2 The temporary use by-law shall both define the area to which it applies and specify the authorized time in effect, which shall not exceed three years from the day of the passing of the by-law.

8.3.5.3 In accordance with Section 39 the *Planning Act*, a temporary use by-law may be passed to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the Zoning By-law, provided that:

- a) It can be demonstrated that the use is temporary in nature and appropriate for a limited time span;
- b) It maintains the long-term viability of the lands for the uses permitted in this Plan;
- c) It is compatible with *adjacent lands*;
- d) It is suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services;
- e) It can be demonstrated that there will be no adverse impact on key *natural heritage features* and key hydrologic features
- f) It can be demonstrated that there will be no adverse impact on traffic, transportation or parking facilities in the area;
- g) Adequate parking can be provided on-site;
- h) It can be serviced sufficiently to accommodate the proposed temporary use;
- i) No major construction or investment in the part of the owner and no new buildings or expansion of buildings will be, except for temporary or moveable structures, will be permitted It is compatible with *adjacent lands*; and,
- j) Upon expiry of the temporary use by-law, the permitted temporary use shall cease, unless extended by subsequent by-laws.

8.3.5.4 Council may, by by-law, delegate the authority to pass a by-law to authorize the temporary use of land, buildings, or structures to a committee of Council or an individual who is an officer, employee or agent of the City.

8.3.6 Community Planning Permit System

8.3.6.1 The City may enact a by-law to establish a Community Planning Permit System (CPPS) for the entire municipality or defined areas.

8.3.6.2 A CPPS by-law will combine zoning, site plan control, and minor variance processes into a single, streamlined planning application and approval process. The by-law will define permitted uses, *development* standards,

discretionary uses, and conditions of approval in accordance with the *Planning Act*.

8.3.7 Site Plan Control

- 8.3.7.1 The entire municipality is designated as a Site Plan Control Area under the *Planning Act*. Council may pass a Site Plan Control By-law to regulate the design, safety, and operational function of a *development* and its relationship to surrounding lands and municipal *infrastructure*.
- 8.3.7.2 All commercial, industrial, institutional, and multi-unit residential *developments* are subject to site plan control. Single-detached, semi-detached, and duplex dwellings are exempt from site plan control, except where located within a natural hazard zone or an environmentally *sensitive* area.

8.3.8 Cash-in-Lieu of Parking

- 8.3.8.1 In accordance with the *Planning Act*, the City may exempt a development from the requirement to provide off-street parking spaces by entering into an agreement to accept cash-in-lieu of parking.
- 8.3.8.2 Cash-in-lieu of parking may be considered where it is unfeasible or undesirable to provide the required parking spaces on-site, with preference given to proposals located within the Downtown Waterfront Mixed-Use Area or designated *Strategic Growth Areas*.
- 8.3.8.3 All monies received by the City through cash-in-lieu of parking agreements will be deposited into a special account. These funds will be used exclusively to maintain or expand municipal parking facilities, active transportation *infrastructure*, or public transit integration.

8.3.9 Lot Creation

General Consent Policies

- 8.3.9.1 Consent applications will only be considered for the creation of a maximum of three (3) new lots, excluding the retained lot. Where four (4) or more new lots are proposed, or where the *development* requires the extension of a public road or municipal water or wastewater main, the application must proceed by way of a Plan of Subdivision.
- 8.3.9.2 The Committee of Adjustment will determine the appropriateness of any proposed lot severance in accordance with the provisions of the *Planning Act* and the policies of this Plan.
- 8.3.9.3 Consents may be permitted for technical or legal reasons where a separate new lot is not created. These applications include lot additions, boundary adjustments, easements, quitclaims, and rights-of-way, provided the adjustment does not result in a lot that violates the performance standards of the Zoning By-law.
- 8.3.9.4 Consents must not sever through features of the Natural Environment System, *wetlands*, significant *woodlands*, significant *valleylands*, or *areas of natural and scientific interest*. Retained and severed parcels must maintain the integrity of these ecological features.
- 8.3.9.5 The creation of any new lot must comply with the provisions, maximums, and minimum standards established in the implementing Zoning By-law.
- 8.3.9.6 The City may impose conditions of approval on land severances, including but not limited to:
- a) Payment of *development* charges;
 - b) Parkland dedication or cash-in-lieu of parkland;
 - c) Dedication of land for road widening purposes;
 - d) Removal or structural demolition of existing buildings;
 - e) Provision of confirmed and approved vehicle access;
 - f) Provision of water and wastewater servicing connections;
 - g) Compliance with the Minimum Distance Separation formulae; and,
 - h) Entering into a binding *development* or servicing agreement with the City.

- 8.3.9.7 The City will not authorize the severance of a property to accommodate the expansion of a home-based business, and approved secondary uses are prohibited from future separate lot creation. A principal dwelling is prohibited from being subdivided from an *Additional Dwelling Unit* through the consent process.

Urban Settlement Area Consents

- 8.3.9.8 Lot creation within the Urban *Settlement Area* is permitted for residential, commercial, industrial, or *institutional uses*, provided full municipal water and wastewater services are available and connected to both the severed and retained parcels.
- 8.3.9.9 Within a Registered Plan of Subdivision, the severance of one (1) existing vacant lot into two (2) lots to accommodate single-detached or semi-detached dwellings is permitted, provided the resulting lots match the established built form character of the streetscape.

Rural Settlement Areas and Rural Area Consents

- 8.3.9.10 Applications for lot creation within the *Rural Area* or designated Rural *Settlement Areas* must demonstrate compliance with the following *development* criteria:
- a) The proposed lot configuration matches the local topography, soil drainage, and open landscape character;
 - b) The lot fronts on an open, publicly maintained municipal road;
 - c) Vehicle access does not create a traffic hazard due to limited sightlines on curves or grades;
 - d) The consent does not result in the extension or creation of uncoordinated strip *development*; and,
 - e) The application complies with the Minimum distance separation formulae.
- 8.3.9.11 Within the *Rural Area* designation, a maximum of three (3) new residential lots, excluding the retained lot, may be permitted from a parent parcel that legally existed as of June 16, 2006.

- 8.3.9.12 The minimum lot size for new lots created within the *Rural Area* or Agriculture designation is one (1) hectare. A smaller lot size down to a minimum of 0.4 hectares may be permitted within designated *Rural Settlement Areas* or established residential shoreline clusters, provided a hydrogeological evaluation demonstrates that sustainable individual on-site water and sewage services can be safely accommodated without causing *negative impacts*.
- 8.3.9.13 Lot creation for residential purposes within *Rural Settlement Areas* is limited to infilling. Infilling means the creation of a new residential lot situated between two existing dwellings on separate lots that are located on the same side of an open, publicly maintained road, where the distance between the existing dwellings is 90 metres or less.

Agricultural Area Consents

- 8.3.9.14 The creation of new residential lots within the Agriculture designation is prohibited, except for a residence surplus to an agricultural operation resulting from a farm consolidation.
- 8.3.9.15 Consents for *agricultural uses* may be permitted provided both the severed and remnant parcels are a minimum of 40 hectares in size, are appropriate for the agricultural operations common in the area, and maintain long-term flexibility for farming activities.
- 8.3.9.16 Consents for agriculture-related commercial or industrial uses may be permitted provided the new lot is limited to the minimum size needed to accommodate the business facility and its required individual on-site water and sewage services.
- 8.3.9.17 A consent for a residential lot containing a dwelling rendered surplus due to a farm consolidation may be permitted provided:
- a) The residence existed legally as a habitable dwelling as of June 16, 2006;
 - b) The surplus dwelling lot is limited to the minimum size required to accommodate individual on-site services, being a minimum of 0.4 hectares up to a maximum of 1.0 hectare; and,

- c) The application complies with the Minimum Distance Separation formulae.

8.3.9.18 To minimize fragmentation, the vacant remnant parcel of farmland created by a surplus dwelling severance must be merged on title with an abutting farm parcel. Where merging is demonstrated to be legally impossible, the remnant farm parcel must undergo a site-specific Zoning By-law Amendment to permanently prohibit the construction of any future residential dwellings or *Additional Dwelling Units*.

8.3.10 Plans of Subdivision

- 8.3.10.1 Council will use the Plan of Subdivision approval process and subsequent subdivision agreements pursuant to the *Planning Act* to ensure *development* conforms to the policies of this Plan and maintains high community design standards.
- 8.3.10.2 A Plan of Subdivision is required where four (4) or more new lots are created, where a service or *infrastructure* extension is required, or where lot frontages do not exist on an open public road.
- 8.3.10.3 Council may approve a Plan of Subdivision, provided it satisfies the following criteria:
 - a) The Plan conforms entirely with the policies and designations of this Official Plan;
 - b) The *development* does not impose an unacceptable financial burden on the City;
 - c) The plan of Subdivision can be supplied with adequate services and *public service facilities*, including water supply, sewage disposal, stormwater drainage, solid waste collection, roads, pedestrian facilities, and emergency services;
 - d) The plan supports active transportation and does not adversely impact the surrounding transportation network;
 - e) The plan will not adversely impact the natural environment system;
 - f) The plan will be integrated with surrounding lands, subdivisions, and the established street network; and,
 - g) The plan meets the urban design criteria contained in this Plan and any current or future Council-approved Urban Design Guidelines.

- 8.3.10.4 Council may grant draft approval of a plan of subdivision subject to conditions established by City departments and external agencies. Final approval and registration of the plan are dependent upon the clearance of all conditions and the execution of a subdivision agreement. The agreement will secure the requirements of all participating departments and agencies, including the installation of services, facilities, *infrastructure* capacity allocation, financial securities, and public facilities, to the satisfaction of City Council.
- 8.3.10.5 Technical studies and plans required to support an application for a plan of subdivision will be determined on a case-by-case basis through the mandatory pre-application consultation process and applied as conditions of draft plan approval.

8.3.11 Plans of Condominium

- 8.3.11.1 Only *development* proposals submitted under the *Condominium Act* that conform to the policies of this Plan will be considered for approval.
- 8.3.11.2 When considering applications for plans of condominium, the City will have regard for the provisions of the *Planning Act*, the *Condominium Act*, and applicable provincial and *conservation authority* policies.
- 8.3.11.3 Condominium proposals must conform to this Plan, avoid unacceptable financial burdens, possess adequate services, minimize impacts on the transportation network, protect the natural environment, and meet municipal urban design guidelines.
- 8.3.11.4 Approval of a draft plan of condominium will be subject to conditions established by the City and commenting agencies. Proponents will be required to enter into a condominium agreement registered on title to secure the long-term maintenance of common elements, internal utilities, private roads, and required financial securities.
- 8.3.11.5 In accordance with the *Condominium Act*, the City may exempt a plan of condominium from the draft plan approval process where Site Plan Approval has been granted and all municipal requirements are addressed.

8.3.12 Secondary Plans

- 8.3.12.1 Council may adopt secondary plans to provide detailed land use, *infrastructure*, and design frameworks for specific geographic areas, including *Designated Growth Areas* and *Strategic Growth Areas*.
- 8.3.12.2 Secondary plans will be adopted by amendment to this Plan and form an operative part of this Plan. All secondary plans must comply with the standardized Official Plan structure, chapters, and land use designations mandated by provincial legislation.
- 8.3.12.3 In the event of a conflict between the policies of an approved secondary plan and the general policies of this Plan, the secondary plan policies prevail for that specific geographic area, provided they conform to the provincially mandated land use designations and structural requirements.

8.3.13 Community Improvement Plans

- 8.3.13.1 In accordance with the *Planning Act*, City Council may, by by-law, designate the entire municipality or any defined area within the City of Port Colborne as a Community Improvement Project Area. Community Improvement Plans (CIPs) serve as comprehensive strategies to stimulate private sector investment, revitalize historical nodes, encourage *affordable* housing supply, and remediate environmentally compromised properties. All or a portion of the lands within the City may be designated as a Community Improvement Project Area by by-law, in accordance with the *Planning Act*.
- 8.3.13.2 The City may use by-laws to designate Community Improvement Project Areas, create, adopt and implement Community Improvement Plans and projects, subject to the provisions of the *Planning Act*.
- 8.3.13.3 Community Improvement Plans shall be prepared and adopted to meet one or more of the following objectives:
 - a) facilitate the construction of *affordable housing options* and purpose-built rental housing;
 - b) accelerate the environmental clean-up, decommissioning, and/or adaptive re-use of older, contaminated industrial and commercial properties, to encourage brownfield remediation and *redevelopment*,

where appropriate;

- c) encourage the preservation, adaptive reuse, restoration, and/or improvement of architecturally or historically significant properties and buildings;
- d) improve streetscape amenities, building configurations and *multimodal* traffic flows to encourage public transit supportive land uses; and/or,
- e) revitalize nodes and corridors.

8.3.13.4 The designation of a Community Improvement Project Area shall be based on one or more of the following conditions being present:

- a) Deficiencies in the physical *infrastructure*, including sanitary sewers, watermains, storm sewer systems, street lighting, and sidewalks.
- b) Buildings, facades, or properties in need of repair, physical rehabilitation, retrofitting, or *redevelopment*, with heightened focus on assets of cultural heritage value or interest.
- c) Evidence of economic decline within commercial areas, characterized by high vacancy rates and unstable uses.
- d) Known or perceived environmental contamination (brownfield sites) necessitating remediation before *redevelopment* can safely proceed.
- e) An inadequate mix of housing types, paired with a demonstrated local need to provide *affordable housing options*.
- f) The presence of vacant lots or underutilized properties which have potential for infill, *intensification*, *redevelopment* or expansion.
- g) Inadequate park space, recreation, open space, or community facilities to serve the immediate Mixed-Use Area population.

8.3.13.5 The City may utilize the following statutory actions to implement an adopted Community Improvement Plan:

- a) The acquisition and assembly of lands for possible *development* and public facilities and/or *infrastructure*.
- b) The application and enforcement of Property Standards by-laws.
- c) The allocation of public funds for the physical rehabilitation or improvement of land and/or buildings within a Community Improvement Project Area.
- d) The acquisition of funds through participation in funding opportunities intended to support Community Improvement Projects, provided by senior levels of government.

- e) The creation of a non-monetary incentive program for *development*, such as an exemption.

