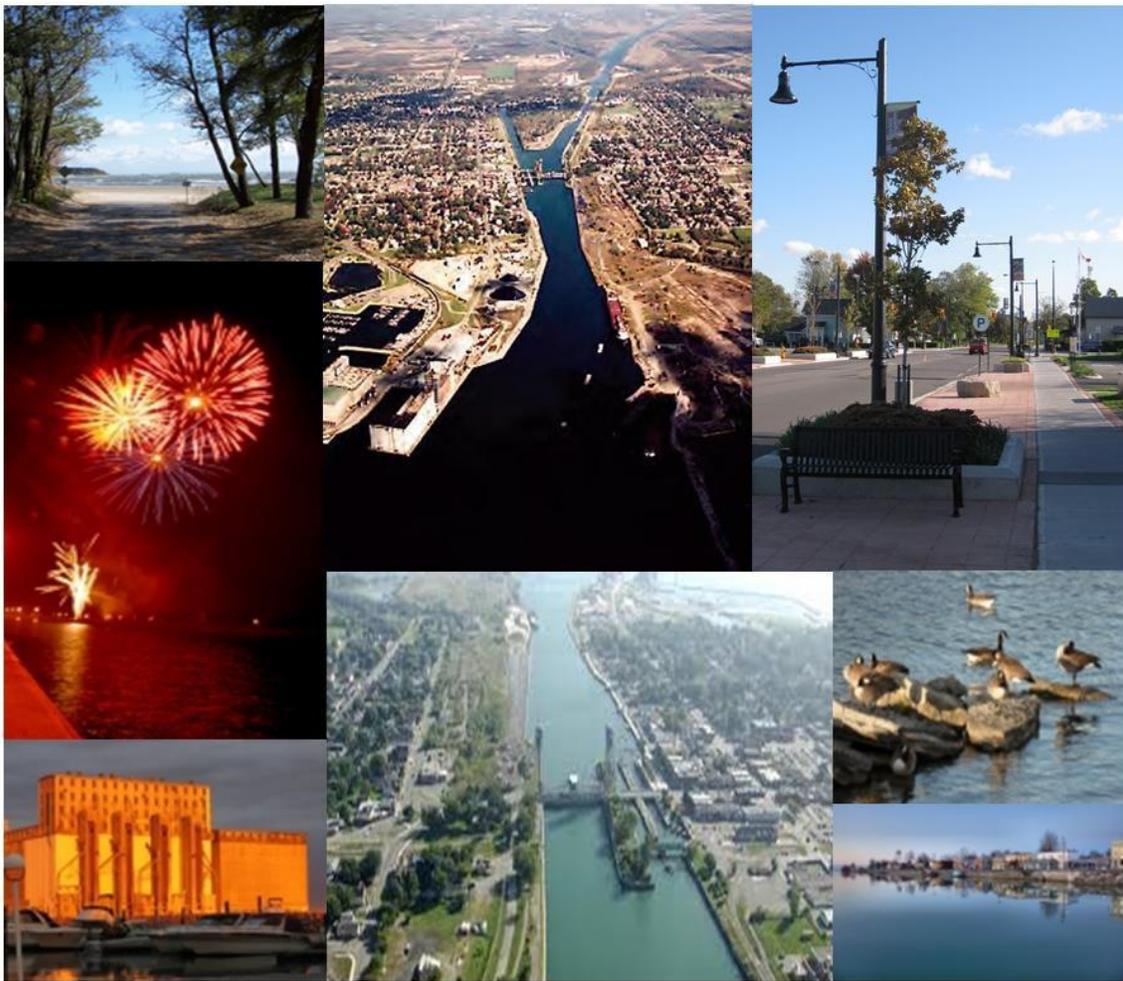


City of Port Colborne Official Plan



As approved by the Ontario Municipal Board on November 25, 2013.



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Section 1

Introducing Port Colborne

Section 1: Introducing Port Colborne

1.1 Our City: Past, Present and Future

The City of Port Colborne is situated on the north shore of Lake Erie, at the mouth of the Welland Canal. It is bounded by the Township of Wainfleet to the west, the Town of Fort Erie to the east and the Cities of Welland and Niagara Falls to the north.

The urban area of Port Colborne is located at the southern end of the municipality, centred on the Welland Canal, and consists of a variety of residential neighbourhoods, downtown, historic core areas and various commercial and industrial areas. The urban area makes up less than one-quarter of the municipality's geographic area.

The Welland Canal has provided an impetus for industrial *development* along the waterfront. A number of major industries are located on or close to the waterfront including Vale, Southpier Terminals, ADM, Jungbunzlauer, Ingredion, Fraser Marine and Industrial and other ship-related industries. The rural area consists of active agricultural lands, hamlet areas, *aggregate* resource areas, and a handful of estate residential *developments*.

South of the Sherkston hamlet area is the Sherkston Shores Resort community. This is a major resort/recreational *development* with a large number of park model homes, mobile home sites, a water-filled *quarry*, water slide and other amenities.

The City is committed to positive change and the Official Plan is an expression of this commitment.

1.2 Purpose of the Plan

- a) The general purpose of this Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The Plan has been developed in consideration of the following planning principals:
 - i) Providing for a mix of land uses;
 - ii) Taking advantage of compact building design, where appropriate;
 - iii) Providing guidance for the location and character of new *development*;
 - iv) Creating a range of housing opportunities and choices;
 - v) Creating walkable neighbourhoods;
 - vi) Fostering distinctive, attractive communities with a strong sense of place;
 - vii) Identifying and preserving open space, farmland, natural beauty and critical environmental areas;
 - viii) Strengthening and directing *development* towards existing communities;
 - ix) Making *development* decisions predictable, fair and cost effective; and
 - x) Encouraging community and stakeholder collaboration in development decisions.
- b) This Plan is intended to provide basic policy, within the framework of the *Planning Act*, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Niagara Regional Policy Plan and Smarter Niagara Initiative, whereby Council may carry out successive and more detailed steps in the planning process through the exercise of powers granted to them by Provincial Legislation. It is the intent that the Plan will be a guide to all public and private agencies concerned with development of the City. Accordingly, the subject matter in the Plan is specific to Port Colborne which results in a concise document that speaks to the needs of the local community while having regard for good planning principals.
- c) This Plan identifies and addresses subject matter that influences the growth and development of the City such as:
 - i) Economic development;
 - ii) Development control tools;
 - iii) Subdivision of land policies;

- iv) Community improvement policies; and
 - v) Development incentives.
- d) This Plan addresses concepts related to good community building such as:
- i) Conservation and/or enhancement of natural resources;
 - ii) Conservation and/or enhancement of heritage resources;
 - iii) Parks and open space requirements; and
 - iv) Expectations for water and wastewater servicing.
- e) This Plan is not to be considered as a means of restricting the use of land as a Zoning By-law, but it is intended to direct Council in its use of the relevant provisions of Provincial Legislation. Upon the Regional Municipality of Niagara's ("the Region") approval of this Plan, and notwithstanding any other general or special Act, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with the Plan, except as specifically provided for in Subsections 2 and 4 of Section 24 of the Planning Act, R.S.O. 1990.

1.3 Plan Period

The City of Port Colborne Official Plan has been developed to provide a comprehensive 20-year vision for the future of the municipality. It is intended that the Plan period for this document shall be from 2012 to 2031 and the Plan shall be reviewed every five years. Changes in the economic structure, patterns of land use and/or *development* within the City or revisions to the Provincial Policy Statement and/or Regional Policy Plans, may necessitate a revision in this Plan. The need for a revision shall be determined at a special open meeting of Council held according to Section 26 of the Planning Act, 1990.

1.4 Organization of the Plan

The Plan is organized into Twelve (12) sections:

Section 1: Introducing Port Colborne (this section) provides an introduction to the Official Plan.

Section 2: Our Vision: Port Colborne in 2031 contains the Vision Statement, Strategic Directions and Strategic Planning Policies for Port Colborne which serve as guiding principles for the next 20 years.

Section 3: City-Wide Land Use Policies contains policies addressing the protection and enhancement of certain features, and range of activities contemplated for the entire City.

Section 4: Natural Heritage contains policies addressing the protection and enhancement of environmental features within the City.

Section 5: Secondary Plans contains policies addressing the protection and enhancement of certain features, and range of activities contemplated for the Sherkston Shores Secondary Plan Area and the East Waterfront Secondary Plan Area.

Section 6: Community Improvement contains policies addressing areas of the City identified for community improvement and describes programs and incentives the municipality may choose to implement to encourage positive change.

Section 7: Cultural Heritage contains policies addressing the protection and enhancement of heritage features within the City.

Section 8: Servicing and Stormwater Management contains policies addressing Municipal water and sewer servicing as well as stormwater management guidelines.

Section 9: Transportation and Public *Utilities* contains policies addressing roads and public *utilities*, including provisions for public transportation and design guidelines.

Section 10: Mineral Aggregate and Petroleum Resources contains policies addressing extractive/*aggregate* industrial sites, including Port Colborne Quarries and policies related to petroleum resources.

Section 11: Implementation contains policies describing the tools the City can use and considerations it will make when administering development incentives and control and land use planning in the municipality.

Section 12: Definitions contains definitions for terms found throughout the Official Plan.

1.5 How to Read the Plan

1.5.1 Understanding the Text

- a) The Policies of the Official Plan are based on:
 - i) The requirements of the *Planning Act* and related planning legislation, the Provincial Policy Statement, Provincial Growth Plan, Regional Policy Plan and Smarter Niagara initiatives;
 - ii) Policies of the former Official Plan that were deemed appropriate to carry forward;
 - iii) An understanding of trends, issues and feedback received during consultation sessions regarding how to address these trends and issues in the best interest of Port Colborne; and
 - iv) Good planning principles.
- b) Terms that have been italicized throughout the document are further defined in Section 12: Definitions

1.5.2 Understanding the Maps

- a) The schedules contained in this Plan were developed using mapping and data from the City of Port Colborne, the Region, the Niagara Peninsula Conservation Authority and the Province of Ontario.
- b) The schedules are part of the Official Plan and policies in the Plan provide the details required to interpret the colour-coding and symbols appearing on the maps.

1.6 Minor Revisions Not Requiring an Amendment

An amendment to this Plan is not required and changes may be made during office consolidations for:

- a) Altering the numbering and arrangement of provisions in this Plan;
- b) Updating the base mapping used in this Plan or adding base information to maps to show existing and approved infrastructure;
- c) Correcting clerical, grammatical, spelling and technical mapping errors (including colour adjustments on Schedules);
- d) Changing format or presentation; and/or
- e) Altering punctuation to obtain a uniform mode of expression.



Section 2

Our Vision: Port Colborne in 2031

Section 2: Our Vision: Port Colborne in 2031

This Vision Statement and Strategic Directions establish the general direction of planning and development for the City of Port Colborne. The Vision Statement and subsequent Strategic Directions are a direct outcome of the multiple consultation events that allowed for public, Council and Staff input on the planning themes specific to the desires of the Port Colborne community.

2.1 Vision Statement

We take pride in our quality of community life and in our success in retaining and expanding community services and facilities. As a City, we support improvements to urban design and redeveloping the waterfront and canal lands for new community uses while encouraging the retention and promotion of our valuable cultural and natural heritage assets.

We are proud of our unique marine heritage. The Welland Canals have historically acted as a catalyst for development and many businesses have flourished due to the City's strategic location along the Canal corridor. The Canals continue to be both an important and relevant industrial and commercial transportation route as well as recognized historic and cultural features. Accordingly, the support of viable marine industries and the preservation and promotion of the Canal corridor as a natural heritage asset is imperative to shaping the vision for Port Colborne.

The Vision for the City of Port Colborne, which will be implemented through the Official Plan, shall:

- a) Continue to maintain and improve the overall quality of community life through the creation of a physical, economic and social environment that gives residents and employees within the City an ideal community in which to live, work and play;
- b) Provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and desires;
- c) Continue to support the agricultural land base and ensure policies which protect and preserve *prime agricultural lands* for long term use, protect agricultural lands from activities and land uses which would limit productivity or efficiency and reduce the fragmentation of agricultural lands, especially by non-agricultural uses;
- d) Create a community development pattern that fosters a vigorous and diverse local economy by supporting the existing business community while promoting new business opportunities keeping a focus on supporting viable marine industries and the tourism, manufacturing and transportation sectors;

- e) Provide policies which will support a high quality living environment that protects and enhances the natural environment and heritage features while minimizing the pollution of water, air and land resources;
- f) Preserve, promote and foster awareness of the diverse cultural and natural heritage features within the City;
- g) Ensure the continued success in retaining and expanding community services and facilities through the supply of a balanced system of active and passive spaces that contribute to leisure time activities and provide adequate community services to meet the needs of the existing and future residents of the City;
- h) Support Port Colborne's role as a transportation hub which offers unique multi-modal transportation links and support the growth of the local economy through the international movement of people and goods;
- i) Ensure communities and neighbourhoods are properly connected to each other and employment centres, commercial areas and community facilities with a safe and efficient transportation network which provides opportunities for public transit, walking and cycling;
- j) Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- k) Develop and implement Community Improvement Plans to improve communities characterized by inadequate physical, social, community or recreational facilities, *infrastructure* or obsolete/derelict buildings;
- l) Ensure new *development* is accessible by all members of the community;
- m) Support *renewable energy* initiatives, in accordance with applicable policies;
- n) Support *regional market area* initiatives, in accordance with applicable policies;
- o) Maintain, and where possible, improve public access to the Lake Erie shoreline; and
- p) Develop the community in a way which optimizes existing Municipal and Regional *infrastructure*.

2.2 Growth Management Strategy

The City of Port Colborne is committed to supporting the conservation of valuable economic, environmental and cultural resources, recognizing that growth should be directed to the appropriate areas through strategic planning. Throughout this Plan there are additional policies which support and implement the Growth Management Strategy for the City of Port Colborne and the Niagara Region.

The City of Port Colborne's Growth Management Strategy shall:

- a) Prevent *development* in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources.
- b) Direct growth in a strategic manner.
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.
- d) Recognize that a small amount of *development* may occur in the hamlet and rural areas in accordance with municipal, regional and provincial policies.
- e) Support infill and *intensification*, subject to the applicable policies, in the following designations:
 - i) Urban Residential;
 - ii) Hamlet; and
 - iii) Downtown Commercial
- f) Support compact and transit supportive *development* within the *built boundary* and on designated greenfield lands.
- g) Support the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.

2.3 Strategic Directions

2.3.1 Enhancing Quality of Life

The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective *infrastructure* and transportation, and good urban design for neighbourhoods and business areas by:

- a) Directing growth within the Urban Area Boundary to the north and west in the short term (first 10-15 years) and to the east in the long term (15+ years);
- b) Recognizing hamlets and rural areas will experience limited, compact growth on private servicing, as appropriate, and in keeping with applicable Provincial and Regional policies;
- c) Promoting *residential intensification* in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location;
- d) Directing the creation of new multiple *lots* and units to *settlement areas*; and
- e) Incorporating active living considerations for both recreation and utilitarian purposes through support for such items as cycling and walking facilities and other means that promote healthy, active lifestyles.

2.3.2 Developing an Economic Gateway Centre

The Province of Ontario's Growth Plan for the Greater Golden Horseshoe, 2006 establishes a Gateway Economic Zone and Centre in the Niagara Region. The stated objective of the Niagara Economic Gateway is "to create the best possible community for residents, workers and visitors, based on a high quality of life, sustainable development, economic diversity, superior tourist facilities and unique natural features." The City of Port Colborne has been identified as an Economic Gateway Centre and will continue to strategically position itself as part of Ontario's Economic Gateway Centre through the promotion of a comprehensive action program that recognizes the existing situation and focuses on economic diversity through the following:

- a) Encouraging cross-border trade and the efficient movement of people, goods and freight;
- b) Providing land and *infrastructure* for continued sustainable development of tourist facilities;
- c) Working in partnership with all levels of government to ensure that attractive employment lands in the City are provided and protected to create job opportunities and economic diversity, which allows growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media;

- d) Encouraging port facilities and the marine transportation industry to prosper;
- e) Actively promoting existing industrial lands along the east and west side of the Welland Canal and adjacent to the proposed Niagara to GTA corridor using a “ready for business” approach; and
- f) Capitalizing on major transportation corridors and considering appropriate future commercial *development* along these corridors through a comprehensive planning exercise.

2.3.3 Strengthening and Integrating Natural, Cultural and Heritage Resources

Port Colborne’s natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. The City will take an aggressive approach to the preservation of these assets by:

- a) Making decisions concerning planning development and conservation through an ecosystem approach addressing:
 - i) The interrelationships among air, land, water, plant and animal life and human activities;
 - ii) The health and integrity of the broader landscape including impacts on the natural environment in neighbouring jurisdictions; and
 - iii) The long term and cumulative impacts on the ecosystem.
- b) Supporting the long term protection of natural features which includes protection of *woodlots*, *Provincially Significant Wetlands* (PSW’s) and *significant* habitat of endangered and/or *threatened species* with protection extended to other *sensitive areas*, *significant valleylands* and regionally *significant* features.
- c) Providing for long-term protection of cultural and heritage features and the protection of natural features which includes *significant woodlands*, PSW’s, habitat of endangered and/or *threatened species*, *valleylands*, wildlife and *fish habitat* and other locally and regionally *significant* features. The health and diversity of the City’s natural heritage should be maintained, restored or, where possible, improved, recognizing linkages between and among *Natural heritage features and areas* and surface and *ground water features*.
- d) Significant *built heritage resources* and *cultural heritage landscapes* shall be *conserved*.

2.3.4 Enhancing Public Areas

Residents want a community that is attractive, walkable and bicycle friendly. Further attention to the waterfront, the Canal, the downtown, Main Street and other important corridors and

places in the municipality is required to support tourism, economic development and quality of life. Accordingly, the City shall:

- a) Build upon assets such as the Port Colborne Farmers Market, West Street/Canal promenade, and off-road trails and on-road bicycle routes with further public investments;
- b) Continue to improve public access to the waterfront by acquisition and development of public spaces; and
- c) Continue to improve recreation and cultural facilities focusing on current and future community needs, while providing amenities for tourism.

2.3.5 Protecting Hamlet, Rural and Agricultural Lands

Rural life and farming are a vital economic and cultural component of the community. The hamlets are the focus for residential *development* and community facilities while greater flexibility is needed for farm related activities. The City shall:

- a) Allow an environmentally-sustainable level of growth in hamlets and rural areas on private services, as appropriate and in keeping with applicable Provincial and Regional policies;
- b) Protect active *agricultural operations*; and
- c) Support farm-related activities that contribute to the viability of the farm operation.

2.3.6 Taking Advantage of Underutilized Lands

The City has been actively involved in assessing and addressing underutilized lands throughout the community. Through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement, the City will demonstrate leadership in this field by:

- a) Aggressively promoting the remediation of contaminated, older industrial lands;
- b) Promoting the reuse of some of these older industrial lands along the waterfront and Canal for tourism, recreational, residential or other uses that reintegrate these lands into community life; and
- c) Providing for new Canal-related, non-noxious industrial uses adjacent to community uses in the harbour area.
- d) Promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

2.4 Strategic Planning Policies

2.4.1 Population Forecast

The projected population growth for the Municipality is illustrated in Figure 2.1. The Official Plan’s land use and policies are based on serving this anticipated population growth and are the basis for planning the Municipality’s long term growth.

Figure 2.1 is deferred.

Year	Population
2006	19,300
2011	20,000
2016	21,200
2021	22,600
2026	23,500
2031	24,100
2006-2031 Growth	5,000

Source: Regional Municipality of Niagara, Figure 2.1
Niagara 2031, 2009

2.4.2 Housing

The City will promote the development of an appropriate mix of housing types, densities and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations.

2.4.2.1 Housing Forecast

The projected housing growth for the Municipality is illustrated in Figure 2.2. The Official Plan’s land use and policies are based on serving this anticipated housing growth and are the basis for planning the Municipality’s long term residential land needs.

Figure 2.2 is deferred.

Year	Population
2006	7,790
2011	8,090
2016	8,650
2021	9,250
2026	9,790
2031	10,170
2006-2031 Growth	2,380

Source: Regional Municipality of Niagara, Figure 2.2
Niagara 2031, 2009

- a) New housing development should:
 - i) Be located in the urban area to make use of existing *infrastructure* and facilities;
 - ii) Be accessible to medical facilities, shopping and any future public transportation system;
 - iii) Be close to or be developed with on-site parks and open space;
 - iv) Incorporate design features for an aging population;
 - v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;
 - vi) Provide for a range of smaller *lots* and homes suitable to smaller households; and
 - vii) Be close to or be developed with social and recreational facilities.

2.4.2.2 Affordable Housing

- a) The City will work with other levels of government, the private sector, community and non-profit groups to ensure that sufficient *affordable* rental and ownership housing is provided.
- b) Studies of the need for *affordable* ownership and rental housing may be conducted from time-to-time.
- c) A variety of planning tools will be used to assist in the *development* of *affordable* housing such as supporting an “Affordable Housing as a Community Facility” by-law (to exercise financial assistance powers under Section 110 of the *Municipal Act* relating to municipal capital facilities), fast-tracking *affordable* housing development, reducing development charges and where required, identifying a specific share of new housing which must be *affordable*.
- d) The City will only consider the demolition or the conversion of rental accommodation to condominium ownership where the proposal will not adversely affect the supply of *affordable* rental housing. A vacancy rate of 3% is desirable. The City will not permit the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3 percent and the ownership housing to be created is not considered to be *affordable*.

- e) Opportunities shall be made available for the provision of *affordable* housing within new intensified or infill *developments*

2.4.2.3 Retirement Housing

- a) Retirement housing shall:
 - i) Be located in the urban area to make use of existing *infrastructure* and facilities;
 - ii) Be accessible to medical facilities, shopping and any future public transportation system;
 - iii) Be close to or be developed with on-site parks and open space;
 - iv) Incorporate design features for an aging population;
 - v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;
 - vi) Provide for a range of smaller *lots* and homes suitable to smaller households;
 - vii) Be close to or be developed with social and recreational facilities; and
 - viii) Incorporate a natural or human-made amenity such as a lake, private recreation facility, or community centre.

2.4.3 Intensification and Infill

The identification and *intensification* of residential and *employment areas* and corridors within the *built boundary* of the City is directed by the Provincial Growth Plan. *Intensification* supportive policies will offer opportunities to promote economic development, reduce the consumption of greenfield land, meet the municipality's intensification target of 15% and maximize the efficiency of existing *infrastructure*. Intensified *development* is compact, mixed-use and transit-supportive in nature, which reflects the vision of this plan.

As identified on Schedule A1, *intensification* will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire *Built-up area*, which will count towards the municipality's 15% *intensification* target, shall occur in accordance with the applicable policies of this Plan.

- a) The majority of the Municipality's *intensification* will be accommodated within the Urban Area where the *development* is compatible with the surrounding uses.
- b) The Municipality supports the *intensification* through accessory *dwellings* and garden suites, provided that *development* is consistent with the applicable policies of this Plan.

- c) The objectives of the *intensification* policies of this Plan are to:
 - i) Revitalize and support the Downtown by promoting *intensification* in the Downtown areas;
 - ii) Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
 - iii) Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;
 - iv) Provide a policy framework that supports a limited amount of infilling throughout the Hamlet and Rural areas; and
 - v) Provide policies that allow for accessory *dwelling* units and garden suites.

2.4.3.1 *Intensification Target*

- a) The Municipality will plan to achieve an *intensification* target of 15%.
- b) *Intensification* will be measured on an annual basis and will include all new housing units created within the *Built-up area*.

2.4.3.2 *Design Guidelines*

- a) Infill and *intensification* sites should match the pre-established building character of adjacent buildings.
- b) Where no existing or consistent character is established, infill and *intensification development* should be consistent with the applicable Design Guideline Policies of this Plan.
- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.
- d) The design of infill and *intensification development* should be consistent with all other applicable policies of this Plan.

2.4.4 **Greenfield Lands**

The City will maintain an adequate supply of greenfield lands to accommodate planned future growth and encourage *development* in Greenfield Areas by:

- a) Promoting compact, mixed use and transit supportive *development* on greenfield lands;

- b) Promoting higher densities and a greater mix of housing types on greenfield lands;
- c) Improving connections between greenfield areas and the built up area;
- d) Enhancing the physical design of new neighbourhoods in greenfield areas;
- e) Supporting the Regional greenfield density target of 50 people and jobs per gross hectare; and
- f) Phasing greenfield *development* over time to ensure a balance of *intensification* and greenfield *development* in Port Colborne.

2.4.5 Employment

2.4.5.1 Employment Forecast

The projected employment growth for the Municipality is illustrated in Figure 2.3. The Official Plan’s land use and policies are based on serving this anticipated growth and are the basis for planning the Municipality’s long term employment needs.

Figure 2.3 is c eferred.

Year	Employment
2006	6,800 jobs
2011	7,730 jobs
2016	7,860 jobs
2021	8,350 jobs
2026	8,770 jobs
2031	9,070 jobs
2006-2031 Growth	2,270 jobs

Source: Regional Municipality of Niagara,
Niagara 2031, 2009

Figure 2.3

2.4.5.2 Employment areas

Employment areas are lands which provide opportunities for clusters of business and economic activities, including but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities. Major retail uses are considered to be non-employment uses and are not permitted within *employment areas*.

2.4.5.3 Employment Land Conversion

The City may permit the conversion of lands within *employment areas* to non-employment uses but only through a *municipal comprehensive review* where it has been demonstrated that the

conversion meets each of the tests identified in Policy 2.4.5.4 and where it meets at least one of the following strategic objectives:

- a) Promotes brownfield *redevelopment*;
- b) Addresses issues related to land use incompatibility;
- c) Provides *affordable* housing; or
- d) Meets any of the other Strategic Policies of this Plan.

2.4.5.4 Employment Land Conversion Requirements

Conversion of employment lands to non-employment uses must demonstrate that:

- a) There is a need for the conversion;
- b) The City will meet employment targets allocated to the Municipality as provided in this Plan;
- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of the Municipal *intensification* target, density targets and other Policies of this Plan;
- d) There is existing or planned *infrastructure* in place to accommodate the proposed use;
- e) The lands are not required over the long term for the employment purposes for which they are designated; and
- f) Cross jurisdictional issues including but not limited to, *infrastructure*, the environment and land supply have been considered.

2.4.6 Economic Development

The City is committed to promoting economic diversity and supporting economic development activities including the active support of business attraction, relocation, start-up and expansion, tourism and agricultural and rural development.

2.4.6.1 General Commercial

- a) Commercial development will be directed to the following distinct commercial areas:
 - i) Downtown/West Street;
 - ii) Main Street;
 - iii) Two (2) existing shopping centres; and

- iv) Portal Village Plaza
- b) No new commercial plazas (cluster of three or more stores) or shopping centres are needed at this time, nor is a need anticipated over the next 20 years. An amendment to this Plan shall be required for the development of a new commercial plaza or shopping centre, and may require the preparation of a detailed market impact study
- c) A residual commercial analysis may be undertaken by the City to:
 - i) Precisely quantify the floor space of various existing commercial uses, including but not limited to retail stores, service commercial and offices; and
 - ii) Establish floor space targets for commercial development within various permitted land use designations suitable for incorporation into this Plan.

2.4.6.2 *The Downtown and Main Street Areas*

- a) The Downtown and Main Street Areas are recognized as the City's primary commercial districts and the City will continue to work with property owners, business associations and other community groups to enhance these areas.
- b) The City will continue to support the designation and expansion of the Downtown and Main Street areas as Community Improvement Project Areas and Business Improvement Areas (BIAs), and support and encourage marketing and beautification efforts.
- c) Public investments in the Downtown and Main Street areas that contribute to the beautification of the areas will be continued, such as streetscaping and the creation of public spaces and facilities.
- d) Increasing the supply of housing in the Downtown and Main Street areas and maintaining and upgrading existing housing shall be encouraged as a means of meeting the diverse housing needs and maintaining long term prosperity in the Downtown and Main Street areas.

2.4.6.3 *Industrial*

- a) The City will work closely with the St. Lawrence Seaway Management Corporation or appropriate federal government agency to ensure that federal lands along the Welland Canal are available for industrial and/or community uses.
- b) The City will work with all industries to retain and foster their growth.
- c) Public investments will be made in *infrastructure* and transportation services to support new industrial development.

2.4.6.4 Agriculture

- a) Agriculture is and will continue to be a *significant* economic sector.
- b) Provincially, regionally and locally *significant prime agricultural land* as well as other active agricultural lands will be protected for agricultural purposes.
- c) Farm practices that maintain and enhance natural resources will be promoted.

2.4.6.5 Tourism

- a) Tourism is and will be an increasingly *significant* economic sector in the City.
- b) Public investments that support tourism development will be continued such as:
 - i) Beautification of areas of the City, such as the Downtown and Main Street Areas, the waterfront and lands adjacent to the Welland Canal;
 - ii) Creation of public spaces and facilities;
 - iii) Creation of facilities including but not limited to; off-road trails and on-road bicycle routes that support bicycle tourism;
 - iv) Support for the designation of national historic sites;
 - v) Enhancement of natural features and historic assets; and
 - vi) Acquisition of waterfront property for public purposes.
- c) In the urban area, the City will assist potential investors in identifying appropriate sites for preferred destination-quality tourism facilities such as:
 - i) adult lifestyle developments;
 - ii) resorts and other hospitality facilities;
 - iii) golf courses and other recreational facilities;
 - iv) cultural and historic facilities; and
 - v) interpretive services.
- d) The City will work closely with any government agency to take advantage of surplus land should it be in the economic development interest of the municipality to do so.

2.4.7 Potentially Contaminated Properties

Potentially contaminated properties are those where the environmental condition of the site may have the potential for *adverse effects* to human health or the natural environment. In order to prevent these *adverse effects* and prior to permitting development, it is important to identify

these lands and ensure they are suitable or have been rehabilitated to a suitable state for the proposed land use(s) in accordance with Provincial legislation, regulations and standards. The policies in this Section should not be interpreted as a commitment on the part of the City to identify all contaminated properties, but should be regarded as an effort by the City to utilize all available information in the planning application review process to ensure that development takes place where environmental conditions are suitable for the proposed use(s).

- a) The city will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.
- b) The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:
 - i) Activities involved with the processing, recycling or elimination of waste and other residues, including but not limited to landfill sites and waste disposal areas;
 - ii) Industrial and commercial activities involving the storage and/or use of potentially or known *hazardous substances*, including but not limited to fuels, oils, chemicals, paints and solvents; and
 - iii) Railway lands.
- c) The City will require development proponents to document previous uses the subject lands and/or surrounding lands that may be adversely impacting the subject lands in order to assist in the determination of the potential for site contamination.
- d) Where a proposed change in use to a more *sensitive* use has been identified through the City's planning application circulation and review process as "potentially contaminated", the City and/or the Region shall:
 - i) Require the filing of a Record of Site Condition (RSC), signed by a Qualified Person, with the Environmental Site Registry and submission to the City and Region of proof that the Ministry of the Environment has acknowledged the receipt of the RSC.
- e) The City and/or Region shall establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 2.4.7 (d);
- f) The City, where applicable, shall utilize the holding provisions as set out in the *Planning Act* to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 2.4.7 (d), if the lands are otherwise feasible for *development*.

- g) Where the City is deeded land for public highways, road widening, parks, stormwater management, *easements* or for any other purpose, the City may require, as a condition of transfer, satisfactory verification of environmental site conditions as per Policy 2.4.7 (d).

2.4.8 General Built Form/ Landscape Design Guidelines

- a) For those areas where the City has undertaken a detailed streetscape design study, those guidelines that have been adopted shall apply.
- b) For those areas where no formal guidelines have been established and having regard for the Regional Municipality of Niagara's Model Urban Design Guidelines, detailed built form/landscape design studies of neighbourhoods, districts or a certain land use in the City may be undertaken and more specific guidelines resulting from those studies will be incorporated.
- c) New development including *infrastructure*, should be designed to maintain or enhance the natural features and functions of a site.

2.4.9 Energy Conservation and Climate Change

It is the intent of this Plan to support energy efficiency and improve air quality by encouraging the reduction of energy consumption, endorsing the *development* of compact and mixed-use neighbourhoods, and by promoting innovative forms of alternative and *renewable energy* in land use and *development* patterns.

- a) In order to reduce energy consumption, reasonably compact forms of *development* shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.
- b) Neighbourhood services and facilities including public recreational facilities shall be provided close to residential *development* to help reduce automobile trips.
- c) When considering building forms, *development* which results in extensive loss of sunlight to adjacent land uses shall be discouraged.
- d) The City shall encourage and support energy conservation, district heating and combined heat and power, and alternative and *regional market area* sources on a site specific basis, and developed in accordance with the applicable Provincial and Federal legislation, policies and regulations.
- e) The City will encourage and facilitate the application of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures
- f) In order to encourage and facilitate energy conservation as set out in policy 2.4.9(e), energy efficient building design including: passive solar energy gain;

increased insulation; energy star appliances; alternative energy systems; and conformity with LEED certification shall be encouraged in all new buildings.

- g) Site Plan Control may be used to incorporate energy conservation measures into the final design. Such measures may include orientation and design of new buildings to maximise passive solar gain and to minimize energy loss through appropriate construction standards and landscaping designed to moderate seasonal climatic variation.
- h) The City may consider flexibility in zoning and site planning in order to accommodate variances in building orientation, landscaping designs, *lot* coverage and other site or building characteristics which provide for increased energy efficiency.
- i) The City shall encourage design and orientation which maximize the use of alternative or *renewable energy*, such as solar and wind energy, and the mitigating effects of vegetation.

Section 3

City-Wide Land Use Policies

Section 3: City Wide Land Use Policies

The City Wide Land Use Plan, Schedule A, forms part of this Plan and sets out the generalized distribution of the major land use categories. It is intended that lands in the City of Port Colborne will be developed in accordance with the land use pattern shown on Schedule A. The land use pattern has been determined in accordance with the major objectives of this Plan and generally accepted land use planning principles.

3.1 General Land Use Policies

The City of Port Colborne is composed of an Urban and Rural Area which define the overall structure and planning function for the City.

3.1.1 Urban Area Boundary

The area identified on Schedule A by the Urban Area Boundary represents lands in the City which are the focus of the majority of urban *development* and are fully serviced or are intended to be serviced by roads, transit and water and sewer services. These lands represent the supply of designated urban land and are intended to accommodate the majority of the City's projected growth and are comprised of the following:

- a) *Built-up area, within the Built boundary; and*
- b) Greenfield Area

3.1.1.1 Built Boundary

The area identified on Schedule A1 as the *Built boundary* represents the limits of existing *development* within the municipality as defined by the Province in April 2008. All growth and *development* which occurs within the *Built boundary* is considered to be *intensification* and will count towards the achievement of the municipality's *intensification* target. The Province is responsible for reviewing and updating the *Built boundary* within the Greater Golden Horseshoe.