8.3.14 Demolition Control

- 8.3.14.1 Demolition control is a tool that enables the City to protect the existing residential housing stock, prevent the loss of the housing stock; avoid the creation of vacant parcels of land; retain existing residential units in new uses that have been considered and *redevelopment* plans have been approved; and, support the *development* and conservation of *affordable* and attainable housing.
- 8.3.14.2 In accordance with the *Planning Act*, Council may, by by-law, designate all or any part of the City as a Demolition Control Area pursuant
- 8.3.14.3 No person shall demolish or otherwise remove the whole or any part of a residential property within a Demolition Control Area without first obtaining a demolition permit issued by the City.
- 8.3.14.4 The City may impose conditions on the issuance of a demolition permit, including requirements to construct a replacement building within a specified timeframe and the registration of an agreement on title to secure the replacement housing units.

8.3.15 Other Regulatory and Environmental Tools

- 8.3.15.1 The City shall maintain and enforce a Property Standards By-law enacted under the *Building Code Act* to prescribe minimum standards for property maintenance, safety, and occupancy for all land uses.
- 8.3.15.2 The City shall require *development* proposals to demonstrate compliance with provincial land use compatibility guidelines to ensure that *major facilities*, *Employment Areas*, and industrial operations are protected from the encroachment of *sensitive land uses*, and that *sensitive land uses* are protected from *adverse effects* related to noise, vibration, odour, and air emissions.
- 8.3.15.3 For properties with a historical use that indicates potential environmental contamination, the City shall require the completion of Phase I and Phase II

Environmental Site Assessments and the filing of a Record of Site Condition (RSC) on the Environmental Site Registry prior to the approval of a change to a more *sensitive land use*. The City may utilize Holding (H) provisions to ensure site remediation is completed as a condition of *development* approval.

8.4 Municipal Processes

8.4.1 Land Acquisition, Securement and Dedication

- 8.4.1.1 The City may acquire, hold, or dedicate land to implement the objectives of this Plan, including the provision of municipal *infrastructure*, *public service facilities*, active transportation corridors, and parkland.
- 8.4.1.2 Mechanisms for land securement shall include statutory dedication under the *Planning Act*, cash-in-lieu of dedication, direct purchase, expropriation, donations, and conservation easements.
- 8.4.1.3 All lands dedicated or conveyed to the City shall bear the full depth of their original topsoil, be free of construction debris, hazardous materials, and fill, and be delivered in a physical condition satisfactory to the City.
- 8.4.1.4 Where *development* or *redevelopment* is proposed on a site containing hazardous lands, *wetlands*, or *sensitive* natural features, the City may require such lands to be dedicated into public ownership or otherwise secured in cooperation with the relevant *conservation authority*.
- 8.4.1.5 Lands evaluated as natural hazards, *wetlands*, or areas required for stormwater management facilities shall not be accepted as part of the statutory parkland dedication requirement.

8.4.2 Disposition of Surplus Lands

- 8.4.2.1 Prior to the sale, lease, or alternate disposition of any municipally owned land or facility, the City shall evaluate the asset for alternative municipal or public service needs, including active transportation linkages and *community infrastructure*.

- 8.4.2.2 The City shall prioritize the use, lease, or sale of suitable surplus municipal properties for the *development* of *affordable* housing, attainable housing, and purpose-built rental housing.
- 8.4.2.3 The City may dispose of land when it is determined that the property is no longer required to fulfill any municipal or community function, in accordance with the procedures of the *Municipal Act* and the strategic policies of this Plan.
- 8.4.2.4 Where the City disposes of surplus parkland, all net financial proceeds shall be directed exclusively into a dedicated reserve fund for the acquisition or enhancement of other public parkland and recreational assets.

8.4.3 Delegation of Authority

- 8.4.3.1 Council may pass by-laws to delegate its statutory authority to an appointed municipal officer, employee, or a Committee of Council to facilitate an efficient, streamlined *development* review process in accordance with the *Planning Act*, *Municipal Act*, and *Ontario Heritage Act*.
- 8.4.3.2 The delegation of authority to enact by-laws under Sections 34, 36, and 39 of the *Planning Act* shall be restricted to minor or administrative planning matters, limited to:
- a) enacting an amending by-law to remove a Holding (H) symbol where all municipal conditions and servicing requirements have been fully satisfied;
 - b) enacting minor housekeeping amendments to clerical, grammatical, dimension, cross-referencing, or mapping errors;
 - c) enacting minor amendments to the comprehensive Zoning By-law to clarify or assist with text interpretation;
 - d) enacting minor site-specific zoning amendments required to satisfy a condition of a provisional Consent (land severance) approval; and,
 - e) enacting or extending a Temporary Use By-law, where the temporary nature of the use has been technically justified to the satisfaction of the City.

- 8.4.3.3 The authority to evaluate applications, grant final approvals, and execute statutory municipal agreements is delegated directly to an appointed municipal officer or employee for the following matters:
- a) The authority to review, approve, or refuse Site Plan Control applications and formally execute subsequent Site Plan Agreements and associated securities pursuant to the *Planning Act*;
 - b) The authority to approve specific classes of minor structural alterations, façade updates, or property maintenance to designated or listed heritage assets pursuant to the *Ontario Heritage Act*; and,
 - c) The authority to issue standard residential demolition permits within a designated Demolition Control Area, provided the property is not designated or listed under the *Ontario Heritage Act*.

8.4.4 Public Works

- 8.4.4.1 No public work shall be undertaken by the City or any other public agency, and no municipal by-law shall be passed for any purpose, that does not conform to the land use designations and policies of this Official Plan, in accordance with the *Planning Act*.
- 8.4.4.2 The City shall prepare, maintain, and update an annual Capital Works program to align municipal capital expenditures with the *infrastructure*, transportation, and *public service facility* requirements generated by the growth forecasts in this Plan.
- 8.4.4.3 The planning, design, and construction of municipal *infrastructure* shall comply with the *Environmental Assessment Act* and will, as a matter of municipal operational best practice, strive to incorporate resilience measures that align with the City's asset management and asset lifecycle objectives.

8.5 Municipal Finance

8.5.1 Development Charges

- 8.5.1.1 The City shall maintain and periodically update, as required, a Development Charges Background Study and under the *Development Charges Act* to identify services that will be funded with the tool to recover growth-related capital costs for municipal infrastructure, transit, and public services.

- 8.5.1.2 The City will enact a Development Charges By-law that will establish the capital costs to be funded by *development* charges and the *development* charges for residential and non-residential *development*.
- 8.5.1.3 The City shall apply all statutory exemptions, reductions, and discounts from *development* charges as prescribed by provincial legislation and regulations. This includes, but is not limited to, statutory relief for the creation of *Additional Dwelling Units*, *affordable* housing, attainable housing, non-profit housing, rental housing *developments*, industrial building expansions, long-term care homes, publicly assisted universities, and other designated public or institutional uses.
- 8.5.1.4 The City may establish non-statutory exemptions or relief from some or all of the *development* charges within designated areas, such as Downtown Port Colborne or *Employment Areas*, as a means to promote specific targeted *redevelopment* and economic revitalization, in accordance with this Plan.

8.5.2 Parkland Dedication

- 8.5.2.1 As a condition of *development*, *redevelopment*, or subdivision approval, the City shall require the conveyance of land for park or other public recreational purposes, or the payment of cash-in-lieu, pursuant to the *Planning Act*. Specific dedication rates shall be established through the City's Parkland Dedication By-law, up to the following maximum statutory thresholds:
- a) Residential development: 5% of the land under development;
 - b) Commercial or industrial development: 2% of the land under development; or,
 - c) Alternative residential rate: In accordance with the maximum caps authorized by the *Planning Act*.
- 8.5.2.2 To be accepted by the City, land dedicated for parkland or trail purposes must be configurationally and environmentally suited for public use. The City may refuse the conveyance of land that fails to meet the following baseline criteria:
- a) The parcel must maintain direct, continuous frontage on an open, publicly maintained municipal road to ensure visibility and safe public access;

- b) The land must possess a regular shape, stable soil conditions, and a topography suited for active or passive recreational programming;
- c) The parcel must be free from natural *hazards* (such as *flood plains*, regulated shorelines, or steep slopes) and key natural heritage features, unless the City explicitly accepts the land for integration into the municipal trail network or passive open space system;
- d) The land must be free from municipal or utility encumbrances, including stormwater management ponds, drainage swales, and utility easements; and,
- e) The developer must technically demonstrate that the land is free of contamination by providing a Phase I Environmental Site Assessment (ESA) to the satisfaction of the City, at the developer's sole expense.

8.5.2.3 Where the physical land area cannot provide a parcel of suitable size, shape, or configuration for a functional public park, or where existing recreational infrastructure in the immediate neighbourhood is sufficient, the City shall require cash-in-lieu of land dedication. All cash-in-lieu payments shall be deposited into a dedicated parkland reserve fund to maintain, expand, or enhance the municipal park system.

8.5.2.4 Statutory exemptions and reductions from parkland dedication or cash-in-lieu requirements shall apply to specific housing types, including *Additional Dwelling Units*, *affordable* housing, attainable housing, and non-profit housing, in strict accordance with the *Planning Act*.

8.5.3 Community Benefits

8.5.3.1 The City may prepare a Community Benefits Charge Strategy and enact a Community Benefits Charge By-law pursuant to Section 37 of the *Planning Act* to fund the capital costs of facilities, services, and matters arising from population growth.

8.5.3.2 The Community Benefits Charge By-law shall apply exclusively to *development* or *redevelopment* proposals that are five (5) or more storeys in height and contain ten (10) or more residential units.

8.5.3.3 The total community benefits charge collected by the City shall not exceed the maximum percentage of the value of the land prescribed by the *Planning Act* as of the day before the building permit is issued.

- 8.5.3.4 Funds collected under the Community Benefits Charge By-law shall be maintained in a dedicated special account and utilized strictly for eligible capital projects, including public realm enhancements, active transportation infrastructure, public art, *affordable* housing initiatives, and heritage conservation.
- 8.5.3.5 The City may accept the provision of in-kind contributions, including *affordable* housing units constructed on-site, as a full or partial offset against a community benefits charge otherwise payable. Proponents shall secure any in-kind contributions through an agreement registered on title pursuant to the *Planning Act*.

8.6 Planning Act Applications

Development applications are subject to approval in accordance with the processes and policies of this Plan, the *Planning Act*, and relevant City Council and Provincial plans and policies.

8.6.1 Pre-Consultation, Complete Applications

- 8.6.1.1 The City strongly recommends that proponents engage in formal pre-submission consultation with municipal staff, the Regional Municipality of Niagara, and the *Conservation Authority* (where appropriate) prior to submitting any application under the *Planning Act* to mitigate processing delays.
- 8.6.1.2 To initiate the City's pre-consultation process, proponents shall submit a complete pre-consultation request form, a conceptual site plan detailing the proposed *development* and surrounding natural or hazard features, and the prescribed municipal pre-consultation fee.
- 8.6.1.3 The City shall deem a *development* application complete when the proponent has submitted the prescribed application forms, paid all requisite municipal and agency review fees, and provided all supporting information, materials, and technical studies in a form satisfactory to the City and in accordance with the *Planning Act*.

- 8.6.1.4 The City shall evaluate and regulate *development* utilizing statutory implementation tools, including:
- a) Plans of Subdivision and Subdivision Agreements;
 - b) Plans of Condominium;
 - c) Consents to Sever, provided such severances do not create lots that conflict with the servicing capacities, *development* staging, or spatial patterns established by this Plan;
 - d) Zoning By-laws and Holding (H) Provisions; and
 - e) Site Plan Control and Site Plan Agreements.
- 8.6.1.5 The City shall not grant final approval or municipal clearance for any *development* application until all financial, legal, technical, and environmental conditions of approval have been satisfied by the proponent, including the mandatory posting of physical public hearing notices on the subject lands in accordance with municipal procedures.
- 8.6.1.6 For major *development* proposals, specifically those requiring an Official Plan Amendment, a Zoning By-law Amendment, or a Plan of Subdivision, the City may require that pre-application community engagement be completed as part of a complete application. To be recognized by the City as a valid component of a complete application, any pre-application neighbourhood meetings or public information sessions must be authorized, scheduled, and coordinated directly with the City's Planning Department. The City will not recognize, accept, or credit independent, developer-hosted meetings held outside of this municipal framework as satisfying the complete application requirements of this Plan.
- 8.6.1.7 For any City-sanctioned pre-application public consultation meeting, the City will review and approve the notice prepared by the applicant. Further, the City will execute the mailing and circulation of public notices to the surrounding community. Proponents shall coordinate with the City to ensure that mail-outs happen via the City's corporate mailing channels, and the applicant shall bear all associated municipal notification and administrative costs.

- 8.6.1.8 Following a City-sanctioned pre-application meeting, the proponent shall submit a comprehensive summary report as a mandatory component of a complete application submission under the *Planning Act*. This report must be prepared to the satisfaction of the City and must include:
- a) A record of the City-approved meeting date, attendance, and copies of all informational materials distributed;
 - b) A clear summary of the comments, questions, and structural concerns raised by the public and local stakeholders; and,
 - c) A detailed planning statement outlining how the proposed *development* and/or site design was/were adjusted to directly address the community feedback received, or providing a clear rationale where changes were not made.

8.6.2 Supporting Studies

- 8.6.2.1 To adequately evaluate *development* applications under the *Planning Act*, the City requires comprehensive technical and planning information. The following core studies will be required to support a major application (such as an Official Plan Amendment, Zoning By-law Amendment, or Plan of Subdivision) under the *Planning Act*:
- a) Environmental Impact Study
 - b) Environmental Site Assessment
 - c) Functional Servicing Report
 - d) Geotechnical Report
 - e) Hydrogeological Report
 - f) Planning Justification Report
 - g) Transportation Impact Study
- 8.6.2.2 The City, at its discretion, may waive the need for a Core Study. In addition to the items listed above, the City may require any or all of the contingent studies identified in Appendix 2, depending on the subject site and particulars of the application.
- 8.6.2.3 The following policies are intended to guide the preparation of studies:
- a) All studies and plans must be prepared by qualified professionals (e.g., Registered Professional Planners, Professional Engineers, Certified Arborists, Licensed Archaeologists) with expertise relevant to the

- subject matter.
- b) Studies and plans shall comply with the applicable Terms of Reference, standards, and guidelines prepared by the City, the Region of Niagara, the *Conservation Authority* (NPCA), the Province of Ontario or the Federal government (as the case may be).
 - c) The City reserves the right to initiate a peer review of any report, study, or plan submitted in support of a *development* application. The peer review shall be coordinated by the City or appropriate agency, and all costs associated with the peer review shall be borne entirely by the applicant.
 - d) Information and reports shall be submitted in both digital and hardcopy formats, as specified by the City, to ensure they are readily available for public review and agency circulation.
 - e) In accordance with the complete application provisions of this Plan and the *Planning Act*, the City may require a standalone Housing Assessment, or an explicit affordability analysis within a Planning Justification Report, for any *development* application that contains a residential component. This assessment may be triggered to ensure compliance with Section 3.2.5.6 or any Council-adopted housing strategy, and may be waived by the Chief Planner for minor, low-density, or small-scale residential infill proposals.

8.7 Consultation and Engagement

- 8.7.1.1 Council recognizes the importance of public, stakeholder, and Indigenous consultation and engagement throughout the planning process. Per the *Planning Act*, these groups require sufficient opportunity to participate and provide feedback, which Port Colborne must balance with the need to process applications within the required provincial timelines.
- 8.7.1.2 A robust consultation and engagement program supports early conflict resolution in the planning process, serves as an opportunity to educate the public on planning matters, and fosters solid communication between Port Colborne and its residents.
- 8.7.1.3 The subsequent policies provide further detail about consultation with Indigenous communities and meeting the Duty to Consult, as well as public involvement in the planning process.

8.7.2 Indigenous Consultation and the Duty to Consult

- 8.7.2.1 Council specifically recognizes the need for targeted consultation and collaboration with Indigenous peoples. Port Colborne is located on the traditional territories of the Hatiwendaronk, the Haudenosaunee (including but not limited to Six Nations of the Grand River and the Haudenosaunee Confederacy Chiefs Council), and the Anishinaabe (including but not limited to the Mississaugas of the Credit First Nation), and also on Treaty 3 (the Between the Lakes Purchase) lands.
- 8.7.2.2 Port Colborne will consult and engage early with the First Nations who have traditional territory in this area, as identified above, when considering planning matters, planning applications, and when making planning decision that may affect these First Nations' rights and interests, which may include, but not be limited to: stewardship, water resources, and cultural heritage and archaeology.
- 8.7.2.3 In the spirit of reconciliation, Port Colborne will continue to work on its relationships with Indigenous communities, striving to form new relationships with communities prior to *development*, and gaining their consent before a project proceeds, as appropriate.
- 8.7.2.4 The City shall engage with Indigenous Communities to coordinate on land use planning matters, as identified in the Provincial Planning Statement.
- 8.7.2.5 The need for developers to give notice to local First Nations' consultation departments when a project may impact that community's rights and interests shall be clearly communicated to developers by Port Colborne.
- 8.7.2.6 When a site or archaeological resource of Indigenous interest is identified via an Archaeological Assessment, the community culturally affiliated with the site and/or resource shall be engaged. This will involve Port Colborne:
- a) Sharing relevant First Nation contact information with the proponent;
 - b) Requiring the proponent to engage First Nations and Indigenous communities at the earliest possible point in the process;
 - c) Requiring documentation that the proponent has worked with a licensed archaeologist to engage with First Nations and Indigenous communities in accordance with the Archaeological Management Plan (AMP); and

- d) Requiring documentation that a copy of the Archaeological Assessment report has been shared with relevant communities.

8.7.2.7 When *archaeological resources* are found, the proponent shall engage the community on whose territory the resource was found to confirm their interest in repatriating the archaeological resource. If the First Nation or Indigenous Community is not interested, interpretive and commemorative opportunities related to the resource should be explored, where preservation of the resource in its current location is not feasible.

8.7.2.8 Port Colborne shall follow the consultation protocols of the First Nation or Indigenous community where a project is located. The City will also work to develop its own set of protocols, in partnership with Indigenous communities, to highlight the specific scenarios in which consultation and engagement are warranted, and how they will be undertaken.

8.7.2.9 First Nations and Indigenous communities will be consulted and engaged on matters within municipal land use planning jurisdiction that may affect asserted or established treaty and Aboriginal rights.

8.7.3 Public Participation

8.7.3.1 All applications under the *Planning Act* shall adhere to the established statutory requirements for public consultation, public meetings, and notification procedures. Where warranted and deemed appropriate by Council, the City may exceed the *Planning Act's* public consultation requirements.

8.7.3.2 All consultation and engagement processes or procedures shall be made accessible, inclusive, and free of bias, in order to encourage all people to provide input and support public participation.

8.7.3.3 A variety of communication methods shall be used to reach the public and seek input on planning matters. These methods, to be selected based on what is most appropriate for a given application, may include, but are not limited to, mail, e-mail, public notice signs, surveys, open houses or public information centres, focus groups, information sessions, statutory public meetings, and/or Port Colborne website or social media posts.

- 8.7.3.4 Official Plan and/or by-law amendments, major *development* applications and other relevant studies or initiatives are to be made available to the public at least twenty (20) days prior to a meeting to provide sufficient opportunity to review proposed changes and submit comments.
- 8.7.3.5 No amendment shall be made to this Plan or the implementing Zoning By-law without at least one public meeting taking place.
- 8.7.3.6 An applicant may be required to prepare a public consultation strategy, where deemed necessary by Port Colborne when an application is considered to have a potentially significant impact.
- 8.7.3.7 Council may require an applicant to conduct engagement beyond the minimum requirements set out in the *Planning Act*, when deemed necessary due to the potentially complex or impactful nature of a proposed *development*. Additional engagement will be used as an opportunity to share additional details, such as technical studies, and assist with conflict resolution.
- 8.7.3.8 Amendments to this Plan or implementing Zoning By-law which do not impact the intent of this Plan nor require a formal amendment may proceed without public meeting or public notice.

8.8 Legal Non-Conforming Uses, Buildings and Structures

- 8.8.1.1 A land use, building, or structure that existed legally under a previous Zoning By-law but which does not conform to the implementing Zoning By-law is deemed to be legal non-conforming.
- 8.8.1.2 Legal non-conforming uses are allowed to continue, subject to the policies in this section, however it is the expectation of this Plan that non-conforming uses, buildings or structures shall eventually be replaced by uses, buildings or structures that conform with this Plan and its implementing Zoning By-law.
- 8.8.1.3 When a legal non-conforming use ceases to exist, the rights associate with the legal non-conforming use are terminated.
- 8.8.1.4 Legal non-conforming uses shall be allowed, including allowing for repair or replacement, provided that they remain in their current location, at their

current size, height, and volume, as-of-right, per the requirements of the Ontario Building Code.

- 8.8.1.5 There are instances where the enlargement or *redevelopment* of a non-conforming use may be permitted, as a means of avoid unnecessary hardship, pursuant to the *Planning Act*.
- 8.8.1.6 An application for the enlargement or extension of an existing non-conforming use may be permitted under Section 45(2) of the *Planning Act* provided that:
- a) the use existed legally prior to the establishment of the Zoning By-law under which it is now prohibited;
 - b) the use has been continuous in nature since its establishment; and,
 - c) the use is located on lands owned and used in connection with the use on the day the Zoning By-law was passed.
- 8.8.1.7 The following criteria shall be used to evaluate the appropriateness and impact of a proposed *development*:
- a) any proposed change would not exacerbate non-conformity of the use or aggravate the situation caused by the use's existence;
 - b) any proposed extension or enlargement would remain consistent with neighbouring scale and massing;
 - c) it will be evaluated and determined to not become a public nuisance with regard to noise, vibration, fumes, smoke, dust, odour, lighting, or traffic generation. No amendment shall be permitted if any nuisance factor is to be created or increased so as to substantially impact incompatibility with surrounding uses;
 - d) neighbouring conforming uses will be protected, where necessary, through provision of areas for landscaping, buffering, or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations to mitigate *adverse effects* caused by matters including outside storage, lighting, advertising signs, or additional aspects of the proposed *development*;
 - e) no adverse impact to traffic and parking conditions in the area will be caused by the proposal and traffic hazards will be kept to a minimum through appropriate design of site access points, as well as through improvements to sight lines near intersections;

- f) adequate provisions have been or will be made for off-street parking and loading facilities; and,
- g) municipal services such as storm water drainage, roads and private sewer and water services are or can be made adequate.

8.8.1.8 Any change to the location, size, height or volume of a legal non-conforming use, building or structure that does not follow the procedure outlined in the preceding policy shall void its legal non-conforming status.

9 DEFINITIONS AND ACRONYMS

Except for references to specific legislation which are italicized, other terms highlighted in *italics* throughout this Official Plan are explicitly defined within this chapter. For any non-italicized terms, the normal dictionary meaning of the word applies.

9.1 Acronyms

The following table serves as the primary administrative reference key for planning, *infrastructure*, and environmental acronyms utilized across the schedules and policies of this Plan:

Acronym	Full Form
ADU/ADUs	Additional Dwelling Units
AMP	Archaeological Management Plan
CEA	Controlled Environment Agriculture
CIP/CIPs	Community Improvement Plan(s)
COSEWIC	Committee on the Status of Wildlife in Canada
EA	Environmental Assessment
ESA	Environmental Site Assessment
FCM/RAC	Federation of Canadian Municipalities / Railway Association of Canada
GBE/GBEs	Government Business Enterprise(s)
GO	Government of Ontario Transit
GTHA	Greater Toronto and Hamilton Area
HCD	Heritage Conservation District
IPZ / IPZ-1 / IPZ-2	Intake Protection Zone(s)
NEF/NEP	Noise Exposure Forecast / Noise Exposure Projection
NOP	Niagara Official Plan
NPCA	Niagara Peninsula <i>Conservation Authority</i>
POPs	Privately-Owned Publicly Accessible Spaces
PPS	Provincial Planning Statement, 2024
R.S.O.	Revised Statutes of Ontario
RSC	Record of Site Condition

9.2 Definitions

Additional Dwelling Units / Accessory Dwelling Units

Self-contained residential units with kitchen and bathroom facilities located within a primary dwelling or within an accessory structure that is detached from the primary dwelling, as provided for in Subsection 16(3) of the *Planning Act, 1990*.

Adjacent lands

For the purposes of:

- a) policy 3.3.3 of the Provincial Planning Statement, 2024, those lands contiguous to existing or *planned corridors* and transportation facilities where *development* would have a *negative impact* on the corridor or facility. The extent of the adjacent lands may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives;
- b) policy 4.1.8 of the Provincial Planning Statement, 2024, those lands contiguous to a specific natural heritage feature or area where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) policies 4.4.2.2 and 4.5.2.5 of the Provincial Planning Statement, 2024, those lands contiguous to lands on the surface of known *petroleum resources*, *mineral deposits*, or *deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- d) policy 4.6.3 of the Provincial Planning Statement, 2024, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effects

As defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
 - b) injury or damage to property or plant or animal life;
 - c) harm or material discomfort to any person;

- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable

In the case of ownership housing, the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
- b) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality;

In the case of rental housing, the least expensive of:

- a) a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
- b) a unit for which the rent is at or below the average market rent of a unit in the municipality.

Agricultural uses

The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and *fish*; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

Agriculture-related uses

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

Air treatment control

The functional use of an industrial-grade, multi-stage carbon filtration system (or similar technology) designed by a qualified professional to reduce or treat pollen, dust, and odours expelled from a facility.

Alternative energy system

A system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources

Artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*.

Areas of archaeological potential

Areas with the likelihood to contain *archaeological resources*, as evaluated using the processes and criteria that are established under the *Ontario Heritage Act*.

Areas of natural and scientific interest

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

Buffer

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

Built heritage resource

A building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

Cannabis production facility

A facility or structure used for the cultivation, processing, packaging, and shipping of cannabis by a federally licensed producer, for either medical or recreational cannabis.

Climate change

Long-term changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability.

Coastal wetland

- a) Any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located two kilometres upstream of the 1:100-year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Community infrastructure

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

Compact built form

A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for *infrastructure*. Compact built form can include detached and semi-detached houses on small lots as well as townhouses, duplexes, triplexes and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads.

Complete communities

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

Conservation authority

Refers to the Niagara Peninsula Conservation Authority and/or Hamilton Conservation Authority.

Conserved

The identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative *development* approaches should be included in these plans and assessments.

Cultural heritage landscape

A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Defined portions of the flooding hazard along connecting channels

Areas that are critical to the conveyance of the flows associated with the *one-hundred-year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impact.

Deposits of mineral aggregate resources

An area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using provincial guidance for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available

Lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before *development* applications can be considered for approval, only lands that have

commenced the more detailed planning process are considered to be designated and available for the purposes of this definition.

Designated growth areas

Lands within *Settlement Areas* designated for growth or lands added to *Settlement Areas* that have not yet been fully developed. Designated growth areas include lands which are *designated and available* for residential growth in accordance with policy 2.1.4.a) of the Provincial Planning Statement, 2024, as well as lands required for employment and other uses.

Development

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

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process or identified in provincial standards; or
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 4.1.4.a) of the Provincial Planning Statement, 2024, underground or surface mining of *minerals* or advanced exploration on mining lands in *significant* areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 4.1.5.a) of the Provincial Planning Statement, 2024.

Dynamic beach hazard

Areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and *large inland lakes*, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Ecological function

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

Employment Area

Those areas designated in an official plan for clusters of business and economic activities including manufacturing, advanced manufacturing, clean-technology ecosystems, *Controlled Environment Agriculture (CEA)*, research and development in

connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An *Employment Area* also includes areas of land described by subsection 1(1.1) of the *Planning Act*. Uses that are excluded from *Employment Areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

Endangered species

A species that is classified as “Endangered” on the Protected Species in Ontario List under the *Species Conservation Act, 2025*, as updated and amended from time to time.

Erosion hazard

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one-hundred-year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Established Neighbourhoods

Residential areas located within the City’s delineated Built Boundary that are characterized by an existing, mature urban fabric, prevailing historical lot patterns, established streetscapes, and a distinct built-form character.

Excess soil

Soil, or soil mixed with rock that has been excavated as part of a project and removed from the project area for the project as defined under O.Reg. 406/19 under the *Environmental Protection Act*.