3.1.1.2 Greenfield Area

The area identified on Schedule A1 as Greenfield is land that is located within the Urban Area Boundary but is not built up. On lands designated as Greenfield the City shall:

- a) Promote compact, mixed use and transit supportive *development*.
- b) Promote higher densities and a greater mix of housing types.
- c) Improve connections between greenfield areas and the *built-up area*.
- d) Enhance the physical design of new neighbourhoods.
- e) Support the Regional greenfield density target of 50 people and jobs per gross hectare by:

- i) Adopting minimum and maximum densities for residential *development*;
 - ii) Designating portions of the Greenfield area for low, medium and high density *development*;
 - iii) Providing separate housing mix targets; and
 - iv) Encouraging and allowing for mixed use *development* in greenfield areas.
- f) Support phasing greenfield *development* over time to ensure a balance of *intensification* and *development*.

3.1.1.3 Urban Boundary Expansions

Urban Boundary Expansions are a matter of Provincial interest. The Region of Niagara is the approval authority for local plans and accordingly, the City of Port Colborne will work closely with the Region when reviewing its urban boundaries. A *municipal comprehensive review* in accordance with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and Niagara Region Policy Plan, is required to facilitate expansions to the urban boundary. Urban Boundary Expansions shall only be permitted where it has been demonstrated that -

- a) Sufficient opportunities to accommodate forecasted growth through *intensification* and in designated greenfield areas, using the *intensification* target and density targets, are not available;
- b) The expansion makes available sufficient lands for a time horizon not exceeding 20 years;
- c) The timing of the expansion and the phasing of *development* within the designated greenfield area will not adversely affect the achievement of the *intensification* target and density targets, and the other policies of this Plan;
- d) The existing or planned *infrastructure* required to accommodate the proposed expansion can be provided in a financially and environmentally sustainable manner;
- e) in *prime agricultural areas*:
 - i) there are no reasonable alternatives that avoid *prime agricultural areas*; and
 - ii) there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;

- f) Impacts from expanding *settlement areas* on *agricultural operations* which are adjacent or close to the *settlement areas* are mitigated to the extent feasible;
- g) In determining the most appropriate location for expansions to the boundaries of *settlement areas*, the policies of Sections 2, 3 and 4 of this plan are consulted;
- h) The planned expansion will maintain or move *significantly* towards a minimum of one full-time job per three residents within or in the immediate vicinity of the city.

3.1.1.4 Establishment of New Settlement Areas

- a) In accordance with the Policies of the Niagara Region Policy Plan, no new *settlement areas* are permitted to be established.

3.2 Urban Residential

The areas identified on Schedule A as Urban Residential are those lands that are primarily used for residential purposes and represent the existing and planned *built-up areas* within the Urban Area Boundary. The predominant uses for lands designated Urban Residential shall include, but not be limited to; residential uses; neighbourhood commercial uses such as a convenience store, beauty salon, post office, and doctor's office all of limited size; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

3.2.1 General Policies

- a) Low Density Residential will:
 - i) Be developed as single-detached or semi-detached *dwelling*s ranging from 12 to 20 units per net hectare;
 - ii) Be encouraged to be developed in an orderly manner through Plan of Subdivision; and
 - iii) May be subject to Site Plan Control.
- b) Medium Density Residential will:
 - i) Be developed at a density ranging from 35 to 70 units per hectare as: Townhouses; Stacked townhouses; triplexes; and/or fourplexes.
 - ii) Be encouraged adjacent to arterial or collector roads; and
 - iii) Be subject to Site Plan Control.
- c) High Density Residential will:
 - i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;
 - ii) Have frontage on an arterial or collector road;
 - iii) Have commercial or ground-oriented residential uses on the main floor;
 - iv) Be oriented on the site to minimize shadows on adjacent low and medium density residential *development*;
 - v) Be encouraged to be developed in proximity to public transit and active transportation routes; and
 - vi) Be subject to Site Plan Control; and

- d) Neighbourhood Commercial
 - i) New residential *development* proposals shall consider the provisions of neighbourhood commercial within a *lot*, block or building having frontage on a collector or arterial road, and provide a neighbourhood commercial use within a five-minute walk of residential uses;
 - ii) New residential *development* proposals shall provide 150 square metres of neighbourhood commercial for every 100 housing units of residential *development*; and
 - iii) Neighbourhood commercial development is subject to Site Plan Control.
- e) Prior to the *development* or *redevelopment* of any large vacant area within the Urban Residential designation, a Secondary Plan shall be prepared, with appropriate background reports that will:
 - i) Address the protection and enhancement of the natural environment, through the preparation of an Environmental Planning Study;
 - ii) Identify the market demand for residential and non-residential *development* which can be served by the study area lands;
 - iii) Identify the appropriate land uses in keeping with the Vision and Strategic Directions of the Official Plan;
 - iv) Allocate the appropriate land uses within the study area boundary;
 - v) Establish urban design guidelines, if appropriate, for each type of land use;
 - vi) Establish requirements for water and wastewater servicing and stormwater management;
 - vii) Address transportation issues such as traffic mitigation, road upgrades, off-road trail and bicycle route implications including connectivity and safety, signalization and transit planning;
 - viii) Address a phasing scheme, if appropriate; and
 - ix) Include open and transparent stakeholder consultation.
- f) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.2.2 Intensification and Infill

Intensification will be encouraged in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, as well as the following:

- a) The following methods of *intensification* will be permitted for an existing single-detached *dwelling*, subject to the applicable Design Guidelines in this Plan and the provisions of the Zoning By-law:
 - i) A basement apartment;
 - ii) An accessory apartment;
 - iii) An apartment above an attached garage; or
 - iv) The conversion to a duplex *dwelling*.
- b) *Intensification* that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted.
- c) The following infill is permitted within a Registered Plan of Subdivision, subject to the provisions of the Zoning By-law:
 - i) The severance of one (1) existing vacant and remnant single detached residential *lot* to create two (2) *lots* for single detached *dwellings* or to create two (2) *lots* for a semi-detached *dwelling*.

3.2.3 Design Guidelines

3.2.3.1 Residential Communities

- a) New residential communities shall be limited in size, have a clearly defined character and edges:
 - i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.
 - ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.
 - iii) Parks, woodlots, *watercourses*, trails, topographic features, major roads and *infrastructure* elements such as railway lines can define the neighbourhood periphery.
- b) New residential communities should create or build upon a unique identity such that:

- i) Heritage Buildings and structures are preserved and incorporated into new neighbourhoods where possible.
 - ii) Where possible, community facilities, institutional uses and heritage structures should be located at the termination of primary streets or view corridors to emphasize their civic presence and give structure to the neighbourhood.
- c) New residential communities and new *development* in existing neighbourhoods should be visually interesting such that:
- i) A variety of residential building types, sizes and setbacks should be provided on any given street to encourage a diverse, non-repetitive community fabric.
 - ii) Visual interest should be provided through a block layout that maximizes views and vistas to parks, Natural Heritage features, the rural periphery and heritage and landmark buildings and features.
- d) New residential communities should use a park or open space feature as a focal point:
- i) The park may incorporate civic buildings, public art, gazebos, floral gardens, playgrounds and community mailboxes, where residents can meet informally or participate in neighbourhood events.
 - ii) The design of each park area should be unique to each neighbourhood to reinforce a sense of local identity and to assist in one's orientation through successive neighbourhoods.
- e) New residential communities should protect and incorporate existing heritage features.
- i) Where possible, hedgerows should be maintained and incorporated into parks and other publicly owned areas including road rights-of-way.
 - ii) Where possible, heritage building sites should retain elements of the heritage landscape including trees, tree lined driveways, hedgerows and stone fences.
 - iii) Heritage structures shall be considered for residential or community uses.
 - iv) Reconstruction of heritage buildings and structures should be encouraged to restore the building exteriors to the original design/condition or to renovate in a manner sympathetic to the original design.

3.2.3.2 Streets and Blocks

- a) The layout of streets and blocks should enhance the connectivity and appearance of new neighbourhoods.
 - i) New streets and blocks should be consistent with and extend from the existing grid pattern.
 - ii) The street and block pattern should fit into the existing built and natural environments and accentuate the presence of features including *watercourses*, heritage elements and topographic features.
 - iii) The City-owned road network should be designed with frequent cross streets to maintain the grid pattern of the Port Colborne community.
 - iv) Blocks and streets should be designed to enhance views, or to achieve a distinctive character around a neighbourhood focus through deliberate variations in the street alignment.
 - v) Block lengths should not exceed 200 metres.
- b) Residential blocks should have a positive interface with lands designated as Natural Heritage and/or Parks and Open Space, as well as roads:
 - i) Reverse *lot* frontage is discouraged on lands designated as Natural Heritage and/or Parks and Open Space or roads.
 - ii) Positive frontage on lands designated as Natural Heritage and/or Parks and Open Space should be created by using single loaded roads and/or open-ended crescents (window streets).
 - iii) Where housing fronting arterial roads cannot have driveway access from these roads, positive frontage to these streets can be achieved with open-ended crescents (window streets), rear access from a lane or local road and single-loaded service roads.

3.2.3.3 Housing

- a) Single-Detached, Semi-Detached and Duplex housing should:
 - i) Front onto open space wherever possible;
 - ii) Have higher quality landscaping and architectural features than other buildings in the neighbourhood if flanking an arterial or open space edge;
 - iii) Have garages that are either side drive attached, side drive detached, attached recessed or attached flush to the main building.

- iv) Have garages that do not occupy more than 50% of the main building wall; and
 - v) Be consistent with the placement and character of the surrounding built form where an infill *development*.
- b) Townhouses and multiple-unit housing should:
- i) Be aligned parallel to the street from which the principal entrance should be visible and accessible;
 - ii) Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements; and
 - iii) Be consistent with the placement and character of the surrounding built form where an infill *development*.

3.2.3.4 Neighbourhood Commercial

- a) Neighbourhood commercial buildings should:
- i) Be consistent with the placement and character of the surrounding built form;
 - ii) Have parking areas placed to the side or rear; and
 - iii) Incorporate landscaping features to screen parking areas.

3.2.4 Consents to Sever

The severance of lands designated Urban Residential shall be permitted subject to the following policies:

- a) A survey sketch prepared by a registered Ontario Land Surveyor is required.
- b) *Lots* created through land severance shall have frontage on a public road.
- c) Land severances on private roads are discouraged, except as provided for in the zoning by-law or except on private roads in a registered Plan of Subdivision.
- d) Notwithstanding Policies 3.2.4 (b) and 3.2.4 (c), land severances for technical reasons will be permitted as a boundary adjustment:
 - i) Where a part of a property is being deeded to an adjacent landowner;
 - ii) For *easements*;
 - iii) For rights-of-way; or

- iv) For any other purpose that does not create a separate *lot*.
- e) *Development* of more than three (3) new *lots* will require a Plan of Subdivision.
- f) Conditions may be imposed on the approval of land severances including but not limited to; execution of a development agreement, payment of development charges, parkland dedication, road widening, provision of water/wastewater servicing, *Minimum Distance Separation* requirements and/or the requirements of a commenting agency addressing a legitimate concern.

3.3 Hamlet

The areas identified on Schedule A as Hamlet, and further delineated on Schedules A2, A3 and A4, are those lands that are primarily residential and are located outside the Urban Area Boundary. These areas represent clusters known historically as; Bethel; Gasline; and Sherkston. The predominant uses of lands designated Hamlet shall include, but not be limited to; residential uses, community facilities and institutional uses; existing *agricultural uses*; special agricultural and rural uses such as a farm machinery sales dealership, feed mill and saw mill, provided that the uses are compatible with adjacent uses; neighbourhood commercial uses such as a convenience store, or similar small-scale commercial uses; Natural Heritage features; parks; and public open spaces.

3.3.1 General Policies

- a) The boundaries of Hamlets indicated on Schedule A, A2, A3 and A4 are clearly defined.
- b) The Municipality may expand the boundaries of a Hamlet through a *municipal comprehensive review* in accordance with the Provincial Growth Plan and provided the expanded boundary complies with the Provincial Policy Statement and Regional Policy Plan and the criteria listed in Section 3.1.1.3 of this Plan.
- c) All *development* will be situated on *lots* suitable in size and soil condition to support a private well and septic system to the satisfaction of the appropriate agency.
- d) *Development* which may in the future require municipal water or sewer services shall not be permitted.
- e) The establishment of new *agricultural uses* is not permitted.
- f) All proposed *development* shall comply with the Province's *Minimum Distance Separation Formulae* and Nutrient Management Plan requirements.
- g) Trailer camps, mobile home parks and other such activities shall not be permitted.
- h) Any new or expanding Neighbourhood Commercial *development* is subject to Site Plan Control.
- i) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.3.2 Intensification and Infill

Intensification may occur on lands designated Hamlet in accordance with the provisions of Section 2.4.3 as well as the following:

- a) Existing non-residential uses may be converted to residential uses without an Amendment to this Plan provided that there are no land use compatibility issues and that all other policies of this Plan are complied with, including the policies regarding *sensitive land uses* and potentially contaminated properties.
- b) Infilling in the form of new residential *development* created through severance will only be for the purpose of creating up to three (3) *lots* between two existing residential buildings such that:
 - i) The new *lots* can be adequately serviced by *individual on-site sanitary services* and *individual on-site water services that are not located within 30 m of any wetland*;
 - ii) The size of each *lot* is a minimum of one (1) hectare, excluding *flood plain areas, fish habitat*, lands designated as Natural Heritage or areas of *high aquifer vulnerability*. In these areas a larger lot size may be required which shall be confirmed through the appropriate studies contained in Section 11.9.
 - iii) Each new *lot* shall comply with the requirements of the Zoning By-law; and
 - iv) Each new *lot* shall comply with the *Minimum Distance Separation Formulae*, as required.

3.3.3 Design Guidelines

3.3.3.1 General

- a) Heritage buildings and structures such as farmsteads as well as landscapes such as hedgerows, farm lanes and wood/*lots* should be retained to preserve the rural setting and a connection to the local history.
- b) Community facilities and institutional uses should be located at the termination of primary streets or view corridors to emphasize a civic presence.
- c) Community facilities and institutional uses should place parking areas to the side or rear of the building and screened from view.

3.3.3.2 Residential

Residential buildings may:

- a) Front onto streets and open spaces wherever possible;
- b) Utilize historic exterior building materials, colours and trim;
- c) Have garages that are either side drive attached, side drive detached, attached recessed, attached flush or attached to the rear of the main building; and

- d) Have garages that do not occupy more than 50% of the main building wall.

3.3.3.3 Neighbourhood Commercial

- a) Neighbourhood commercial buildings should:
 - i) Be consistent with the placement and character of the surrounding built form;
 - ii) Have parking areas placed to the side or rear; and
 - iii) Incorporate landscaping features to screen parking areas.
- b) Commercial signage should be consistent with existing historic commercial establishments and should not be backlit.
- c) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.3.4 Consents to Sever

Severances shall only be permitted for infilling as described in Section 3.2.2 and in accordance with the policies of Section 3.2.4.

3.4 Rural

The areas identified on Schedule A as Rural are those lands that are primarily agricultural in nature in addition to existing approved clusters of un-serviced residential *development* outside of the Urban Area Boundary and outside of the Hamlet designation and residential land uses, either seasonal or permanent, that have access to the Lake Erie shoreline within reasonable proximity. The predominant uses for lands designated Rural shall include, but not be limited to; land uses permitted in the Agricultural designation; single-detached residential; natural heritage areas; parks and public open spaces; golf courses, conservation clubs, off-road trails and on-road bicycle routes; veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and cannot be located in a Hamlet such as a nursery or farm produce sales establishment, research station, farm machinery sales or repair depot, roads maintenance depot, feed or saw mill and fertilizer or seed depot; and activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

3.4.1 General Policies

- a) *Municipal sanitary services* and *municipal water services* will not be provided in the Rural area. All new buildings for human use or habitation shall be located on *lots* suitable to support a private well and sewage disposal system to the satisfaction of the appropriate agency and may require a hydrogeological study.
- b) Lands designated Rural are subject to the Policies for *Agricultural uses* described in Section 3.5.1.
- c) *Development* which may now or in the future require *municipal water services* or *municipal sanitary services* shall not be permitted.
- d) A limited volume of growth outside the urban area boundary and hamlet areas shall be permitted in site-specific locations with approved zoning or designation that permits this type of development in accordance with the policies of the Places to Grow Plan.
- e) All proposed *development* shall comply with the Province's Minimum Distance Separation formula and Nutrient Management Plan requirements.
- f) In the Rural Area, locally important agricultural and resource areas, including the Aggregate Potential Area delineated on Schedule C, should be protected by avoiding uses that may constrain these uses.
- g) Trailer camps, mobile home parks and other such activities are not permitted.
- h) Any new or expanding Commercial or Industrial *development* as identified in Section 3.4 is subject to Site Plan Control.

- i) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.
- j) Greenhouses for a cannabis production facility will be required to ensure compatibility with neighbouring land uses through: a) Installation and operation of odour and light mitigation systems; b) Odour and light control, maintenance and monitoring plans; c) Maintaining appropriate setbacks from sensitive receptors as detailed in the Zoning By-law and subject to Site Plan Control.

3.4.2 Intensification and Infill

Intensification may occur on lands designated Rural in accordance with the provisions of Section 2.4.3 as well as the following:

- a) New Residential *development* created through severance shall only be for the purpose of creating up to three (3) *lots* between two (2) existing residential buildings such that:
 - i) The new lots can be adequately serviced by individual sanitary services and individual water services;
 - ii) The size of each *lot* is a minimum of one (1) hectare, excluding *flood plain* areas, *fish habitat* or other Natural Heritage features;
 - iii) Each new *lot* complies with the requirements of the Zoning By-law as in force and effect at the day of approval of this Plan; and
 - iv) Each new *lot* complies with the *Minimum Distance Separation Formulae*, as required.

3.4.3 Design Guidelines

3.4.3.1 General

- a) *Development* in Rural areas should be consistent with the placement and rural character of the existing built form.
- b) Community facilities and institutional uses should place parking areas to the side or rear of the building and screen them from view.
- c) The construction of public *utilities* will be in keeping with the character of adjacent *dwellings* and landscape features.
- d) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.4.3.2 Residential

The City of Port Colborne Official Plan
Residential *development* in rural areas shall:

- a) Orient to streets and open space wherever possible;
- b) Provide front porches or covered entrances;

- c) Not have garages that occupy more than 50% of the main building wall;
- d) Incorporate the planting of mature trees and shrubs;
- e) Use landscaping features to clearly define driveway entrances; and
- f) Where proximate to the Lake Erie shoreline, have architectural treatment and landscaping that is compatible with the natural setting of the Lake Erie shoreline.

3.4.4 Consents to Sever

It is the intent of this Plan to preserve and encourage the growth of viable agricultural industries, particularly for farming, forestry and the conservation of plant and wildlife. The severance of lands designated Rural may be permitted subject the following policies:

- a) Severances for the purpose of a new rural residential dwelling provided:
 - i) A maximum of three lots are created on each property in existence as of June 16, 2006;
 - ii) The proposed lots are designed to retain natural feature and vegetation;
 - iii) Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic system, and protect surface and *ground water features*; and,
 - iv) For multiple residential development proposals of three lots the minimum lot size shall be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately support private water and sewage systems and protect surface and *ground water features*.
- b) Severances that are required for reasons other than the creation of a separate lot may be permitted such as for minor boundary adjustments, *easements* or rights-of-way or any other purpose that does not create a new lot.
- c) In addition to the considerations in Section 3.4.4 a), applications for new lots or consents shall meet the following requirements:
 - i) For *agriculture-related uses* and other rural uses, the amount and availability of vacant lots of record in the areas outside of the Hamlets of the municipality are considered and the need for the additional lot demonstrated;
 - ii) The new lot does not contribute to the extension or expansion of strip development;
 - iii) The new lot is located on an opened and maintained public road;

- iv) The feasibility of sustainable private services is demonstrated through appropriate technical studies;
- v) The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed;
- vi) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
- vii) The proposed use will be compatible with surrounding uses;
- viii) The proposed use will not result in development which would preclude or hinder the establishment of new *mineral aggregate operations*.
- ix) The new lot shall meet the *minimum distance separation formulae*;
- x) The new lot for residential purposes, as permitted by Section 3.4.4 must be separated from existing livestock operations by the distance determined by the *minimum distance separation formulae*; and
- xi) For *agriculture-related uses* and other rural uses, a maximum of three new non-residential lots are created on the property being severed.

3.5 Agriculture

The areas identified on Schedule A as Agriculture are *Prime Agricultural Areas* as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; *value-added* agricultural activities; specialty *agricultural uses* such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation.

3.5.1 General Policies

- a) It is the intent of this Plan to preserve and protect the lands in the Agricultural Area for existing and future farming operations and to permit those uses that support or directly relate to agricultural activities. Cultivated or idle agricultural lands in a *Prime Agricultural Area* are to be protected long term.
- b) All *development* will be situated on *lots* suitable in size and soil condition to support a private well and septic system, as required and to the satisfaction of the appropriate agency.
- c) The processing of livestock or produce that would be more appropriate in an enclosed building in an urban industrial area due to traffic generation, noise, odour, water and/or wastewater servicing considerations is not permitted.
- d) All proposed *development*, including the construction of a *dwelling* on an existing *lot* of record, shall comply with the Province's *Minimum Distance Separation Formulae* and Nutrient Management Plan requirements.
- e) The built form and landscaping of new *development* in the Agricultural area will be consistent with the existing character of the rural area.
- f) Greenhouses and livestock barns are permitted and may require:
 - i) An assessment of water and wastewater needs, and demonstration of availability to provide these services;
 - ii) Development of a nutrient management plan and drainage plan; and
 - iii) Site Plan Control.
- g) Agri-tourism uses and specialty agriculture uses shall be subject to the following criteria:
 - i) The scale of the operation is limited and appropriate to the site and the surrounding area;

- ii) The use has minimal impact on the *agricultural operation* it is part of and is compatible with the surrounding agricultural and rural land uses;
 - iii) The use is limited to low water use and low effluent producing uses, and the site is capable of accommodating the use of sustainable private services;
 - iv) The use does not cause off site impacts related to *infrastructure* or traffic;
 - v) The use does not generate potentially conflicting off-site impacts; and
 - vi) The use complies with all other applicable provisions of this Plan.
- h) The City will discourage the establishment of non-farm uses that could create conflicts with agricultural activities.
- i) The City recognizes that there are existing *non-agricultural uses* on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies.
- j) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.5.2 Secondary Uses

- a) *Secondary uses* such as bed and breakfast facilities in accordance with Section 3.16.2 and uses that produce and market value-added agricultural products may be permitted as *secondary uses* to the principal use of a property on lands designated Agriculture provided that:
- i) The use is compatible with farm operations;
 - ii) Any value-added agricultural products are from the farm operation on the property;
 - iii) The use is small-scale and ancillary to the primary farm operation;
 - iv) The use does not adversely affect the use and enjoyment of adjacent farm and rural properties, the cultural and rural character of the area and the natural environment; and
 - v) All of the property remains designated and zoned Agriculture.
- b) No future severance of these *secondary uses* shall be permitted.

3.5.3 Consents to Sever

It is the intent of this Plan to preserve and encourage the growth of viable agricultural industries, particularly for farming, forestry and the conservation of plant and wildlife. The severance of lands designated Agricultural may be permitted subject to the following policies:

- a) Severances that are required for reasons other than the creation of a separate *lot* may be permitted such as for minor boundary adjustments, *easements* or rights-of-way or any other purpose that does not create a new *lot*.
- b) Severances for the purpose of creating residential building *lots* will not be permitted on lands designated as agricultural.
- c) Where two or more farms are amalgamated under one ownership, any surplus habitable *dwellings* may be severed provided:
 - i) No new residential *development* shall be permitted on a vacant remnant parcel of farmland created;
 - ii) The surplus *dwelling* is of sufficient quality and value to warrant its retention as a non-farm residence and meets existing occupancy standards;
 - iii) The *dwelling* is surplus to the owner's present and future needs for family residence and farm help purposes;
 - iv) The new *lot* created with the *surplus farm dwelling* will not be further subdivided and not more than one *dwelling* may be located thereon;
 - v) The remnant parcel of farmland should be a substantial size to function as a *significant* part of the overall farm unit; and
 - vi) The size of the newly created *lot* should be a minimum of 0.4 hectares in size, unless additional lands are required for private septic service and/or water supply.
- d) Lot creation to accommodate farm diversification uses is not permitted..
- e) The severance of farm parcels is generally discouraged and will only be permitted where *lots* are of sufficient size appropriate for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of *agricultural operations*.
- f) Severances that divide existing properties into parcels of land that are too small to be a viable farm are not permitted.

3.5.4 Value Added Activities

The City supports *value added* agricultural activities which allow the agricultural industry to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversify economic activities and add value to primary products.

Accordingly, the City will review and update the agricultural policies of this Plan to reflect any new Policies in the Regional Policy Plan which allow for a greater range of value-added activities than those currently permitted in this Plan.

3.6 Downtown Commercial

The areas identified on Schedule A as Downtown Commercial represent historic core areas and central business districts of the former Town of Port Colborne and Township of Humberstone and are primarily used for the selling of goods and services. The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes.

3.6.1 General Policies

- a) Any new or expanding *development* in the Downtown Commercial area is subject to Site Plan Control except for low density residential uses as described in Policy 3.2.1 (a), including new and expanding commercial uses.
- b) The municipality may take cash-in-lieu of parking to provide for the consolidation and/or reorganization of off-street parking facilities.
- c) Retail uses, personal service shops and restaurants are encouraged to locate on the first floor of commercial buildings.
- d) Professional offices and new residential uses are encouraged to locate on the upper floors of commercial buildings.
- e) New apartment buildings shall be developed so that they are appropriately integrated into the downtown area.
- f) New Commercial uses grouped in a planned *development* are encouraged while extensive strip *development* without interconnecting access is discouraged.
- g) Adequate off-street parking facilities, including consideration for bicycles shall be required in well-organized, landscaped and well illuminated parking areas or structures.
- h) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.
- i) New and expanding Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the *development*, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed *development* ;
- j) New and expanding Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted.

- k) The development of any single commercial use greater than 1,000 square metres will not be approved unless a Market Study, prepared by a qualified professional, that identifies the need for the *development*, and confirms that there will be no *negative impacts* to existing commercial activities in the downtown.
- l) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.6.2 Intensification and Infill

Intensification and Infill is permitted and encouraged in accordance with the provisions of Section 2.4.3, the Urban Residential policies of Section 3.2.2, and the following policies:

- a) *Intensification* requiring no alteration to the built form and maintenance of the building, is permitted subject to the design guidelines in this Plan or any other design guidelines that have been established and the requirements of the Zoning By-law:
 - i) As a basement apartment or an accessory apartment within an existing single detached *dwelling*;
 - ii) As a residential *dwelling* unit(s) on the upper floors of existing street level commercial uses; and
 - iii) By renovation of vacant commercial buildings resulting in a mixed use *development* comprising upper floor residential and street level commercial.
- c) Mixed use *development* is encouraged within the Downtown. The preferred built form for mixed use *development* is commercial and office uses on the ground floor, with residential units located above.

3.6.3 Design Guidelines

3.6.3.1 General Appearance and Signage

- a) *Development* will be consistent with the placement and character of the surrounding built form.
- b) The maximum height of buildings shall be six (6) storeys.
- c) Proportions of alterations and new buildings should complement the proportions of the surrounding heritage buildings.
- d) Buildings with commercial uses at grade should maximize the amount of glazing and entries to create visual interest and to animate the sidewalk.

- e) Large building blocks should have facades that appear to be a collection of smaller buildings in keeping with the narrow proportions of the heritage built form.
- f) Buildings should generally maintain the established building line for the front yard setback.
- g) All buildings shall front on and be oriented to the street.
- h) Corner buildings are visually prominent and the side elevations should be given equal design treatment as the main street facade, and the building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements.
- i) Buildings at the terminus of streets shall, where appropriate, employ building elements and details that reinforce the landmark position of the building.
- j) Canopies and awnings are encouraged as a means of weather protection for pedestrians.
- k) Where possible, community facilities and institutional uses should be located adjacent to public open spaces or at the termination of primary streets or view corridors to emphasize civic presence.
- l) Buffering shall be provided between commercial establishments and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of trees and shrubs shall be subject to the approvals of the Director of Planning and *Development*.
- m) Commercial signs should be of high quality, complementary to the historic character of the Downtown and not backlit.
- n) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.6.3.2 *Parking, Access and Loading Areas*

- a) Where vehicular access is required from the front to the rear of the property, reduced standards for driveway widths shall be encouraged.
- b) Where pedestrian access is required from the front to the rear of the property, a minimum 3.0 metre walkway and outdoor lighting shall be provided.
- c) Service and loading areas should be oriented to the rear of the building.

- d) All parking areas shall be placed at the rear of buildings and accessed from side streets as to maintain a continuous building edge and a pedestrian-friendly street environment.
- e) Where parking areas are adjacent to side streets, a landscape buffer such as hedge or tree planting should be placed between the sidewalk and parking area.
- f) Larger parking areas are encouraged to incorporate landscape edge treatments along public streets and landscaping medians to break up larger areas of asphalt and should be designed as follows:
 - i) Screening should be provided between parking areas and adjacent residential properties.
 - ii) Buffers should be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
 - iii) Landscape islands shall be placed at the ends of all parking aisles
 - iv) Parking aisles with a length of more than 15 stalls should be broken up with landscape islands.
 - v) All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.
 - vi) Large parking areas shall be broken up with linear 'pedestrian only' sidewalks planted with a consistent row of trees.
 - vii) Parking for bicycles shall be included, which shall be consistent with professionally recognized guidelines.

3.6.3.3 Residential Housing

- a) Townhouses and multiple-unit housing without at-grade commercial uses should:
 - i) Have frontage on a local road;
 - ii) Be aligned parallel to the street from which the principal entrance shall be visible and accessible; and
 - iii) Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements.

3.6.3.4 – Throughs

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

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

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

3.7 Commercial Plaza

The areas identified on Schedule A as Commercial Plaza represent commercial establishments that are incorporated into a shopping centre on one large *lot*, which are outside of the Downtown Commercial area but within the Urban Area and are primarily used for the selling of goods and services. The predominant uses for lands designated Commercial Plaza shall include, but not be limited to; retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation.

3.7.1 General Policies

- a) Any new or expanding *development* in the Commercial Plaza area is subject to Site Plan Control.
- b) Commercial uses that would be more appropriate in the areas designated Downtown Commercial such as retail stores with less than 500 square metres of floor area, banks, medical clinics and small professional offices shall not be permitted.
- c) New Commercial uses grouped in a planned *development* are encouraged and extensive strip *development* without interconnecting access is discouraged.
- d) Adequate off-street parking facilities are required in well-organized, landscaped and well-illuminated parking areas or structures.
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.
- f) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.7.2 Design Guidelines

3.7.2.1 General Appearance and Signage

- a) Buffering shall be provided between the commercial establishment and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of trees and shrubs will be subject to the approval of the Director of Planning and Development Services.
- b) Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage.
- c) Buildings should be built to a minimum setback at intersections to help frame the streets.

- d) A minimum of 40% of the main street frontage of a given property should be defined by building edge.
- e) No front yard parking should be permitted for those portions of the building frontage constituting the minimum 40%.
- f) Where large setbacks can be justified for large commercial stores, smaller commercial buildings (i.e. restaurants, banks) should be located at the street edge.
- g) Canopies and awnings are encouraged as a means of weather protection for pedestrians.
- h) The building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements (i.e. skylights and dormers)
- i) Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building.
- j) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.7.2.2 Parking, Access and Loading Areas

- a) Parking and landscaping for commercial establishments should be designed as follows:
 - i) Screening shall be provided between parking areas and adjacent residential properties.
 - ii) Buffers shall be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
 - iii) Landscaped islands shall be placed at the end of all parking aisles.
 - iv) Parking aisles with a length of more than 15 stalls shall be broken up with landscaped islands.
 - v) All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.
 - vi) Large parking areas shall be broken up with linear pedestrian only sidewalks planted with a consistent row of trees.
 - vii) The placement of sidewalks shall be oriented to link building entrances.

- viii) Parking for bicycles shall be included, which shall be consistent with professionally recognized design guidelines.
- b) Service and loading areas shall be oriented to the rear of the building.

3.8 Highway Commercial

The areas identified on Schedule A as Highway Commercial represent areas of existing and future commercial *development* within the Urban Area which cater primarily to the travelling public, in proximity to arterial roads and highways. The predominant uses for lands designated Highway Commercial shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker. For lands having frontage on Main Street East between the Welland Canal and Elizabeth Street, a mix of uses including both commercial and residential uses are permitted in accordance with the appropriate Policies.

3.8.1 General Policies

- a) Any new or expanding *development* in the Highway Commercial area is subject to Site Plan Control.
- b) Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices shall not be permitted.
- c) New Highway Commercial uses grouped in a planned *development* are encouraged and extensive strip *development* is discouraged.
- d) Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures.
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.
- f) At the time the existing residential or commercial *development* fronting Main Street between the Welland Canal and Elizabeth Street are redeveloped, they should be redeveloped to a higher order of mixed use comprising ground floor commercial integrated with upper storey residential uses, and generally comply with the design guidelines in the Downtown designation.
- g) New and expanding Highway Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the *development*, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed *development*.
- h) New and expanding Highway Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted.

- i) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.8.2 Design Guidelines

- a) Highway Commercial uses are subject to the design guidelines for Commercial Plaza as specified in Section 3.7.2.
- b) Drive-through aisles should be defined by curbing and planted areas instead of painted demarcations, however, an alternate route should be provided such that a vehicle is able to escape the drive-through lane in an emergency without having to reverse through the drive-through aisle.
- c) Entrances to hotels and motels should be built to a minimum setback and incorporate an awning or canopy extending to the sidewalk.
- d) Entrances to hotels and motels should incorporate a pick-up and drop-off area at the street line and orient all other parking to the side and rear.
- e) Restaurant facilities in hotels and motels should be built to a minimum setback and have windows that relate directly to the adjacent street.
- f) Display pedestals for vehicles at car dealerships will be located close to the building and not at the street line.
- g) Gas stations incorporating a retail store use will locate a retail store entrance and windows to the street.
- h) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.9 Marine Commercial

The areas identified on Schedule A as Marine Commercial represent site specific areas which support activities located at the shore of a navigable body of water, and which are primarily engaged in the provision of dockage and services for pleasure boats and includes yacht clubs and parking lots.