Fish

As defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat

As defined in the *Fisheries Act*, means water frequented by *fish* and any other areas on which *fish* depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

Flood plain

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

Green infrastructure

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

Groundwater feature

Water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat

As within the meaning of subsection (2) of the *Species Conservation Act, 2025*.

Habitat of endangered species and threatened species

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

Hazardous forest types for wildland fire

Forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

Hazardous substances

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Higher order transit

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways, elevated or surface rail, and commuter rail), light rail, and buses in dedicated rights-of-way.

Housing options

A range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, multi-tenant houses and multi-residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, additional needs housing, multigenerational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or *institutional uses*, such as long-term care homes.

Hydrologic function

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

Individual on-site sewage services

Sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure

Includes sewage and water systems, septage treatment systems, stormwater management systems, *waste management systems*, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, active *transportation systems*, oil and gas pipelines and associated facilities.

Intensification

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

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- a) *redevelopment*, including the reuse of brownfield sites and underutilized shopping malls and plazas;
- b) the *development* of vacant and/or underutilized lots within previously developed areas;
- c) *infill development*; and
- d) the expansion or conversion of existing buildings.

Institutional use

Include uses such as government buildings, hospital, schools, churches, cemetery uses.

Large inland lakes

Those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Low and moderate income households

means:

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the municipality; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.

Low impact development

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. *Low impact development* can include, for example: bioswales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

Major facilities

Facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation *infrastructure* and corridors, rail facilities, *marine facilities*, sewage treatment facilities, *waste management systems*, oil

and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors

Transportation facilities, corridors and networks associated with the inter- and intraprovincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are freight-supportive may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

Major trip generators

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., urban growth centres and other downtowns, major office and office parks, major retail / major commercial, *Employment Areas*, community hubs, large parks and recreational destinations, post-secondary institutions and other *public service facilities*, and other mixed-use areas).

Marine facilities

Ferries, harbours, ports, ferry terminals, canals, Marine Electrification Infrastructure, and associated uses, including designated lands for future *marine facilities*.

Mine hazard

Any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals

Metallic minerals and nonmetallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g., copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g., graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Critical minerals are a subset of raw materials that have specific industrial, technological or strategic applications for which there are a few viable substitutes.

Mineral aggregate operation

- Lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral deposits

Areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation

Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae

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

Multimodal

Relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, *higher order transit*, rail (such as freight), trucks, air, and marine.

Municipal sewage services

A sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services

A municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*.

Normal farm practices

A practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Natural heritage features and areas

Features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system

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

Negative impacts

In regard to:

- a) Policies 3.6.4 and 3.6.5 of the Provincial Planning Statement, 2024, potential risks to human health and safety and degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive groundwater features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) *Fish habitat*, any harmful alteration, disruption or destruction of *fish habitat*, except where an exemption to the prohibition has been authorized under the *Fisheries Act*;
- c) Other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.
- d) Policy 4.2 of the Provincial Planning Statement, 2024, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive groundwater features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities; and
- e) Policy 3.3.3 of the Provincial Planning Statement, 2024, any *development* or *site alteration* that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

New Neighbourhoods

Residential areas located primarily within *Designated Growth Areas* (greenfields) or large-scale, comprehensive *redevelopment* sites, where new subdivision *infrastructure*, public roads, and open space networks are required to establish a new community structure.

Oil, gas and salt hazards

Any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

One-hundred-year flood level

- a) For the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups,

- which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one-hundred-year flood level is based on the highest known water level and wind setups.

On-farm diversified uses

Uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

Other water-related hazards

Water-associated phenomena other than flooding hazards and wave effects which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services

- a) Municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) municipal water services or private communal water services combined with individual onsite sewage services.

Petroleum resources

Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas, other hydrocarbons, or compressed air energy storage.

Petroleum resource operations

Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas, other hydrocarbons, and compressed air energy storage.

Planned corridors

Corridors or future corridors which are required to meet projected needs, and are identified through provincial transportation plans, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy and Electrification, Ontario Northland, Ministry of Northern Development or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing, or has completed, the identification of a corridor. Approaches for the identification and protection of planned corridors may be recommended in guidelines developed by the Province.

Prime agricultural area

Areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

Prime agricultural land

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

Private communal sewage services

A sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services

A nonmunicipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected heritage property

Property designated under Part IV or VI of the *Ontario Heritage Act*; property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*; property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the

Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites.

Provincial and federal requirements

- a) in regard to policy 4.1.6 of the Provincial Planning Statement, 2024, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b) in regard to policy 4.1.7 of the Provincial Planning Statement, 2024, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their *habitat*.

Public service facilities

Land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services. Public service facilities do not include *infrastructure*.

Quality and quantity of water

Measured by indicators associated with *hydrologic function* such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime. Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Redevelopment

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

Renewable energy system

A system that generates electricity, heat and/or cooling from a renewable energy source.

Reserve sewage system capacity

Design or planned capacity in a wastewater treatment facility, within *municipal sewage services* or *private communal sewage services*, which is not yet committed to existing or approved *development*. For lot creation using *private communal sewage services* and *individual on-site sewage services*, reserve sewage system capacity includes approved capacity to treat and land apply, treat and dispose of, or dispose of, hauled sewage in accordance with applicable legislation but not by land-applying untreated, hauled sewage. Treatment of hauled sewage can include, for example, a sewage treatment plant, anaerobic digestion, composting or other waste processing.

Rural areas

A system of lands within municipalities that may include rural *Settlement Areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and resource areas.

Rural lands

Lands which are located outside *Settlement Areas*, and which are outside *prime agricultural areas*.

Sensitive

In regard to *surface water features* and *groundwater features*, means features that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. Sensitive land uses may be a part of the natural or built environment. Examples may include but are not limited to residences, day care centres, and educational and health facilities.

Settlement areas

Urban areas and rural Settlement Areas within municipalities (such as cities, towns, villages and Rural Settlement Areas). Ontario's Settlement Areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of *infrastructure* available. Settlement Areas are:

- a) Built-Up Areas where *development* is concentrated and which have a mix of land uses; and

- b) lands which have been designated in an official plan for *development* over the long term.

Significant

- a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;
- b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;
- c) in regard to other features and areas in policy 4.1 of the Provincial Planning Statement, 2024, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*; and
- d) in regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in section c) - d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. For the purposes of policy 4.1.4.a) of the Provincial Planning Statement, 2024, site alteration does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant* areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 4.1.5.a) of the Provincial Planning Statement, 2024.

Strategic growth areas

Within *Settlement Areas*, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating *intensification* and higher density mixed uses in a more *compact built form*. Strategic growth areas include major transit station areas, existing and emerging downtowns, lands in close proximity to publicly-assisted postsecondary institutions and other areas where growth or *development* will be focused, that may include infill, *redevelopment* (e.g., underutilized shopping malls and plazas), brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or *higher order transit* corridors may also be identified as strategic growth areas.

Surface water feature

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

Threatened species

A species that is classified as “Threatened Species” on the Protected Species in Ontario List under the *Species Conservation Act, 2025*, as updated and amended from time to time.

Transit-supportive

In regard to land use patterns, means *development* that makes transit viable, optimizes investments in transit *infrastructure*, and improves the quality of the experience of using transit. It often refers to compact, mixed-use *development* that has a high level of employment and residential densities, including air rights *development*, in proximity to transit stations, corridors and associated elements within the *transportation system*. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation system

A system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-

modal facilities, harbours, airports, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Waste disposal sites

The application of untreated septage, the storage, treatment, and discharge of tailings from mines and waste disposal sites as defined under Part V of the *Ontario Environmental Protection Act, 1990* with respect to Source Water Protection.

Watershed planning

Planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, including the *quality and quantity of water*, within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning evaluates and considers the impacts of a changing climate on *water resource systems* and is undertaken at many scales. It may inform the identification of *water resource systems*.

Water resource systems

A system consisting of *groundwater features* and areas, *surface water features* (including shoreline areas), *natural heritage features and areas*, and *hydrologic functions*, which are necessary for the ecological and hydrological integrity of the watershed.

Wayside pits and quarries

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife habitat

Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife *habitats* of concern may include areas where species concentrate at a *vulnerable* point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Wildland fire assessment and mitigation standards

The combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, *infrastructure* and property from wildland fire.

Woodlands

Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of *wildlife habitat*, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest."

Valleylands

A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

View Corridor Study / Visual Impact Assessment

A multi-discipline technical and graphic analysis prepared by a qualified professional (such as a licensed architect or urban designer) that evaluates the impact of a proposed building's height, mass, and volume on public sightlines. The study uses lines of sight, angular planes, and photographic or digital simulations to verify that a *development* preserves key geographic views, cultural landscapes, and vistas of significant landmarks or waterways from the public realm.

Vulnerable

A surface and/or groundwater that can be easily changed or impacted.

Waste management system

Sites and facilities to accommodate waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

10 SCHEDULES AND MAPS

10.1 Schedules

Schedule A-1: Municipal Structure

Schedule A-2: Strategic Growth Areas and Intensification Areas

Schedule A-3: Land Use Designations

Schedule A-4: Site-Specific Policies

Schedule A-5: Site-Specific Policy Areas

Schedule B-1: Transportation and Corridors

Schedule B-2: Infrastructure

Schedule C-1: Natural Heritage System

Schedule C-2: Water Resources

Schedule C-3: Intake Protection Zones

Schedule C-4: Natural and Human Made Hazards

Schedule C-5: Mineral Aggregate Resource Areas

Schedule C-6: Petroleum Resources

10.2 Maps

Map 1: Archaeological Potential

Map 2: Prime Agricultural Lands

Map 3: Natural Heritage Features

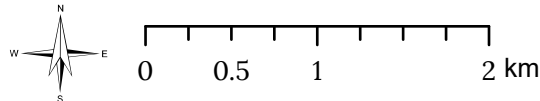
OFFICIAL PLAN

SCHEDULE A-1 Municipal Structure

LEGEND

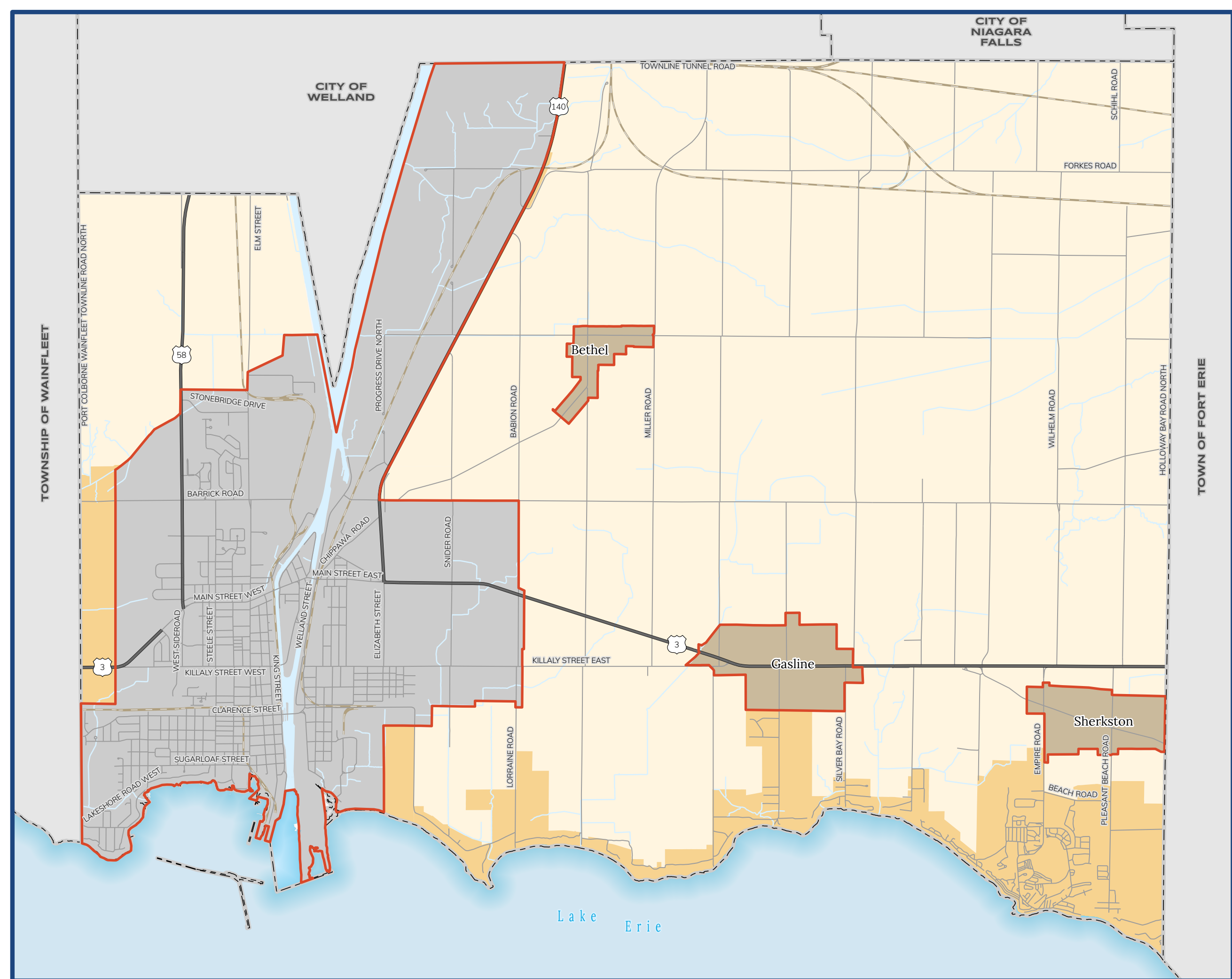
- Agricultural Area
- Rural Area
- Municipal Boundary
- SETTLEMENT AREAS
 - Urban Settlement Area
 - Rural Settlement Area
- BASE MAP FEATURES
 - Highway
 - Road
 - Railway
 - Watercourse
 - Waterbody

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Growth Framework

- Designated Growth Areas - Community Area
- Designated Growth Areas - Employment Area
- Strategic Growth Areas
- Built Up Area
- Municipal Boundary