3.9.1 General Policies

- a) The City's pleasure boat ramps at the lakeshore parks or private boat houses and docks that are an accessory use to a *dwelling* are not included in this designation.
- b) New marine commercial located on the banks of the unused section of the Welland Canal may be considered at a future date however the proposed *development* should be compatible with the surrounding uses and may require an amendment to this Plan.
- c) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.
- d) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.10 Industrial/Employment

The areas identified on Schedule A as Industrial/Employment represent areas of serviced and un-serviced lands. The predominant uses for lands designated industrial/employment shall include, but not be limited to; manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

3.10.1 General Policies

- a) All *development* in the Industrial/Employment Area is subject to the provisions of Site Plan Control.
- b) The establishment of a new industrial or industrial-related land use that involves the handling of hazardous materials may be permitted subject to a site-specific Official Plan Amendment and Environmental Compliance Approval from the Ministry of Environment.
- c) The establishment of a new industrial or industrial-related use that deals with the processing of animals or animal by-products may be permitted subject to a site-specific Zoning By-law Amendment and satisfactory studies addressing noise, vibration, odours and visual impact as well as a Environmental Compliance Approval from the Ministry of Environment.
- d) The implementing Zoning By-law shall further define the types of industry that shall be permitted in the various industrial areas shown on Schedule A. The by-law regulations shall be quite restrictive for those industrial types that, in the opinion of the City, may become obnoxious to area residents or that may not be compatible with neighbouring factories. Building and site appearance, and screening of storage yards also may be important criteria in certain locations.
- e) The Zoning By-law may differentiate between heavy industrial, marine industrial and light industrial areas where the provisions of 3.10.1 (d) are required rather than encouraged or exempted.
- f) Adequate off-street parking and loading facilities, including consideration for bicycles, are required and will be designed for maximum safety.
- g) Buffering is required between industrial/employment area uses and sensitive land uses, such as residential, including but not limited to, increased setbacks, berming, a high degree of landscaping, screening and fencing.

- h) New industrial *development* will be required to demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines.
- i) Mining or quarrying operations are prohibited, except for the lands of Port Colborne Quarries as more specifically addressed in Section 10 of this Plan.
- j) Those industrial/employment areas that contain existing lots that cannot accommodate the predominant uses noted in 3.10 because of their limited size, can be supported for certain highway commercial uses of an industrial nature, subject to a site specific Zoning By-law Amendment. These uses may include, but are not limited to: vehicle repair shops; building and construction supplies; electrical, plumbing and heating sales and services; and furniture refinishing.
- k) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.10.2 Design Guidelines

- a) In urban areas, the building and the building facade shall be architecturally treated in order to define the street edge.
- b) The required minimum building frontage shall be in proportion to the *lot* frontage and the proposed front yard setback.
- c) The percentage of building frontage required should increase proportionally for wider *lots*.
- d) To enhance building visibility and quality, built form and massing should emphasize key elements including building entrances and forecourts. In particular, variations in articulation of the building envelope are encouraged.
- e) Corner buildings should be located with minimum setbacks to reinforce their focal role. Doorway entrances should be located at or close to the corner.
- f) Office uses should be oriented to the front of the building and incorporate substantial glazing.
- g) Service, loading and manufacturing areas should be oriented to the interior side yard or rear of the building, away from public view.
- h) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.11 Economic Gateway Centre

The areas identified on Schedule A as Economic Gateway Centre represent lands located near the Welland Canal and along Highway #140. The predominant uses of lands designated Economic Gateway Centre shall include, but not be limited to: transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer's showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses. Additionally, educational institutions which are complementary to the aforementioned uses are permitted as well as: retail; restaurant; and personal service uses that are scaled to serve the needs of the area's employees.

3.11.1 General Policies

- a) All *development* in the Economic Gateway Centre is subject to the provisions of Site Plan Control.
- b) An Environmental Compliance Approval may be required as a condition of Site Plan Control.
- c) Buffering is required between Industrial/Employment area uses and residential uses including but not limited to, increased setbacks, a high degree of landscaping, screening and fencing.
- d) New industrial *development* will be required to demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines.
- e) Any proposed use which has the potential for *negative impacts* (including but not limited to: noise, vibration, dust/debris, odour, traffic etc.) will be required to demonstrate through a special study, how the appropriate federal, provincial and/or regional guidelines will be met and maintained.
- f) The City may require special studies to address *negative impacts* for which the Ministry of Environmental guidelines do not exist (i.e. light emissions) which demonstrate how the *negative impacts* will be mitigated.
- g) To ensure co-ordinated *development* over the long-term, the City may work with neighbouring municipalities, the Region of Niagara and/or the Province to prepare a Secondary Plan for Port Colborne's portion of the Economic Gateway Centre which will address land use compatibility, urban design, multi-modal transportation linkages, energy efficiency, environmental standards, economic development and tourism.
- h) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.11.2 Design Guidelines

- a) Economic Gateway Centre uses will be encouraged to have unique building massing, high quality exterior building materials and high quality landscaping.
- b) Where outdoor storage is allowed, it shall be screened using fencing and/or plantings so that the storage area or materials are not visible from abutting lands.
- c) Service, loading and manufacturing areas should be oriented to the interior side yard or rear of the building, away from public view.
- d) Where large amounts of vehicular parking is required for a proposed use, it shall be provided as multiple landscaped parking areas distributed throughout the site with a logical circular pattern.
- e) Parking areas shall be screened from adjacent land uses and large parking areas should incorporate internal landscaping.
- f) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.12 Rural Employment

The areas identified on Schedule A as Rural Employment represent lands located near the Welland Canal and along Highway #140 but that fall outside the City's Urban Area Boundary. The predominant uses of lands designated Rural Employment shall include, but not be limited to uses that are of a dry industrial nature, in that they are considered to have minimal water and wastewater requirements, and should be serviced through *sustainable private servicing* only. All new or expanding rural development shall demonstrate that the use cannot be located within the urban area due to land use compatibility issues and/or specific locational requirements, including proximity to key transportation *infrastructure* or the proposed use is related to the management or use of a resource and is required to be in close proximity to it. Uses shall be compatible with adjacent *agricultural uses*, planned *agricultural uses* and shall not negatively impact normal farm operations.

3.12.1 General Policies

- a) Rural Employment lands are not part of the *settlement area*.
- b) Major retail and residential uses are not permitted within the Rural Employment area.
- c) Rural employment lands may only be identified through an Amendment to this Plan and must be specifically identified on a map as a Schedule to this Plan. Addition of new Rural Employment Lands shall only be considered as part of a municipally initiated comprehensive review of employment lands by Niagara Region and shall fulfill all requirements of this Plan with regard to comprehensive reviews.
- d) The environmental policies contained in Section 4 of this Plan shall apply to *development* on Rural Employment lands.
- e) New or expanding *development* will be required, at a minimum, to complete functioning service reports and hydrogeological reports to support the new or expanding use. Additional studies as per Section 11.9, Complete Application Policies may also be required.
- f) All *development* in the Rural Employment area is subject to the provisions of Site Plan Control. The Region of Niagara is required to be circulated on all Site Plan Control applications.
- g) An Environmental Compliance Approval may be required as a condition of Site Plan Control.
- h) Buffering is required between industrial/employment area uses and residential uses including but not limited to, increased setbacks, a high degree of landscaping, screening and fencing.

- i) New *development* will be required to demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines as necessary.
- j) Any proposed use which has the potential for *negative impacts* (including but not limited to: noise, vibration, dust/debris, odour, traffic etc.) will be required to demonstrate through a special study, how the appropriate federal, provincial and/or regional guidelines will be met and maintained.
- k) Lands within the Rural Employment area that comprise the Babion Woodlot will be subject an Environment Impact Statement which will confirm the boundaries of the *Woodlot* and *Provincially Significant Wetland*. Upon approval of the Environmental Impact Statement, the *Woodlot* and *Wetland* will be designated as "Environmental Protection Area" in this Plan without further amendment to this Plan. The balance of lands shall be designated "Rural Employment" without further amendment to this Plan.
- l) The City may require special studies to address *negative impacts* for which the Ministry of Environmental guidelines do not exist (i.e. light emissions) which demonstrate how the *negative impacts* will be mitigated.
- m) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.
- n) Notwithstanding the policies of this Section, the uses and policies permitted on and applicable to the lands legally described as Part Lots 16,17,18 and 19, Concession 5, and part of the Road Allowance between Lots 16 and 17 in Concession 5 and part of the Road Allowance between Lots 18 and 19 in Concession 5, formerly Township of Humberstone, now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2,3,4 and 5 of Reference Plan 59R-8816; Part of Lots 23,24 and 25, Concession 4, and Part of the Road Allowance between Lots 24 and 25, Concession 4, (formerly Township of Humberstone), designated as Parts 1 and 2 on Reference Plan 59R-12468, Part lots 16,17,18 and 19, Concession 5, and Part of the Road Allowance between Lots 16 and 17 in Concession 5 and Part of the Road Allowance between Lots 18 and 19 in Concession 5, Formerly Township of Humberstone, County of Welland, Now City of Port Colborne, Regional Municipality of Niagara, being Parts 1,2, and 3 on Reference Plan 59R-12469 are as determined by the decision of Member J.V. Zuidema in Ontario Municipal Board (OMB) Case No. PL090828 as set forth in the Order of the OMB dated July 11, 2013 and attached as Appendix 'A' to this Plan.

3.12.2 Design Guidelines

- a) Rural Employment uses will be encouraged to have unique building massing, high quality exterior building materials and high quality landscaping.

- b) Where outdoor storage is allowed, it shall be screened using fencing and/or plantings so that the storage area or materials are not visible from abutting lands.
- c) Service, loading and manufacturing areas should be oriented to the interior side yard or rear of the building, away from public view.
- d) Where large amounts of vehicular parking is required for a proposed use, it shall be provided as multiple landscaped parking areas distributed throughout the site with a logical circular pattern.
- e) Parking areas shall be screened from adjacent land uses and large parking areas should incorporate internal landscaping.
- f) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.13 Parks and Open Space

The areas identified on Schedule A as Parks and Open Space represent existing parks and public open space areas which are intended for use by the public for open-air recreational purposes. The predominant uses for lands designated Parks and Open Space shall include, but not be limited to; public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

3.13.1 Parks and Open Space Definitions

3.13.1.1 City Parks

- a) City Parks provide unique, specialized cultural and recreational activities oriented towards participation by all City residents and tourists.
- b) City Parks may include active and passive, indoor and outdoor, programmed and non-programmed, casual use facilities of all scale (i.e. lights). Facility *development* should be integrated on each site so as to minimize conflicting uses.
- c) City Parks shall serve all residents of all neighbourhoods throughout the City and also attract use from non-residents and tourists.
- d) City Parks can include major indoor culture, recreation and civic facilities and unique landscapes and should be located on major roads for greater accessibility.

3.13.1.2 Community Parks

- a) Community Parks provide active and passive recreational space for a variety of programmed and non-programmed cultural and recreational activities.
- b) Community Parks may include; intermediate and senior baseball and softball diamonds; senior sports fields/soccer fields; lit tennis courts; track and field facilities; indoor recreation facilities such as arenas, pools and community centres; children's play equipment; trails; horticulture areas; group picnicking; parking; and washrooms and/or change rooms.
- c) Community Parks are anticipated to serve all residents within a maximum 4.8 kilometre radius, but with some active Community Parks, this distance may be greater.
- d) Active and passive Community Parks can be developed separately but should, if possible, be components of the same Community Park.

- e) Community Parks can incorporate neighbourhood park components to serve local residents and should, if possible be developed adjacent to secondary school sites and located on arterial roads for greater accessibility.

3.13.1.3 neighbourhood Parks

- a) Neighbourhood Parks provide a mix of passive and active recreational opportunities for spontaneous, non-programmed use.
- b) Neighbourhood Parks may include; minor baseball and softball diamonds (unlit); unlit tennis courts; children's play equipment; shaded or treed areas for passive activities; open area for active play such as a non-programmed sports field; multi-purpose hard courts (tennis, basketball, skating); and benches and picnic tables.
- c) Neighbourhood Parks are anticipated to serve all residents within a maximum 0.8 kilometre radius.
- d) Neighbourhood Parks should, if possible, be developed adjacent to elementary school sites and/or on collector roads.

3.13.1.4 parkettes

- a) Parkettes provide for passive recreation or decorative purposes.
- b) Parkettes may include; horticulture displays; statues and historical notices; and benches and picnic tables.
- c) Parkettes are anticipated to serve all residents of all neighbourhoods throughout the City.

3.13.1.5 Tot-Lots

- a) Tot-Lots provide for passive and active recreation for pre-school children and generally form part of a Neighbourhood Park.
- b) A Tot-Lot should only be developed alone in areas not served by a Neighbourhood Park.
- c) Tot-Lots may include children's play equipment and benches.
- d) Tot-Lots are anticipated to serve all residents within a maximum 0.4 kilometre radius.

3.13.2 Parks and Open Space Hierarchy

The purpose of a parks and open space hierarchy is to provide a wide range of recreational opportunities and to ensure that each type of open space is situated to meet the needs of an immediate neighbourhood, a district or the City as a whole and shall be based on the following:

- a) The existing system of interconnected parks and open space shall be expanded and enhanced utilizing the City's Culture and Recreation Master Plan as a guide.
- b) Within the City's Urban Area Boundary, parks and open space shall be classified according to the following hierarchy:
 - i) City Parks;
 - ii) Community Parks;
 - iii) Neighbourhood Parks;
 - iv) Parkette; and
 - v) Tot lot.
- c) Outside the Urban Area Boundary, existing parks and open space shall be classified according to the following hierarchy:
 - i) Community Parks; and
 - ii) Neighbourhood Parks.
- d) Linkages between all types of parks and open space is encouraged throughout the municipality.
- e) The hierarchy of parks and open space is not meant to be mutually exclusive and a specific facility may fulfill the functions of one or more categories.
- f) Schools are not part of the municipal parks and open space standard.

3.13.3 Parks and Open Space Linkages

- a) Parks and Open Space Linkages are intended to provide connection between components of the parks and open space system and should support and provide opportunities for passive and active linear outdoor recreational activities.
- b) These linkages should be provided by the City, the Province or public agencies such as the Niagara Peninsula Conservation Authority.
- c) Linkages should serve all residents of all neighbourhoods throughout the City and may attract non-resident and tourist use.
- d) Park Linkages are generally developed while Open Space Linkages are undeveloped and left in a more natural state.
- e) Linkages should integrate the natural resource features of the City and the surrounding area into the existing Parks and Open Space system.

3.13.4 Parkland Standards

Periodic review and updating of the Culture and Recreation Master Plan shall be undertaken to ensure that the needs of the community are effectively being met.

- a) The standard for the provision of parkland shall be based on the provision of four (4) hectares per thousand residents and where feasible, it will be provided on the following basis:
 - i) City Park 2.2 hectares per 1,000 residents
 - ii) Community Park 0.8 hectares per 1,000 residents
 - iii) Neighbourhood Park 1.0 hectares per 1,000 residents
 - iv) Parkette No standard as this serves a special purpose
 - v) Tot Lot No standard as this serves a special purpose and is included in the Neighbourhood Park category

- b) Where it is not possible or feasible to achieve these standards, particularly in older neighbourhoods which are already developed:
 - i) Every effort shall be made to retain and/or acquire the maximum amount of land which is available (e.g. through the playground incentive program); and
 - ii) Joint use of all available lands will be investigated with the school boards, community groups and other organizations.

3.13.5 Design Guidelines

The City shall consider the following guidelines in the provision of parkland and open space:

- a) The park or open space should meet the minimum requirements for size as follows:
 - i) Tot-lots of 0.2 hectares;
 - ii) Parkettes of 0.1 hectares;
 - iii) Neighbourhood parks of 0.8 hectares;
 - iv) Community parks of 1.6 hectares; and
 - v) City park size is based on program or activities to be accommodated, but generally larger than a neighbourhood park.

- b) An interconnected system of open space should be created by incorporating Natural Heritage features, woodlots, hedgerows, farm lanes, community parks, schools and stormwater management facilities through the placement of these elements where appropriate or by providing links between them through recreational off-road trails, on-road cycling routes or street networks;
- c) Efficient and sustainable use of water resources shall be promoted including practices to conserve water and protect or enhance water quality;
- d) Natural environment and built heritage features should be integrated with an open space system;
- e) *Significant* natural features and key views to landmark buildings shall be maintained and used as organizational features for Public Parks;
- f) Parks shall generally be located as central as possible to the communities or neighbourhoods that they serve;
- g) A park shall be provided as a focus for new neighbourhoods and should be designed to provide areas for community and civic events;
- h) The parkland areas and major open space systems shall be connected wherever possible utilizing walkways, off-road trails, *utility* and/or open space corridors, sidewalk systems, on-road bicycle routes and roads;
- i) Park sites shall take advantage of favourable topography, vistas and natural features;
- j) Open spaces should be framed or flanked by public roads where possible to improve the presence of the amenities in the identity of the neighbourhood;
- k) Site frontage along roadways shall be maximized to reduce conflicts with adjoining land uses, ensure greater visibility and security and to provide on-street parking capability;
- l) The provisions of parks and open space in association with or adjacent to educational institutions and community facilities shall be encouraged.
- m) Landscaping, complementary lighting and other design measures shall be used to enhance the visual appearance and to encourage compatibility with adjacent land uses;
- n) Users' security shall be increased through such measures as lighting, the positioning of buildings, pathways, planting and parking areas and overall site visibility;
- o) Adequate on-site parking including bicycle parking and drop-off areas shall be provided to accommodate the existing and proposed uses;

- p) Parks shall be distinctive and express the character of the area in which they are located;
- q) Parks shall be framed by continuous street frontage wherever possible;
- r) Structures in parks shall be sited with careful consideration for natural features, topography, vistas and aspect with the principal arrival or entry designed to reflect and enhance the public realm;
- s) Parks in new residential areas should be sited and organized to give character to neighbourhoods and should wherever possible incorporate existing heritage and natural features;
- t) Neighbourhood Parks should generally be located within a 400 metre (5 minute walking) distance from most residents of that neighbourhood.

3.14 Private Open Space

In addition to the land use policies in Section 3.13, the lands specifically identified on Schedule A as Private Open Space shall predominately be used for golf courses, driving ranges, skateboard parks and other such open air recreational uses not owned by the municipality. Related and/or ancillary uses such as clubhouses, storage barns and parking areas are also permitted.

3.14.1 General Policies

- a) Any new or expanding *development* in the Private Open Space area is subject to Site Plan Control.
- b) Where any land is designated as Private Open Space on Schedule A and the land is under private ownership, this Plan does not intend that such land is open to the general public, or that the lands will be purchased by the City of any other *public agency*.
- c) Where any land is designated as Private Open Space on Schedule A and the land is under private ownership, an application for re-designation of these lands for other uses shall be given due consideration by the City after it has been determined that:
 - i) The land will not be acquired by the Region or other appropriate Government authority or agency; and
 - ii) The effect of the proposed use on the land and the *adjacent lands*.
- d) The use of these lands may be changed to City or Regional parks or to Natural Heritage areas without an amendment to this Plan.
- e) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.

3.15 Special Study Areas

3.15.1 Niagara to GTA Corridor Special Study Area

- a) The City is planning for the possible future *development* of a corridor of land associated with the Niagara to GTA Corridor. This area is identified on Schedule A as a “Special Study Area”
- b) The City will reserve the lands identified as “Special Study Area” on Schedule A for comprehensive planning through a Secondary Plan and to prevent intervening land uses from being established. Only existing, expanding of or permitted land uses will be allowed within the “Special Study Area”.
- c) After the alignment of the Niagara to GTA Corridor is finalized a Secondary Plan with appropriate background reports will be prepared that will ensure conformity with the Regional Growth Management Plan and:
 - i) Address the protection and enhancement of the natural environment;
 - ii) Identify the market demand for various types of land uses, including any multi-modal transportation opportunities where the Niagara-to-GTA Corridor crosses the Welland Canal.
 - iii) Identify the appropriate land uses for the “Special Study Area”.
 - iv) Allocate the appropriate land uses within the study area boundary;
 - v) Establish urban design guidelines for each type of land use;
 - vi) Establish requirements for water and wastewater servicing and stormwater management.
 - vii) Address transportation issues such as traffic mitigation, road upgrades, off-road trail and bicycle route implications including connectivity and safety, signalization and transit planning;
 - viii) Establish a phasing scheme;
 - ix) Include open and transparent stakeholder consultation; and
 - x) Address all Regional and Provincial Planning policies.
- d) Following or concurrently with the adoption of the Secondary Plan through an Official Plan Amendment, the Zoning By-law will be amended to reflect the designations in the Secondary Plan.

3.16 Supplementary Land Use Policies

3.16.1 Home-Based Business Policies

- a) Home-based businesses may be permitted in the Urban Area where residential uses are permitted as the primary use.
- b) The business operation shall be secondary to the residential use, as defined in the Zoning By-law.
- c) In an Agricultural Area, the business operation shall be secondary to the agricultural use of the property.
- d) The business use must meet certain tests pertaining to the impact of the use on the residential character of the subject property and the neighbourhood, as set out in the Zoning By-law.
- e) It is expected that only residents of the home and only one (1) non-resident of the home shall be employed in the business.
- f) Home-based business uses included but are not limited to; professional services, domestic arts and bed and breakfast accommodation.
- g) Home-based businesses are not intended to include economic activities or businesses that, due to their size, scale or nature, are more appropriately located in industrial or commercial zones where adequate amenities or site services are provided.
- h) Any business that expands beyond the permitted terms of operation as defined by this Plan shall be relocated to lands with an appropriate permitted land use designation.
- i) The City will not re-designate and/or permit the severance of a property in order to accommodate the expansion of a home-based business.
- j) Group homes shall be permitted subject to the Group Home policies in Section 3.14.3.
- k) Lodging Houses shall be permitted subject to the Lodging House policies in Section 3.14.4.
- l) Home-based businesses may be subject to licensing under the provisions of the *Municipal Act* to ensure compliance with the Zoning By-law, control hours of operation and ensure minimal signage.

3.16.2 Bed and Breakfasts

Bed and breakfast operations are subject to the provisions of the Home-based Business policies and, when established in areas designated Agricultural, shall not exceed 3 bedrooms, but up to

6 bedrooms may be permitted through a site-specific Zoning By-law Amendment, which demonstrates the feasibility of *sustainable private servicing* and compatibility with the surrounding agricultural and residential uses. A Bed and Breakfast facility would also require prior approval from Niagara Region Public Health.

3.16.3 Group Homes

A Group Home is a housekeeping unit in a residential building in which not more than eight (8) residents (excluding staff and/or the receiving family) live as a family under responsible supervision consistent with the requirements of its resident(s). Group Homes are licensed or administered under Provincial Statutes and must be in compliance with Municipal By-laws.

3.16.3.1 General Policies

- a) The following types of Group Homes shall be permitted in any residential zone or residence, including a farm residence, in the City of Port Colborne:
 - i) Homes for Special Care, and Supporting Housing Programs;
 - ii) Accommodation for adult mental health programs;
 - iii) Accommodation Services for the Developmentally Handicapped;
 - iv) Satellite Residences for Seniors;
 - v) Physically Disabled Adults; and
 - vi) Approved Homes
- b) Types of Group Homes that may be permitted in any residential zone or residence by Zoning By-law amendment include:
 - i) Transitional housing for the Socially Disadvantaged; and
 - ii) Transitional housing for Ex-Offenders
- c) In order to prevent a concentration of Group Homes in any one area a minimum distance separation shall be required in the implementing Zoning By-law.
- d) The structure and use must be compatible with the scale, density and character of the surrounding neighbourhood
- e) Sufficient landscaped area shall be provided in order to maintain residential character and to mitigate any potential impacts.
- f) Adequate off-street parking, including for bicycles, and drop-off/pick-up areas must be provided to serve residents, staff and visitors.
- g) All Group Homes shall be registered with the City of Port Colborne pursuant to the provisions of the Municipal Act R.S.O. 2001.

3.16.4 Lodging Houses

Lodging Houses shall be permitted throughout the municipality in accordance with the following:

- a) The site is suitably located with convenient access to public transit and commercial areas;
- b) The *lot* size and configuration are sufficient to accommodate adequate parking, green space and amenity areas;
- c) All other applicable policies and standards are adhered to (i.e. the Ontario Building Code, the Municipal Zoning By-law);
- d) The structure and use are compatible with the surrounding uses and in keeping with the overall character of the neighbourhood; and
- e) Suitable buffering shall be provided to mitigate any potential impacts that may be generated.

3.16.5 Places of Worship

- a) Places of worship are permitted:
 - i) On lands designated Urban Residential or Hamlet, where they are designed to accommodate up to 200 persons; or
 - ii) On collector or arterial roads.
- b) New places of worship are not permitted in the Agricultural or Rural Area.
- c) The establishment of new, or the expansion of existing places of worship are subject to Site Plan Control.

3.16.6 Garden Suites

A Garden Suite can be defined as a one storey, single unit structure which is temporary and portable containing a bathroom and cooking facilities and is equipped for year round occupancy which is physically separate from the principal *dwelling unit* with which it is associated, but shall not include a trailer or recreational vehicle. The necessity of a Garden Suite shall be based on the need to ensure care and/or supervision for an elderly person, generally with some relation to the owner of the primary *dwelling* on the property. A Garden Suite will be subject to a Temporary Use By-law and the following:

- a) A Garden Suite shall only be permitted on a residential *lot* zoned for a single-detached *dwelling*.

- b) A Garden Suite shall be adequately serviced for water and wastewater by the primary residence. Approval from the appropriate agency will be required where there are private services.
- c) The exterior design of the Garden Suite shall not adversely impact the privacy of adjacent yards and shall be compatible with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance.
- d) A Garden Suite must not interfere with or disrupt the water drainage pattern on adjacent properties, nor cause the ponding of stormwater.
- e) A Garden Suite must have one parking space and access via a common driveway.
- f) As a condition of approval of a Garden Suite, Council shall require an agreement between the City and the owner of the main dwelling. The agreement shall be registered on title and stipulate the name of the tenant, the period of time the agreement is in effect (up to a maximum of twenty (20) years), the removal and restoration of the property once the unit is removed and the penalties that will be invoked for failure to comply with the terms of the agreement.

3.16.7 Adult Entertainment Establishments

The City may permit a maximum of two (2) adult entertainment parlours and two (2) body rub parlours in the whole City. The implementing Zoning By-law shall:

- a) Limit the number of adult entertainment parlours to a maximum of two (2) in the entire City;
- b) Limit the number of body rub parlours to a maximum of two (2) in the entire City;
- c) Establish a defined area in which adult entertainment and body rub parlours may be located;
- d) Establish a minimum distance separation between adult entertainment parlours and *sensitive land uses* and body rub parlours and *sensitive land uses*; and
- e) Establish performance standards to appropriately regulated adult entertainment parlours and body rub parlours.

3.16.7.1 Design Guidelines:

- a) Within the front setback area for the building, landscaping is required and will incorporate a variety of trees, shrubs and other landscape elements.

- b) The building frontage will incorporate substantial glazing and it will be tinted and/or mirrored to conceal the interior of the establishment.
- c) Parking areas will be located to the rear of the building and will be screened by wooden privacy fencing.
- d) One sign is permitted for an establishment and it shall:
 - i) Be incorporated into the building;
 - ii) Not extend higher than the lowest point of the buildings' roof line; and
 - iii) Occupy less than 15% of the wall area on which it is mounted.
- e) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.
- f) Adult entertainment parlours and body rub parlours are subject to Site Plan Control.

3.16.8 Development Adjacent to Railways

- a) All proposed *development* within 500 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified.
- b) 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 and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from vibration that were identified.
- c) All proposed *development* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway.

3.16.9 Former Waste Management Site

No re-use of a property used as a waste disposal site, which has been identified on Schedule A, may be approved within 25 years of closure unless the reuse has been approved by the Minister of the Environment under applicable legislation, guidelines and regulations:

- a) *Development* proposals or change in land use within the waste management site and within 30 metres of the perimeter of the site will only be permitted subject to

a study completed to the satisfaction of the City, Region and Ministry of the Environment to evaluate the presence and impact of any adverse environmental effects or risks to public health and safety and to determine necessary remedial measures. The study shall have regard for the Ministry of Environment's D-4 Guidelines: Land Use on or near Landfills and Dumps;

- b) If less than 25 years has elapsed since active use, approval of the Minister of the Environment, pursuant to Section 46 of the *Environmental Protection Act* will also be required. Any required approvals pursuant to the *Planning Act* must be obtained prior to the issuance of any approvals under the *Environmental Protection Act*; and
- c) *Development* proposals within 500 metres of a former waste management site will only be permitted subject to a study completed to the satisfaction of the City, Region and Ministry of the Environment to ensure that potential *adverse effects* of the former waste management operation on the proposed *development* are identified and that appropriate mitigation measures are incorporated. The study shall have regard for the Ministry of Environment's D-4 Guidelines: Land Use on or near Landfills and Dumps.

Section 4

Natural Heritage

Section 4: Natural Heritage

This Section of the Plan provides policies for the protection of Port Colborne's Natural Heritage Features and Natural Hazard Features. The objective of these policies is to identify and protect *significant* natural areas while focusing on conservation and remediation, where appropriate. The City shall employ an ecosystem approach in order to address the interrelationships among air, land, water, plant and animal life and human activities while maintaining the health and integrity of the broader landscape.

4.1 Natural Heritage Features

Natural Heritage Features are shown on Schedule B as Environmental Protection Areas, Environmental Conservation Areas, *Significant Valleylands*, Stream Corridors and *Fish habitat* Areas, and further delineated on Schedules B1 and B2 as *Provincially significant wetland*, *Non-PSW Wetlands*, *Provincially Significant Areas of natural and scientific interest*, *Regionally Significant Areas of natural and scientific interest*, *Significant Habitat of Threatened or Endangered species*, *Significant Wildlife Habitat*, Natural Hazard Areas, *Significant Woodlands* and *Fish habitat*.

4.1.1 General Policies

- a) The City of Port Colborne promotes the protection and/or conservation and where appropriate, the restoration and enhancement of Natural Heritage Features within and adjacent to its boundaries.
- b) The designations in this section are intended to protect and/or conserve natural features and *ecological functions* as well as to compliment land use designations set out in the General Land Use Plan in Schedule A.
- c) To encourage conservation of the natural environment, the municipality, by itself, or in partnership with other agencies or groups, shall implement the following:
 - i) Tree Cutting By-law;
 - ii) *Lot Grading and Drainage* By-law;
 - iii) *Site alteration* By-law;
 - iv) Removal of Top Soil By-law;
 - v) Permanent Agricultural Districts;
 - vi) Conservation *Easements*;
 - vii) Land Trusts;

- viii) Property Tax Incentives;
 - ix) Regeneration of degraded natural areas by replanting of native species;
 - x) Re-creation of lost habitat;
 - xi) Naturalization of facilities such as stormwater management ponds; and
 - xii) Any other initiatives that encourage long term conservation and enhancement of the natural environment.
- d) The allocation of human and/or financial resources by the municipality towards any of the initiatives outlined in Policy 4.1.1 (c) will be determined at the time the initiative is being considered for implementation.
 - e) The municipality will encourage individuals and private land owners to undertake the conservation and enhancement initiatives described in Policy 4.1.1 (c).
 - f) *Development* should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If *negative impacts* cannot be avoided, mitigation measures shall be required.
 - g) The City shall undertake public works and actions that are consistent with the protection of Natural Heritage Features. In instances where public works may encroach on these areas, the City will give consideration to the potential impacts of any proposed actions, consider alternatives and implement measures to minimize any potential impacts.
 - h) Where any land is delineated as a Natural Heritage Feature on Schedules B, B1 and B2 and the land is under private ownership, this Plan does not intend that such land is open to the general public, or that the lands will be purchased by the City or any other *public agency*.
 - i) Where a site specific *development/redevelopment* proposal, requiring an Official Plan Amendment, a Zoning By-law Amendment, a Plan of Subdivision, Consent, Minor Variance or Site Plan Approval may impact an Environmental Protection Area or Environmental Conservation Area, identified on Schedule B and further delineated on Schedules B1 and B2 and outlined by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS), which will be required to be submitted with the application.
 - j) Undisturbed, vegetated buffers will be required between a Natural Heritage Feature and any proposed buildings or structures of adjacent *development* and unless reduced buffers are determined by an Environmental Impact Study, the size of the buffers shall be:
 - i) *Provincially Significant Wetlands* 120 metres

- | | | |
|-------|--|-----------|
| ii) | <i>Non-Provincially Significant Wetlands</i> | 50 metres |
| iii) | <i>Significant Habitat of Endangered or Threatened Species and Significant Wildlife habitat</i> | 50 metres |
| iv) | <i>Fish habitat</i> | |
| | Critical | 30 metres |
| | Important or Marginal | 15 metres |
| v) | <i>Significant Woodlands</i> | 50 metres |
| vi) | <i>Significant Valleylands</i> | 50 metres |
| vii) | Provincially Significant Areas of Natural or Scientific Interest (ANSI) | 50 metres |
| viii) | Where not defined by 4.1.1j(i) to 4.1.1j)vii), the buffer shall be determined through an Environmental Impact Study to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority. | |
- k) The front, rear and side yard setbacks required by the Zoning By-law for *development* adjacent to a Natural Heritage Feature may not overlap with the required buffer. The lands shall be retained in a natural state and the buffer zone shall be maintained as a single block and zoned to protect the natural and *ecological functions* of the feature.
- l) The buffer area should be enhanced by the planting of native species by the developer.
- m) On lands where there are several different Natural Heritage Features identified, the most restrictive policy section associated with the feature shall apply.
- n) *Development* and *site alteration* within and adjacent to Natural Heritage Features shall be subject to Site Plan Control.
- o) All Niagara Peninsula Conservation Authority (NPCA) lands are intended to be used on a passive basis, as most NPCA lands are characterized by environmentally *sensitive* features. It is the intent of this Plan to encourage the Conservation Authority to maintain these lands in public ownership and to ensure that their use is consistent with the ecological character and environmental features in the immediate area.

4.1.2 Plans and Studies

4.1.2.1 General

Where a *significant development* such as a golf course, residential subdivision or a large commercial, or industrial *development* is proposed that requires a number of different environmental studies, an integrated review of the environmental issues and the interrelationships among them shall be submitted with the application. Such a review shall not be required where an equivalent review has been prepared for the proposal under Federal or Provincial legislation such as the *Environmental Assessment Act* or the *Aggregate Resources Act* review.