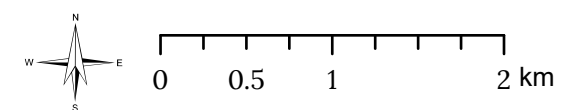
SETTLEMENT AREAS

- Urban Settlement Area
- Rural Settlement Area

BASE MAP FEATURES

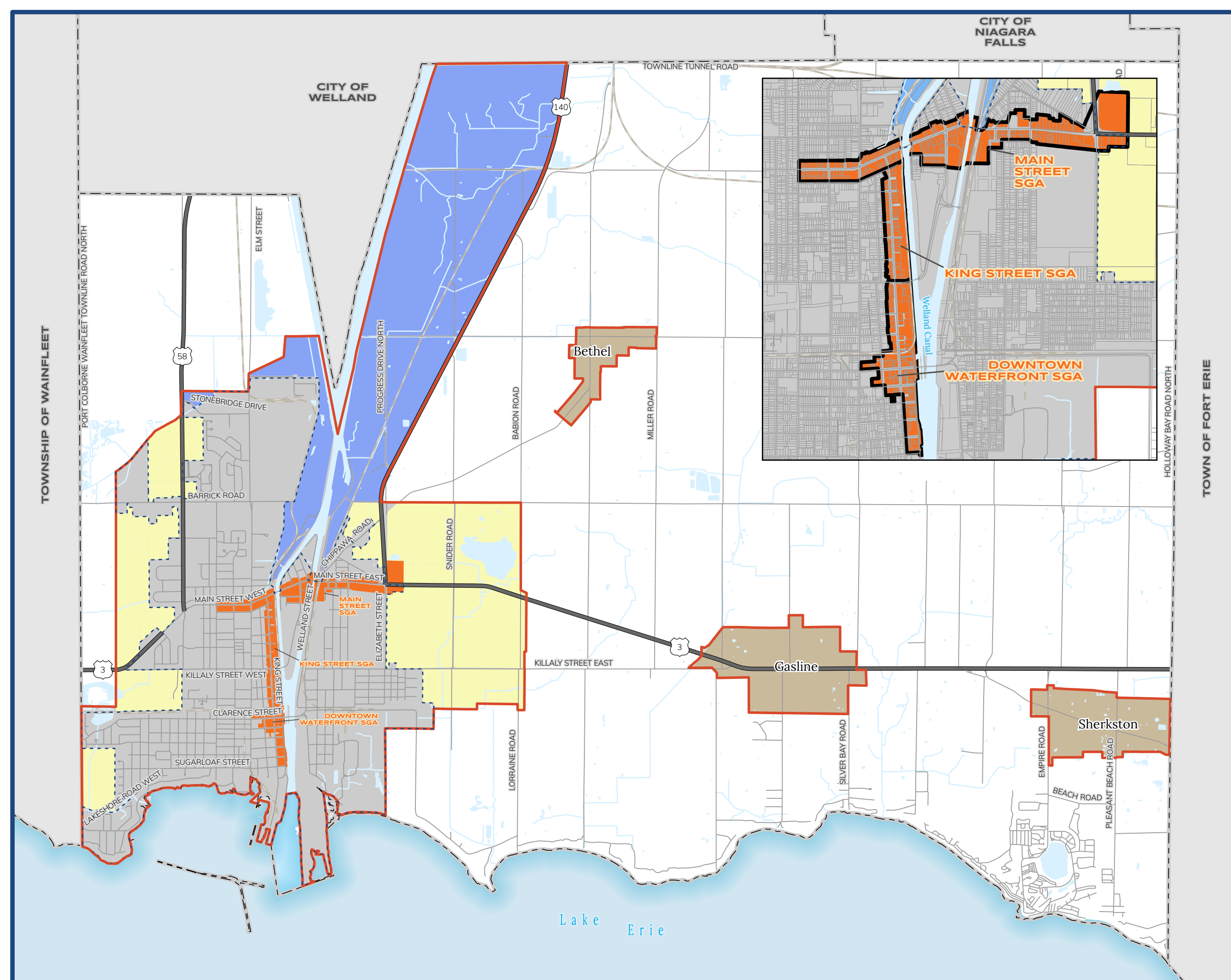
- Highway
- Road
- Railway
- Watercourse
- Waterbody

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SCHEDULE A-3

Land Use

LEGEND

LAND USE DESIGNATION

- Rural
- Agriculture
- Residential Neighbourhoods
- Commercial Area
- Mixed Use Area
- Employment Area
- Open Space
- Natural Heritage System
- Site Specific Policy Area

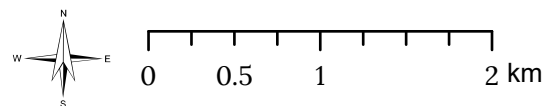
SETTLEMENT AREAS

- Urban Settlement Area
- Rural Settlement Area

BASE MAP FEATURES

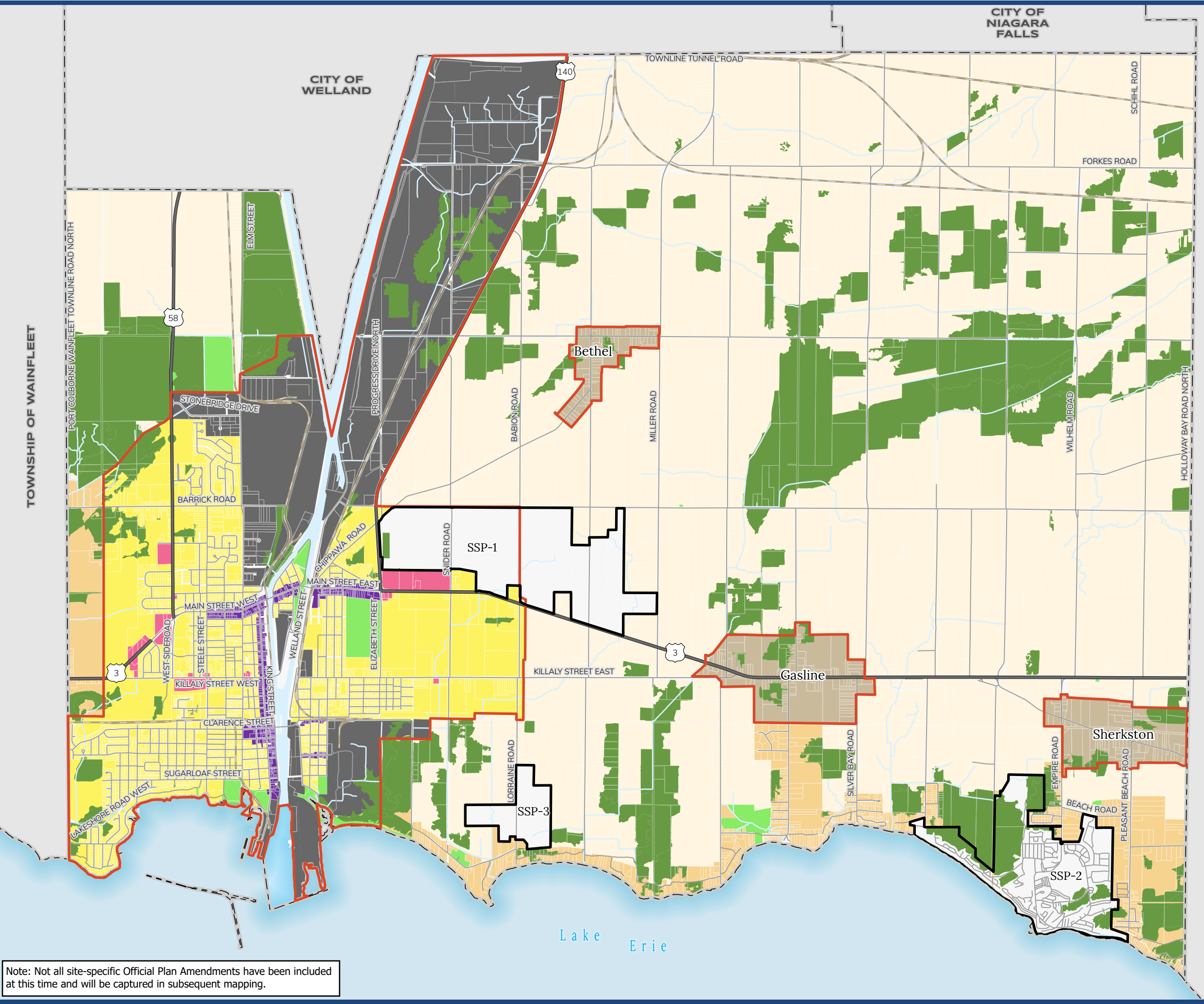
- Highway
- Road
- Railway
- Watercourse
- Waterbody
- Municipal Boundary

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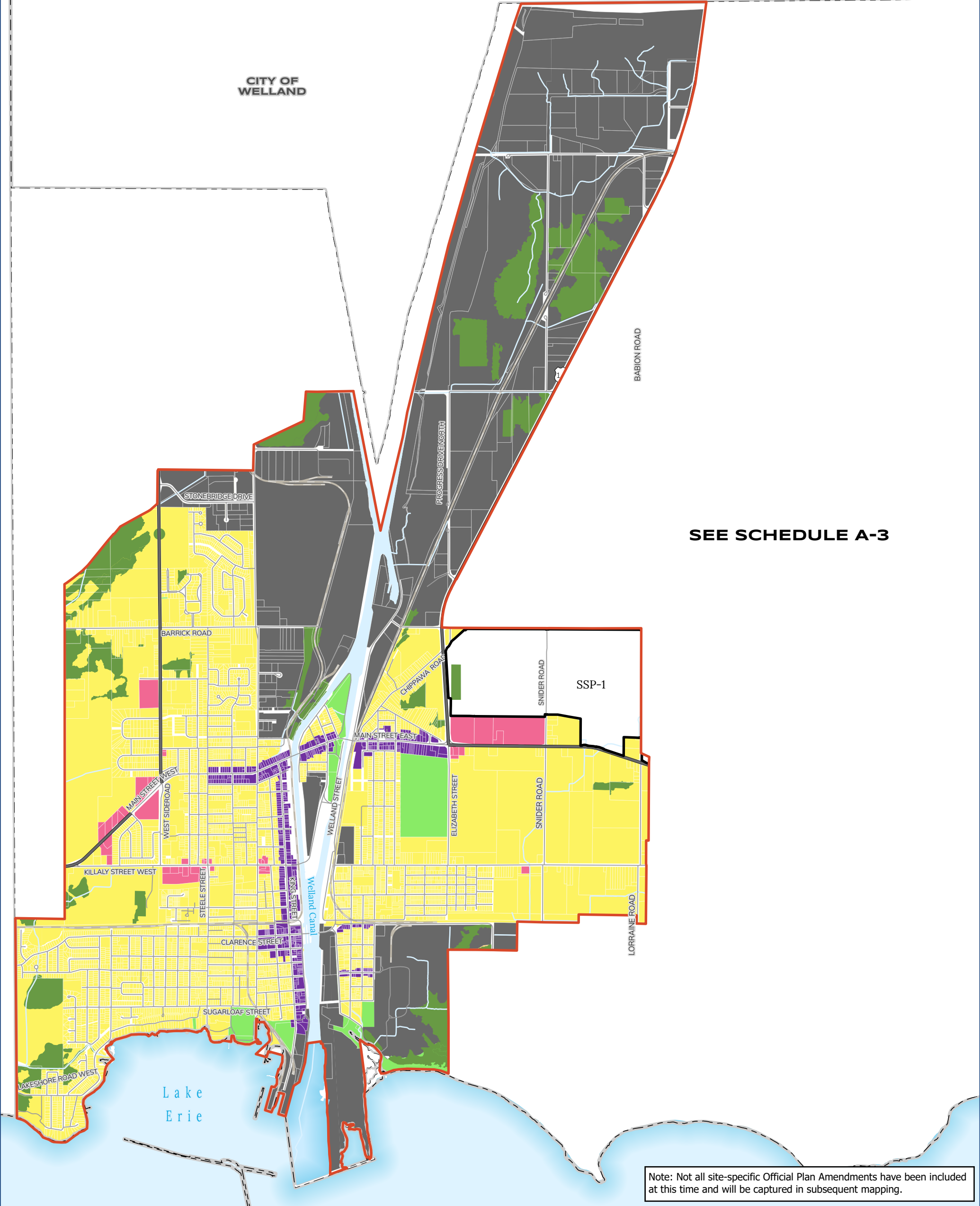


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Note: Not all site-specific Official Plan Amendments have been included at this time and will be captured in subsequent mapping.



SEE SCHEDULE A-3

CITY OF PORT COLBORNE

OFFICIAL PLAN

SCHEDULE A-4

Land Use - Urban Settlement

LEGEND

- LAND USE DESIGNATION

 - Rural
 - Agriculture
 - Residential Neighbourhoods
 - Commercial Area
 - Mixed Use Area
 - Employment Area
 - Open Space
 - Natural Heritage System
- SETTLEMENT AREAS

 - Site Specific Policy Area
 - Urban Settlement Area

BASE MAP FEATURES

 - Highway
 - Road
 - Railway
 - Watercourse
 - Waterbody
 - Municipal Boundary

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SCHEDULE B-1

Transportation

LEGEND

ROAD CLASSIFICATION

- Provincial Highway
- Regional Arterial
- Arterial
- Collector
- Collector Commercial or Industrial
- Local

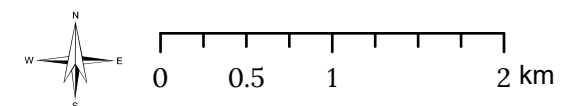
SETTLEMENT AREAS

- Urban Settlement Area
- Rural Settlement Area

BASE MAP FEATURES

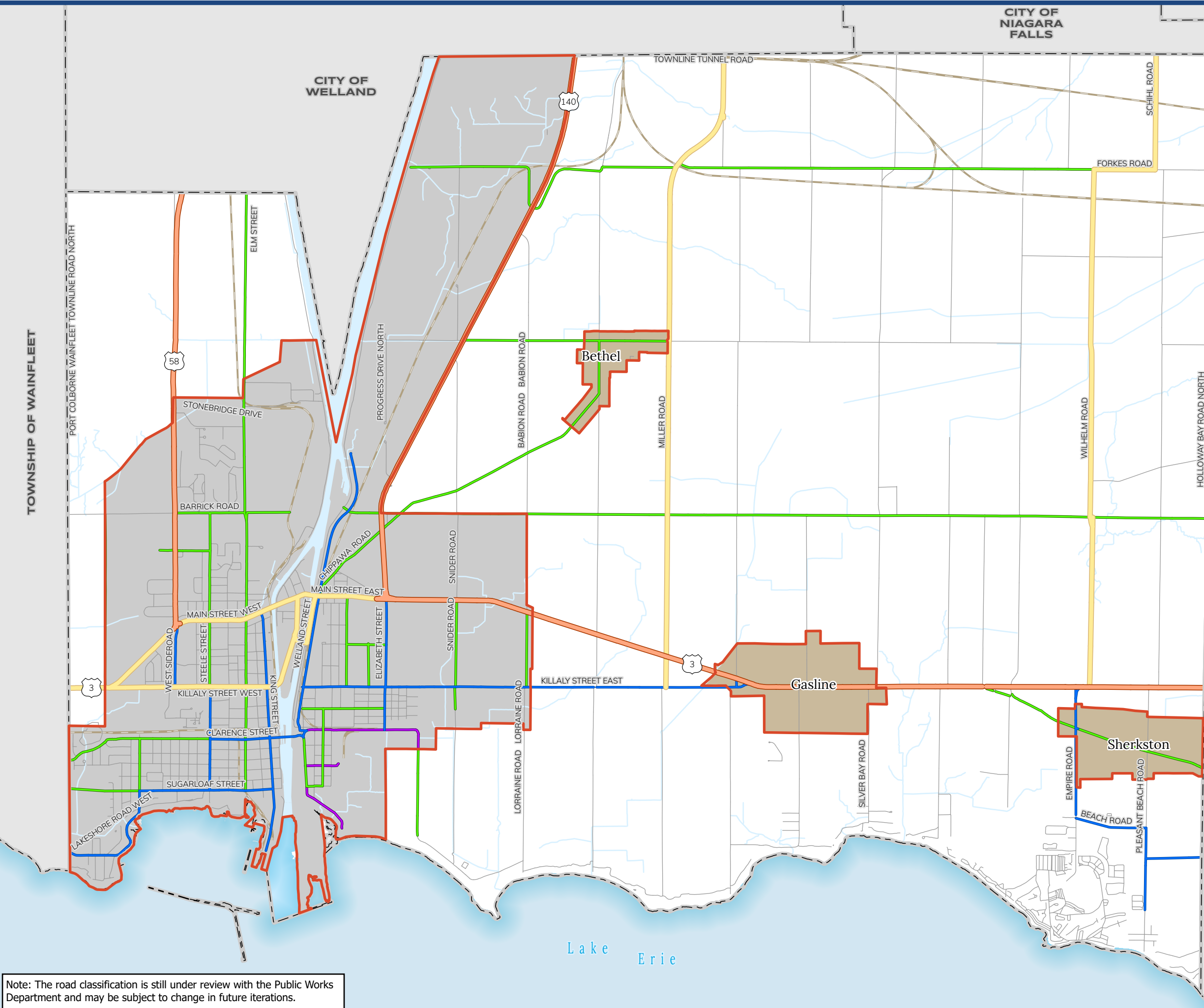
- Railway
- Watercourse
- Waterbody
- Municipal Boundary

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Note: The road classification is still under review with the Public Works Department and may be subject to change in future iterations.

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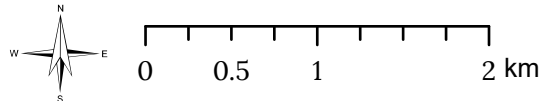
SCHEDULE B-2

Active Transportation

LEGEND

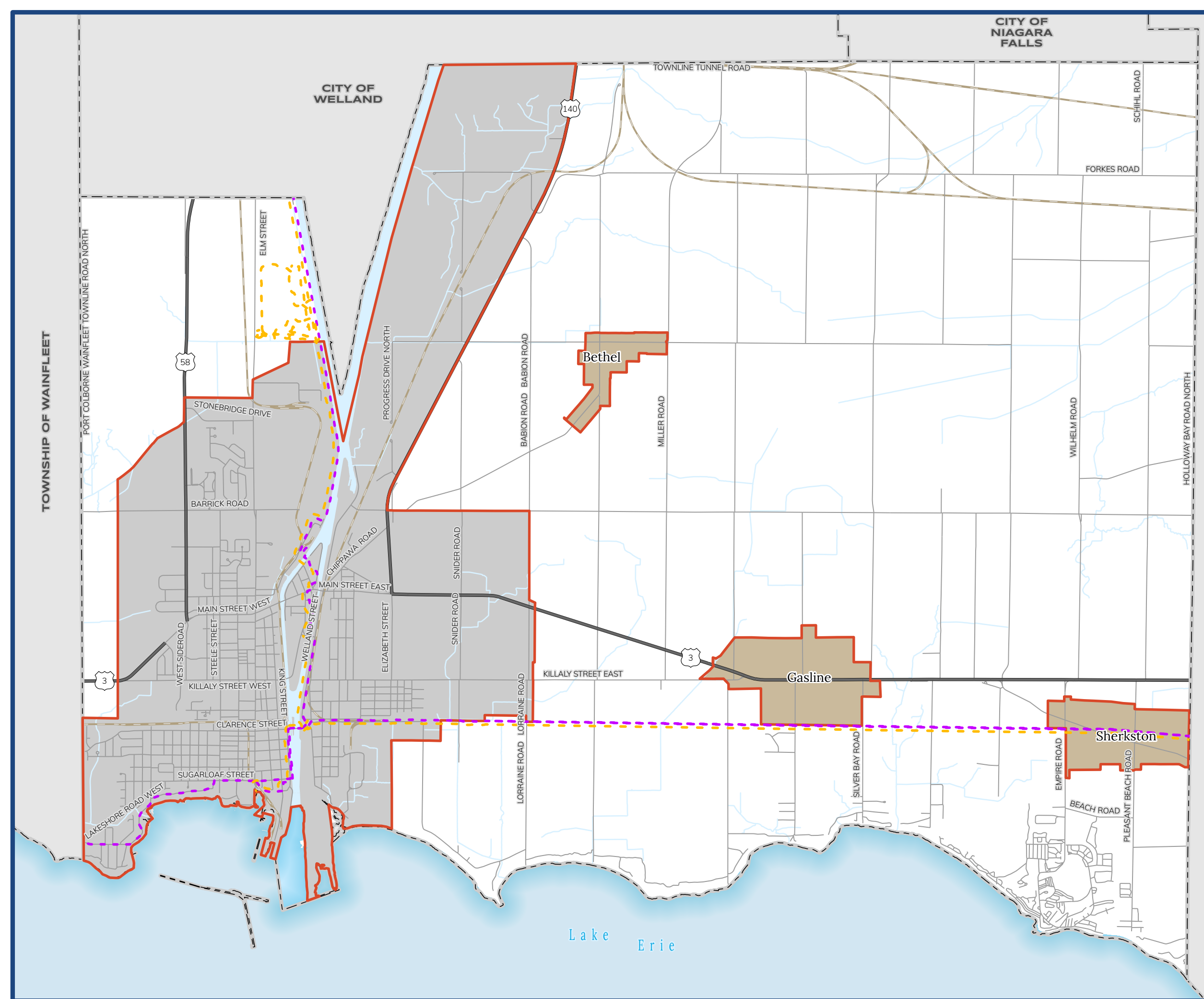
-  Cycling Network
-  Trails
-  Municipal Boundary
- SETTLEMENT AREAS
 -  Urban Settlement Area
 -  Rural Settlement Area
- BASE MAP FEATURES
 -  Highway
 -  Road
 -  Railway
 -  Watercourse
 -  Waterbody

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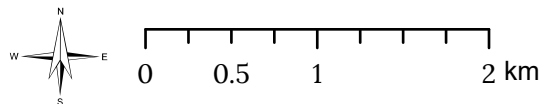
OFFICIAL PLAN

SCHEDULE C-1 Natural Heritage System

LEGEND

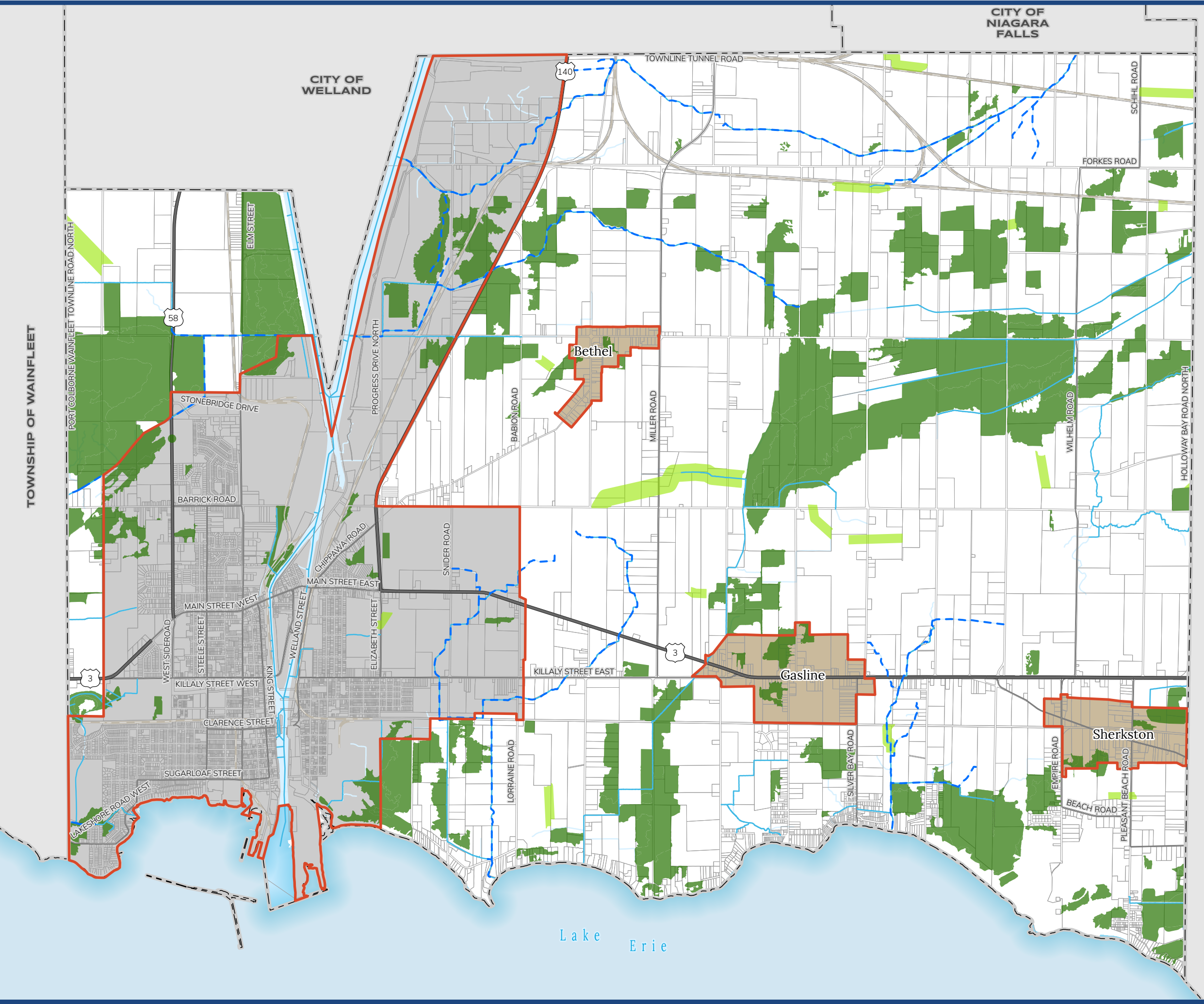
- Permanent and Intermittent Watercourse
- Fish Habitat
- Natural Heritage System
- Linkages
- Municipal Boundary
- SETTLEMENT AREAS
 - Urban Settlement Area
 - Rural Settlement Area
- BASE MAP FEATURES
 - Highway
 - Road
 - Railway
 - Waterbody

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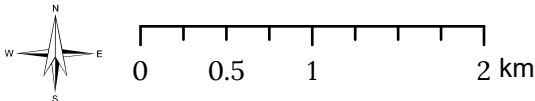
OFFICIAL PLAN