4.1.2.2 Environmental Impact Study

- a) An Environmental Impact Study shall be carried out by professionals qualified in the field of environmental sciences and acceptable to the City, the Regional Municipality of Niagara, and the Niagara Peninsula Conservation Authority, as required. Prior to the commencement of the Study, Terms of Reference, prepared by the applicant, or consultant acting on behalf of the applicant, acceptable to the City of Port Colborne shall be prepared in consultation with the Niagara Peninsula Conservation Authority, the Region and any other applicable agencies.
- b) In general the Environmental Impact Study (EIS) shall include:
 - i) A description of and statement of the rationale for the proposal and alternatives to the proposal;
 - ii) A description of adjacent land use and the existing regulations affecting the proposal and *adjacent lands*;
 - iii) A description of the proposed undertaking, including a location map showing proposed buildings, existing land uses and buildings, existing vegetation, fauna, site topography, drainage, hydrology, soils and habitat areas;
 - iv) A description of all natural features and functions, including hydrologic, surface and ground water functions, on site and on *adjacent lands* that might directly or indirectly be affected by the proposal;
 - v) A description of alternate forms that the proposal could take including an assessment of the advantages and disadvantages of each;
 - vi) An assessment of the impacts that might reasonably be caused to the natural features and functions by the proposal including the cumulative effect of the impacts;

- vii) An identification and evaluation of the actions necessary to prevent, change, mitigate or remedy any assessed impacts upon natural heritage features and functions and the alternative methods of protecting the functions and values of the areas affected;
- viii) A concluding statement that the policy objectives of the Environmental Protection Area or Environmental Conservation Area designation are being complied with;
- ix) The required scope and/or content of an EIS may be reduced in consultation with the appropriate agencies where;
 - a) The environmental impacts of the *development* are thought to be limited; or
 - b) Other environmental studies fulfil all or some of the requirements
- x) Any other information required by the City, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority, or the Region that is deemed necessary to evaluate the proposal in relation to the Natural Heritage Feature identified; and
- xi) For *development* or *site alteration* within or adjacent to an Environmental Conservation Area within the Urban Area Boundary, an EIS shall be prepared to the satisfaction of the Region and in consultation with the City and the Niagara Peninsula Conservation Authority. *Development* or *site alteration* within or adjacent to Environmental Conservation Areas outside the Urban Area Boundary, as well as adjacent to Environmental Protection Areas requires the preparation of an EIS to the satisfaction of the Region in consultation with the City, the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources, as required.
- xii) An EIS is not required for uses authorized under an Environmental Assessment process, carried out in accordance with Provincial and/or Federal legislation.

4.1.2.3 Watershed Plans

- a) The City shall participate with the Region and Niagara Peninsula Conservation Authority, landowners and community groups in ensuring *watershed* plans are prepared for major *watersheds* at the broad landscape level that include;
 - i) An inventory and assessment of ecological features and functions in the *watershed*;
 - ii) Identification of key issues and objectives;

- iii) A water budget and conservation plan;
 - iv) Recommendations to maintain and where feasible enhance ecosystem health; and
 - v) Identification of sub-*watershed* boundaries and establishment of new guidelines for additional studies, as required.
- b) *Watershed* Plans shall be implemented through amendments to the City's Official Plan or Zoning By-law, as well as any Secondary Plans and the Regional Policy Plan, where appropriate.

4.1.2.4 Environmental Planning Study

- a) Where a major land use change or plan is proposed, that goes beyond an individual site specific *development* proposal, such as at the community, or neighbourhood level, an Environmental Planning Study shall be prepared that provides for:
- i) An environmental inventory and assessment;
 - ii) An environmental management strategy in conjunction with a recommended *development* plan;
 - iii) Recommendations for amendments to the planning documents; and
 - iv) A monitoring plan to assess environmental health after *development* is initiated.
- b) Environmental Planning Studies shall be implemented through amendments to the City's Official Plan or Zoning By-law, as well as any Secondary Plans and the Regional Policy Plan, where appropriate and provide guidance and direction for:
- i) The review of the applications for *development* or *site alteration*;
 - ii) Servicing and *infrastructure* proposals; and
 - iii) Support for environmental stewardship, restoration and other measures.

4.1.2.5 Tree Saving Plans

Where *development* or *site alteration* is approved in accordance with the policies of this Plan, the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and *ecological functions*. The Plan shall be prepared in accordance with the administrable Tree Conservation By-laws and related Environmental Impact Study and its implementation monitored by a member of the Ontario Professional Forestry Association or consultant who prepared the Environmental Impact Study.

4.1.3 Surface Water and Groundwater Protection

- a) *Development and site alteration* shall only be permitted if it will not have *negative impacts*, including cross-jurisdictional and cross-watershed impacts on:
 - i) The quantity and quality of surface and ground water;
 - ii) The functions of ground water recharge and discharge areas, aquifers and headwaters;
 - iii) The natural hydrologic characteristics of *watercourses* such as base flow;
 - iv) Surface or ground water resources adversely impacting on natural features or *ecological functions* of the *Core Natural heritage system* or its components;
 - v) Natural drainage systems, stream forms and shorelines; and
 - vi) Flooding or erosion.
- b) *Development and site alteration* shall be restricted in the vicinity of *vulnerable surface and ground water features* of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.
- c) Prior to any planning approvals, new *development* applications requiring a Provincial Permit to Take Water shall satisfy the Region that the water taking will not have *negative impacts* on the natural ecosystems or the *quality and quantity of water* to meet existing and planned uses.
- d) At such time as source protection policies are developed in accordance with the Clean Water Act, the City shall amend this Plan as appropriate.

4.1.3.1 The Niagara Water Quality Protection Strategy

The Niagara Water Quality Protection Strategy has identified certain areas where the underlying aquifer is highly *sensitive* to potential contamination and in these areas a groundwater assessment completed by a licensed hydrogeologist will be required unless the proposed *development* will not utilize, possess or generate the following:

- a) Low-risk contaminants including but not limited to:
 - i) On-site septic treatment for residential *development*;
 - ii) De-icing salt storage facilities;
 - iii) Deep injection wells;
 - iv) Stormwater detention facilities;

- v) Oil and gas production wells;
 - vi) Pesticide application; and
 - vii) Fertilizer application.
- b) Medium-risk contaminants including but not limited to:
- i) Animal feedlots and greenhouses;
 - ii) Animal manure or storage application;
 - iii) Sludge disposal site;
 - iv) Petroleum storage/pipelines;
 - v) Mining activities;
 - vi) Parking lot run-off detention facilities;
 - vii) On-site septic treatment for institutional uses;
 - viii) On-site septic treatment for non-residential commercial uses;
 - ix) On-site septic treatment for recreational uses;
 - x) On-site septic, waste treatment or storage for industrial uses;
 - xi) Gray water irrigation systems;
 - xii) Waste transfer stations;
 - xiii) Above-ground storage tanks; and
 - xiv) Activities using regulated materials.
- c) High-risk contaminants including but not limited to:
- i) Solid waste disposal facilities;
 - ii) Hazardous waste storage;
 - iii) Injection wells;
 - iv) Biologic/toxic waste;
 - v) Radioactive materials;
 - vi) Petroleum refining; and
 - vii) Underground storage tanks.

- d) Any use, activity or chemical which, in the Opinion of the City, Region and/or Niagara Peninsula Conservation Authority, has the potential to impact on groundwater resources.
- e) The scope of the assessment required will be reflective of the risk level of contaminants and be determined in consultation with the Niagara Peninsula Conservation Authority, the Ministry of the Environment and the Region. The Niagara Peninsula Conservation Authority and Niagara Region have licensed hydrologists on staff to provide comments on hydrological assessments, otherwise one must be retained.
- f) The assessment required will not be required for an agricultural use, if the potential risks to groundwater contamination are adequately addressed in an approved Nutrient Management Plan.

4.1.4 Design Guidelines

- a) Buildings or structures should be designed to integrate with their natural surroundings through:
 - i) Landscaping using native plants; and
 - ii) Exterior materials which are complementary to the natural setting.
- b) Recreational trail systems will be designed to minimize disturbances to environmentally *sensitive* areas.
- c) Other open space systems such as parks should link to *Natural Heritage Features* wherever possible.
- d) Adjacent blocks and streets should be aligned to *Natural Heritage Features* so as to afford views and public access.

4.2 Environmental Protection Areas

Areas designated as Environmental Protection on Schedule B are those lands that are classified as *Provincially significant wetlands* (PSW's), *Provincially Significant Areas of natural and scientific interest* (ANSI's), the *Significant* Habitat of Threatened and *Endangered species* and Natural Hazard Areas as identified on Schedule B1. The predominant uses for lands designated Environmental Protection Area shall include forest, *fish* and wildlife management; small-scale passive recreational uses and accessory uses such as: trails, boardwalks, footbridges, fences, docks and picnic facilities that will not negatively impact on the natural features or *ecological function* of the areas; and conservation and flood erosion control projects where it has been demonstrated that they are necessary in the public interest and no other alternatives are available.

4.2.1 Provincially Significant Wetlands (PSW's)

The areas identified on Schedule B1 are lands which have been evaluated and defined by the Ministry of Natural Resources as *Provincially significant wetlands* (PSW's). These are lands which can be described as those which 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. These *wetland* areas play an important role within the natural environment of the City of Port Colborne. This Plan protects the ecological, hydrological, social and economic benefits associated with these *wetland* areas in accordance with the Policies of the Provincial Policy Statement and in collaboration with the Region and the Niagara Peninsula Conservation Authority.

4.2.1.1 General Policies

- a) *Development* and *site alteration* will not be permitted within the boundary of provincially significant wetlands as defined by the Ministry of Natural resources using the valuation procedures established by the Province, as amended from time to time.
- b) The City will require an Environmental Impact Study for new *development* or site alteration proposals for all *adjacent lands* within 120 metres of the *wetland* boundary to demonstrate that there will be no *negative impacts* on the *wetland* feature or its *ecological functions* to the satisfaction of the Region.
- c) As part of the Environmental Impact Study, the staking of the boundaries of the *wetland* feature shall be undertaken in consultation with the Ministry of Natural Resources. Any change in the boundaries shall be reflected in the Zoning By-law and any *significant* change in the boundaries will be reflected in the Environmental Protection Area designation of this Plan.
- d) *Provincially significant wetlands* that have been identified by the Ministry of Natural Resources are considered open ecological files. Further evaluation may take place with respect to their boundaries or their significance at any time.

- e) Changes to the boundary or status of these *wetland* areas will be reflected in this Plan, as required.
- f) In order to ensure connectivity within neighbourhoods and communities fragmented by the identification of *Provincially significant wetlands*, the provision of infrastructure such as water and sanitary sewers, roads, as well as power transmission and communication corridors may be explored through an Environmental Assessment process.
- g) Where single detached *dwelling*s have been constructed within *Provincially Significant Wetlands*, in compliance with the Zoning By-law and prior to the adoption of this Plan, the area occupied by the *dwelling*, driveway, amenity area and any accessory structures shall be zoned to appropriately recognize the existing disturbed area.
- h) Septic systems shall not be permitted within 30 m of any *wetland*.
- i) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

4.2.2 Provincially Significant Areas of Natural and Scientific Interest (ANSI)

The areas identified on Schedule B1 are features which have been classified by the Ministry of Natural Resources to be Life Science (The Wainfleet Bog, Empire Beach Backwater Forest basin, and Humberstone Muck Basin Swamp Forest) and Earth Science (Port Colborne Quarry) *Areas of natural and scientific interest*. These are lands which can be described as those containing important natural landscapes or features that are important for natural heritage, protection, appreciation, scientific study or education. It is intended that lands designated on Schedule B1 as ANSI's will be preserved as natural areas. This designation incorporates the identified feature as well as any adjacent land area established by the Ministry of Natural Resources.

4.2.2.1 General Policies

- a) *Development* and *site alteration* will not be permitted within the boundary of the ANSI as defined by the Ministry of Natural Resources.
- b) The city will require an Environmental Impact Study for new *development* and *site alteration* proposals for all *adjacent lands* within 50 metres of the ANSI boundary to demonstrate that there will be no *negative impacts* on the ANSI feature or its *ecological functions*.
- c) *Areas of natural and scientific interest* that have been identified by the Ministry of Natural Resources are considered open ecological files. Further evaluation may take place with respect to their boundaries or their significance at any time.

- d) Linear Public *Utilities* may be permitted in Provincially *Significant Earth Science Areas of natural and scientific interest* if there is no reasonable alternative location and they are designed to avoid or minimize *negative impacts*.
- e) Notwithstanding Policy 4.2.2.1 a), *mineral aggregate operations* may be permitted within provincially significant ANSIs identified in this Plan, if it has been demonstrated that there will be no negative impact to the natural feature or its *ecological functions*. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with the policies of this Plan.

4.2.3 Significant Habitat of Threatened and Endangered species

The *Significant Habitats of Threatened and Endangered Species* are identified by the Ministry of Natural Resources. This designation intends to protect these habitats within the City.

4.2.3.1 General Policies

- a) *Development and site alteration* will not be permitted within the boundary of the *Significant Habitat of Threatened and Endangered Species*. *Development* may only be permitted in accordance with Provincial requirements.
- b) The City will require an Environmental Impact Study for new *development and site alteration* proposals for all *adjacent lands* within 50 metres of the *Significant Habitat of Threatened and Endangered species* boundary to demonstrate that there will be no *negative impacts* on the feature or its *ecological functions*.
- c) *Significant Habitats of Threatened and Endangered Species* are not shown on the land use schedules. In instances where the habitat of threatened and endangered species is identified by study or agency review of applications, the Policies of Section 4.2.3.1 shall apply.
- d) The Ministry of Natural Resources should be contacted to determine the potential implications of the *Endangered Species Act* on the proposed *development or site alteration*.

4.2.4 Natural Hazards

The areas identified on Schedule B1 are lands and/or specific properties which could be unsafe for *development* due to naturally occurring processes. *Hazardous Sites* are defined as lands having inherent environmental hazards such as flood susceptibility, erosion, steep slopes, unstable soils or any other physical condition that might present a risk in terms of loss of life, property damage or social disruption. Natural Hazards may include: *flooding hazards*, *erosion hazards* or *dynamic beach hazards* (which include Dune Protection areas). There are Natural Hazards associated with the Lake Erie shoreline as well as for river and stream systems throughout the municipality. The Policies of this Section shall also apply where lands are found, through study, to exhibit characteristics of *Hazardous Lands*, but are not shown on Schedule B1 of this Plan.

4.2.4.1 General Policies

- a) The Natural Hazards for river and stream systems consist of the furthest landward limit of the flood hazard or *erosion hazard* limits. The *one hundred year flood line* is used to define the *flooding hazard* within the City of Port Colborne. The Natural Hazards associated with the Lake Erie shoreline represent the landward limit of the *flooding hazard*, *erosion hazard*, wave up-rush or dynamic beach hazard limit. *Development* shall generally be directed away from Natural Hazard Areas.
- b) The boundary of Natural Hazard designations reflect the definitions of the various hazards identified in this Section and based on information provided by or prepared for the Niagara Peninsula Conservation Authority, such as *floodplain* mapping and the Lake Erie Shoreline Management Plan respectively. The Niagara Peninsula Conservation Authority can provide technical information to assist in the delineation of Natural Hazards in the field by a surveyor working on behalf of the applicant or landowner.
- c) The *one hundred year flood line* shall be used as the approved standard to define the *flooding hazard* for rivers and streams in the City of Port Colborne. In cases where there is no *floodplain* mapping a setback of 15 metres shall be applied from the top of bank on each side of the *watercourse*. Where no *floodplain* mapping is available and the Niagara Peninsula Conservation Authority has a flooding concern respecting a *development* application, the landowner will be required to determine the limits of the *one hundred year flood line*.
- d) The main permitted uses in all areas shown on Schedule B1 as Natural Hazard areas, and designated on Schedule B as Environmental Protection may include passive, non-structural conservation and resource management uses including flood and erosion control works. Minor additions, enlargements and reconstruction to existing uses may be permitted in those portions of Natural Hazard areas (*floodplains*) where the effects and risks to public safety are minor so as to be mitigated in accordance with the provincial standards as determined by the demonstration and achievement of: flood-proofing standards, protection works standards and *access standards*; safe access during times of flooding, erosion or other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts, particularly water quality impacts will result. All *development* and *site alteration* must comply with the applicable regulations of the Niagara Peninsula Conservation Authority.
- e) *Development* or *site alteration* shall not be permitted to locate in *hazardous lands* or *hazardous sites* where the use is:
 - i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the

- safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of erosion;
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
 - iii) Uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- f) Natural Hazard areas shall be zoned in a separate classification in the Zoning By-law. The boundaries of lands delineated on Schedule B as Natural Hazard areas shall be used as guidelines for the zone boundaries in the Zoning By-law. When more detailed mapping becomes available it shall be incorporated by amendment to this Plan and/or the Zoning By-law, after consultation with the appropriate agencies. Notwithstanding the Environmental Protection Designation, an appropriate zoning category will be applied to, or maintained for, existing *development* outside the *one hundred year flood line* or backshore flooding areas that recognizes the existing and approved use of the lands.
- g) An amendment to this Plan will not be required for minor changes to the Environmental Protection areas boundaries which are deemed to be suitable by Council after consideration of an Environmental Impact Study or other such study or mapping completed in consultation with or by the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources and the Regional Municipality of Niagara.
- h) Where new *development* is proposed on a site, part of which is identified as Natural Hazard Area by Schedule B1, such lands shall not necessarily be acceptable as part of the dedication for park purposes as required under The Planning Act. All lands dedicated to the City shall be conveyed in a physical condition satisfactory to the City. Where an open *watercourse* is involved, adequate space shall be provided for maintenance and other similar operations.
- i) Where any land identified as Natural Hazard Area on Schedule B1, is privately owned, it is not implied that such land is free and open to the general public or that the land will be purchased by a *public agency*.
- j) *Development* of water *lots* will require an amendment to this Plan and implementing Zoning By-law. Approval of the Region of Niagara and Niagara Peninsula Conservation Authority may also be required.
- k) For the purposes of this Plan and any implementing Zoning By-law, the full extent of any water *lot*, whether filled or covered by water, is deemed to be included within the limits of the City of Port Colborne.
- l) Certain areas of the City have substantial slope variation (i.e. slopes greater than 20 percent). In these areas, the City will require *development* proposals to give

considerations to special design/engineering works to ensure slope stability, positive storm water drainage and public safety. A geotechnical report prepared by a qualified geotechnical engineer may be required. This report will be circulated to the Niagara Peninsula Conservation Authority for review and approval.

- m) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- n) No new *development* will be permitted adjacent to the Lake Erie Shoreline wave up-rush elevation as identified in the 2010 Lake Erie Shoreline Management Plan, except for boathouses and docking facilities.
- o) *Development* shall generally be directed to areas outside of *hazardous sites* such as areas of unstable soils, organic soils or unstable bedrock. *Development* and *site alteration* will not be permitted on *hazardous sites* unless a geotechnical engineering study prepared and signed by a qualified engineer has demonstrated to the satisfaction of the City in consultation with the Niagara Peninsula Conservation Authority that the *development* is feasible.
- p) The *dynamic beach hazard* limit will be determined by the *flooding hazard* limit and an associated allowance. *Development* and site alteration shall not be permitted within the *dynamic beach hazard* limit of Lake Erie.

4.3 Environmental Conservation Areas

Areas designated as Environmental Conservation Areas on Schedule B are those lands that are classified as; Regionally *Significant Areas of natural and scientific interest*, Non- *Provincially Significant Wetlands*, *Significant Wildlife Habitat*, *Significant Woodlands*, *Significant Valleylands*, Habitats of *Species of concern* and Environmental Corridors and Linkages as identified on Schedule B2. The predominant uses for lands designated Environmental Conservation Area shall include existing uses, conservation uses, flood and erosion control, *fish*, forestry and wildlife management, as well as passive recreational activities.

4.3.1 General Policies

- a) *Agricultural uses* existing at the date of adoption of this Plan may continue and expand, however the construction of large scale farm buildings or structures will require an Environmental Impact Study if specified by more detailed policies of this Plan. Small-scale agricultural buildings may not require an Environmental Impact Study, if there are no reasonable alternative locations and environmental impacts have been addressed and minimized.
- b) Upon the submission of a *development* proposal, the degree of protection and conservation afforded to the natural features and *ecological functions* of these areas in large part depends on the areas significance as further identified by the policies of this section.
- c) Notwithstanding the policies of this Section, an Environmental Impact Study may not be required for the *development* of a single detached *dwelling* on an existing *lot* of record or minor expansion of an existing use where in the opinion of the City, in consultation with other agencies, the *development* is being located, designed and constructed to minimize impacts to the health and integrity of the natural features or *ecological functions* for which the area is identified.
- d) If an Environmental Impact Study is completed and a feature or function is identified that warrants the protection of the Environmental Conservation Area as an Environmental Protection Area, then the policies of the Environmental Protection Area shall apply. Non-*Provincially Significant Wetlands* or unevaluated *wetlands* will only be reclassified to a *Provincially significant* wetland and designated as an Environmental Protection Area upon the completion and approval of a *wetland* evaluation by the Ministry of Natural Resources.
- e) The boundaries of an Environmental Conservation Area may be refined through an Environmental Impact Study or Environmental Planning Study. Minor boundary adjustments will not require an amendment to this plan.
- f) The City will require an Environmental Impact Study for new *development* proposals for all *adjacent lands* within 50 metres of lands designated as Environmental Conservation to demonstrate that there will be no negative impacts on any surrounding features.

- g) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the *Conservation Authorities Act*.

4.3.2 Regionally Significant Areas of Natural and Scientific Interest

The areas identified on Schedule B2 are features which have been evaluated and identified by the Ministry of Natural Resources as Regionally Significant Life and Earth (Onondaga Escarpment, Onondaga Formation) *Areas of natural and scientific interest*, are lands which, although not provincially *significant*, contain important natural landscapes or features.

4.3.2.1 General Policies

- a) *Development or site alteration* within or adjacent to Regionally *Significant Areas of Natural and Scientific Interest* shall be accompanied by an Environmental Impact Study that demonstrates there will be no *negative impacts* on the natural features or *ecological functions* for which the area is identified.
- b) All Regionally *Significant Areas of natural and scientific interest* identified on Schedule B2 are approximate and may be redefined through a Neighbourhood Plan, Draft Plan of Subdivision or Site Plan in conjunction with an Environmental Impact Study or in the case of the Neighbourhood Plan an Environmental Planning Study.
- c) Linear Public *Utilities* may be permitted in Regionally *Significant Earth Science Areas of natural and scientific interest* if there is no reasonable alternative location and they are designed to avoid or minimize *negative impacts*
- d) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

4.3.3 Non-Provincially Significant Wetlands

The areas identified on Schedule B2 are lands which have been evaluated and identified by the Ministry of Natural Resources as *Non-Provincially Significant Wetlands*, are lands which, although not provincially *significant*, provide important habitat features and functions as well as important *hydrologic functions*.

4.3.3.1 General Policies

- a) *Development or site alteration* within or adjacent to lands designated as *Non-Provincially Significant Wetlands* shall comply with Policies 4.3.2.1 (a) and 4.3.2.1 (b), as well as ensure there are no *negative impacts* to water quality and quantity.

- b) Any Environmental Impact Study completed to assess the impacts of *development* shall consider the Ministry of Natural Resources *Wetland* Evaluations.
- c) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

4.3.4 Significant Wildlife Habitat and Species of Concern

4.3.4.1 General Policies

- a) *Development* and *site alteration* shall not be permitted within or adjacent to a *Significant Wildlife Habitat* or habitat of *species of concern*, unless it has been demonstrated that there will be no *negative impacts* on the feature or its *ecological functions*.
- b) In many cases, *significant wildlife habitat* or *habitat of species of concern* is found within the Environmental Protection and Environmental Conservation Areas shown on Schedules A, B, B1 and B2. *Significant wildlife habitat* and habitat of species of concern will be identified through sub-watershed studies, secondary planning and a review of *development* applications. Where such habitat is identified, *development* and *site alteration* shall be subject to the policies of the Environmental Conservation Area designation and Section 4.3.4 of this Plan.

4.3.5 Significant Woodlands

The City places a high priority on the preservation of existing *significant woodlands*, within the municipality, in addition to and separate from those identified on Schedule B2 as Regionally *Significant Areas of natural and scientific interest*, or *Non-Provincially Significant Wetlands* and promotes the retention of these natural areas and the integration of tree cover into the urban and non-urban environment.

4.3.5.1 General Policies

- a) *Development* and *site alteration* within these areas, and on *adjacent lands* will be subject to an Environmental Impact Study that ensures that there will be no *negative impacts* on the features and *ecological functions* identified. A Tree Preservation Plan shall be prepared based on the findings of the Environmental Impact Study.
- b) Woodlands are treed areas, woodlots or forest areas that provide environmental and economic benefits to private landowners and the public that vary in levels of significance. To be classified as *significant*, a woodland must contain a threatened or endangered species or *species of concern*, be equal or greater than 2 hectares in size, overlap or contain one or more significant natural

heritage features, or abut or be crossed by a water body greater than 2 hectares in area. *Significant Woodlands* are identified in accordance with the criteria provided in Section 7.B of the Regional Policy Plan.

- c) The configuration of all *significant woodlands* identified on Schedule B2 is approximate and may be refined through further field analysis and study. Whenever the City is undertaking a public work, the City will attempt, where feasible, to protect and preserve existing trees. In addition, in order to enhance the urban environment, the City will promote the retention of existing street tree cover and provide for tree planting on an on-going basis.
- d) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

4.3.6 Environmental Corridors and Linkages

The City of Port Colborne encourages the connection of Natural Heritage Features within the Municipality and adjacent to its boundaries using environmental corridors and ecological linkages, where feasible.

4.3.6.1 General Policies

- a) The City shall promote the ecological rehabilitation of environmental corridors, linkages and corridor areas as they become identified.
- b) Where an environmental corridor or linkage area has been identified on Schedule B as a Natural Heritage Feature, and in instances where a *development* proposal may impact on this feature, an Environmental Impact Study as outlined in Policy 4.1.2.1 of this Section may be required.
- c) In the design of neighbourhoods or other suburban communities, the City will require that the environmental corridors or linkages identified on Schedule B2 or through further study shall be incorporated into the design of the proposal, where feasible.
- d) In the urban areas of Port Colborne, the City will incorporate environmental corridors or ecological linkages into *development/redevelopment* proposals, where feasible.
- e) In an effort to provide linkages between Natural Heritage Features, the City will continue to support a program for the naturalization and re-vegetation of parks, open space and stormwater management areas, where appropriate.
- f) The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

4.3.7 Significant Valleylands, Stream Corridors and Fish Habitat Areas

Significant Valleylands and Stream Corridors provide unique *ecological functions* including the conveyance of storm and melt waters, nutrient and sediment transport, maintenance of stream flow and water levels and quality, *fish* and *wildlife habitat*, and linkages between natural areas and habitat features. *Significant Valleylands* and *Fish habitat* areas are identified on Schedule B2 of this Plan.

4.3.7.1 General Policies

- a) *Development* and *site alteration* shall not be permitted in *significant valleylands* unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.
- b) The City shall promote the protection and maintenance of all *valleylands* and Stream Corridors as environmental corridors.
- c) *Significant Valleylands* subject to these policies shall be identified by the Niagara Peninsula Conservation Authority in consultation with the Region and the City of Port Colborne. These *Valleylands* shall be identified and mapped in the Official Plan and Zoning By-law.
- d) Along *Significant Valleylands* where the valley bank height is equal to or greater than 3 metres, the following policies apply:
 - i) A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the Niagara Peninsula Conservation Authority shall be required for all new structures and *site alterations*, including swimming pools and private sewage disposal systems.
 - ii) Should the Niagara Peninsula Conservation Authority find evidence of slope instability or where the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance) a geotechnical report prepared by a qualified engineer shall be submitted with an application for new *development* or *site alteration*. A setback greater than 7.5 metres may be required where the Niagara Peninsula Conservation Authority has determined after considering the report that an increased setback is necessary to address site specific conditions.
 - iii) A reduced setback may be considered where an existing *lot* has insufficient depth to accommodate the required setback and a geotechnical report reveals that a reduced setback can be accommodated with mitigative measures that maintain bank stability to the satisfaction of the Niagara Peninsula Conservation Authority. In no case shall *development* be allowed beyond the top of bank.

- iv) Where possible, existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed. New *lots* created by a Plan of Subdivision, Consent or Plan of Condominium shall not extend below the top of the valley slope as determined by the Niagara Peninsula Conservation Authority.
- e) Many stream corridors as well as larger water courses and water bodies contain important *fish habitat*. Schedule B2 identifies the location of *Critical Fish Habitat* as well as other *Fish habitat*.
- f) *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements and where there is no net loss of productive capacity. The proponent shall be required to prepare an Environmental Impact Study to the satisfaction of the Department of *Fisheries* and *Oceans* or its designate.
- g) A naturally vegetated buffer area of at least 30 metres in width from the stable top of bank will be required adjacent to a *Critical Fish habitat*. A minimum 15 metre vegetative buffer from the stable top of bank will be required adjacent to important or *Marginal Fish habitat*. A buffer narrower than 15 metres may be considered for important or marginal fish habitat where the Environmental Impact Study has demonstrated that there will be no harmful destruction to the *fish habitat*.
- h) The City recognizes that the primary function of the Municipal Drains, shown on Schedule B2 is to provide drainage for agricultural lands. These drains may also be used to convey irrigation water for agricultural use. Municipal drains shall be maintained in accordance with the Federal Department of *Fisheries* and *Oceans*' Class Authorization System of Agricultural Municipal Drains. Where *development*, *site alteration* or construction is proposed adjacent to a Municipal Drain or a buffer zone, a minimum 15 metres in width measured from stable top of bank shall be required to provide access for drain maintenance. Protect the integrity of the drains and protect environmental health. A narrower buffer may be permitted where it has been demonstrated to the satisfaction of the City and the Niagara Peninsula Conservation Authority that there will be no *significant negative impact* on the maintenance and functioning of the drain.
- i) The Niagara Peninsula Conservation Authority shall be consulted as to whether a permit is required to address Regulations under the *Conservation Authorities Act*.

Section 5

Secondary Plans

Section 5: Secondary Plans

5.1 Sherkston Shores Secondary Plan

5.1.1 Land Use

The lands identified on Schedule E as the Sherkston Shores Secondary Plan are those lands intended to be used as a multi-purpose recreational resort complex which preserves and enhances the unique natural features of Sherkston Shores. The natural features include approximately three kilometres of natural Lake Erie Beach, a water-filled *quarry*, *woodlots*, sand dunes and *wetlands*. Those *significant* natural features are indicated on Schedule E as Natural Areas.

In order to ensure that the atmosphere and character of the natural environment is retained in a resort-type setting, the uses permitted in the Sherkston Shores Secondary Plan area shall be primarily of a low intensity nature and designed to complement the site's natural features and open space areas. The predominant uses for lands in the Sherkston Shores Secondary Plan area shall include:

- a) Tent and trailer sites for seasonal accommodation and not as a principal residence;
- b) Beach use, swimming, picnicking, day use, horseback riding, golf courses and open space recreational uses such as cross country skiing, hiking, sport and play areas;
- c) Natural areas are defined as those lands and water containing natural features of significance that warrant protection and preservation and that contribute to the character of the recreational resort complex. These include natural *woodlands*, marshes and ponds, *wildlife habitat*, lookouts and sand dunes;
- d) Water recreation park including water slides, a wave pool and other water recreational uses;
- e) Various types of temporary accommodation including hotel, motel, lodge, chalets or motor court;
- f) Permanent buildings for the sale of food and drink, including alcoholic beverages in accordance with Provincial regulations;
- g) Facilities such as washrooms and showers for the health and safety of the attending patrons;
- h) Marine commercial facilities engaged in the provision of dockage and services for pleasure boats, including a yacht club and parking *lot*; and

- i) Commercial facilities including a motor fuel retail outlet, storage or vehicles, minor running repairs and sales of recreational vehicles and retail stores.
- j) Uses accessory to the permitted uses, shall include:
 - i) Structures for the administration and maintenance of the recreational resort complex including but not limited to; servicing and storage facilities, horse barn, offices, toll and tourist information booths, water and wastewater supply and treatment facilities and residences for caretaking and staff personnel;
 - ii) Parking and transportation facilities including but not limited to, automobile and bus parking areas and an internal people mover system.

5.1.2 General Policies

Uses in the Sherkston Shores Secondary Plan area shall be subject to the following policies:

- a) The policies of this section shall be implemented through the Zoning By-law and Site Plan Control provisions contained in the *Planning Act* and in this Plan.
- b) The establishment of the following recreational resort uses will require a site specific Zoning By-law Amendment:
 - i) Marine commercial facilities;
 - ii) The expansion of the number of sites or area/location of tent and trailer facilities into those areas not appropriately designated by the Secondary Plan;
 - iii) Temporary accommodation buildings;
 - iv) Water recreational park; and
 - v) Commercial facilities, although existing retail stores may expand up to 50% of the existing floor area without a Zoning By-law Amendment.
- c) The establishment of restaurant facilities will require a site specific Zoning By-law Amendment except:
 - i) Expansions to the tuck shop/take-out restaurant;
 - ii) The use of food carts and chip wagons;
 - iii) The existing restaurant may expand up to 50% of the existing floor area without a Zoning By-law Amendment; and
 - iv) A permanent wastewater treatment facility.
- d) The total *lot* coverage for all buildings and structures shall be limited.

- e) *Development* of the site must provide for adequate setback and buffering provisions to protect and enhance those natural features of the site, to separate uses within the recreational resort area, and to ensure that land use incompatibilities between recreational resort activities and abutting land uses are minimized.
- f) The minimum setback for all buildings, structures, parking areas and land uses of the Sherkston Shores Secondary Plan area shall be 15 metres from the boundary of the Sherkston Shores Secondary Plan area. In certain locations, the 15 metre setback may be reduced if adequate buffering is provided.
- g) Due to the character of some of the land uses surrounding the Sherkston Shores Secondary Plan area, additional setbacks are required:
 - i) A setback of 50 metres shall be provided adjacent to the Mapleview Crescent subdivision;
 - ii) A setback of 50 metres shall be provided adjacent to the easterly limit of Wyldewood Road and lakeshore residential uses adjacent thereto;
 - iii) A setback of 50 metres shall be provided adjacent to the westerly limit of Pleasant Beach Road and lakeshore residential uses adjacent thereto; and
 - iv) A setback of 30 metres shall be provided adjacent to the southerly limit of Beach Road where it abuts the Sherkston Shores property and from abutting properties fronting Beach Road.
- h) Buffering may be required between recreational resort activities and abutting lands. This shall include high level and low level tree and vegetation planting and/or the provision of other suitable screening materials. Wherever possible, existing wood/ots shall be preserved and used as a natural buffer.
- i) All permitted land uses shall be provided with adequate water and wastewater services.
- j) All costs for the supply and treatment of water will be borne by the owner with no financial burden being placed on the City and Region. All facilities for the supply and treatment of water must satisfy the regulations established by the Province. Water shall be obtained from a former *quarry* pond on the subject property and/or directly from Lake Erie and may be supplemented by commercial water supplies.
- k) The transmission, collection and treatment of wastewater generated by the users of Sherkston Shores will occur on site without any financial burden to the City and Region. The type and location of sewage collection and treatment facilities shall comply with all requirements established by the Province, as stated through a Certificate of Approval. Moreover, to ensure land use compatibility, the

separation distance between the sewage treatment facility and residential areas adjoining the subject property shall as a minimum, comply with the separation requirements of the implementing Zoning By-law, if greater. Since the recreational resort complex contains many natural areas that are to be preserved as required by Policy 5.1.1 (r), the proposed treatment facility will not be located within those areas designated Natural Areas. The collection and removal of solid waste from the site will be the responsibility of the owner(s).

- l) Adequate means of fire protection shall be provided on the site.
- m) Access to the recreational resort area must be provided for routing to Highway #3. In this regard, site access shall be provided by Empire Road. To assist in minimizing the impact of traffic on the southerly portion of Empire Road, this plan intends that:
 - i) The existing main entrance to the recreational resort complex be improved through the establishment of on-site stacking lanes;
 - ii) Two secondary access points be established:
 - Beach Road shall be utilized as a secondary point of access for “seasonal permit holders”; and
 - A secondary point of site access for “day users” be established on Empire Road near the main entranceway to the recreational resort complex.
- n) The access points referred to in 5.1.1 (m)(ii), shall only be used when conditions at the main entranceway warrant their use to assist in alleviating traffic congestion and must be designed in such a fashion to provide on-site stacking lanes.
- o) The introduction of those uses in 5.1.1 (b), by Zoning By-law amendment, may result in an increase of vehicular traffic. In the review of amendment applications, the municipality or other applicable agency may require a traffic study to assess the potential impact of the traffic to be generated by the *development* upon the road network, both internal and external to the recreational resort complex. Any improvements on roads other than local roads shall require the review and approval of the appropriate agency. Should road improvements be considered necessary, the following is required:
 - i) Internal roads will be constructed to standards adequate for the purpose for which such roads are intended at the expense of the owner;
 - ii) External roads will be improved to accommodate the increase in vehicular traffic which may include intersection improvements, turning lanes and increases in pavement widths. An appropriate amount of the cost of such improvements may be assessed against the owner of the recreational resort area.

- p) Michael and Empire road allowances shall remain in public ownership, in particular Empire Road will be retained for access to the Shisler Cemetery located in Sherkston Shores and to the Lake Erie Shoreline.
- q) *Development* proposals shall be staged according to the availability of road capacity and provision of on-site services.
- r) At the Lake Erie Shoreline, substantial building setbacks may be required for those areas that are subject to erosion or periodic flooding. The setbacks will be determined jointly by the City and the Niagara Peninsula Conservation Authority.
- s) The Natural Areas of the recreational resort complex contain areas of environmental significance. The uses permitted in or adjacent to such natural heritage features as indicated on Schedule D, shall be restricted to those which will not adversely affect the area. To determine the impact of a proposed *development*, the City shall require the applicant to submit an environmental impact study, prior to the enactment of an implementing by-law and/or issuance of a building permit that will identify and describe:
 - i) The existing natural environment that will be affected by the *development*;
 - ii) The significance of these lands prior to a land use change or proposed *development*;
 - iii) The importance of these lands to the City in a municipal open space system;
 - iv) The effect of the proposed *development* on the environment;
 - v) The actions necessary to minimize or eliminate any *adverse effects* of the proposed *development*; and
 - vi) An evaluation of the proposed *development* in terms of the advantages and disadvantages to the area and any practical alternatives.
- t) The existing sand dunes located on site shall be preserved, protected, *conserved* and enhanced. To this end, the owner of the recreational resort complex shall undertake a program of dune stabilization.
- u) Mature stands of trees existing on those lands in the Sherkston Shores Secondary Plan area, which stands, where practical shall be retained and protected in the *development* of the site. In the review of *development* applications, the municipality shall be guided by the environmental policies of this Plan.
- v) Farming may be permitted until *development* precludes its operation within the recreational resort area. However, this agricultural activity shall not include new *dwellings* or livestock operations.

- w) The introduction of those uses in 5.1.1(b) above, by Zoning By-law amendment, and the establishment of improved tent and trailer sites in proximity to abutting livestock operations shall comply with the *Province's Minimum Distance Separation formulae*.
- x) The *development* of Sherkston Shores will comply with the Parks Master Plan.

5.1.3 Strategic Policies

These policies provide for the spatial distribution of land uses and activities and to further the *development* of a functional and attractive recreational resort environment. To achieve a complementary integration of land uses and activities, these policies provide for the strategic placement of land uses amongst the natural features of the site.

Due to the scope and scale of existing and proposed land uses as permitted, *development* shall be guided by the following policies:

- a) The establishment of marine commercial facilities, including new boat houses and boat launches and associated shoreline and breakwall works on the site, shall be by Zoning By-law amendment. In order to assess the Zoning By-law amendment application and the proposed marine commercial facilities, their design and location, the owner shall satisfy such review criteria which may be required by the City and will be responsible for engaging a qualified consultant to undertake studies to address the following:
 - i) An inventory of the number and type of *fish* species and habitat located along the shoreline;
 - ii) The intended location of the facility will be assessed upon the above fisheries inventory;
 - iii) The effect this proposed location and design will have on this fishery resource area; and
 - iv) Methods by which any *negative impacts* on the fishery resource area can be eliminated or minimized.
- b) The studies noted in 5.1.3 (a) shall be submitted to and require prior approval from, the Ministry of Natural Resources through the Region, the Federal Department of *Fisheries* and Oceans and the Niagara Peninsula Conservation Authority in accordance with its shoreline management policies/guidelines. Under no circumstances shall work commence without first receiving the necessary approvals from the relevant government authority.
- c) The Water Park is intended to develop on 3.2 hectares of land centred upon and intended to enhance and complement the existing water slide and natural areas.

- d) The existing 14 hectare *Quarry* is a unique human-made water recreational area offering recreational uses that complement the Water Park and natural beach area.
- e) Centrally located, and to take advantage of the views and vistas of the *Quarry*, natural beach area and Lake Erie, it is intended that a 5 hectare site be developed for accommodation purposes. During the interim, these lands may be utilized for improved tent and trailer sites, the number which shall not exceed 200.
- f) The storage, maintenance, parking, administration and commercial area, comprising 5 hectares, generally reflects the existing activities of this area and is located to take advantage of direct access to Empire Road and minimize impact upon the natural areas and natural beach areas of the recreational resort lands.
- g) A series of Natural Areas ranging in size from 1 hectare to 17 hectares and embracing the mainly natural and environmentally *significant* areas of the site are intended to be preserved and protected. One of the most prominent natural areas is the sand dunes that can be found along the Lake Erie Shoreline. Some of these dunes have been subject to both the influences of humans and the environment, which has resulted in the need to undertake immediate stabilization of the disturbed and eroding faces of the dunes. It is intended that Sherkston Shores will undertake a program of dune stabilization which may involve the strategic placement of a limited number of trailer sites in conjunction with the stabilization treatment. These areas shall be appropriately recognized in the implementing Zoning By-law and subject to Site Plan Control.
- h) The Sherkston Shores Secondary Plan has identified the areas for trailer and tent sites and established the maximum number of sites for each respective area. It is the intent of the owner of the recreational resort complex that 3,668 sites be dispersed as improved sites. The implementing Zoning By-law shall establish performance standards addressing matters such as minimum size of site, access and servicing.
- i) The balance of the recreational resort area is devoted to open space/recreational areas catering to the users of the recreational resort complex. A portion of this open space/recreational area, as illustrated on Schedule E, abuts Lake Erie. *Development* upon those lands contiguous to Lake Erie will therefore be subject to the environmental policies of this Plan.
- j) In order to appropriately regulate *development* upon the recreational resort complex, the lands shall be designated as a Site Plan Control Area and the classes of *development* to which Site Plan Control will apply are:
 - i) The establishment of those recreational resort uses, by Zoning By-law amendment, as required in 5.1.1 (b); and

- ii) The *development* of improved tent and trailer sites.
- k) The locating of improved tent and trailer sites noted in subsection 5.1.3 (j)(i), that are only intended for occupation by tents shall be guided by the following policies:
 - i) Proximity shall be away from the perimeter of the Secondary Plan area and away from existing Lakeshore Residential areas;
 - ii) The proportion of such sites within designated camping areas shall be minimal; and
 - iii) High densities of such sites will be avoided.
- l) It is the intent of the Plan that those existing areas licensed for extractive purposes (License Number 2514) shall be phased out in the long term as the recreational resort lands are developed.

5.2 East Waterfront Secondary Plan

5.2.1 Vision

The long-term vision for the East Waterfront responds to the opportunities for improvements and supports the community's goals for the area. It calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill *development* and a variety of lakefront experiences. It is the intent of this Secondary Plan to:

- a) Repair and renovate existing housing stock and other buildings;
- b) Protect, restore and re-use architecturally and historically *significant* buildings;
- c) Improve the quality of streetscapes in the neighbourhood;
- d) Reduce the environmental and visual impact of industrial uses;
- e) Attract new investment and *development* to vacant properties;
- f) Create new open spaces and recreational opportunities;
- g) Improve pedestrian and cycling connections to Nickel Beach and the lake generally;
- h) Establish more attractions at Nickel Beach; and
- i) Protect and enhance the *significant* natural features of the lakefront.

5.2.2 Land Use

The lands identified on Schedule F as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations. All *development* within the East Waterfront Secondary Plan area may be subject to an impact assessment dealing with potential impacts from existing industrial uses in the area which will identify the potential mitigating measures and/or warning clauses.

- a) Medium Density Urban Neighbourhood will:
 - i) Have a minimum *net density* ranging from 35 to 70 units per hectare; and
 - ii) Be developed in accordance with the applicable zoning by-law uses and regulations.
- b) High Density Urban Neighbourhood will:
 - i) Have a minimum *net density* ranging from 70 to 100 units per hectare; and

- ii) Be developed in accordance with the applicable zoning by-law uses and regulations.
- c) The Mixed Use Area will
 - i) Encourage the *development* of neighbourhood-oriented, small-scale commercial uses, townhouses and apartment buildings of 2-5 stories;
 - ii) Have a minimum height of 2 stories and be encouraged to combine commercial uses on the ground floor and residential units on upper floors; and
 - ii) Be subject to the policies of Section 2.4.3 and Section 3.6 of this Plan.
- d) Industrial will:
 - i) Be subject to the policies of Section 3.10 of this Plan; and
 - ii) Not be permitted to have outside storage areas.
- e) Parks and Open Space will:
 - i) Be subject to the policies of Section 3.13 of this Plan; and
 - ii) Permit community, cultural and ancillary small-scale commercial uses in addition to the uses prescribed in Section 3.13.

5.2.3 Strategic Planning Policies

The following strategic planning Policies have been established for the East Waterfront:

- a) The City will, through a Community Improvement Plan and other initiatives, promote and facilitate improvements to private property in the East Waterfront Secondary Plan area.
- b) The City will work, on its own and in partnership with other levels of government, agencies and landowners to create, over time a unique and regionally *significant* network of open spaces and trails in the East Waterfront Secondary Plan area.
- c) The City will continue to work with the St. Lawrence Seaway Management Corporation to strengthen the prosperity of the marine industry on the east side of the Welland Canal, immediately west of the East Waterfront Secondary Plan area.

5.2.4 Environmental Remediation

Development applications and the introduction of new uses in the East Waterfront, including parkland, shall have regard, if required, for the Port Colborne Community Based Risk Assessment. The introduction of new uses on former industrial lands shall be subject to further studies that identify appropriate remediation strategies based on the specific uses proposed. A Record of Site Condition (RSC) shall be filed on the Ministry of the Environment's Brownfields Environmental Site Registry prior to *sensitive land uses* being introduced to a former industrial property.

5.3 Westwood Park Secondary Plan

5.3.1 Goals

The goal of the Secondary Plan is to establish a framework of policies for the long term planning and *development* of the area. The provision of land for a variety of uses including low, medium and medium-high density residential uses, environmental protection and conservation, park and opportunity for providing Neighbourhood Commercial are to be defined so that the needs of its future residents can be met. In order to achieve compatibility, the plan will direct higher density uses internal to the plan area or adjacent to environmental land uses while directing lower density to the adjacent existing low density residential areas. The policies developed for the Westwood Park Secondary Plan were created with consideration to:

- a) Encouraging the inclusion of compact built form;
- b) Providing opportunities for passive, recreational activity;
- c) The provision of housing choices in a variety of settings;
- d) The protection of natural heritage features;
- e) The efficient use of the land and resources; and
- f) Opportunities for public input and involvement.

5.3.2 Objectives

- a) To manage and direct physical change and the effects on the social, economic, and natural environment of this area of the City of Port Colborne.
- b) To accommodate the logical extension of future *development* within the City of Port Colborne into the Westwood Park Secondary Plan Area and to ensure that the *development* is undertaken in an orderly, aesthetic and efficient manner.
- c) To ensure that all new *development* is *sensitive* to, and compatible with, surrounding existing and proposed uses.
- d) To encourage the provision of housing types which provide a variety of *affordable* housing types and tenures to accommodate a range of household sizes and incomes.
- e) To serve the needs of the future residents of the Westwood Park Secondary Plan by permitting the location of neighbourhood commercial, community and institutional facilities in the Plan.

- f) To identify and protect significant natural heritage features and to encourage their conservation and preservation as natural amenities within the built environment, while minimizing the potential for impacts as a result of new *development*.
- g) To direct *development* away from lands which are considered unsuitable for *development* due to their ecological function or their inherent physical characteristics.
- h) To provide for the *development* of a comprehensive transportation network, including pedestrian and potential bicycle networks where appropriate, to serve the residents of the area and provide convenient access for the wider community while minimizing the impact on the existing transportation network.
- i) To ensure that all *development* is serviced by safe and adequate municipal water supply, sewage disposal, storm drainage systems and *utilities*.
- j) To encourage the provision of *infrastructure* and public service facilities in a coordinated, efficient and cost effective manner to accommodate current and projected needs.
- k) To encourage the incorporation of energy conservation measures into *development* proposals.
- l) To ensure compatibility of all new *development*, through the establishment of urban design guidelines, the implementation of site plan control where appropriate, and to encourage a high standard of site, building, landscape, and streetscape design.
- m) To provide for *development* in a manner and rate which supports the long term economic prosperity of the City of Port Colborne.

5.3.3 Land Use

The lands identified on Schedule G as the Westwood Park Secondary Plan are those lands intended to be used for a mixed use are including, Low, Medium and Medium-High Residential, Environmental Protection Area and Environmental Conservation Area. Uses including Neighbourhood Commercial, Park and “other” are permitted within all Residential areas subject to the policies of this Plan.

5.3.3.1 Residential Area Policies

The Residential Area designations on Schedule G demonstrate that the predominant use of the land shall be for residential purposes subject to the following:

- a) The entire Westwood Park Secondary Plan Area shall achieve a minimum density of 50 persons and jobs per hectare in accordance with Provincial, Regional, and Local policies for Greenfield density.
- b) The City of Port Colborne may request, with any planning application, that details be submitted on how the *development* meets the Provincial Places to Grow, Regional, and Local policies and targets for density.
- c) The minimum number of units in the Westwood Park Secondary Plan Area shall not be less than 510.
- d) The main permitted uses shall include residential dwellings of the type and density allowed under the specific residential designation, in accordance with the provisions of Section B (ii)(f) of this Plan. The residential designations shall also permit Neighbourhood Commercial uses as in the Official Plan. In addition, nothing within this Plan shall prevent professional home occupational uses providing the activities are conducted by person or persons residing at the residence. Provisions for home occupational uses shall be defined in the implementing Zoning By-law.
- e) Other uses which may be permitted include the following:
 - (i) Private parks;
 - (ii) Schools;
 - (iii) Churches and places of worship;
 - (iv) Nursery schools and day care centres;
 - (v) Group homes, subject to the requirements of the Zoning By-law;
 - (vi) Special residential uses such as senior citizens housing and homes for the aged; and
 - (vii) Accessory buildings and structures
- f) The overall minimum densities identified in policies 5.3.3.2 (b), 5.3.3.3 (b) and 5.3.3.4 (b), are intended to assist in achieving the required overall density target of 50 persons/jobs per hectare, and may be modified without amendment to this plan provided that the Secondary Plan Area achieves 50 persons/jobs per hectare.
- g) Figure 5.1 outlines the targeted mix of general housing to ensure that a variety of housing units are available for all income levels in Port Colborne:

Housing Mix	Percentage
Low and Medium Density Residential Units	60%
Medium-High Density Residential Units	40%

Figure 5.1

Minor variations to these residential housing targets may be permitted through phasing of *development* provided the general intent of the Plan is maintained and the general housing mix is not compromised.

- h) If required, detailed noise studies shall be undertaken at the time of *development* applications and any necessary noise attenuation measures shall be incorporated into residential *development*.
- i) Subdivision and *development* proposals shall be designed to achieve a variety of visual effects which may be produced by curved roads and existing environmental protection and environmental conservation areas identified in this plan.
- j) Subdivision and *development* proposals shall make reference to the urban design guidelines contained within Section B (xiii) of this Plan. Proponents of *development* applications may also have regard to urban design guidelines considered for implementation by the City at a future date and existing model urban design guidelines prepared by the Region of Niagara.
- k) Adequate standards for minimum front yards, maximum building height and minimum separations between dwellings shall be established in the Zoning By-law.

5.3.3.2 Low Density Residential

- a) The main permitted use shall include single detached dwellings, semi-detached and duplex dwellings.
- b) Low Density residential density will range from 12 to 20 units per hectare provided that an overall minimum density of 16 units per net residential hectare is achieved.

- c) A variety of lot and dwelling sizes shall be provided, in an effort to reflect the spacious, open character usually associated with low density residential *development* and to provide for a range in affordability for this residential form.
- d) No driveway connections shall be permitted to Cement Road. Positive frontage to Cement Road should include vegetation, decorative fencing and the provision of upgraded façade features on rear elevations. Alternative designs and treatments may be considered provided that the positive aesthetics of the community edge are maintained. Alternative designs shall be considered at the *development* stage.
- e) Lands within the 'Low Density Residential' designation which abut the existing agricultural area to the west and residential area to the east of the Westwood Park Secondary Plan shall incorporate larger lot and dwelling sizes to address compatibility with the adjacent existing uses.
- f) Single detached dwellings shall be permitted to include an accessory apartment provided all requirements of the zoning by-law can be met.
- g) Low Density Residential dwellings shall generally not exceed 2 storeys (11m) in height unless on-site conditions restrict below grade construction.

5.3.3.3 *Medium Density Residential*

- a) The main permitted uses shall include triplex, quadplex, block and street townhouse dwellings, or any combination of these dwelling types.
- b) Medium Density residential density will range from 20 to 50 units per hectare provided that an overall minimum density of 28 units per net residential hectare is achieved.
- c) The maximum building height will generally not exceed 2.5 storeys (12.5m) unless on-site conditions restrict below grade construction.
- d) *Dwelling units* may be located on lots with individual public road frontage, or with access from private streets. Where *dwelling units* are proposed on private streets the *development* shall be subject to Site Plan Control.

5.3.3.4 *Medium – High Density Residential*

- a) The main permitted uses shall be low to mid-rise apartment dwellings.
- b) Medium-High Density residential density will range from 50 to 150 units per hectare provided that an overall minimum density of 90 units per net residential hectare is achieved.

- c) The maximum building height will not exceed 6 storeys (20m)
- d) Medium – High Density Residential shall be located adjacent to a Boundary Road and shall gain access to the site from the local road network.
- e) All *development* within the Medium – High Density Residential designation shall be subject to Site Plan Control.

5.3.3.5 Neighbourhood Commercial

- a) The residential designation shall permit various Neighbourhood Commercial uses intended to serve the daily needs of the residents of the adjacent residential areas and could include local convenience uses, small market grocery, personal service shops, restaurants, small retail stores and professional offices.
- b) Applications for Neighbourhood Commercial uses shall be reviewed subject to the following considerations:
 - (i) Proximity to Boundary and Collector Roads;
 - (ii) Proximity to Medium Density Residential uses;
 - (iii) Incorporation of adequate site buffering and landscape features; and,
 - (iv) A high standard of building design and landscaping of outdoor spaces and parking areas will be encouraged to blend in with the character and minimize the effect on adjacent residential uses
- c) The location of Neighbourhood Commercial will be determined through subsequent applications for subdivision approval and shall require an amendment to the Zoning By- law.
- d) The total site area shall generally not exceed 2,000 square metres.
- e) The total maximum gross leasable floor area of retail and service commercial uses shall generally not exceed 600 square metres.
- f) When Neighbourhood Commercial uses are being provided, safe pedestrian access and vehicle movements shall be required. Where practical, connection to bicycle or pedestrian paths shall be encouraged.
- g) The maximum height of buildings and structures shall generally not exceed two storeys (11m).

- h) A Special Policy Area 2 is identified on Schedule G. This Special Policy Area is being identified as a potential location for Neighbourhood Commercial uses within the Secondary Plan Area. As a Medium Density Residential designation, opportunity shall be made available for establishing a “mixed use” environment that could support not only Neighbourhood Commercial, but also second storey residential apartment units. In the event that neighbourhood commercial uses are not feasible, this area may continue to develop as Medium Density Residential as defined in Policy Section B (iv). Regulation of a mixed use shall be defined in an implementing Zoning By-law and would not require amendment to this plan.
- i) *Development* will be subject to site plan control in accordance with the provisions of the Planning Act.
- j) Large scale commercial uses and drive-through restaurants shall be prohibited.

5.3.3.6 Parks

Lands identified on Schedule G shall mean lands for use by the Public for open air recreational purposes, and such lands shall be kept open and free except for a small percentage upon which buildings and structures may be erected for purposes that are incidental to and accessory to the open air recreational purposes.

The City of Port Colborne’s Culture and Recreational Master Plan (CRMP) was implemented to guide parkland adequacy and distribution in addition to stating a series of recommendations for the City’s consideration in providing recreational amenity for its citizens. The CRMP defines hierarchy of park space and recognizes Sunset Park as a ‘Neighbourhood Park’ with a service radius of 0.8 km. Sunset Park is immediately adjacent to the Westwood Park Secondary Plan Area, which falls entirely within this service radius.

Recognizing the accessibility of Sunset Park, the Westwood Park Secondary Plan has opportunity to augment the active park space with the addition of the natural features area immediately adjacent within the Plan area. Further opportunity exists to provide ‘Parkette’ level park space that could be linked with the larger Sunset Neighbourhood Park. Special Policy Area 1 as shown on Schedule G provides such opportunity.

The CRMP also recognizes the quarry pond in terms of a ‘City’ level park space. Prior subdivision approvals had conditionally dedicated the quarry pond as park space in this regard. Since the CRMP’s implementation, the dedication was not completed and subsequently, the quarry pond’s ownership status has not changed. The quarry pond itself has since been classified as a ‘Type 1 Critical Fish Habitat’ according to the NPCA and Niagara Region through Regional Policy Plan Amendment 187.

Ultimate ownership of the quarry pond can be further discussed through plan of subdivision submissions. The pond can be accessed from the former railway lands making it a potential

feature or in some respects, a destination for passive trail users from within the City and potentially as a point of interest along the Proposed Niagara Bikeways Network. The pond has a historical attraction of the general public for its obvious amenity appeal and proximity within the municipality, which is where the City's interest in making it a park space originated. Long term maintenance and preservation may be of continued interest to the authorities and as such, acquisition may continue to be an objective.

- a) Parks shall be made available to the City through applications for plan of subdivision utilizing the requirement of parkland dedication per the provisions of the Planning Act.
- b) The lands identified in Schedule G as Park are shown adjacent to the environmental buffer which is identified as Special Policy Area 1. Policy 5.3.3.7 (a)(vi) provides details on Special Policy Area 1.
- c) Convenient access for pedestrians shall be provided, and integration with pedestrian and bicycle path systems will be encouraged.
- d) Safe pedestrian linkages should be made to the existing municipal park adjacent to the existing Secondary Plan Area.
- e) Parks should be sited in association with the other Environmental Protection and/or Environmental Conservation uses within the Secondary Plan Area to compliment the established buffering.
- f) Regard for the City of Port Colborne's Culture and Recreational Master Plan should continue during review of applications for Draft Plan of Subdivision.

5.3.3.7 *Environmental*

The Provincial Policy Statement directs in Policy 2.1.1 that natural features and areas shall be protected for the long term. Policy 2.1.2 states that Natural Heritage Features shall be identified and that the diversity and connectivity of natural features in an area, and the long term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, surface water features and *ground water features*.

The Growth Plan for the Greater Golden Horseshoe also encourages the identification of *natural heritage features and areas* that complement and link, or enhance natural systems.

The policies within the Environmental section identify in Schedule G both Environmental Protection and Environmental Conservation. The policies within this section have been developed in coordination with the Environmental Policies of the Regional Policy Plan and are intended to establish appropriate policies and direction for protection of these areas.

The policies are based on recommendations reflecting the ecological assessment of the features, in addition to consultation, with the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and local and Regional planning agencies.

Nothing contained within this Plan shall prevent opportunity by private landowners to undertake evaluation of identified environmental constraints through completion of an Environmental Impact Study, or in the case of a *Provincially Significant Wetland*, a *Wetland Evaluation Study*. If proven to vary from established limits and accepted by the respective approval authority, adjustments to constraint delineation can be made without amendment to this plan. In the event that adjustments are supported by the respective agencies or approval authorities, the adjacent land use designation shall be accepted for displacement.

Schedule G delineates the approximate location of Environmental Areas within the Secondary Plan Area. *Development* within the Secondary Plan, subject to the policies below, may require the preparation of an Environmental Impact Study and / or a Tree Preservation Plan, both to the satisfaction of all relevant agencies.

As a key element of the environmental policies, special effort shall be made to increase resident awareness of the ecological significance of the areas identified Environmental Protection and Environmental Conservation in order to encourage improved land stewardship.

a) Environmental Protection

- i) Natural features like *floodplains* and *wetlands* have an inherent *ecological function* and can pose risks to life and property. *Development* or *site alteration* is not permitted within an Environmental Protection area. Environmental Protection lands shall include *Provincially Significant Wetlands* and lands having an inherent physical hazard such as flood susceptibility, steep slope, erosion susceptibility or other physical limitations to *development*, as determined by the Niagara Peninsula Conservation Authority and/or Ministry of Natural Resources.
- (ii) The general boundaries of the area identified as Environmental Protection is delineated on Schedule G. Schedule G also includes the *one hundred year regulatory floodline*.
- (iii) Completion of an Environmental Impact Study to the satisfaction of the Region and the Niagara Peninsula Conservation Authority shall be required for all *development* and/or *site alteration* within 120m of a *Provincially Significant Wetland*.
- (iv) No *development* shall be permitted within the regulatory *one hundred year floodline*.

- (v) Stormwater Management Facilities including wet ponds, linear *wetlands* and vegetated swales adjacent to Environmental Protection areas should be designed to enhance the function of the adjacent *wetland* and buffer while effectively limiting access to the *sensitive* areas.
 - (vi) The established 30 metre buffer will mitigate potential changes to the hydrologic regime and protect the natural heritage feature from *negative impacts* of the adjacent land use. *Development* within the 30 metre Environmental Protection Buffer shall be prohibited. However, enhancement of the buffer with native species plantings shall be permitted.
 - (vii) Schedule G identifies a portion of the 30m Environmental Protection buffer as “Special Policy Area 1”. Notwithstanding Policy 5.3.3.7 (a)(vi), consideration may be given to designating a portion of the 30m Environmental Protection buffer to Environmental Conservation for the sole purpose of expanding passive recreational use of the adjacent park space. Additionally, the purpose of relief in this circumstance is recognized as providing opportunity to define a passive, linking trail between the planned park space and the existing municipal park (Sunset Park). An Environmental Impact Study would need to be completed to the satisfaction of the Region and Niagara Peninsula Conservation Authority to enable the Environmental Conservation designation.
- b) Environmental Conservation
- i) A portion of the Secondary Plan Area has, over time, been subject to disturbance by uncontrolled human activities. The Secondary Plan provides for a natural heritage corridor by way of the Environmental Conservation designation that acts to connect the Environmental Protection areas within the plan area and is intended to be protected for the long term.
 - (ii) The general boundaries of the areas identified as Environmental Conservation are delineated on Schedule G.
 - (iii) Completion of an Environmental Impact Study to the satisfaction of the Region and the Niagara Peninsula Conservation Authority shall be required for all *development* and/or *site alteration* within 50m of an Environmental Conservation designation.
- c) To protect the wooded areas, natural heritage corridor and to maintain interior habitat this Plan shall require that:

- i) Appropriate setbacks are to be established by implementing the recommendations of any Environmental Impact Study required by these policies;
 - ii) Access be maintained or controlled to limit destruction of the natural areas by human use. Limiting access may include ensuring that rear lot lines abut the natural areas. As part of any future *development* a clear delineation between environmental areas and residential areas must be established.
 - iii) *Development, site alteration* or tree removal shall not be undertaken until a formal exemption under the Niagara Region Tree and Forest Conservation By-law has been granted.
 - iv) The selective removal of invasive species and the planting of native tree species should be undertaken to improve existing habitat and increase the net woodlot coverage and function.
- d) *Fish Habitat* is protected under the federal *Fisheries Act*, and there must be no net loss of the productive capacity of *fish habitat* as a result of *development* or alteration of the site. In order to mitigate potential changes to water quantity and quality, increased sedimentation and stormwater discharge from impacting the Eagle Marsh Drain and associated *Wetland*, the stormwater management pond will remain outside of the 30m buffer and meet with all Ministry of Environment criteria for design and function. The Eagle Marsh Drain is identified as Type 2 – Important *Fish Habitat*.

The quarry pond is identified as Type 1 – *Critical Fish Habitat*, however, since there is marginal contribution to the quarry pond from the south no hydrologic impacts are anticipated post *development*. The *development* setback adjacent to the quarry pond shall be 5 metres.

Drainage discharge rates shall be designed to match pre-*development* conditions and a sedimentation and erosion control plan shall be required as part of any *development* application within the Secondary Plan Area.

5.3.3.8 Energy Conservation

- a) *Development* will be encouraged which promotes energy conservation and energy efficiency.
- b) Energy conservation and energy efficiency can be fostered by:

- i) Enforcement of maintenance and occupancy standards;
- ii) Setbacks to *development* and orientation of streets and lots to maximize southerly sun exposure;
- iii) Consideration of minor variance and site specific zoning amendments resulting in energy efficiency;
- iv) Tree retention, landscaping and buffering as weather and wind screening;
- v) Compact housing types and increased housing densities; and
- vi) Innovative subdivision design and layout (smaller lot sizes, innovative lot configurations, lot frontages, setback standards, zero lot line *development*).

5.3.3.9 Defunct Waste Disposal Sites

. Prior studies have been completed to the satisfaction of the City and the Ministry of the Environment which indicates *development* within 500m of a defunct waste disposal site, located to the south of the approved Secondary Plan Area, may take place.

5.3.4 Aggregate Resource Protection

Aggregate resource protection is of provincial interest and is recognized in the Provincial Policy Statement accordingly. The Region of Niagara provides Mineral Resource policies that guide both expansion of existing *aggregate* operations and establishment of new licensed areas through restricting land uses from establishing that may interfere with long term resources extraction. Recent Ministry of Natural Resource and Ontario Municipal Board decisions have granted expansion of the Reeb *Quarry* located west of the Secondary Plan Area in The Township of Wainfleet. Given the potential for impact from operations associated with the *quarry*, the City of Port Colborne may request appropriate studies be completed to the satisfaction of the City that would offer mitigation measures to ensure any such impacts are minimized through satisfying conditions of draft approval.

5.3.5 Cultural Heritage

The Provincial Policy Statement in Section 2.6 directs that significant *cultural heritage landscapes* shall be *conserved*.

- a) Should any lands proposed to be developed be deemed an area of archaeological potential, the Developer shall commission the requisite

investigative studies to the satisfaction of the Ministry of Tourism, Culture and Sport.

5.3.6 Urban Design

Urban Design adds to quality of life. Enhancing quality of life is a strategic direction the City of Port Colborne wishes to ensure for its current and future residents. Applications for Draft Plan of Subdivision or Site Plan within the Westwood Park Secondary Plan Area should be made to demonstrate how the submitted plans are going to address matters of urban design. The City of Port Colborne is in the process of adopting Urban Design Guidelines to establish a fundamental set of principles that assists in guiding community image within the municipality. In advance of having adopted Citywide guidelines, the following guidelines are provided as a means of ensuring the principles of aesthetically appealing, quality public and private realm is being achieved.

The Westwood Park Secondary Plan Area is modest in size and can be characterized as a boundary edge neighbourhood. The Plan area would see *development* fill the void from earlier phases of residential *development* at the east and completing build out to the western municipal boundary line.

The Plan will provide for a collector road, connecting existing *development* to the Boundary Road and a series of Local Roads extending throughout the remaining plan area with residential land use predominating. The Plan area provides for a mix of residential form and has generous interface exposure with environmental features within the Plan area. Aesthetics and integrated design shall remain the primary focus for developers and builders when advancing through subsequent approvals. A sense of place and the quality of one's surroundings contributes greatly to quality of life.

(a) Streetscapes / Public Realm

- i) Streetscapes should be well defined, inviting and present consistent elements to help in the identification and relationship this neighbourhood holds in comparison to other neighbourhoods within the municipality. Diversity is not seen as a negative approach and more so in dealing with a Plan area of this size. For all intent and purpose, the entire plan area can be seen as one neighbourhood, with an existing lake front neighbourhood to the south and an established one to the east. Differentiating allows for identification and serves as both a physical and psychological point of reference in distinguishing one neighbourhood from the next.
- ii) Elements of the streetscape, which can really be termed the 'public realm', are generally limited; however these elements can be used in establishing neighbourhood identity. This would include the use of unique

or decorative lighting fixtures within the neighbourhood road network that may vary from established neighbourhoods. Street tree plantings offer another means of creating a consistent public realm image. Selections should be consistent; whether using a single species or a patterned mix. This again will form lasting impressions as a point of reference for residents and travelling public. Street signage is another element that can provide a unique identifier for the neighbourhood. Consistent sign patterns and type face will assist in furthering the defined image of the neighbourhood. Other opportunities exist in group mailbox designs and treatment of *utility* installations that can be made to tie in with a set neighbourhood image.

- iii) The ability to provide for these public realm treatments shall be embraced by the municipality in order to foster variation and diversity between neighbourhoods. The municipality shall recognize the principles of public realm and work cooperatively with developers in permitting and approving suitable *infrastructure*.

b) Built Environment / Private Realm

- i) Appropriate siting of ground based detached residential dwellings assists in establishing a neighbourhood streetscape. The individual units and properties can be termed the 'private realm'. Individual owners assist in creating a dynamic streetscape that adds to diversity and character through personal preference and choices made over time. A mature neighbourhood can take many years to establish and will remain dynamic throughout its life span. To this end, a variety of dwelling elevations should be provided in order to generate visual diversity and interest. Colour selections should also be used in a manner that avoids duplication amongst adjacent units. Units sited on corner lots shall retain their primary facade and entry consistent with the adjacent units and landscaping will be used to create soft, uninterrupted flankage treatments.
- ii) Townhome blocks are to follow along with the principles of detached residential with additional consideration given to articulation of individual units within the block. Opportunities to accentuate porch and entry areas are encouraged. Diversity can also be achieved through roof line composition, using dormers and gables to add interest and variety. Monotonous and continuous wall face and roof pitch is to be avoided. When townhouse blocks are situated next to one another, colour packages should vary and it is preferred that alternate building elevations be used that may include variation of exterior materials and finishes. Blocks should generally not exceed 6 units. Where practical, driveways

should be paired to create larger boulevard space for plantings and street tree placement. A variety of driveway treatments are also acceptable.