SCHEDULE C-2
Water Resource System

LEGEND

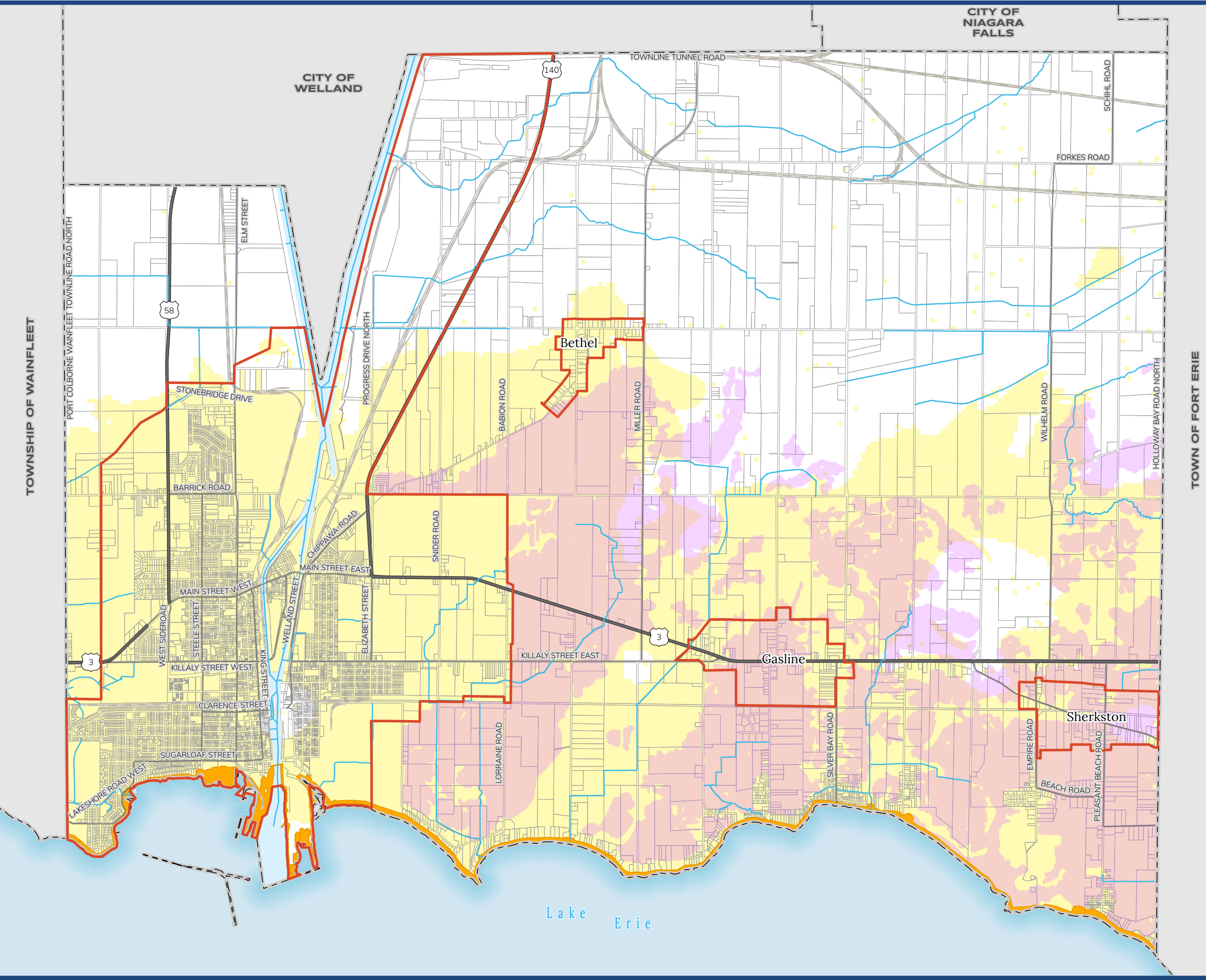
- Permanent and Intermittent Watercourse
- Significant Groundwater Recharge Areas
- Conservation Authority Regulated Shoreline
- Highly Vulnerable Aquifers
- Municipal Boundary
- SETTLEMENT AREAS
 - Urban / Rural Settlement Area
- BASE MAP FEATURES
 - Highway
 - Road
 - Railway
 - Waterbody

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SCHEDULE C-3

Intake Protection Zones

LEGEND

INTAKE PROTECTION ZONES

IPZ-1

IPZ-2

SETTLEMENT AREAS

Urban Settlement Area

BASE MAP FEATURES

Highway

Road

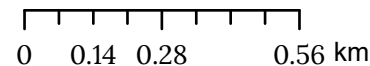
Railway

Watercourse

Waterbody

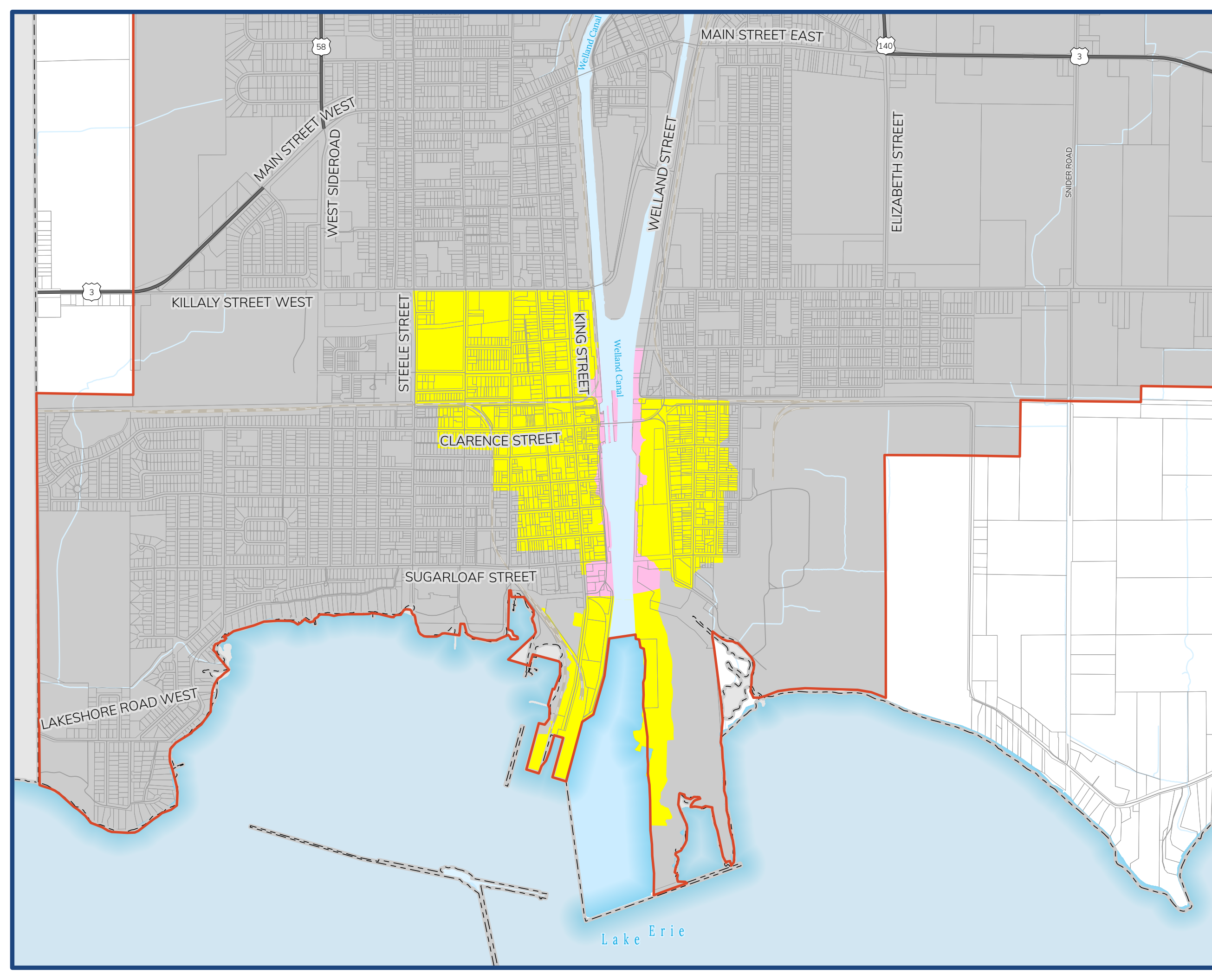
Municipal Boundary

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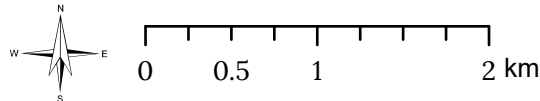
OFFICIAL PLAN

SCHEDULE C-4 Natural and Human-Made Hazards

LEGEND

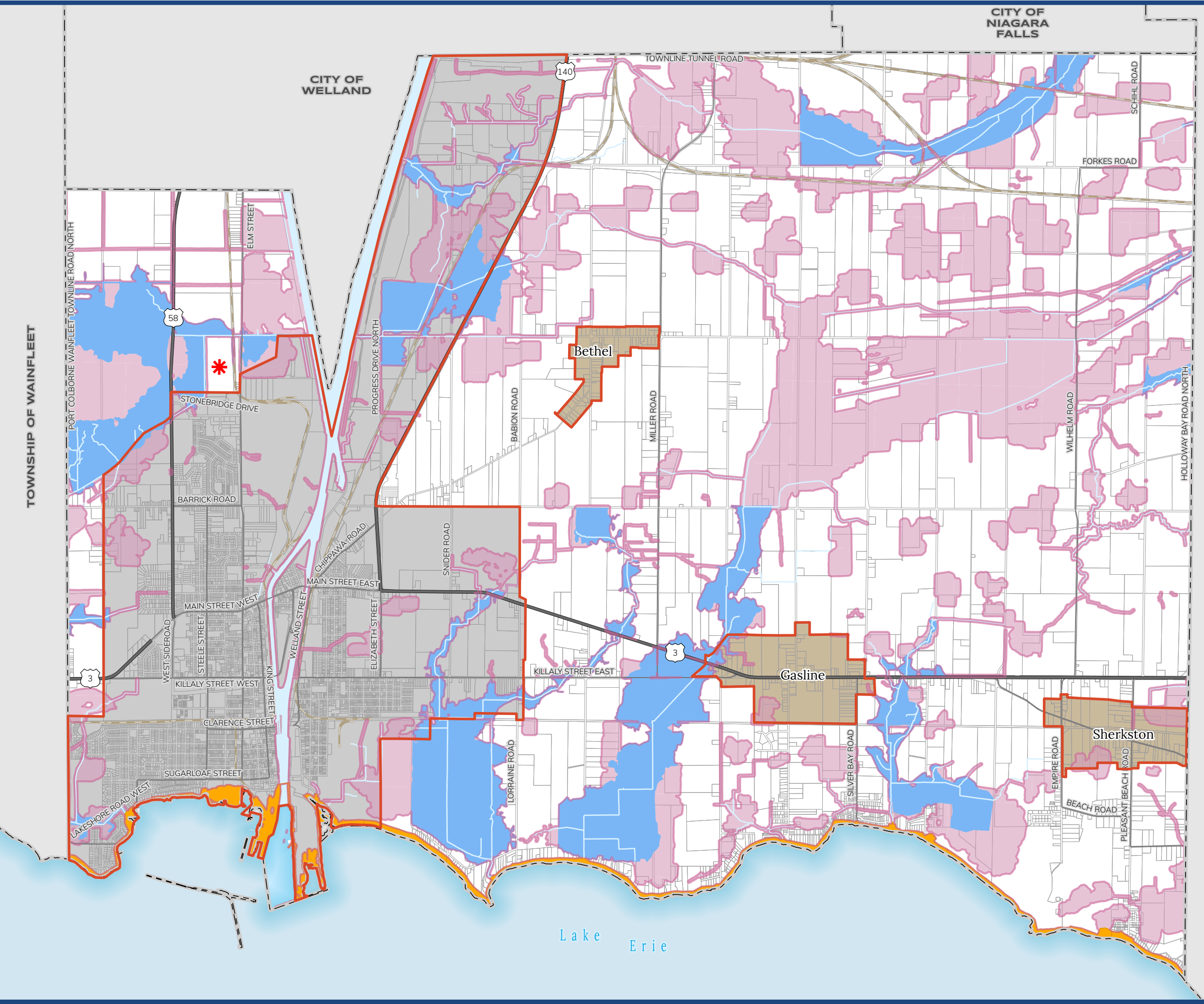
-  Former Waste Management Facility
-  Conservation Authority Regulated Lands
-  Conservation Authority Regulated Shoreline
-  Conservation Authority Regulated Floodplain
-  Municipal Boundary
- SETTLEMENT AREAS
 -  Urban Settlement Area
 -  Rural Settlement Area
- BASE MAP FEATURES
 -  Highway
 -  Road
 -  Railway
 -  Watercourse
 -  Waterbody

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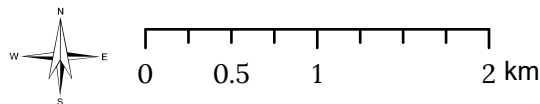
OFFICIAL PLAN

SCHEDULE C-5 Mineral Aggregate Resource Areas

LEGEND

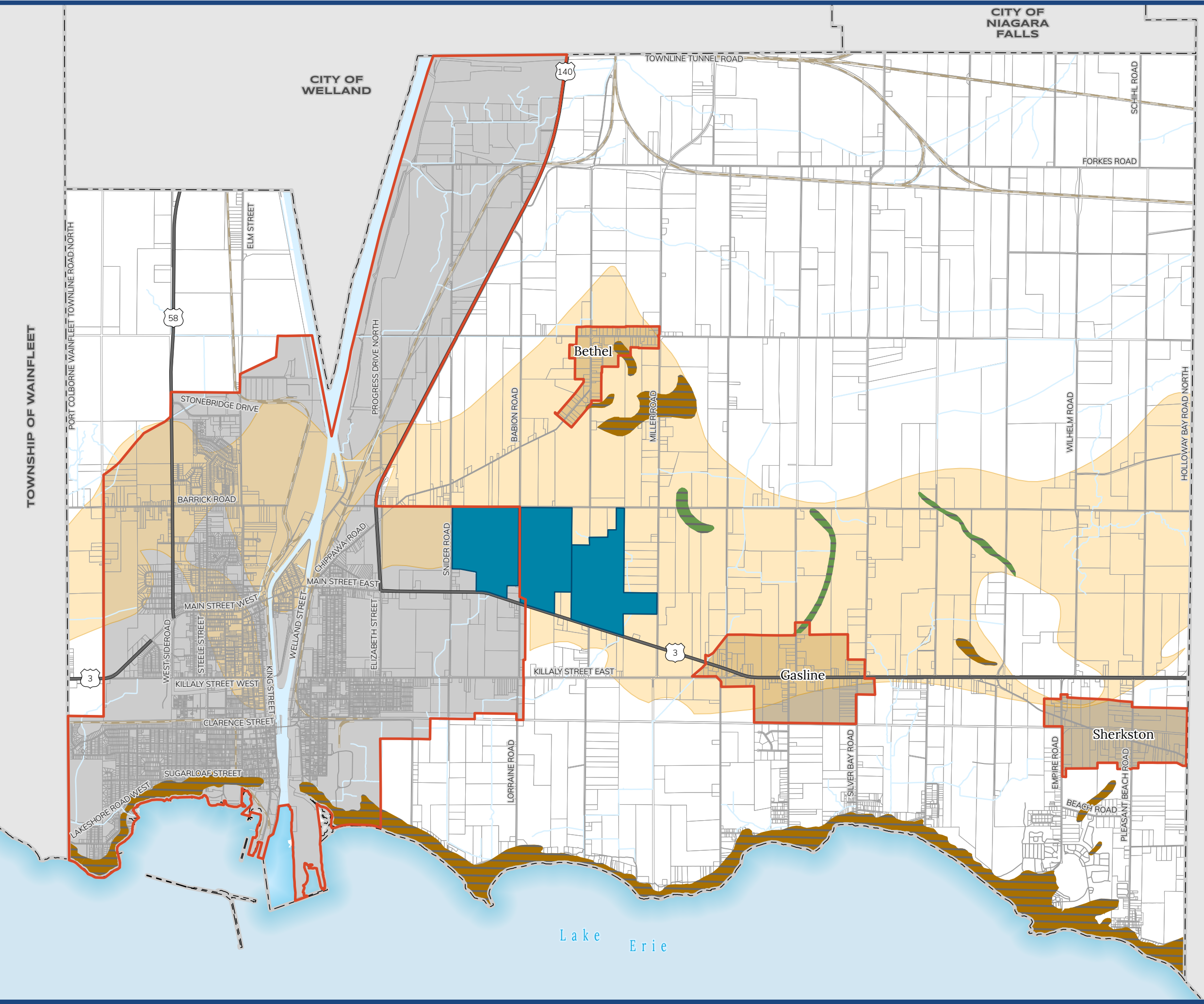
- Licensed Active Aggregate Operations
- Stone Resource
- SAND AND GRAVEL - SIGNIFICANCE
 - Secondary
 - Tertiary
- SETTLEMENT AREAS
 - Urban Settlement Area
 - Rural Settlement Area
- BASE MAP FEATURES
 - Highway
 - Road
 - Railway
 - Watercourse
 - Waterbody
 - Municipal Boundary