- iii) Apartment buildings should situate on the site so as to provide generous separation in terms of adjacent ground based residential. The building(s) should also be sited to provide periods of direct sunlight to units within the building while minimizing shadowing onto adjacent properties. The Plan envisions medium-high density in the southern reaches. Opportunities for passive views onto the Eagle Marsh *wetlands* are promoted. Landscaping requirements of site planning shall generally be used to screen required surface parking areas while enhancing access driveways to the apartment building.
 - iv) Site Planning for commercial use should ensure positive street presence. Given the likelihood for residential units above at grade retail, there is benefit in keeping the building as close to the street as possible. As the commercial provisions within the Secondary Plan Area would be very limited in scale, front yard single row parking should be considered appropriate, with adjacent flanking yard or rear yard parking space allocation for the residential component. Building design should incorporate architectural features that are consistent with the level of detail found within the community. Commercial signage and excessive lighting should be minimized. Site Planning should ensure appropriate access to any waste management *infrastructure* or structures. Large waste receptacles should be enclosed or adequately screened with fencing and planting.
- c) Natural Environment
- i) The Plan area includes several natural features areas that possess an environmental designation. These include *Provincially Significant Wetlands*, environmental conservation areas, wooded areas, the 30 metre environmental protection buffer and *fish habitat* buffer. These features are protected through the policies and regulations of the various levels of government. *Development* next to an environmental feature/designation should be designed to enhance the interface area while also discouraging intrusive human activity or access. Lots backing onto environmental features/designations are encouraged to use chain link fencing or suitable alternative. Plantings may also assist in defining property limits while presenting a softer edge or backdrop to property demarcation. Ultimate ownership of natural areas has not been determined; however access or incursion into these natural areas by way of rear lot gates would not be permitted.

- d) Storm Water Management
 - i) Storm Water Management ponds are governed by strict Ministry of Environment guidelines for functional and safety reasons. Section 5.3.8.3 provides policies with respect to Storm Water Management. The City of Port Colborne shall ultimately assume ownership of Storm Water Management facilities and provide for their maintenance.

- (e) Neighbourhood Edge
 - (i) The Westwood Park Secondary Plan Area represents Port Colborne's westerly *development* limit of its urban area. Cement Road is defined as a Boundary Road and can be expected to carry traffic to and from Highway 3 further north, past and through the broader western community. The street edge treatment should reflect positively on the *development* area within and to this extent, should be designed with aesthetic quality along the road allowance's east side. The Secondary Plan acknowledges the Regional Bikeway Master Plan as a component that must be considered along the boundary road. In addition, a pedestrian walkway is also envisioned at this perimeter. Consideration may be given to incorporating a shared pedestrian and cycling trail in the boulevard space that could serve this dual purpose, similar to what exists on the west side of Elizabeth Street, at the east side of the municipality. Landscaping treatments in the rear lots, adjacent to the road allowance are encouraged to be enhanced and the provision of boulevard trees should be the same as those selected for the internal streetscapes. This consistency will assist in neighbourhood identity. If noise attenuation measures are determined as being required along rear lot lines, decorative selections are encouraged. Where feasible, landscaping should be used to enhance the east Cement Road boulevard space.

5.3.7 Transportation

The transportation system for the Westwood Park Secondary Plan Area is shown on Schedule G. This Plan shall utilize previously planned points of access from *adjacent lands* in addition to new planned points of access from Boundary Roads. Schedule G illustrates the general network of boundary, collector and some local roadways within and adjacent to the Secondary Plan Area. Additional local and/or private roadways may be planned to provide access as required to individual properties within the Secondary Plan Area. The plan notes that Cement Road is a boundary road adjacent to the Secondary Plan Area. It also identifies Highway 3 which is designated as a Provincial Highway and is located approximately 1 kilometre north of the Westwood Park

Secondary Plan.

As directed in Section 1.6.5 of the Provincial Policy Statement, all roads provided within the transportation system should be safe, energy efficient, and facilitate the movement of people and goods. The system as a whole must be appropriately designed to meet projected needs. The network may include pedestrian and bicycle networks to serve the residents of the area and will provide convenient access for the broader community while minimizing the impact on the existing transportation network.

Both the City of Port Colborne and the Township of Wainfleet shall be satisfied that their respective roadway corridors within and serving the Secondary Plan Area are identified and protected to meet current and projected needs for various travel modes.

Final collector and local roadway locations will be established through plan of subdivision. Changes to the location of roadways, as illustrated on Schedule G of this Secondary Plan, may be permitted without an amendment to the plan.

Cement Road is immediately adjacent to the Secondary Plan Area. Cement Road is, in part, a Boundary Road between the City of Port Colborne and the Township of Wainfleet and, in part, a Township road connecting to Provincial Highway 3. The Secondary Plan proposes direct road connections to Cement Road including Clarence Street in short term and additional road connections in the long term.

As part of any future subdivision applications, and following adoption of this plan, a detailed Traffic Study shall be considered a requirement. The Traffic Study will be prepared to the satisfaction of both the City and Township and shall:

- Determine the details and timing of required upgrade to Cement Road (Boundary Road) between Lakeshore Road and Clarence Street, generally to standards included in Section C including pedestrian and bicycle facilities.
- Assess and provide design input (in consultation with the Ministry of Transportation) on the details and timing of upgrade to the connection of Cement Road with Highway 3.

The City will work cooperatively with the Township to ensure that contribution(s) for upgrade to Cement Road, as those upgrades are determined by the Traffic Study, are required at the time of approval of individual *developments* beyond those currently in process.

5.3.7.1 Road System

- a) For the purposes of this Plan, the existing and proposed transportation network has been assigned the following classification of roads:
 - i) Boundary Roads
 - ii) Collector Roads
 - iii) Local Roads
- b) The following policies apply to Boundary Roads shown on Schedule G under the jurisdiction of the City:
 - i) Boundary Roads shall be planned and designed to accommodate moderate to heavy volumes of through traffic and shall give priority to traffic mobility along the roadway. Boundary Roads shall be planned and designed to accommodate truck and heavy vehicle traffic.
 - ii) Boundary Roads shall be designed to a minimum of two paved lanes with a width of at least 3.5 metres each and a separate shoulder on each side of the roadway. The number of through travel lanes on Boundary Roads shall be determined to meet anticipated peak traffic demand.
 - iii) A right of way (ROW) width of 30 metres (plus slope requirements) should be provided for Boundary Roads. Where new *development* occurs along a designated boundary road, a roadway right of way of 15 metres from the original road allowance centre line shall be designated.
 - iv) Direct access to a Boundary road from adjacent individual residential properties should be avoided. Direct access may be provided from adjacent non-residential properties or private roadway, but only where this does not interfere with the accommodation of through traffic along the roadway.
 - v) Provision may be made for a sidewalk or equivalent shared pedestrian/cycling path on at least one side of Boundary Roads within the developed areas as identified in Policy 5.3.7.1 (b)(iii).
 - vi) On-street parking should be restricted on both sides of Boundary Roads.
 - vii) Intersections on Boundary Roads shall be designed to ensure efficient and safe traffic operations. Priority shall be given to the traffic

movements along the boundary road at intersections with Collector and Local Roads.

- d) The following policies shall apply to Collector Roads shown on Schedule G:
- i) Collector Roads shall be designed to accommodate low to moderate volumes of traffic between local neighbourhoods and connecting to Boundary Roads. Truck and heavy vehicle traffic not having an immediate origin or destination shall be discouraged on Collector Roads.
 - ii) Collector Roads may provide direct access to all forms of adjacent *development* where this does not reduce traffic operational efficiency and safety.
 - iii) A minimum right of way width of 20 metres (plus slope requirements) should be provided for Collector Roads.
 - iv) 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.
 - v) Provision for a pedestrian sidewalk or equivalent pedestrian path on at least one side of the roadway shall be provided within developed areas.
 - vi) 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.
 - vii) Collector Roads shall contemplate provision of bicycle lanes in combination with, or as an alternate to, on-street parking within the Plan area.
- e) The following policies shall apply to Local Roads shown on Schedule G:
- i) Local Roads shall be designed to accommodate low volumes of traffic.
 - ii) 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.
 - iii) Residential Local Roads of more than 150 metres in length shall have a sidewalk or equivalent pedestrian path on one side of the roadway.

- iv) 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.
 - (v) 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.
 - (vi) Local road intersections shall be planned and designed to discourage through traffic. 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.
- f) Boundary, collector and local Roads within the Secondary Plan Area shall be constructed in accordance with Figure 5.2 below:

Road Type	Surface	Design Standard
Boundary	Paved Travel Lanes	Travel lanes a minimum of 3.5 metres in width, turning lanes minimum 3.25 metres in width, shoulders 2.5 metres in width in rural areas. Subject to funding commitments the addition of a 1.0 metre on-road bicycle lane or, shared cycling/pedestrian hard surface trail of at least 2.4 m in width may be provided in the boulevard space.
Collector	Fully Paved	Two travel lanes each a minimum 3.5 metres in width, turning lanes minimum 3.25 metres in width where required at intersections, additional 0.5 metre paved surface and curbs in urban areas, or 1.0 metre when on-road bicycle lanes are planned, separate sidewalk of at least 1.5 metres in width on at least one side throughout.

Local	Fully Paved	Roadway surface to be 7.5 metres in width with additional 2.5 metre width on each side where parking is permitted, separate sidewalk of at least 1.5 m in width on at least one side for streets greater than 150 metres in length.
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Figure 5.2

5.3.7.2 Pedestrian and Bicycle Path System

- a) To promote a safe and healthy lifestyle and opportunities for passive leisure activity, the provision of sidewalks and trail systems will be encouraged by the City of Port Colborne
- b) Sidewalks and/or equivalent shared pedestrian/bicycle pathways may be provided on at least one side of Boundary Roads.
- c) The Region of Niagara Proposed Bikeways Network identifies Cement Road as a connecting link in the broader regional cycling network. Future Official Plan policies for the City of Port Colborne will encourage bicycle route establishment, particularly in waterfront and downtown vicinities. The combination of objectives would provide opportunity to link cycling networks. If on-road is determined as the preferred location for bicycle lanes, additional paved roadway width should be provided accordingly. Alternatively, the provision of a shared off-road cycle/pedestrian route may be considered in the boulevard space created. The paved off-road trail would also serve in providing opportunities for local residents to participate in other local leisure pursuits, such as walking, running and rollerblading while fulfilling policy requiring sidewalks adjacent to the boundary road.
- d) The Region of Niagara Proposed Bikeways Network also identifies the abandoned east-west rail line at the northern limits of the Plan area as part of its planned network. Opportunities to provide connecting links to this proposed network should be encouraged in future *development* approvals.
- e) Any planned pedestrian/bicycle path system shall primarily locate within road rights-of-way. The pedestrian/bicycle system may also be located in association with park space, with preferred location of the pedestrian / bicycle systems being determined through subdivision and *development* approvals.
- f) Collector Roads shall provide for sidewalks or equivalent pedestrian paths on at least one side and consideration for bicycle lanes adjacent to roadways may be given where urban *development* is proposed. Local Roads greater than 150 metres in length shall provide for sidewalks or equivalent pedestrian paths on at least one side.

- g) Pedestrian crossings shall be provided at regular intervals at the intersections of Boundary Roads or Collector and Local Roads where sidewalks are installed. Traffic control at crossings shall be provided by stop signs or traffic signals. The distance between available pedestrian crossings shall not exceed 400 metres along any boundary or collector Roads within the Secondary Plan Area.
- h) All sidewalk / pedestrian pathways shall be designed with barrier free crossings at intersection with roadways.

5.3.8 Servicing

- a) All *development* within the Westwood Park Secondary Plan Area shall be developed with full municipal services. The Provincial Policy Statement directs in Section 1.6.1 that *infrastructure* and public service facilities shall be provided in a coordinated, efficient and cost effective manner to accommodate projected needs. Extension of municipal services into the Westwood Park Secondary Plan Area will be required to service *development*.
- b) *Easements* to accommodate municipal services and *utilities* shall be granted as a condition of *development* approval.

5.3.8.1 Sanitary Sewage Disposal

- a) All *development* will be provided with *municipal sanitary services* subject to the approval of the City, the Niagara Region and, where necessary, the Ministry of the Environment.
- b) Prior to approval of a plan of subdivision, studies will be undertaken to determine that the sewage disposal system has capacity to receive waste generated from the proposed *development*.
- c) Hydrogeological studies may be required prior to approval of a plan of subdivision to determine the appropriate sub-grade / base materials required to support planned *infrastructure*. Such a requirement can be made a Condition of Subdivision Approval.

5.3.8.2 Water Supply

- a) All *development* will be provided with *municipal water services* subject to the approval of Niagara Region, the City, and, where necessary, the Ministry of the Environment.

- b) A 12 inch diameter watermain shall be constructed through the Plan area to connect Sugarloaf and Clarence Streets.

5.3.8.3 Storm Water Management

- a) *Development* will be provided with storm sewers and stormwater management facilities subject to the approval of the City, the Niagara Peninsula Conservation Authority, the Region of Niagara and the Ministry of the Environment. The precise shape and location of the stormwater management ponds shall be determined during subdivision design and shall be sited and sized for optimal performance.
- b) Modern storm water management techniques, such as the preparation of lot grading and drainage plans, silt fencing, stormceptors etc., shall be employed in all new *developments*. Such techniques shall be implemented to control the quantity and quality of runoff and to control erosion and sedimentation during and after construction, in order to minimize *adverse effects* on the receiving *watercourses* and natural areas identified within the plan.
- c) Subject to specific approval of the Niagara Peninsula Conservation Authority and any other regulating agencies, storm water facilities will be designed using best management practices such that post-*development* storm water flows maintain pre-*development* levels storm flow into receiving *watercourses*.
- d) Any detention ponds to be provided as part of the storm water management system shall be located outside of Environmental Protection Areas (including buffer) as shown on Schedule G. Storm Water Management facilities may be permitted in any other land use designation on Schedule G without amendment to this Secondary Plan.
- e) Storm sewers shall be designed in accordance with City standards and shall be constructed within the proposed road allowances. Provision of *easements* or blocks shall be required where the road allowance is not suitable.

5.3.8.4 Utilities

- a) *Development* shall be provided with full *utility* services including hydro, natural gas, telecommunications and cable facilities.
- b) All *utilities* will be provided in accordance with the design and construction requirements of the relevant agency or *utility*.
- c) All *utilities* shall be planned for underground distribution throughout the Westwood Park Secondary Plan Area.

5.3.8.5 Waste Collection

- a) All *development* shall be designed to meet the Regional Waste Collection Policies regarding relevant design details for the collection of refuse.
- b) Waste collection for any *development* proposal utilizing a private road shall be carried out by a private collection agency, unless it is shown that the *development* can meet the Region of Niagara's Waste Collection policy requirements.
- c) Any on-site refuse storage shall be located and screened to mitigate potential impacts.

5.3.9 Development Staging

As directed by the Provincial Policy Statement in Section 1.6.1, planning for *infrastructure* and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs. The Regional Policy Plan directs that the establishment of priorities for the staging of works is necessary to ensure that servicing is extended in an appropriate manner. The staging of *development* within the Westwood Park Secondary Plan Area shall be regulated in order to facilitate an orderly and efficient land use pattern.

- (a) Council shall evaluate applications for *development* on the basis of conformity to the following staging criteria:
 - i) The *development* conforms to the relevant land use policies of this Secondary Plan;
 - ii) The *development* represents a logical extension to the existing serviced urban area and encourages the principles of a compact, orderly urban form thereby avoiding scattered *development*;
 - iii) The *development* will be serviced by full municipal services including municipal water supply and sanitary sewers;
 - iv) Determination that sufficient capacities are available within the Port Colborne Water Pollution Control Plant and the Port Colborne Water Supply system as reviewed by the Niagara Region, the City and the Ministry of the Environment;
 - v) Determination that sufficient capacities are available within the Port Colborne - Seaway Sewage Treatment Plant and the Port Colborne sewage system as reviewed by the City, the Region and the Ministry of the Environment;

- vi) The *development* can be integrated with, and accommodated within, the capacity of the existing transportation system;
- vii) Where residential *development* is proposed, the appropriate School Boards have confirmed that there is adequate space within existing school facilities, to accommodate the students which will be generated by *development* in the Secondary Plan Area;
- viii) Where residential *development* is proposed, the area can be adequately serviced by existing parks and/or recreation facilities;
- ix) The *development* can be provided with adequate fire protection services;
- x) Adequate levels of local community facilities or services are, or can be made available to service the proposed *development*;
- x) The storm water management plans for the *development* are satisfactory as required by the Secondary Plan;
- xi) The *development* can proceed within the financial capabilities of the City to provide any necessary local municipal services, without increasing the burden on existing taxpayers;
- xii) Service levels of basic *utilities* are committed to be in place and operative prior to, or coincident with, occupancy and use of the land.

5.3.10 Implementation

- (a) This Plan will provide the basis for consideration of *development* applications. If such applications are in conformity with this Plan, *development* will be implemented by means of:
 - (i) plans of subdivision pursuant to Section 51 of the Planning Act;
 - (ii) plans of condominium pursuant to Section 9 of the Condominium Act and Section 51 of the Planning Act;
 - (iii) where appropriate, severances under Section 50 of the Planning Act (Land severance applications shall not be used to create new residential lots which do not conform with the servicing requirements, land use layout, *development* staging or general street patterns set out herein);
 - (iv) zoning by-laws pursuant to the Planning Act;

- (v) site plan agreements under Section 41 of the Planning Act, where applicable;
 - (vi) subdivision agreements under Section 51(26) of the Planning Act, where applicable.
- (b) Final Approval of any *development* application shall not be granted until all Conditions, financial or otherwise, have been met with written clearance having been provided to the municipality.
- (c) Final approval of any *development* application shall be conditional to the conveyance of parkland dedication as required by the Planning Act.

5.3.11 Interpretation

- a) The provisions of the Official Plan, as amended from time to time, regarding interpretation shall apply in regard to this Plan.
- b) Where there is a conflict between the general policies of the Official Plan and the more detailed policies of the Westwood Park Secondary Plan, the Secondary Plan shall supersede for the lands covered by this Plan.
- c) The land use designations and transportation systems on Schedule G shall be considered approximate, except where they coincide with existing roads, railways or other clearly defined physical features.
- d) All figures, numbers and quantities in this Secondary Plan are approximate only and not absolute. Any minor variations from these figures may be permitted by Council without further Amendment to this Plan, provided that such variations do not affect the intent of the Plan.
- e) Deviations from the policies and land use designations of this Plan, other than those specifically permitted by Sections 5.3.11 (a) – (c) will require a further Amendment to the Official Plan, particularly where a policy, designation, schedule or principle is incorporated, deleted, or significantly altered.
- f) Schedule G of this Plan indicates geographic areas to which the various policies of this Plan apply. In order to ascertain the applicable policies on a specific area, this Schedule must be read in consultation with the text of the Secondary Plan. Schedule G illustrates the land use designations of the Plan area and the transportation systems.

- g) The land use designations on Schedule G are the predominant designations for the lands shown and are not intended to indicate or prevent small areas of other permitted land uses in accordance with the policies of this Plan.
- h) When evaluating *development* applications, the land use designations shown on Schedule G by a generalized symbol may be interpreted with flexibility by Council as to their exact extent and location, in accordance with other policies of this Plan.
- i) The illustration of roads, parks and other municipal services or facilities shall not be interpreted as a commitment by the City to provide such services or facilities at the indicated location by a specific time. These illustrations are intended to provide general information of such services or facilities to landowners, developers and residents and may be subject to further analysis, design and capital budget approvals.

Section 6

Community Improvement

Section 6: Community Improvement

6.1 Community Improvement

The City will accomplish community improvement through:

- a) Ongoing maintenance, rehabilitation, *redevelopment* and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts; deficient municipal hard services, social, community or recreational services; or economic instability;
- b) Establishment of programs to encourage private sector *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues and needs;
- c) Designation of Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan and as amended from time to time; and
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 the Planning Act R.S.O. 1990.

6.2 Community Improvement Plans

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Plan project areas which require 'community improvement' as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a Community Improvement Plan is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for the purposes of implementing the Community Improvement Plan.

6.2.1 Community Improvement Project Areas

- a) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
 - i) Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
 - ii) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
 - iii) Deficiencies in physical *infrastructure*, including but not limited to sanitary sewer systems, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
 - iv) Poor road access and/or traffic circulation;
 - v) Deficiencies in community and social services including but not limited to; public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities;
 - vi) Inadequate mix of housing types;
 - vii) Known or perceived environmental contamination;
 - viii) Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
 - ix) High commercial vacancy rates;
 - x) Existing or potential business improvement areas;
 - xi) Vacant *lots* and under-utilized properties which have potential for infill, *intensification*, *redevelopment* or expansion to better utilize the land base;
 - xii) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

- xiii) Other barriers to the repair, rehabilitation or *redevelopment* of under-utilized land and/or buildings; and
 - xiv) Any other environmental, social or community economic development reasons.
- b) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
- i) The anticipated improvements achieve the Vision and Strategic Directions in this Plan;
 - ii) The greatest number of conditions as defined in 6.2.2 (a), are present; and/or
 - iii) Where one or more of the conditions in 6.2.2 (a), are particularly acute; and/or
 - iv) Where one or more of the conditions as established in 6.2.2 (a), exist across the entire Urban Area of the City.

6.2.2 Community Improvement Plans

- a) Community Improvement Plans (CIP's) shall be prepared and adopted to meet one or more of the following objectives:
- i) Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
 - ii) Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally *significant* buildings and properties;
 - iii) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreation amenities;
 - iv) Encourage residential and other types of infill and *intensification*;
 - v) Encourage the construction of *affordable* housing;
 - vi) Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
 - vii) Where necessary include an Environmental Impact Study which determines specific measures to prevent impacts on natural heritage features;

- viii) Maintain, upgrade and improve municipal services and public *utilities* such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
 - ix) Improve vehicular and pedestrian traffic flow, including for cycling;
 - x) Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
 - xi) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
 - xii) Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
 - xiii) Encourage the remediation and *redevelopment* of *Brownfield sites*;
 - xiv) Support existing or potential business improvement areas;
 - xv) Improve environmental conditions;
 - xvi) Improve social conditions;
 - xvii) Promote cultural development;
 - xviii) Facilitate and promote community economic development; and
 - xix) Improve community quality, safety and stability.
- b) Community Improvement Plans shall contain at a minimum:
- i) Statement of purpose;
 - ii) Goals and objectives;
 - iii) Clear description of the Community Improvement Project area;
 - iv) Critical analysis of the need (justification) for community improvement;
 - v) Description of all incentive programs; and
 - vi) As a technical appendix, the justification for the delineation of the project area and the design of the incentive programs.
- c) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

6.2.3 Implementation

- a) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions including:
- i) The municipal acquisition of land and/or buildings within Community Improvement Project areas; and the subsequent:
 - Clearance, grading or environmental remediation of these properties;
 - Repair, rehabilitation, construction or improvement of these properties;
 - Sale, lease or other disposition of these properties to any person or governmental authority; and
 - Other preparation of land or buildings for community improvement.
 - ii) Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees and other financial instruments;
 - iii) Provisions of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;
 - iv) Application for financial assistance from senior level government programs;
 - v) Participation in senior level government programs that provide assistance to private landowners for the purpose of community improvement;
 - vi) Provision of information on municipal initiatives, financial assistance to private landowners for the purposes of community improvement; and
 - vii) Support of heritage conservation through the *Ontario Heritage Act*.
- b) All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws.
- c) Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

Section 7

Cultural Heritage

Section 7: Cultural Heritage

This section of the Plan provides policies and direction for the identification and conservation of cultural heritage features within the City. It is the intent of these policies to ensure the protection and enhancement of these assets.

7.1 Historic Structures and Heritage Conservation Districts

- a) The designation of historic buildings, structures and land under the *Ontario Heritage Act* is encouraged.
- b) The use of conservation *easements* registered on title to the property is encouraged if designation under the *Ontario Heritage Act* is not appropriate.
- c) Where a historic building, structure or feature is incorporated into a development proposal and the feature is not being dedicated to the City, the requirement for a conservation *easement* will be included as a condition of approval.
- d) To ensure that heritage properties remain in their original context, the relocation of heritage buildings or structures is not permitted.
- e) The City may establish heritage conservation districts pursuant to the *Ontario Heritage Act* to control the erection, demolition or alteration of buildings. The following criteria shall be used to guide the establishment of a heritage conservation district:
 - i) Buildings, structures and/or streetscapes are representative of a certain historic era;
 - ii) Buildings and/or structures are of a particular architectural style or have unique architectural features; and/or
 - iii) Buildings, structures and/or streetscapes are related to a unique local event or period that shaped the *development* of a neighbourhood/community.
- f) The City supports the protection and enhancement of cultural and heritage assets which include the establishment of a Heritage Character Area and Urban Design Guidelines that can preserve and guide new *development* or re-development and is supported by rebate and incentive programs that encourage property owners to protect, preserve and enhance these assets.
- g) Alterations to a designated heritage property may be permitted where the impacts of the proposed alterations have been evaluated and it has been demonstrated that the heritage attributes of the protected property will be *conserved*. This policy would require a Heritage Impact Assessment by a qualified person to properly identify and evaluate the CHVI of a property and recommend appropriate alternative approaches and mitigative measures.

- h) All new development permitted by the land-use policies and designations of this Plan shall conserve cultural heritage resources and shall incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include but are not limited to, buildings, structures, landmarks, trees, tree lines, hedge lines, or fence lines.
- i) Development and *site alteration* may be permitted on *adjacent lands* to a protected heritage property where the proposed development and *site alteration* has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be *conserved*. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or *site alteration*.

7.2 Municipal Heritage Committee

- a) The municipality may establish a Municipal Heritage Committee pursuant to the *Ontario Heritage Act* which may:
 - i) Advise Council on matters of cultural heritage resource conservation;
 - ii) Review and advise on *development* applications to assist in achieving the municipality's heritage goals; and
 - iii) Advise Council on the need for studies, plans or programs that promote public awareness, appreciation and conservation of cultural heritage resources.

7.3 Archaeological Resources

- a) A minimum of a Stage 1 Archaeological Assessment is required to be submitted to the Ministry of Tourism, Culture and Sport for approval where *development* is proposed on lands which have archaeological potential as determined by the City, the Region and/or the Ministry of Tourism, Culture and Sport.
- b) Depending on the results of the Stage 1 Archaeological Assessment referenced in Policy 7.3 (a), it may be necessary to undertake Stage 2 to 4 assessments.
- c) Pioneer and other cemeteries shall be retained in their original location and will not be relocated to accommodate private *development*.
- d) Development and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site. Where significant *archaeological resources* must be preserved on site, only development and *site alteration* which maintains the heritage integrity of the site may be permitted.

7.4 Marine Archaeological Resources

- a) It is understood that there may be some locations within the City of Port Colborne with potential marine archaeological remains. Accordingly, the City may require an archeological survey prior to approving a *development* proposal where they may be potential for marine archaeological remains. The survey shall be conducted by a licensed marine archaeologist to the satisfaction of the City and the Ministry of Tourism, Culture and Sport pursuant to the *Ontario Heritage Act*. Any marine archeological resource that is identified must be reported to the Ministry of Tourism and Culture, and Sport immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation by licensed marine archaeologists under direction of the Ministry of Culture.

- b) When considering *development* applications along the waterfront or shoreline, the City shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, the City will require satisfactory measures to mitigate any *negative impacts* on *significant* cultural heritage resources.

Section 8

Servicing and Stormwater Management

Section 8: Servicing and Stormwater Management

This Section of the Plan provides policies for the servicing of *development* and the management of stormwater across the City of Port Colborne. It is the intent of these policies to ensure the safety and health of the community through well-managed municipal servicing and stormwater *infrastructure* and promote the efficient and sustainable use of water resources, including practices to conserve water and protect, or enhance, water quality.”

8.1 Water and Sanitary Servicing

The systems for water distribution and treatment, wastewater collection and treatment and stormwater collection and release shall be developed and operated in a manner which protects public health and safety, supports *development* and minimizes any potential impacts on the natural environment in accordance with the following policies:

8.1.1 Servicing Within the Urban Area

- a) New *Development* in the urban area is required to be on full *municipal water services* and *municipal sanitary services*.
- b) Port Colborne shall continue the present practice of separate systems for storm and sanitary sewers.
- c) Except for Policies 8.1.1 (d) and 8.1.2 (e), the outer limits of the municipal *infrastructure* services (water, sanitary and storm systems) shall not extend beyond the Urban Area Boundary during the Plan period without an amendment to this Plan or the Regional Plan. Additionally, the extension of municipal *infrastructure* services within the limits of the Urban Area Boundary shall be considered in terms of the adequacy of *infrastructure* services for existing and potential *development* located within the current limit of municipal servicing.
- d) In the Urban Area, where adequate municipal *infrastructure* services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains. The City shall continue its present practice of obtaining Subdivider Agreements or Site Plan Agreements relating to services, standards, specifications, levies, etc. The City may amend these Agreements from time to time. The City may waive this policy in the case of *development* it considers as ‘infill’.
- e) *Partial services* may only be permitted in the urban area to address failed individual services and allow for infilling and rounding out of existing *development* on *partial services* provided that:
 - i. the *development* is within the *reserve sewage system capacity* and *reserve water system capacity*; and

- ii. site conditions are suitable for the long-term provision of such services;
- f) Should a development be able to change to full municipal servicing, no further partial servicing shall be permitted and a connection to full municipal services shall be enforced.

8.1.2 Servicing Outside of the Urban Area

- a) Municipal *infrastructure* services shall not be provided outside of the Urban Area (Agricultural, Rural, Hamlet) of the City. *Individual on-site sanitary services* and *individual on-site water services* shall be provided by the developer on his own site, and they shall be approved by the appropriate Niagara Region Public Works Department or the Ministry of Environment. The City may carry out storm drainage programs for the Rural Area with the financial assistance of those in the drainage area, or with the financial assistance of the Province. Programs financed entirely by the City may be carried out if a special type of *development* is endorsed by the Region and can be supported by an amendment to this Official Plan.
- b) *Individual on-site sanitary services* and *individual on-site water services* shall be used for limited residential development in Rural and Hamlet Areas, in accordance with the policies of this Plan where municipal services are not provided. *Individual on-site sanitary services* and *individual on-site water services* may be used to service uses related to the management of resources, resource-based recreational activities, and other rural land uses.
- c) In Rural Areas and Hamlets, *private communal sanitary services* and *private communal water services* may be permitted. Should these not be provided, private servicing is permitted. The Niagara Region shall not assume ownership, operation and/or maintenance of any communal water and/or sewer system to service any proposal.
- d) *Partial services* are not permitted, except for instances where they are necessary to address failed *private communal sewage services*, *private communal water services*, *individual on-site sanitary services* and *individual on-site water services* in existing *development*. Landowners receiving *partial services* and not within a development area will be charged/assessed for the municipal service and, if applicable, any cost of construction of the municipal service to the property.
- e) Landowners outside of the Urban Area shall not be charged or assessed for *municipal water services* or *municipal sanitary services*. However, the City may make exceptions to this policy if an extension to the main from the Urban Area is provided and agreed to by the Region through a request for *Settlement Area Boundary Expansion* at the time of *Municipal Comprehensive review*.

- f) In the Rural and Hamlet Areas, a developer or subdivider shall provide on their site an approved engineered system for storm drainage; and where the City deems necessary, the developer or subdivider shall also provide storm drainage extension to join up with existing City storm drainage ditches. The City shall continue its present practice of obtaining Subdivision Agreements or Site Plan Agreements relating to services, standards, specifications, financial arrangements, etc. The City may amend these Agreements from time to time. The City may waive this policy in the case of *development* it considers as 'infill' where permitted. To aid the City considering a *development* proposal, a developer should consult with the Niagara Region Health Department and the Niagara Region Public Works Department regarding *lot* size, water supply and sewage disposal system.

- g) The existing servicing to 2276 Second Concession Road is recognized and permitted.

8.2 Stormwater Management

- a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area.
- b) A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a *development* application depending on the scale and nature of the proposal and site specific environmental conditions. Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, of the Ontario Ministry of the Environment *Stormwater Management Planning and Design Manual 2003* or its successor, and with *watershed* and/or environmental planning studies for the area. A stormwater management plan and a sediment and erosion control plan shall not be required for a new *mineral aggregate operation* or the expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the *Aggregate Resources Act*.
- c) A stormwater management plan submitted with an application for *development* shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sediments, and impervious services as well as meeting the requirements of Policy 8.2 (b) and Section 8.2.1 of this Plan. Stormwater management facilities shall not be constructed in Natural Heritage Features as identified in Section 4 or key hydrologic features, or in required buffer zones unless permitted under Section 4 of this Plan.
- d) Combined storm and sanitary sewers are not permitted and the City will endeavour to separate existing combined storm and sanitary sewers.
- e) Individual *lot* level approaches are encouraged to reduce runoff volume and to treat stormwater runoff on-site by filtering out pollutants through Low Impact Development (LID) approaches. In particular, the following LID approaches are encouraged:
 - i) Conservation of Natural Features;
 - ii) Reducing impervious areas;
 - iii) Bio-retention areas;
 - iv) Rain gardens;
 - v) Green roofs;
 - vi) Rain barrels;
 - vii) Cisterns;
 - ix) Vegetated filter strips; and

- x) Porous pavements or permeable pavements.
- f) Maximizing opportunities for stormwater management at the site level using the LID approaches listed in Section 8.2 (e) are recommended for all new land uses.

8.2.1 *Design Guidelines*

- a) Stormwater management facilities should be designed to be visual features within the community and integrated into subdivision and neighbourhood design such that each facility is complementary to the surrounding *development*.
- b) Shallow and naturalized stormwater management facilities should not be fenced.
- c) Where possible, stormwater management facilities should be designed so as to appear contiguous with natural areas and *watercourses*.
- d) Low impact public access facilities should be incorporated into stormwater management facility design such as multi-use walking and cycling trails.
- e) Where appropriate, Stormwater Management Facilities shall be naturalized, making use of native plants and species.

8.3 Source Water Protection

Intake protection zones (IPZ-1 and IPZ-2) in the City which are susceptible to the risk of contamination or adverse impact due to runoff, sedimentation and hydrologic dynamics have been identified by the Niagara Peninsula Conservation Authority and are shown on Schedule H to this Official Plan. The policies of Section 8.3 must be read in their entirety and in conjunction with the Niagara Peninsula Source Protection Plan, the Assessment Report and the Explanatory Document which provides the context and rationale for the land use policies and in identifying significant threats for the Port Colborne water treatment plant intake protection zones.