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OFFICIAL PLAN

SCHEDULE C-6 Petroleum Resources

LEGEND

 Active Petroleum Well

 Natural Gas Storage

 Natural Gas Pool

 Municipal Boundary

SETTLEMENT AREAS

 Urban / Rural Settlement Area

BASE MAP FEATURES

 Highway

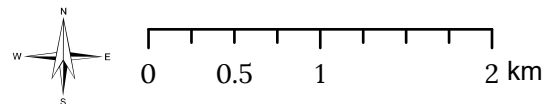
 Road

 Railway

 Watercourse

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TOWN OF FORT ERIE

CITY OF
NIAGARA
FALLS

CITY OF
WELLAND

Lake
Erie

Bethel

Gasline

Sherkston

KILLALY STREET EAST

FORKES ROAD

SCHILL ROAD

WILHELM ROAD

HOLLOWAY BAY ROAD NORTH

TOWNLINE TUNNEL ROAD

BABION ROAD - BABION ROAD

MILLER ROAD

PROGRESS DRIVE NORTH

SNIDER ROAD

MAIN STREET EAST

CHIPPAWA ROAD

BARRICK ROAD

STONEBRIDGE DRIVE

ELM STREET

PORT COLBORNE WAINFLEET TOWNLINE ROAD NORTH

WEST SIDEROAD

STEELE STREET

MAIN STREET WEST

KILLALY STREET WEST

CLARENCE STREET

SUGARLOAF STREET

LAKESHORE ROAD WEST

WELLAND STREET

ELIZABETH STREET

SNIDER ROAD

LORRAINE ROAD

SILVER BAY ROAD

EMPIRE ROAD

BEACH ROAD

PLEASANT BEACH ROAD

WILHELM ROAD

HOLLOWAY BAY ROAD NORTH

FORKES ROAD

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CLARENCE STREET

SUGARLOAF STREET

LAKESHORE ROAD WEST

OFFICIAL PLAN

MAP 1

Archaeological Potential

LEGEND

 Areas of Archaeological Potential

 Municipal Boundary

SETTLEMENT AREAS

 Urban / Rural Settlement Area

BASE MAP FEATURES

 Highway

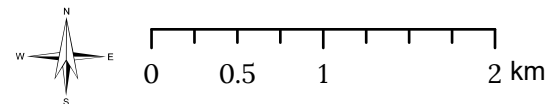
 Road

 Railway

 Watercourse

 Waterbody

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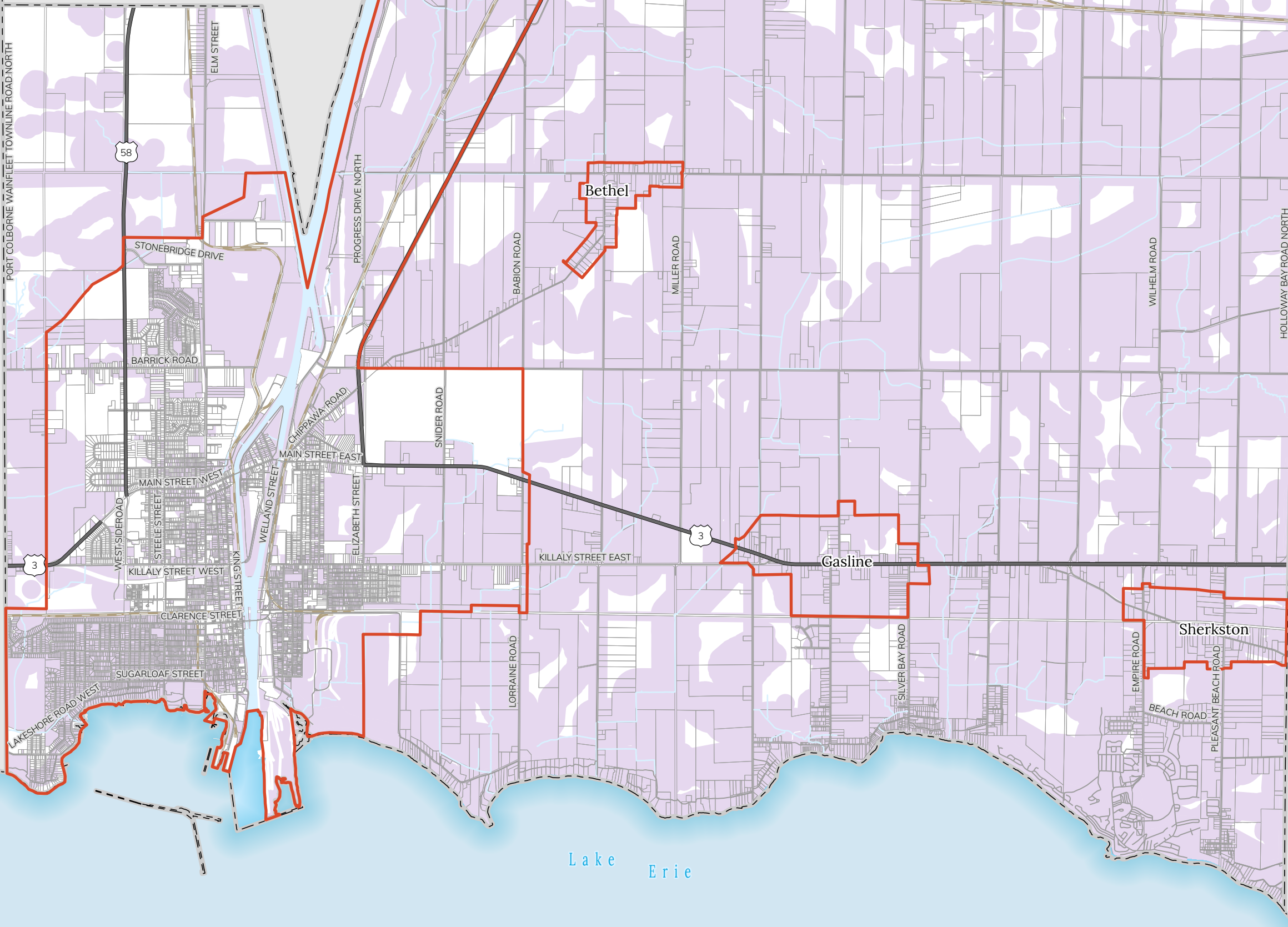
TOWNSHIP OF WAINFLEET

TOWN OF FORT ERIE

CITY OF
NIAGARA
FALLS

CITY OF
WELLAND

Lake
Erie



OFFICIAL PLAN

MAP 2

Prime Agricultural Areas

LEGEND

 Prime Agricultural Area

 Municipal Boundary

SETTLEMENT AREAS

 Urban Settlement Area

 Rural Settlement Area

 Rural Land

BASE MAP FEATURES

 Highway

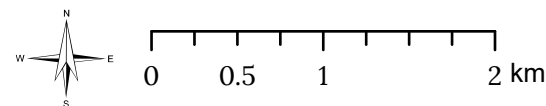
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SCHILL ROAD

FORKES ROAD

HOLLOWAY BAY ROAD NORTH

WILHELM ROAD

140

58

3

3

STONEBRIDGE DRIVE

BARRICK ROAD

MAIN STREET WEST

KILLALY STREET WEST

CLARENCE STREET

SUGARLOAF STREET

WEST SIDEROAD

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PROGRESS DRIVE NORTH

PORT COLBORNE WAINFLEET TOWNLINE ROAD NORTH

EDM STREET

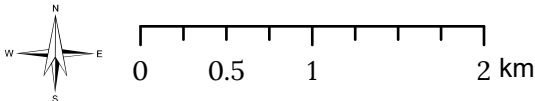
OFFICIAL PLAN

MAP 3 Natural Heritage System Features

LEGEND

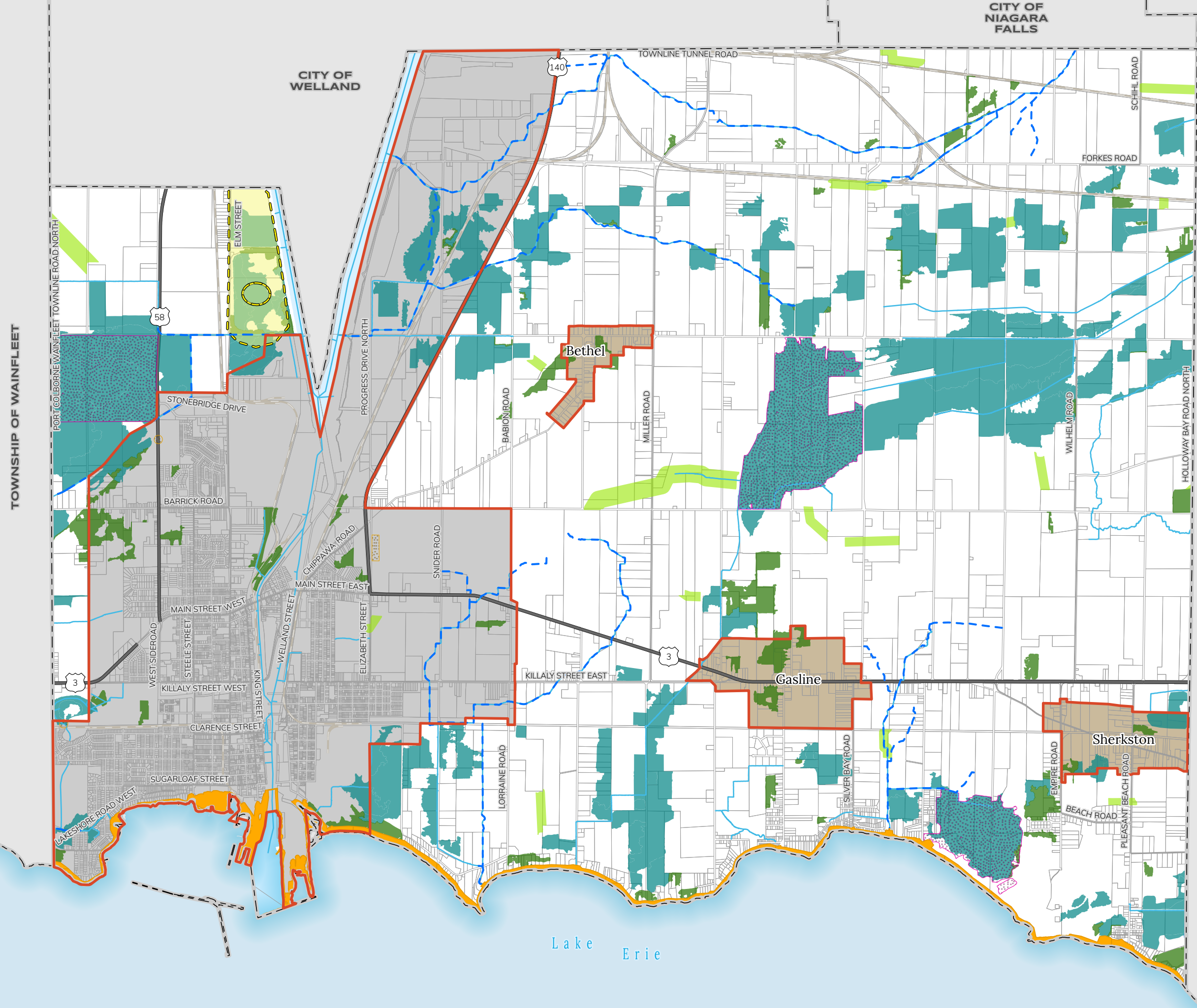
- Permanent and Intermittent Watercourse
- Fish Habitat
- Provincially Significant Wetland
- Significant Woodland
- Linkages
- Conservation Authority Regulated Shoreline
- Area of Natural and Scientific Interest (Earth Science)
- Area of Natural and Scientific Interest (Life Science)
- Significant Wildlife Habitat
- Municipal Boundary
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APPENDICES

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APPENDIX 1:

ROAD RIGHT-OF-WAY WIDTHS

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Note: This appendix will be included in a subsequent draft.

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APPENDIX 2:

LIST OF REQUIRED STUDIES

List of Core Studies

- Environmental Impact Study
- Environmental Site Assessment
- Functional Servicing Report
- Geotechnical Report
- Hydrogeological Report
- Planning Justification Report
- Transportation Impact Study

List of Contingent Studies

- Aggregate/Minerals/Petroleum Resource Impact Assessment
- Agricultural Impact Assessment
- Air Quality/Odour Study
- Arborist Report
- Archaeological Assessment
- Contaminant Management Plan
- Cultural Heritage Impact Assessment
- Economic Viability Assessment
- Electromagnetic Field Management Plan
- Financial Impact Analysis
- Human-made Hazard Impact Study/ Assessment
- Impact Assessment for Waste Disposal Sites / Former Landfill Sites
- Lakeshore Capacity Assessment / Water Quality Impact Assessment
- Land Use Compatibility Study
- *Minimum Distance Separation Formulae* Assessment
- Natural Hazard Impact Study / Assessment
- Noise/Vibration Study
- Rail Safety and Risk Mitigation Report
- Servicing Options Report
- Wildland Fire Assessment
- Wind Study