- a) No new waste disposal sites shall be permitted within the Port Colborne IPZ-1.
- b) No new waste disposal sites for the application of untreated septage to land shall be permitted within the Port Colborne IPZ-2.
- c) The commercial storage of pesticides in a quantity greater than 2,500 kg is considered a significant threat in the Port Colborne IPZ-1. The storage of pesticides in quantities greater than 2,500 kg may only be permitted subject to an approved Risk Management Plan within the Port Colborne IPZ-1.
- d) The storage of road salt is considered a significant threat in the Port Colborne IPZ-1, if stored outside with no cover, in amounts greater than 5,000 tonnes. Open storage of road salt greater than 5,000 tonnes is not permitted within the Port Colborne IPZ-1.
- e) The storage of snow, and the contaminants associated with it, is considered a significant threat in the Port Colborne IPZ-1 if stored in an area greater than 1 hectare. Storage of snow greater than 1 hectare in area is not permitted within the Port Colborne IPZ-1.
- f) The discharge from stormwater management systems is a significant threat where the storm sewer drainage area is at least 10ha in size with the predominant land use being commercial or industrial. An application for commercial or industrial development or the expansion, extension, or alteration of existing stormwater management facilities or the expansion of an existing commercial or industrial development, in instances where the Risk Management Official deems such an expansion may pose a significant threat to municipal drinking water, within the Port Colborne IPZ-1 and IPZ-2, shall be accompanied by a stormwater management plan that demonstrates and implements best management practices related to managing stormwater runoff to the satisfaction of the Region's Chief Planning Official and City of Port Colborne, in consultation with the Risk Management Official, such that the development does not pose a significant threat to municipal drinking water.
- g) The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant threat as defined under the applicable circumstances in table 20, table 21, table 46, and in table 47 in Appendix C of the Assessment Report (2013). Future combined sewers, wastewater treatment facilities, and industrial effluent systems which meet these criteria are not permitted within the Port Colborne IPZ-1 and IPZ-2.
- h) In consideration of existing or future significant threats related to stormwater discharges, the City shall, within 5 years from the date the Source Protection Plan comes into effect,

prepare and implement a comprehensive stormwater management master plan for the catchments out-letting to the Port Colborne IPZ-1 and Port Colborne IPZ-2. The stormwater management master plan will be prepared in accordance with the Municipal Class Environmental Assessment and will include:

- i) An evaluation of the cumulative environmental impact of stormwater from existing and planned *development*.
 - ii) A determination of the effectiveness of existing stormwater management works at reducing the negative impacts of stormwater on the environment;
 - iii) An examination of any stormwater retrofit opportunities that have already been identified for areas where stormwater is uncontrolled or inadequately controlled;
 - iv) The identification of additional stormwater management retrofit opportunities or improvements to existing stormwater management works that could improve the level of treatment;
 - v) A description of existing or planned programs for regular maintenance of stormwater management works;
 - vi) An identification of the recommended approaches for stormwater management; and
 - vii) An implementation plan for the recommended approaches.
- i) The storage, and application to land of agricultural source material, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are significant threats in the Port Colborne IPZ-1 and IPZ-2. Future agricultural land uses are not permitted within the Port Colborne IPZ-1 and IPZ-2.
 - j) Any planning or building permit application for a land use other than residential in Port Colborne IPZ-1 and IPZ-2 may require a Section 59 Notice from the Region of Niagara's Risk Management Official. The requirements of the notice will be determined through the application screening process.
 - k) By February 1st of each year, the City of Port Colborne shall report to the Source Protection Authority on the steps it has taken in the previous calendar year to implement the significant drinking water threat policies.

Section 9

Transportation and Public Utilities

Section 9: Transportation and Public Utilities

This Section of the Plan provides policies for the provision and management of transportation modes and *infrastructure* within the City of Port Colborne. It is the intent of these policies to develop an accessible, balanced and efficient transportation network for all members of the community.

9.1 Transportation

The transportation system for the City of Port Colborne shall be developed in a way which supports the land use goals of this Plan and the transportation goals of the Niagara Region.

9.1.1 Walking, Cycling and Transit

- a) From environmental, economic, health and traffic management perspectives, non-automobile modes of transportation are the preferred methods of movement within the City and full consideration will be given to accommodating pedestrians and cycling in the planning, design and evaluation of any new *development*.
- b) The City of Port Colborne will support the development of *Complete Streets*, which are designed to be safe for drivers; bicyclists; transit vehicles and users; and pedestrians of all ages and abilities.
- c) Sidewalks are required on one side and encouraged on both sides of all new local and Regional streets, in order to promote walkable neighbourhoods and have regard for the *Accessibility for Ontarians with Disabilities Act*.
- d) Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private *development*.
- e) The municipality will implement a program to install bicycle racks at all existing public facilities over time.
- f) Investments in new off-street cycling trails and on-street bike lanes will be focused in the downtown and waterfront areas, although this should not deter investment in other cycling trails or on-road routes where appropriate.
- g) The bikeway network and bicycle support facilities will be planned, designed, operated and maintained in a manner to minimize conflicts and potential danger to cyclists, pedestrians and other forms of transportation, in keeping with professionally recognized guidelines with support from the Region of Niagara.
- h) The City encourages an interconnected transit system as part of a co-ordinated strategy led by the Region of Niagara.
- i) The City shall optimize existing and planned transportation *infrastructure* through rehabilitation and repurposing, where appropriate.

9.1.2 Road Policies

- a) Roads under the jurisdiction of the City, the Region of Niagara and the Province of Ontario are classified according to their functions as noted below in the following table identified as Figure 9.1.

Roadway Classification	Typical Right-of-way Width	Average Annual Daily Traffic (AADT)
Laneway	10-15 metres	01-50
Local	20 metres	01-199
Local Commercial or Industrial	26 metres	01-199 (serves industry)
Collector	26 metres	200-999
Collector Commercial or Industrial	26-30 metres	200-999 (serves industry)
Arterial	26-40 metres	1000 and over

Figure 9.1

- b) Roadway classifications are defined as follows:
- i) *Laneway* – public ways functioning as an alternative to a local street servicing business sections or off-street parking *lots*. They have a width of 5.0 metres or more, and are continuous through a block.
 - ii) *Local* – roads that provide access to residential *developments*.
 - iii) *Local Commercial or Industrial* – roads that provide access to commercial or industrial areas.
 - iv) *Collector* – roads that serve traffic between local residential and arterial roads, and provide access to adjacent residential properties. Collector roads are characterized by interrupted traffic, design speeds normally between 50 km/h and 80 km/h, and equal importance given to traffic movement and land access.
 - v) *Collector Commercial or Industrial* – roads that serve traffic between local commercial or industrial and arterial roads, and provide access to adjacent commercial or industrial properties. Collector roads are characterized by interrupted traffic, design speeds normally between 50 km/h and 80 km/h, and equal importance given to traffic movement and land access.
 - vi) *Arterial* – 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 km/h and 100 km/h.

- vii) *Regional* – roads that are owned and maintained by the Regional Municipality of Niagara.
 - viii) *St. Lawrence Seaway Authority* – roads that are owned and maintained by the St. Lawrence Seaway Management Corporation.
 - ix) *Provincial* – roads that are owned and maintained by the Province of Ontario.
- c) A reduced Local Road right-of-way of 18.0 metres may be permitted subject to the provision of adequate engineering drawings illustrating servicing, curbs, gutters and sidewalks, and only if the road is single-loaded and/or a one-way street.
 - d) Local road widening dedications will be in accordance with the City's Road Widening Dedication By-law and related policies, and Regional road widening dedications will be in accordance with Regional Policies.
 - e) Notwithstanding 9.1.2 (a) above, the City or any other agency does not intend to improve those road allowances that are unimproved or unopened unless abutting landowners are willing to participate in the cost-sharing of the road works or the need is justified for reasons of public safety.
 - f) New *development* is encouraged on public roads, however where *development* is permitted on a private road, this does not obligate the City to provide any municipal service, assume the road, or undertake any improvements to the road in the future.

9.1.3 **Design Guidelines**

- a) New *development* including *infrastructure* should be developed to maintain or enhance the natural features of a site.
- b) New roads should be consistent with and extend the existing grid pattern where possible.
- c) All new roads should have trees at the recommendation of the Director of Planning and *Development* Services and where possible, these trees should be native species.
- d) The sidewalk network should be designed to connect to the adjoining recreational trail networks.
- e) Street furniture should be coordinated to ensure a consistent and unified streetscape.

9.1.4 **Accessibility**

- a) In review of *development* applications, the City will implement *Accessibility for Ontarians with Disabilities Act* by:
 - i) Requiring compliance with Policy 9.1.1 (c);
 - ii) Requiring sidewalk slopes of a maximum ratio of 1:12, height to length;
 - iii) Requiring sidewalk curb cuts at all intersections;
 - iv) Requiring that paving changes (e.g. interlocking brick) or tactile strips be incorporated at grade changes and intersections;
 - v) Requiring access ramps at the entrances of all buildings where appropriate;
 - vi) Requiring self-opening doors at the entrances of all buildings where appropriate;
 - vii) Requiring handicap parking stalls for all buildings, as specified in the Zoning By-law;
 - viii) Requiring the clear identification of handicap parking stalls by using both signage and painted demarcations of the International Symbol of Accessibility;
 - ix) Requiring that handicap parking stalls be located near the main entrance of the building;
 - x) Encouraging any other features appropriate to ensure that barrier-free design is provided for in the *development*, and
 - xi) If appropriate, referring the application to an Accessibility Advisory Committee for comment.

- b) The City will determine where existing municipal facilities and open space are deficient with respect to Section 9.1.1(a), above and undertake a program to upgrade its facilities to ensure a barrier-free environment.

9.1.5 **Goods Movement Network**

An important component of Port Colborne’s transportation network is an efficient system of goods and services movement, which helps attract and retain industries and business, thus contributing to the City’s economy. The local goods movement network, consisting of roads, rail and the Welland Canal link to the wider inter-regional, inter-provincial and international goods movement network as detailed in the Growth Plan for the Greater Golden Horseshoe.

9.1.5.1 Rail Network

The use of heavy rail transportation shall be considered an efficient method of moving goods. Rail is an important mode within the integrated transportation network and shall be promoted while minimizing and eliminating potential conflicts with adjacent land uses.

- a) The City shall support railway companies in providing services to the businesses throughout the City.
- b) All proposed *development* and *redevelopment* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City, the Region and in consultation with the appropriate railway company.
- c) The City shall 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, open space and linkages.

9.1.5.2 Marine Network

The Province of Ontario's Growth Plan for the Greater Golden Horseshoe, 2006 identifies Port Colborne as having a "Major Port" and the City will support this designation through the following:

- a) The Port of Port Colborne is recognized as a valued transportation facility, and an important link in the movement of goods to and from the City. Other modes of transportation shall continue to provide a link to the marine network.
- b) The City shall provide road access and encourage the provision of adequate rail service to the Port for the efficient use of harbour facilities and services.
- c) The City shall support the Federal and Provincial Governments in efforts to provide services for the Port that are consistent with the economic and *development* goals of Section 2.3 and 2.4 of this Plan.

9.1.5.3 Truck Network

Truck traffic shall be managed by:

- a) Directing it away from, or around, residential or *sensitive* areas where the road capacities are inadequate or where there is a potential for noise and/or safety hazards, and, in particular, designate, establish and monitor truck routes in coordination with the Region;

- b) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the City; and
- c) Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

9.2 Public Utilities

This Section of the Plan provides policies related to the safe *development* and operation of Public *Utilities* within the City. It is the intent of these policies to ensure the responsible provision and management of these *utilities* and mitigate any possible impacts to the community. The following public *utilities* are supported through the Municipality except where designated as an *Environmental Protection Area*, *Environmental Conservation Area* and/or *Fish habitat*:

- a) Yards and depots located outside the Agricultural area, operated by the City or Region, subject to Site Plan Control;
- b) Water and wastewater treatment and distribution facilities located outside the Agricultural area;
- c) Natural gas and oil pipelines, in all permitted land use designations;
- d) Local service electrical power lines, telecommunication lines, stations and substations in all permitted land use designations; and
- e) Non-linear structures, including *utility* administrative offices and other non-linear uses are not permitted in the Agricultural designation.

9.2.1 General Policies

Essential public *utilities* shall be developed and operated in a manner that protects public health and safety, supports *development* and minimizes any potential impacts on the natural environment in accordance with the following policies:

- a) The built form of new public *utility* facilities will be in keeping with the character of the surrounding area and will be appropriately landscaped.
- b) *Utility* boxes such as telephone junction boxes and electrical transformers should be sited with regard for their visual impact on the streetscape.
- c) Approval of a Site Plan application is required before the construction of any new public *utility* facilities not owned or operated by the City or Region, including telecommunication towers.
- d) The City will ensure that *utility infrastructure* is available to serve the anticipated *development* and that these networks can be phased in a manner that is cost-effective and efficient.
- e) The City will confirm that *utility* providers, including communication and telecommunications are able to supply the services necessary to support the proposed *development* and that appropriate locations for large *utility* equipment and *utility* cluster sites have been determined.

- f) The network of public *utilities* in new Plans of Subdivision will be:
 - i) Located underground; where feasible;
 - ii) Within the rights-of-way of public roads, or under private lands subject to an *easement* registered on title; and
 - iii) Above-ground *utility infrastructure* shall be clustered or grouped, where possible, to minimize visual impact. The City encourages *utility* providers to consider innovative methods of containing *utility* services on, or within streetscape features such as gateways, lamp posts, transit shelters etc., when determining appropriate locations for large *utility* equipment and *utility* cluster sites.

Section 10

Mineral Aggregate and Petroleum Resources

Section 10: Mineral Aggregate and Petroleum Resources

The areas identified on Schedule C as *Mineral aggregate resources* are those lands that are specifically used for the Port Colborne Quarries (shown as *Mineral Aggregate Operation* on Schedule A). The predominant use of these lands is for the quarrying, processing, storing and shipping of limestone rock and uses incidental to the quarrying operation. Non-residential *agricultural uses* are permitted on lands not being quarried.

10.1 Mineral Aggregate Resources

With respect to identified or potential *Mineral aggregate resources* the City shall:

- a) Ensure that *Mineral aggregate resources* are protected for long term future use;
- b) Minimize the long term impact of the disturbed area by encouraging and promoting the timely, progressing and final rehabilitation of *aggregate operations*;
- c) Ensure that land use compatibility issues are addressed;
- d) Minimize the impact of *mineral aggregate operations* related traffic on the community and the City's road *infrastructure*; and
- e) Provide criteria for evaluating applications for *mineral aggregate operations* which are consistent with the goals and objectives of this Plan.

10.1.1 Additional Policies

- a) In areas within 300 metres of or in known *deposits of mineral aggregate resources*, proposed *development* or *site alteration* that would preclude or hinder the establishment of new or expansion to an existing *mineral aggregate operation* or access to the resources shall only be permitted through the completion of a *Mineral Aggregate Resource Study* which determines the following:
 - i) Resource use would not be feasible; or
 - ii) The proposed land use or *development* serves a greater long term public interest; and
 - iii) Issues of public health, public safety and environmental impact are addressed; and
 - iv) Does not adversely affect the availability of *aggregate resources* in adjacent areas.
- b) *Mineral aggregate operations* shall be protected from *development* that would preclude or hinder their expansion or continued use of which would be incompatible for reasons of public health, safety or environmental impact.

- c) Existing *mineral aggregate operations* shall be permitted to continue without the need for an Official Plan Amendment, rezoning or *development* permit under the *Planning Act*. Where *Planning Act* approvals are required for *development* within 300 metres, the City shall require studies to demonstrate land use compatibility, including appropriate setbacks and buffer distances.

10.2 Aggregate/Extractive Industrial Sites

The establishment of a new or an expansion to an existing *mineral aggregate operation* shall require an amendment to this Plan and an amendment application shall include the following:

- a) A completed application for a Regional Policy Plan Amendment in accordance with the Region's Policy Plan Amendment Fee Schedule (as amended from time to time);
- b) A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
- c) An application to amend the City's Zoning By-law and all necessary supporting documents and reports;
- d) A detailed site *development* plan(s) indicating such information as is required under the *Aggregate Resources Act* or successor thereto
- e) The location, topography, contours, dimensions and acreage of the property proposed for an extractive industrial operation, as well as the extent of adjacent property which may be intended for future pit or quarry operations;
- f) The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for extraction operations;
- g) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
- h) The location, quality and estimated quantity of *mineral aggregate resources*;
- i) Existing and anticipated final grades of excavation and excavation setbacks within the site;
- j) Surface water diversion, storage and drainage provisions;
- k) All entrances, exits and proposed routes to be used by associated transport;
- l) Proposed tree screening and berming, progressing and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the land after the extractive operations have ceased; and

- m) Any other information as the City deems necessary.

10.2.1 Pre-Consultation Policies

The applicant will pre-consult with the City of Port Colborne, Region of Niagara, the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources, as well as any other specified by the City of Port Colborne, to establish the supporting documents, and reports, completed by a qualified individual based on clear, reasonable and attainable standards and guidelines, and will be consistent with the Reporting Standards under the *Aggregate Resources Act*, where appropriate. This shall be completed as required in Section 10.2 (a-d) which shall include but not be limited to:

- a) Planning Justification Report including conformity to the City Official Plan, the Region of Niagara Policy Plan and Provincial Policy;
- b) Traffic and Haul Route Impact Study demonstrating that any additional traffic and road improvements will not have unacceptable impacts on the safe and efficient use of the road network, on adjacent land uses, the planned function of the City of Port Colborne, on cultural landscapes, or on environmentally *sensitive* features;
- c) Social Impact Assessment
- d) Any and all environmental investigations as specified by this Plan and appropriate regulatory approval agencies;
- e) Visual Impact Report;
- f) Cultural Heritage Impact Assessment and/or Archeological Resource Assessment;
- g) Water Resources Study which will include surface water impacts, groundwater impacts, surface/groundwater interaction impacts, and impacts on adjoining private wells;
- h) Noise and Vibration Study;
- i) Air Quality Study;
- j) Progressive Rehabilitation Master Plan which will show how the rehabilitation will be completed sequentially within a reasonable time and in accordance with the *Aggregate Resources Act*, and any other regulations or applicable plans;
- k) Site Plan;
- l) Public Consultation Plan;
- m) Monitoring Study; and

- n) Agricultural Impact Assessment

10.2.2 Additional Policies

- a) In considering an application for an amendment pursuant to Section 10.2 (a-d) the following will be evaluated based on submitted studies:
 - i) Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
 - ii) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
 - iii) Potential impacts on the quality and quantity of surface and groundwater systems;
 - iv) Potential impacts on surrounding *agricultural operations* and lands, including measures to mitigate these impacts;
 - v) Potential impacts on the transportation system which will require truck routes and points of site access to be established;
 - vi) The manner in which the mineral *aggregate* resource extraction and processing operations will be carried out including hours of operation;
 - vii) If applicable, the capability of the land for *agricultural uses*;
 - viii) Proposed progressive rehabilitation plan; and
 - ix) Any other matters as the City deems necessary.
- b) The City will review and provide comments to the Ministry of Natural Resources when circulated on major site plan amendments under the *Aggregate Resources Act*. In order to encourage land use compatibility of *mineral aggregate operations*, the City may request additional setbacks or separation distances be established by the Ministry of Natural Resources through the licensing process.
- c) For applications on *Prime agricultural land*, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil capability for agriculture are restored. Complete agricultural rehabilitation shall not be required if:
 - i) There is a substantial quantity of *aggregate* resource below the water table warranting extraction;
 - ii) The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land

Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority. Canada Land Inventory Classes 1, 2 and 3; and

- iii) Agricultural rehabilitation in remaining areas will be maximized.
- d) Outside the *prime agricultural areas* or where agricultural rehabilitation is not required, the City will require progressive rehabilitation of pits and quarries to an appropriate after use as determined by the City that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses.
- e) In environmental areas, as provided in Section 4, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Policy Plan and the appropriate *watershed/sub-watershed* study.
- f) Where such resources exist, the City will promote and encourage rehabilitation of *aggregate* operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of *significant* cultural or heritage features where practical.
- g) *Wayside pits and quarries* and *portable asphalt* and *concrete plants* used for public authority contracts shall be permitted in all land use designations without Planning Act approvals except in those areas of existing *development* or in environmental areas. *Wayside pits and quarries*, as well as *portable asphalt* and *concrete plants* are not to be located on the road right-of-way, in areas of existing *development* or in environmental areas. The City shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

10.3 Wayside Pits and Quarries/Portable Asphalt and Concrete Plants

- a) *Wayside pits and quarries, as well as portable asphalt and concrete plants* are not to be located on the road right-of-way, in areas of existing *development* or in environmental areas.

- b) Wayside operations and *portable asphalt and concrete plants* used for public authority contracts shall be permitted in all land use designations without *Planning Act* approvals except in those areas of existing *development* or in environmentally *sensitive* areas. The City shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

10.4 Development On or Near Petroleum Resource Areas

- a) New *development* shall be setback from existing petroleum wells as specified in the Zoning By-law; and
- b) Where *development* is proposed adjacent to or above petroleum pools or deposits, the Province shall be consulted regarding alternatives for ensuring future access for resource production purposes.

Section 11 Implementation

Section 11: Implementation

11.1 Zoning By-law

11.1.1 General

- a) The Zoning By-law implements the policies of the Official Plan and will be amended to conform to the Official Plan.
- b) The City may update the Zoning By-law to provide the form-based zoning and/or a development permit system.

11.1.2 Holding Zone

- a) The Zoning By-law may contain Holding provisions which will be used where it is necessary to zone lands for *development* where the future land use has been sufficiently justified but where there are outstanding matters which cannot be handled through zoning and more specifically identified as:
 - i) Water, wastewater and/or storm water servicing requirements;
 - ii) Road improvements or extensions;
 - iii) Dedication of lands for park purposes or payment of cash-in-lieu for park land dedication;
 - iv) Verification of suitable environmental site conditions, in accordance with Policy 2.4.7(d) of this Plan;
 - v) Special land use policies, including but not limited to policies to guide *redevelopment* or certain lands and/or policies to guide appropriate urban design;
 - vi) Phasing of *development*; or
 - vii) An Environmental Impact Study which determines specific measures to prevent impact on natural heritage features.
- b) The Zoning By-law may apply Holding provisions to any area of the City, zoning category, land use within a zoning category or on a site specific basis.
- c) The implementation of a Holding zone shall zone the lands for their future intended use and shall identify the lands subject to the Holding provision by adding the symbol “H” to the Zoning category.
- d) The Zoning By-law will identify the land uses permitted in the interim while the Holding provisions are in effect.

- e) *Development or redevelopment* of the lands cannot proceed until the Holding “H” symbol is removed and the Zoning By-law shall state:
 - i) The specific conditions or works that must be undertaken before the holdingsymbol can be removed; and
 - ii) The government or agency responsible for providing clearance that the condition(s) or requirement(s) has been met.

11.1.3 Height and/or Density Incentives

- a) The Zoning By-law may authorize increases in the height and density of residential *development* above that permitted in the Zoning By-law in return for the provision of:
 - i) Below grade parking for apartment buildings or mixed use *development*;
 - ii) Parking structures;
 - iii) Rental housing;
 - iv) The remediation of contaminated lands;
 - v) The preservation of buildings or structures of historical value;
 - vi) Parkland greater than that required through the provisions of this Plan;
 - vii) Community centres, day care or social-service type facilities; and
 - viii) Public art.
- b) A site-specific Zoning By-law will establish the standards that apply if a bonus is awarded for Policies 11.1.4 (i) to 11.1.4 (viii) above.
- c) The municipality or other agency may enter into an agreement with the developer to secure the provision of the lands, services, facilities or works.
- d) No residential *development* will be granted:
 - i) For a bonus density greater than 20 percent above the maximum density provided in the parent Zoning By-law; or
 - ii) For a bonus height greater than three (3) storeys above the maximum density provided in the parent Zoning By-law.

11.1.4 Temporary Use By-law

- a) Temporary Use By-laws may be enacted to allow the short-term use of lands, buildings or structures that may not be in conformity with the Zoning By-law.

- b) Where appropriate, temporary uses will be subject to the Site Plan Control provisions of the Official Plan.
- c) The Temporary Use By-law shall:
 - i) Describe the specific area affected;
 - ii) Identify the period of time for which the use is authorized up to a three (3) year maximum;
 - iii) One (1) additional three (3) year extension may be granted for a temporary use;
 - iv) Identify the regulations to control the temporary use.
- d) The following shall not be permitted by a Temporary Use By-law:
 - i) Prohibited, noxious or obnoxious uses as described in the Official Plan and Zoning By-law;
 - ii) Regulations on the use that are less restrictive than those stated in the Official Plan and Zoning By-law;
 - iii) Camping, trailer parks or mobile home parks for periods longer than a two week duration;
 - iv) A use requiring a permanent foundation, water/wastewater services, paved parking *lot*, extensive landscaping, site preparation or fencing;
 - v) A use requiring the creation of a new *lot* or *easement* to accommodate it;
 - vi) A use detrimental or incompatible to the surrounding area; or
 - vii) A use that would impede or compromise the future planned use of the lands as established by the Official Plan and Zoning By-law.
- e) Upon the expiration of the By-law, the use shall cease to exist and will not be considered an existing or permitted use.
- f) The existence of a temporary use will not be considered as part of the justification for the lawful permanent establishment of a nearby similar use through an Official Plan Amendment and/or Zoning By-law Amendment.

11.1.5 Interim Control By-law

- a) An Interim Control By-law may be enacted to control the use of lands and buildings until studies, required by Council to assess planning and engineering issues, are prepared and approved.
- b) The Interim Control By-law shall:

- i) Describe the specific area affected;
 - ii) Identify the period of time for which the By-law is in effect up to a one (1) year maximum;
 - iii) One (1) additional extension of one (1) year may be granted by amending the By-law, if the studies have not been finalized; and
 - iv) Identify the uses prohibited and/or not prohibited.
- c) The zoning of the lands before the Interim Control By-law came into effect will be reinstated if Council has not made a decision on the matter(s) on which the Interim Control By-law was enacted.

11.1.6 Conditional Zoning

- a) In accordance with Section 34 of the Planning Act Council may, through a zoning amendment, impose one or more conditions on the use, erection or location of lands and/or buildings and structures that may be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for *development*. Conditions that may be imposed through a zoning by-law amendment shall be consistent with the prescribed Provincial regulations and may include, but not be limited to: a requirement to implement measures identified through the zoning amendment review; the provisions of services and *infrastructure* and; the protection of natural resources, built environments, sustainability, energy efficiency and public health and safety.
- b) Council may require the owner of land subject to a zoning amendment to enter into an agreement to implement, maintain and/or enforce such a condition of zoning approval or to provide a time limit for completion of such conditions. The agreement will be registered on title and will be enforced against the present and subsequent owners.

11.1.7 Committee of Adjustment

With powers granted under Section 50 of the *Planning Act*, the purpose of the Committee of Adjustment is to ensure that proposed *development* and specific uses of land that involve adjustment(s) to by-law, conform to the general intent and purpose of this Plan and the Zoning By-law. The Committee of Adjustment is also responsible to ensure that the creation of new *lots* maintains the orderly *development* of lands in accordance with the applicable policies of the Regional Policy Plan, this Plan and the Zoning By-law.

11.1.7.1 Minor Variance

- a) The Committee of Adjustment, in granting an application for minor variance from the Zoning By-law, shall be satisfied that the variance:
 - i) Is minor in nature;

- ii) Is desirable for the appropriate *development* or use of land;
 - iii) Maintains the general intent and purpose of the Plan; and
 - iv) Maintains the general intent and purpose of the Zoning By-law.
- b) In commenting to the Committee of Adjustment on a proposal requiring applications for multiple minor variances from the Zoning By-law, the City shall ensure that the cumulative impact of the proposed variances is considered, and if the cumulative impact of the proposed variances is not considered to be minor, it will be recommended that the proposal should proceed by way of rezoning.

11.7.2 Consent Policies

- a) The plan of subdivision shall be considered as the main method of providing *lots* in the City. Consent for land conveyances shall only be granted where they will not compromise the orderly *development* of land or the general public interest.
- b) *Development* which proposes the creation of *lots* requiring construction of a new public road, the execution of a *development* or which proposes the creation of more than two new *lots* should not proceed by way of consent.
- c) New *lots* shall only be created by way of consent within:
 - i) The Urban Residential designation subject to the policies of Section 3.2.4;
 - ii) The Hamlet designation subject to the policies of Section 3.3.4;
 - iii) The Rural designation subject to the policies of Section 3.4.4; and
 - iv) The Agricultural designation subject to the policies of Section 3.5.3.
- d) In commenting to the Committee of Adjustment, the City will ensure the following factors are considered:
 - i) Where applicable, the policies for infill and *intensification*, Section 2.4.3 of this Plan;
 - ii) The size, configuration and location of the proposed consent should be appropriate for the use proposed considering the municipal services available, or where municipal services are not available, the adequacy of potable water supply and suitability of the soil and site conditions for the installation and long-term operation of a private waste disposal system, subject to the approval of the Niagara Region Public Health Department and Niagara Region Public Works Department; and
 - iii) The *lot* size and proposed use of the proposed consent should conform to the provisions of the Zoning By-law, where applicable.

11.1.8 Property Maintenance

In order to make provisions relating to property conditions in the City, Council may pass a by-law which prescribes standards for the maintenance of a property pursuant to Section 31(3) of the Planning Act. It is the aim of the City to maintain a reasonable standard to building and property maintenance for all properties in the City.

- a) Council shall attempt to maintain and improve the condition of properties through the enforcement of Zoning, Building and Property Standards By-laws which will consider the following:
 - i) Set out property standards for the maintenance and occupancy of all property within the City.
 - ii) Prohibit the use or occupancy of any property that does not conform to the standards.
 - iii) Require property to be repaired and maintained to comply with certain standards.
 - iv) Require lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.
- b) Council shall endeavour to keep in a well-maintained condition, all municipal properties and structures and to provide or maintain in good repair, services that are under the jurisdiction of the City such as roads, sidewalks, water and sewage facilities and other public works.

11.2 Legal Non-Conforming Use

11.2.1 Definition

A “legal non-conforming use” is a legal use of a parcel of land, building or structure that was established before the date the Zoning By-law was approved by Council but which does not conform to the permitted land use designation, the policies of this Plan and/or the regulations of the Zoning By-law.

11.2.2 Extension or Enlargement

- a) The Zoning By-law will identify if the extension or enlargement of legal non-conforming uses is permitted.
- b) An application for the enlargement or extension of a legal non-conforming use shall be judged as follows:
 - i) The proposed expansion is in proportion to the size of the non-conforming use;
 - ii) The proposed expansion does not require an adjustment to the boundary between two areas of different land use;
 - iii) The proposed expansion does not create or aggravate existing compatibility issues with the surrounding area;
 - iv) Conditions that may minimize the nuisance are agreed upon, including but not limited to; landscaping, screening and setbacks; and
 - v) Factors such as traffic safety, parking, loading and municipal services have been considered.
- c) Legal non-conforming uses may be rebuilt provided that the dimensions of the building or structure are maintained, pursuant to the Zoning By-law.

11.2.3 Committee of Adjustment

- a) Legal non-conforming uses, buildings or structures through the City should eventually cease, so that the land affected shall revert to a use, building or structure that conforms to the intent of the Plan and the Zoning By-law. In special circumstances however, it may be appropriate to consider the extension or enlargement of a non-conforming use, building or structure.
- b) The Committee of Adjustment, in granting an application for the extension or enlargement of non-conforming land, buildings or structures or uses shall be satisfied that:

- i) The proposed extension or enlargement does not represent an unreasonable increase to the size and intensity of the legal non-conforming use;
- ii) Adequate measures are provided to protect other uses through landscaping, buffering or screening; appropriate setbacks for buildings and structures are provided; and/or devices and measures for reducing nuisance(s) caused by matters such as outside storage, lighting and advertising;
- iii) The features of the existing non-conforming use and proposed extension and/or enlargement are considered to be compatible with adjacent uses;
- iv) There are or will be adequate municipal services to meet the additional needs resulting from the expansion or extension of use;
- v) There are adequate off-street parking areas, loading facilities and on-site screening;
- vi) Traffic and parking conditions in the area shall not be adversely affected and traffic hazards shall be minimized by appropriate design of access points to and from the site and improvement of site conditions, especially close to intersections; and
- vii) The intent of the Plan and standards established in the Zoning By-law are upheld.

11.3 Site Plan Control

11.3.1 Site Plan Control Area

The entire municipality is a Site Plan Control area.

11.3.2 Site Plan Requirements

- a) The requirements for Site Plan Control as a condition of *development* are identified in the land use policies (Sections 3, 4 and 5) of this Plan.
- b) The municipality shall enter into a Site Plan Agreement with the developer to secure the requirements of Site Plan Control.
- c) A Site Plan Agreement between the proponent and the City shall provide Council with controls over *development* proposals with respect to exterior design including, but not limited to, the character, scale, appearance and design features of the proposed buildings and their sustainable design as outlined in the *Planning Act*. Further, Agreements may control the colours of building materials utilized in the proposed *development* and may contain clauses stating that the colour of materials used in a *development* proposal shall be to the satisfaction of the City.
- d) A Site Plan Agreement between the proponent and the City shall provide Council with controls over the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including but not limited to, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities as outlined in the *Planning Act*.
- e) In order to enhance the integrity of the City's ecosystems, development proposals shall utilize sustainable, water efficient landscaping through the re-establishment of native species, where possible, to the satisfaction of the City. In addition, energy efficiency and previously used surfaces shall also be considered.
- f) The exterior design and sustainable design elements of a development proposal described herein shall be consistent with any applicable urban design guidelines adopted by Council.
- g) In addition to the requirements of the *Planning Act*, the City may require drawings showing plans, elevations and cross sections for each residential building with more than two (2) *dwelling* units to be erected within the Site Plan Control area.
- h) The municipality will usually require the same studies for Site Plan Control Applications as those required for Plan of Subdivision applications.

- i) Road widening to the width of the right-of-way as noted in Section 9 (Figure 9.1) may be required from property owners as the request of the City, the Region or the Ministry of Transportation.
- j) Except where in conflict with the Policies contained herein, development proposals shall be consistent with the policies of the City's Official Plan.
- k) Council shall amend the City's Site Plan Control By-law in order to implement the policies contained herein.

11.3.2.1 MT Lots

The development of single detached dwellings on the lands formerly known as the Caroline M. Thomson Public School, legally known as parts 1 through 16 inclusive on Plan 59R-13204 and municipally known as 122 Hampton Avenue shall be subject to the following:

- a) Brick, stone or stucco accounting for seventy-five percent (75%) of the single detached dwelling's primary exterior finish material is supported and aluminum or vinyl siding is discouraged;
- b) Mature trees will be preserved and new residential development will incorporate landscaping that maintains the character of the neighbourhood;
- c) Garages that are either side drive attached, attached recessed or attached flush to the main building shall be supported;
- d) Garages that do not occupy more than 40% of the main building wall shall be supported; and
- e) Single detached dwellings having a minimum floor area of 111.48 square metres shall be supported.

11.4 Plans of Subdivision

11.4.1 Study Requirements in Areas Not Serviced by Municipal Water and Sewer

- a) The applicant will be required to provide, to the satisfaction of the City and/or other review agencies, if necessary:
 - i) A hydrogeologic study, confirming adequate potable water and whether the site is suitable for the long term operation of a private sewage disposal system, undertaken in accordance with the prevailing Ministry standards; and
 - ii) A stormwater management plan, which includes *lot* grading and drainage and erosion and sedimentation control, undertaken in accordance with prevailing Ministry standards.
- b) The applicant may be required to provide, to the satisfaction of the City and/or Region if the proposal is deemed to have potential impact on Regional *infrastructure*:
 - i) A Traffic Study;
 - ii) Design Guidelines; and/or
 - iii) Any other study required by the City and/or Region as outlined within Section 11.9.

11.4.2 Study Requirements in Areas Serviced by Municipal Water and Sewer

- a) The applicant will be required to provide, to the satisfaction of the City and/or Region if the proposal is deemed to have potential impact on Regional *infrastructure*:
 - i) A servicing study, which addresses issues such as drainage and stormwater management; and
 - ii) Design guidelines.
 - iii) Any other study required by the City and/or Region as outlined within Section 11.9.

11.4.3 Staging of Development

Staging of *development* refers to the process of managing the rate and timing of subdivision *development* for lands within the urban boundary of the City. This type of management ensures effective and efficient growth in existing and newly developing areas. To this end the City shall:

- a) Ensure that growth takes place in an orderly and appropriate sequence in locations desirable to meet market demands, growth strategies, servicing programs and the priorities of this Plan.
- b) Outline the City's intention toward the scheduling and processing of plans of subdivision for residential, employment and commercial *development* and *infrastructure*.
- c) Identify *developments* which require owners to be responsible for paying for the installation of growth related, City capital works in exchange for, or as a credit towards, the payment of required *development* subdivided in accordance with the *Development Charges Act* and the Development Charges By-law.
- d) Identify *developments* which include engineering services to be arranged through Front-ending Agreements under the *Development Charges Act*.
- e) Provide necessary financial information for the budget process by estimating potential development charge revenues and development charge expenditures related to new growth areas.
- f) *Intensification* will be phased in over time to ensure a balance of *redevelopment* and Greenfield development within Port Colborne. To ensure this balance, the City will:
 - i) Develop a monitoring program for its Greenfield and Intensification Areas;
 - ii) Work with the Region to sure that *infrastructure* phasing is aligned to reflect this balanced approach to development;
 - iii) Develop a phasing strategy for its Greenfield and Intensification Areas;
and
 - iv) Ensure that the phasing of Greenfield development occurs in an orderly and logical manner.

11.5 Parkland Acquisition and Dedication

The Planning Act gives the authority to the municipality to require land for parks and recreational purposes at the time of *development*. This requires the developer to transfer a predetermined amount to the City at no cost. The amount of land that can be requested is limited by the Act and varies depending on use.

11.5.1 General

- a) The City will acquire lands to achieve an integrated park and open space system through:
 - i) Land dedication;
 - ii) Cash-in-lieu;
 - iii) Subsidies or grants for acquisition from other levels of government or public agencies;
 - iv) Donations, gifts, contributions or bequests from individuals, corporations or other levels of government or public agencies; and
 - v) Funds allocated in the capital budget.
- b) In evaluating lands for acquisition, the following criteria will be considered:
 - i) Existing and projected demographics;
 - ii) Quality, quantity and location of existing parks and other recreational facilities;
 - iii) Existing recreational activities and recreational trends; and
 - iv) Availability of funding.
- c) As a condition of *development* or *redevelopment*, parkland dedication in accordance with the provisions of the *Planning Act*, is required.
 - i) For high or medium density residential *development*, parkland dedication of one hectare for every 300 dwelling units is required.
- d) Cash-in-lieu for all or part of the required parkland dedication may be considered:
 - i) Where the required land dedication fails to provide an area of suitable shape, size or location for *development* as public parkland;
 - ii) Where the required dedication of land would render the remainder of the site unsuitable or impractical for *development*; or

- iii) Where, in the opinion of the municipality, existing park and recreational facilities in the vicinity of the site are clearly adequate to serve the projected increase in population.
- e) The payment for cash-in-lieu of parkland will be based on the value of the land on the day before the building permit was issued (or the day before the first of multiple building permits was issued), in accordance with the provisions of the *Planning Act*.
- f) Parkland dedication to the City shall bear the full depth of its original topsoil, being free or construction debris, unconsolidated fill or other refuse and being fenced to the satisfaction of the City.
 - i) Where it has been demonstrated by the City that the lands to be conveyed to the City for parkland and open space purposes have been physically disturbed, either by the dumping of construction debris, unconsolidated fill or other refuse, or by the stripping of topsoil or by any other means, the proponent shall be responsible for restoring the subject property to a condition satisfactory to the City.
- g) The City will not count lands designated as an Environmental Area, or which meet the criteria for designation as an Environmental Area, for parkland dedication purposes.

11.5.2 Exemptions from Parkland Dedication

The City may provide for exemptions to the required parkland dedication if:

- a) Privately-owned open space is made available through a co-operative use agreement and which would fill a leisure need identified by and to the satisfaction of the City;
- b) The developer is a not-for-profit corporation or charitable organization as defined by Revenue Canada; or
- c) Special features are being preserved in which the City has an interest.

11.6 Monitoring and Measuring Success

11.6.1 Five Year Review and Use of Indicators

- a) The *Planning Act* requires that the Official Plan be reviewed and updated every five (5) years. Towards guiding future updates, indicators related to each major policy area of the Official Plan will be used. Other indicators may be developed based on newly conducted research or availability of information.
- b) Towards ensuring positive change in the municipality, 20-year targets have been established where appropriate updates to the Official Plan policies will be devised to ensure that the municipality will achieve these targets over the life of the Plan. Where information was not available to establish a 20-year target as noted in the Figure 11.1, the City may undertake a study to identify appropriate targets as part of a five-year review.

11.6.2 Municipal Comprehensive Review

The City of Port Colborne will conduct a *municipal comprehensive review* as identified by the *Provincial Policy Statement* (2005) or Provincial Growth Plan for:

- a) Every five-year review of the Official Plan;
- b) Any expansions to the Urban Area or a Hamlet Area Boundaries;
- c) Conversions of Employment Lands in accordance with a *municipal comprehensive review* as defined by the *Provincial Policy Statement* and Provincial Growth Plan; and
- d) Any Secondary Plans for *development* outside of the Urban Area Boundary.

11.6.3 Indicators for Monitoring and Measuring Success

	Theme/Indicator	Direction of Positive Change	20-Year Target
(a)	Natural Environment		
(a)(i)	Percent of forest cover	Increase	30%
(a)(ii)	Percent of wetland	Increase	10%
(a)(iii)	Percent of riparian habitat forested along streams	Achieve/maintain	<75%
(a)(iv)	Habitat: Percent forest cover with 100 metres of forest edge	Increase	10%
(a)(v)	Habitat: Percent forest cover with 200 metres of forest edge	Maintain	11%
(b)	Agricultural, Rural and Hamlet		
(b)(i)	Percent of geographic area as farmland	Maintain	47%
(b)(ii)	Areas of regenerated environmental areas (related to 7.7.3(a)(i) and 7.7.3(a)(ii))	Achieve	800 Acres
(c)	Housing and Neighbourhoods		
(c)(i)	Percent of <i>affordable</i> housing stock	Maintain	25%
(c)(ii)	Percentage of units developed in the urban area through in-fill or <i>intensification</i>	Increase	Needs Study
(c)(iii)	Number of designated heritage properties	Increase	Needs Study
(c)(iv)	Number of contaminated sites	Decrease	Zero
(d)	Economic Development– Tourism, Downtown and Waterfront		
(d)(i)	Acres of land converted from former industrial (i.e. Brownfield) to tourism or recreational uses	Achieve	150 Acres
(e)	Economic Development – Industrial and Commercial	See Section 11.6.4 below, for further study	
(f)	Parks, Public Open Space and Recreational Facilities	See Section 11.6.4 below, for further study	
(g)	Transportation and Transit	See Section 11.6.4 below, for further study	

Figure 11.1

11.6.4 Indicators for Further Study

A variety of other indicators were suggested at the time the Official Plan was prepared. However further study is needed to establish the City's existing situation in terms of these indicators and to determine an appropriate target to be achieved. Over the life of this Plan, it is anticipated that the following indicators will be studied and targets established for:

- a) Percentage of units in the urban area developed through infill or *intensification*;
- b) Number of designated heritage properties;
- c) Number of tourist visits to the City;
- d) Square footage of main floor retail in the downtown;
- e) Number of residential units in the downtown;
- f) Ratio of people living and working, versus only living in Port Colborne;
- g) Industrial and commercial assessment;
- h) Proportion of marine-related industries contributing to industrial assessment;
- i) Per capita acreage of parks and public open space;
- j) Per capita linear kilometres of recreational trails;
- k) Per capita square footage of recreational facilities;
- l) Percentage of trips made by private automobile;
- m) Per capita linear kilometres of transit service; and
- n) Per capita linear kilometres of bicycle facilities.

11.7 Interpretation

11.7.1 *Boundaries and Policies*

- a) The land use designation boundaries are general except where they align with fixed or recognizable features such as roads, railways, *watercourses* or similar types of features. Where the intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan.
- b) Where there may be a conflict between City-wide land use policy and site-specific land use policy, the site-specific land use policy shall prevail.
- c) A formal Official Plan Amendment is not required to make topographical, grammatical, re-numbering or other such minor corrections to the Plan.

11.7.2 *No City or Agency Commitment or Responsibility*

- a) The identification of any proposed *infrastructure*, parks, community facilities or municipal services in the text or on maps does not represent:
 - i) A commitment by the City or other Agency to provide these services; or
 - ii) The responsibility of the City or other Agency to construct, finance or assume their ownership.
- b) Where the intent of the plan is maintained, minor adjustments to the location of these features will not require an amendment to the Plan.

11.8 Public Consultation

11.8.1 Minimum Requirements

- a) The City will meet all minimum statutory requirements for public consultation as identified by the *Planning Act* or other acts.
- b) All consultation sessions will be open to the public and any person who attends will be afforded a reasonable opportunity to provide comment, feedback and/or input.

11.8.2 Tools or Techniques beyond Minimum Requirements

- a) Appropriate Staff shall be available to assist, receive and respond to the public and nature of issues being discussed at consultation sessions.
- b) The City may hold additional meetings beyond the statutory requirement and conduct these meetings in a variety of formats, including but not limited to, open houses, presentations or workshops.
- c) The City may conduct outreach or notification of consultation events beyond the statutory requirement, including but not limited to, signage, mail-outs, flyers, newsletters, and/or Internet-based methods.
- d) The City may conduct follow-up communication for any public consultation sessions, including but not limited to, signage, mail-outs, flyers, newsletters and/or Internet-based methods.

11.9 Complete Application Policies

A complete application shall include the following supporting documentation, as applicable:

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

	regulated area of the Niagara Peninsula Conservation Authority or the Official Plan of a local municipality shall provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures necessary.
Air Quality/Noise and Vibration Study	Any <i>development</i> for a <i>sensitive</i> land use that is located near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility, pumping station or landfill operation.
Environmental Planning Study or Sub- <i>Watershed</i> Study	Any proposal for a secondary plan or an urban boundary expansion shall address the guidelines and terms of reference of any relevant <i>watershed</i> plans and shall include an environmental inventory and assessment with recommendations on where <i>development</i> may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after <i>development</i> .
Tree Preservation Plan	Any <i>development</i> or <i>site alteration</i> that may have <i>adverse effects</i> on a <i>significant</i> tree or group of trees, including a woodland as defined by the Region’s Tree and Forest Conservation By-law. A <i>significant</i> tree may be one that because of its size, age or species is considered to be of significance to the neighbourhood, streetscape or <i>cultural heritage landscape</i> .
Floodplain and Hazard Lands Report	Any development or <i>site alteration</i> proposed near <i>floodplain</i> or hazard lands identified by regulations of the Niagara Peninsula Conservation Authority.
Geotechnical and Slope Stability Report	Any development or <i>site alteration</i> proposed near <i>valleylands</i> identified by regulations of the Niagara Peninsula Conservation Authority

Environmental Site Assessment	Any <i>development</i> or <i>site alteration</i> on lands or <i>adjacent lands</i> that were previously used for a purpose that may have caused contamination of the property should be accompanied by one or more reports to assess existing conditions and address the need for any further environmental testing or remediation necessary in accordance with Provincial regulations and guidelines.
Agricultural Impact Assessment	Any proposed <i>development</i> or <i>site alteration</i> for a non-agricultural use on lands situated outside of the Urban Area shall evaluate the capability of the site of agricultural use including soil, micro-climate and drainage conditions, the existing pattern or agricultural or non-agricultural activities and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership	Any <i>development</i> or <i>site alteration</i> for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
Minimum Distance Separation I & II	Any non-agricultural use proposed near an active or potential livestock facility shall include a review of these facilities and calculations to determine conformity with MDS requirements. MDS I is applied to Type A applications within 1000 metres of livestock facilities and to Type B applications within 2000 metres of livestock facilities.
Municipal Servicing Study	Any plan of subdivision or major <i>development</i> proposal shall address the availability of adequate municipal services and impacts of existing municipal services and facilities.

Stormwater Management Plan	Any major <i>development</i> or <i>site alteration</i> proposed should address how stormwater runoff will be handled in terms of water quality and quantity, <i>lot</i> grading and drainage controls and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any <i>development</i> or <i>site alteration</i> that may have a <i>significant</i> impact on traffic flow and safety which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing Plans	Any <i>development</i> outside of the Urban Area where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and <i>lot</i> grading.
Financial Impact Assessment	To address financial implications of a proposed <i>development</i> on the provision of municipal services and <i>utilities</i> that may cause a financial, environmental or economic hardship for the City and Region.
Alternative Sites for Non-Agricultural Uses	Where a non-agricultural use is proposed in an Agricultural area it must be demonstrated that there are no reasonable alternative locations available in Urban Areas, Rural Areas or on lower priority agricultural land in the Region.
Mineral Aggregate Resources	Any <i>development</i> , where <i>development</i> or <i>site alteration</i> is proposed on lands within or adjacent to an area of known mineral <i>aggregate</i> resources, it shall be demonstrated that the resource use is not feasible, that the proposed <i>development</i> or use serves a greater long term public interest, and that other impacts are evaluated.

11.9.1 Pre-Consultation

- a) Pre-consultation between the applicant and the City of Port Colborne is required prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Consent or Site Plan Control unless the Director of Planning determines that pre-consultation is not necessary based on the scale of *development* or the complexity of planning issues associated with the proposed application.
- b) Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; *development* and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable.
- c) Pre-consultation may also involve the Region, the Niagara Peninsula Conservation Authority and/or any other agencies that may have an interest in the application as determined by the City of Port Colborne.
- d) Pre-consultation shall be considered a requirement for the submission of a complete application.

11.9.2 Availability of Information

- a) In order to ensure that all possible information is available to the City of Port Colborne, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in Policies 11.9.
- b) Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the City of Port Colborne to make this information readily available to the public and commenting agencies including the Region and Niagara Peninsula Conservation Authority.
- c) Where the City, Region or Niagara Peninsula Conservation Authority has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review which shall be payable upon submission of an invoice from the City of Port Colborne, Region or Niagara Peninsula Conservation Authority.

- d) The Director of Planning or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the City of Port Colborne, the Region, the Niagara Peninsula Conservation Authority or any other *public agency*, the application may be deemed to be incomplete.

Section 12

Definitions

Section 12: Definitions

Access standards

Methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards*, *erosion hazards* and/or other water-related hazards.

Adjacent lands

- a) 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.
- b) Those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objective

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; injury or damage to property or plant or animal life;
- b) Harm or material discomfort to any person;
- c) An adverse effect on the health of any person;
- d) Impairment of the safety of any person;
- e) Rendering any property or plant or animal life unfit for human use;
- f) Loss of enjoyment of normal use of property; and
- g) 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 *regional market area*;

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 *regional market area*.

Aggregate

Gravel, sand, clay, shale, stone, earth or other prescribed material defined in the *Aggregate Resources Act*.

Agricultural Operation

The carrying out of an agricultural use.

Agricultural uses

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and *fish*; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. *Agricultural uses* include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing and packaging).

Agriculture-related uses

Farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Archaeological resources

Includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential

Areas with the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of mineral potential

Areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Area of Natural and Scientific Interest

Areas of land and water containing natural landscapes or features which have been identified as having values related to natural heritage protection, scientific study, or education. Depending upon the features of particular areas, they may be referred to as Life Science or Earth Science sites, depending on whether they are ecological or geological features. These areas vary in their level of significance and their vulnerability to environmental impacts. They are identified by the Ministry of Natural Resources and are classified as being either of “provincial”, “regional” or “local” significance.

Brownfield sites

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Boundary

Is the limit of the developed urban area as defined by the Minister of Public Infrastructure Renewal and consists of delineated and un-delineated *built-up areas*.

Built Heritage Resources

One or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Built-up Area

Is all land within the *built boundary*.

Cannabis Production Facility

Cannabis Production Facility means a facility structure for the cultivation, processing, packaging and shipping where cannabis is produced by a federally licensed producer and can be for the production of medical or recreational cannabis.

Complete streets

A complete street is a road that is designed to be safe for drivers; bicyclists; transit vehicles and users; and pedestrians of all ages and abilities.

Conserved

The identification, protection, use and/or management of cultural heritage and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape

A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under

the Ontario Heritage Act; and villages, parks, gardens, battlefields, main-streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Deposits of mineral aggregate resources

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

Development

The creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the *Planning Act*. It includes the construction of new, or significant expansion of existing, public *utilities* or *infrastructure* but does not include:

- a) Activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) Works subject to the *Drainage Act*.
- c) The carrying out of agricultural practices on land that was being used for *agricultural uses* on the date the Plan came into effect.

Dwelling Unit

A building or structure that has one or more habitable rooms designed for the use of one family in which sanitary and kitchen facilities are provided for the exclusive use of such family and having a private entrance.

Dynamic Beach Hazard

An area of inherently unstable accumulations of shoreline sediment along the Great Lakes-St. Lawrence River system and large inland lakes. The dynamic beach hazard limit includes the *flooding hazard* limit plus a 30 m dynamic beach allowance.

Easement

A negotiated interest in the land of another, which allows the *easement* holder specified uses or rights without actual ownership of the land.

Ecological function

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

Employment area

Those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species

A species that is listed or categorized as an "*Endangered species*" on the Ontario Ministry of Natural Resources official species at risk list.

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.

Fish

As defined in S.2 of the *Fisheries Act*, c. F-14, as amended, includes *fish*, *shellfish*, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat

As defined in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration area on which *fish* depend directly or indirectly in order to carry out their life processes.

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*.

Flood proofing standard

The combination of measures incorporated into the basic design and/or construction of buildings, structures or properties to reduce or eliminate *flooding hazards*, wave uprush and other water-related hazards along the shoreline of the Great Lakes-St. Lawrence River System and large inland lakes, and *flooding hazards* along river, stream and small inland lake systems.

Flooding hazard

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

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the *one hundred year flood* level plus an allowance for wave uprush and other water-related hazards;

- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
- i. The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific *watershed* and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over *watersheds* in the general area;
 - ii. The *one hundred year flood*; and
 - iii. A flood which is greater than 1 or 2 which was actually experienced in a particular *watershed* or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific *watershed* (where the past history of flooding supports the lowering of the standard). (PPS)

Ground water feature

Refers to 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.

Hazardous lands

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

Hazardous sites

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

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.

High Aquifer Vulnerability

Areas of groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater. (See Schedule B3)

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 sanitary services

Individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, 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.

Industrial Effluent System

A system which conveys and discharges the by-product for an industrial process that can contain contaminant from non-domestic wastes.

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, sewage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intake Protection Zone

An area as delineated in the Assessment Report that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats.

Intensification

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

- a) *Redevelopment*, including the reuse of *brownfield sites*;
- b) The development of vacant and/or underutilized lots within previously developed areas;

- c) Infill development; and
- d) The expansion or conversion of existing buildings.

Lot

A parcel or tract of land which is recognized as a separate parcel of land under the provision of the *Planning Act*, and includes a *lot* created by consent for mortgage purposes where the mortgage has not been discharged.

Medical Marihuana Production Facility

“Medical Marihuana Production Facility” means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medicinal purposes as permitted under the Federal Government’s Marihuana for Medical Purpose Regulations (MMPR) as amended from time to time or any successors thereto.”

Mineral aggregate operation

Lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the Aggregate Resources Act, or successors thereto:

- a) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by Zoning Bylaws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) 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.

Minimum distance separation formulae (MDS)

Formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal transportation system

A transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal Comprehensive Review

An official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Regional Policy Plan and applicable Provincial Plans and Policy Statements.

Municipal sanitary services

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*.

Natural heritage features and areas

Features and areas, including significant *wetlands*, significant coastal *wetlands*, *fish habitat*, *significant woodlands*, *significant valleylands*, significant 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*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Negative impacts

Degradation to the *quality and quantity of water*, *sensitive surface water features* and sensitive *ground water features*, and their related *hydrologic functions*, due to single, multiple or successive development or *site alteration* activities. In regard to *fish habitat*, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. In regard to 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.

In regard to Earth Science *Areas of Natural and Scientific Interest* (ANSIs), degradation that, due to single, multiple or successive development or *site alteration* activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

Net Density

The total number of *dwelling units* per hectare divided by the developable portion of a property or site. *Net density* does not include lands within the *Core Natural Heritage System*, parkland, roads and *infrastructure*.

One hundred year flood

For river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Partial services

Municipal sewage services or private communal sewage services and *individual on-site water services* or *municipal water services* or *private communal water services* and individual on-site sewage services.

Portable asphalt plant

A facility with equipment designed to heat and dry *aggregate* and to mix *aggregate* with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant

A building or structure with equipment designed to mix cementing materials, *aggregate*, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area

Areas where *prime agricultural lands* predominate. This includes: areas of *prime agricultural lands* and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land

Land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

Private communal sanitary 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 non-municipal 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.

Provincially Significant Wetland

A *wetland* identified as provincially *significant* by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Public Agency

Any Federal, Provincial, Regional or Municipal agency and includes any commission, board, authority or department, including Ontario Hydro, established by such agency exercising any power or authority under a Statute of Canada or Ontario.

Quality and quantity of water

Measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Quarry

Any land or land underwater from which consolidated *aggregate* is being or has been excavated, and that has not been rehabilitated, but does not mean land or land underwater excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection 1 (3) of the *Aggregate Resources Act*.

Redevelopment

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

Regional market area

Refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the *regional market area*. Where a *regional market area* extends *significantly* beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

Renewable energy

The production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Residential intensification

Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *Redevelopment*, including the *redevelopment* of brownfield sites;
- b) The development of vacant or underutilized lots within previously developed areas;
- c) Infill development;
- d) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Risk Management Official

A person appointed under Part IV of the Clean Water Act, 2006, by the council of a municipality that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001.

Risk Management Plan

A plan for reducing a risk, prepared in accordance with the regulations and the rules under S. 58 of the Clean Water Act, 2006.

Secondary uses

Uses secondary to the principal use, including, but not limited to, home occupations, home industries, and uses that produce *value added* agricultural products from farm operations.

Sensitive

In regard to *surface water features* and *ground water features*, means areas 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. With respect to policies dealing with the identification and remediation of contaminated lands, means an institutional, residential, parkland or agricultural or other use defined in the Record of Site Condition Regulation 153/04.

Settlement areas

Urban areas within municipalities (such as cities and towns) that 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 the official plan for development over the long term planning horizon.

Significant

In regard to *wetlands*, coastal *wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

In regard to the habitat of endangered species and *threatened species*, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

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.

In regard to other features, 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*.

In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index.

In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time.

In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

In regard to a change in the spatial extent of a Core Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as *Fish habitat*.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Significant Drinking Water Threat or Significant Threat

A threat that according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water.

Significant 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.

Site alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Source Protection Plan

A drinking water source protection plan prepared under the Clean Water Act, 2006.

Source Water

Water in its natural or raw state, prior to being drawn into a municipal drinking water system.

Species of Concern

Any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources Official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperiled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time.

Stormwater Management Facility

A facility of the treatment, retention, infiltration or control of stormwater.

Surplus farm dwelling

An existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Sustainable private servicing

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the *Ontario Building Code Act* and a water supply well designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the City of Port Colborne, which are located on the same property as the buildings to which the sewage disposal system and water well provide service.

Threatened species

Any species that is listed or categorized as a "*Threatened Species*" on the Ontario Ministry of Natural Resources official Species at Risk list.

Utility (ies)

All public and/or private *utilities* (including, but not exclusive of cable television, hydro, communications/telecommunications, Canada Post etc.) or any similar works or systems necessary to the public interest.

Vulnerable (Water)

Surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Value Added

Uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered *agriculture-related uses*, and are required to be small scale and related to the farm activity. *Value Added Uses* may be grouped into three major components: Support Uses, Production Uses and Marketing Uses:

- a) Production uses: mean *value added* farm related uses that include processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.
- b) Marketing uses: mean *value added* farm related uses that include a variety of methods of increasing the sales of raw or finished farm products. Such uses may include road side produce stands and other retail facilities for the sale of products, pick your own facilities, agri-tourism uses (such as farm mazes, special events facilities (e.g. farm weddings) and educational facilities) and "experiential uses" (such as "working farm vacations" or culinary schools).
- c) Support uses: means uses that support day to day farm operation and may include machinery repairs, seed suppliers, and other uses not more appropriately accommodated in *settlement areas*. Support uses are intended to primarily serve the farm operation and surrounding local farm operations and are intended to remain secondary to the principal farm operation.

Waste Disposal Site

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 with respect to Source Water Protection.

Wastewater Treatment Facility

The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

Watershed

Means an area that is drained by a river and its tributaries.

Watercourse

An identifiable depression in the ground in which a flow of water regularly or continuously occurs.

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

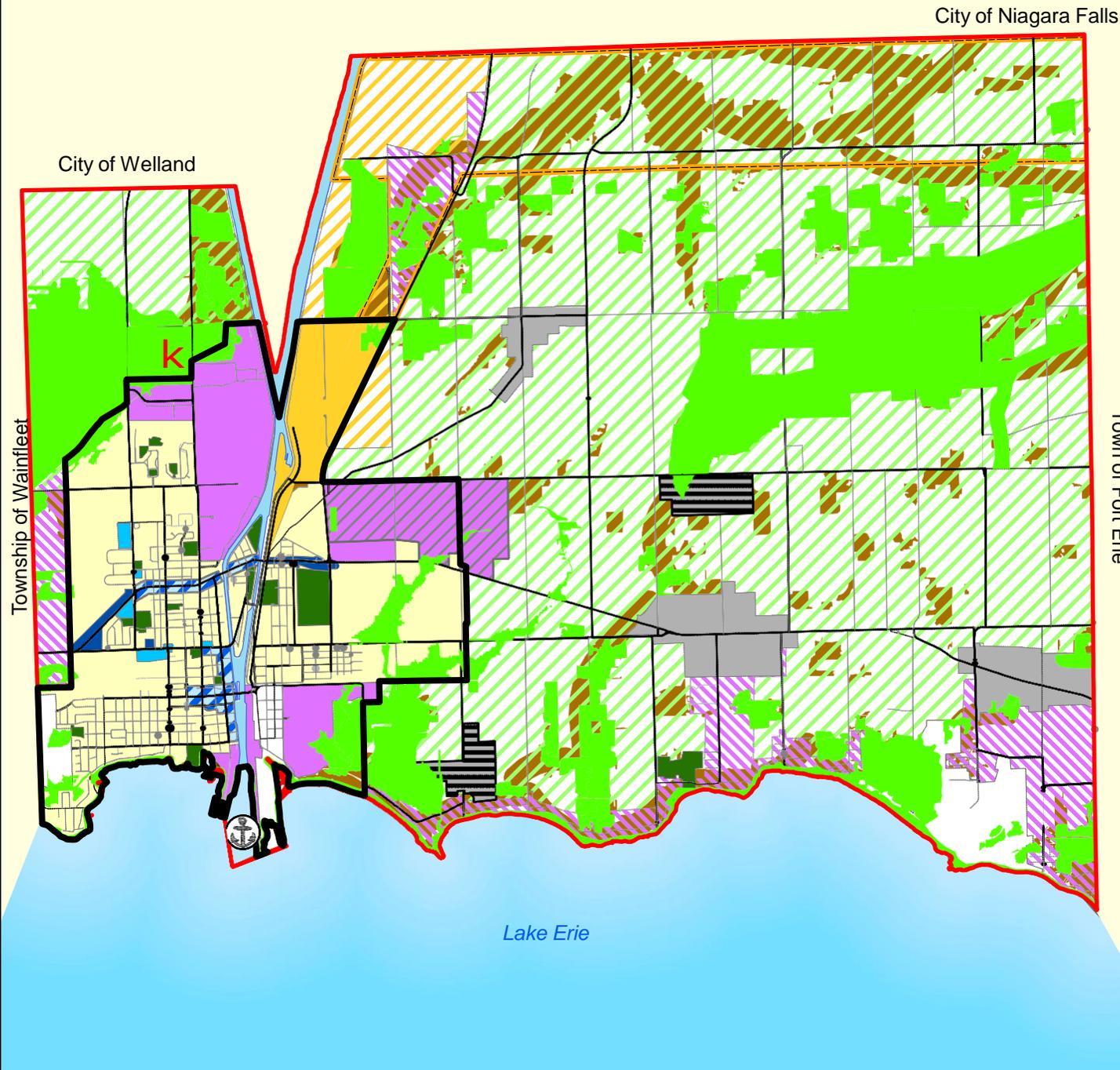
Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which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

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. They do not include cultivated fruit or nut orchards or plantations used for the purpose of producing Christmas trees.

Port Colborne Official Plan

Schedule A: City-Wide Land Use



-  Municipal Boundary
-  Urban Area Boundary
-  EPA
-  ECA
-  Agricultural
-  Hamlet
-  Urban Residential
-  Rural
-  Downtown Commercial
-  Commercial Plaza
-  Highway Commercial
-  Marine Commercial
-  Industrial / Employment Area
-  Mineral Aggregate Operation
-  Gateway Economic Centre
-  Rural Employment
-  Parks and Open Space
-  Private Open Space
-  Special Study Area
-  Secondary Plan Area
-  Major Port
-  Former Waste Management Facility



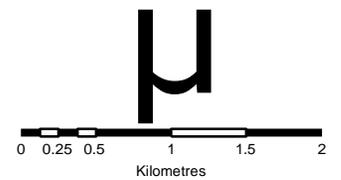
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City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

Port Colborne Official Plan

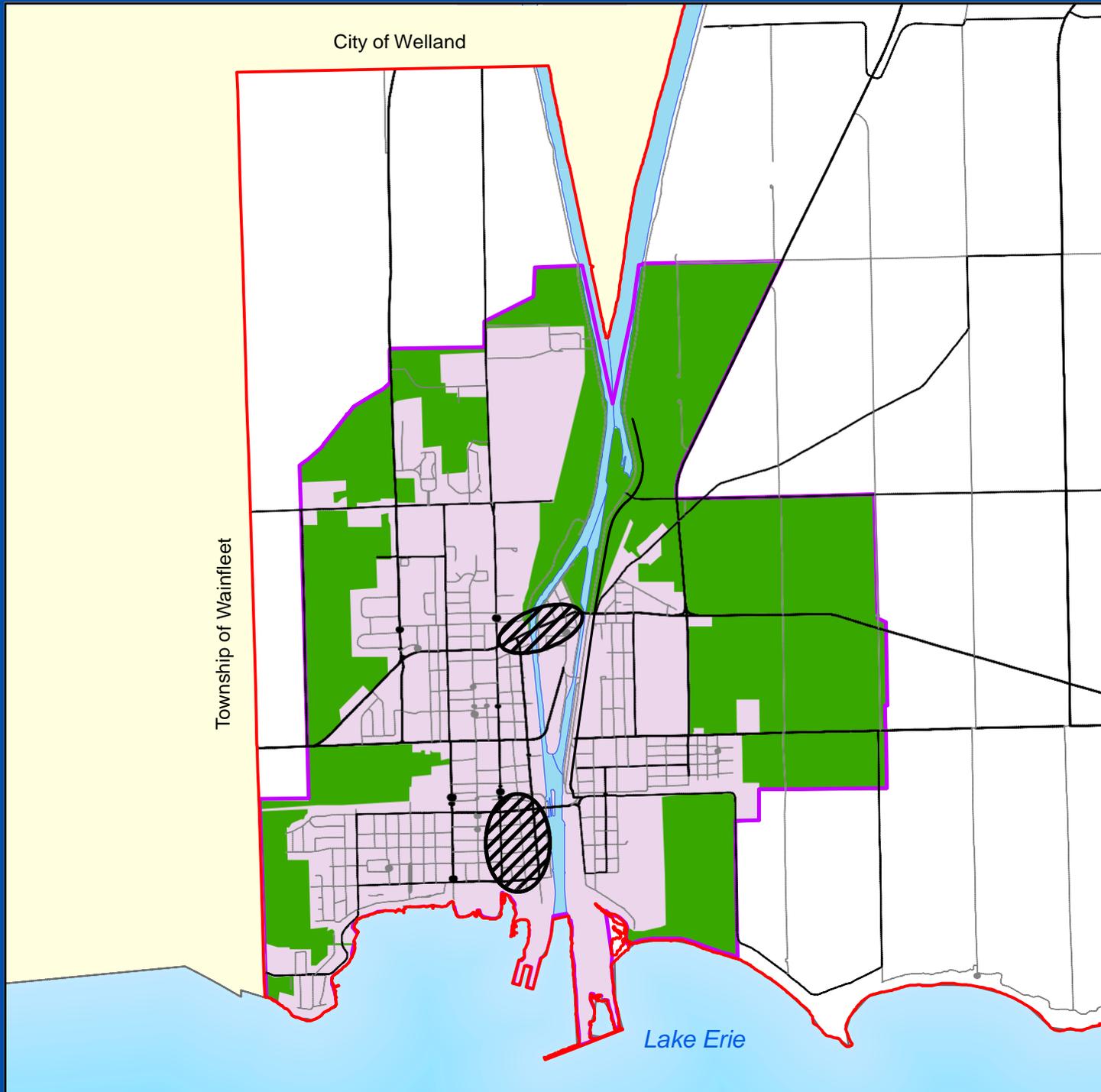
Schedule A1: Greenfields

-  Municipal Boundary
-  Urban Area Boundary
-  Built Boundary
-  Designated Greenfield Area
-  Intensification Area



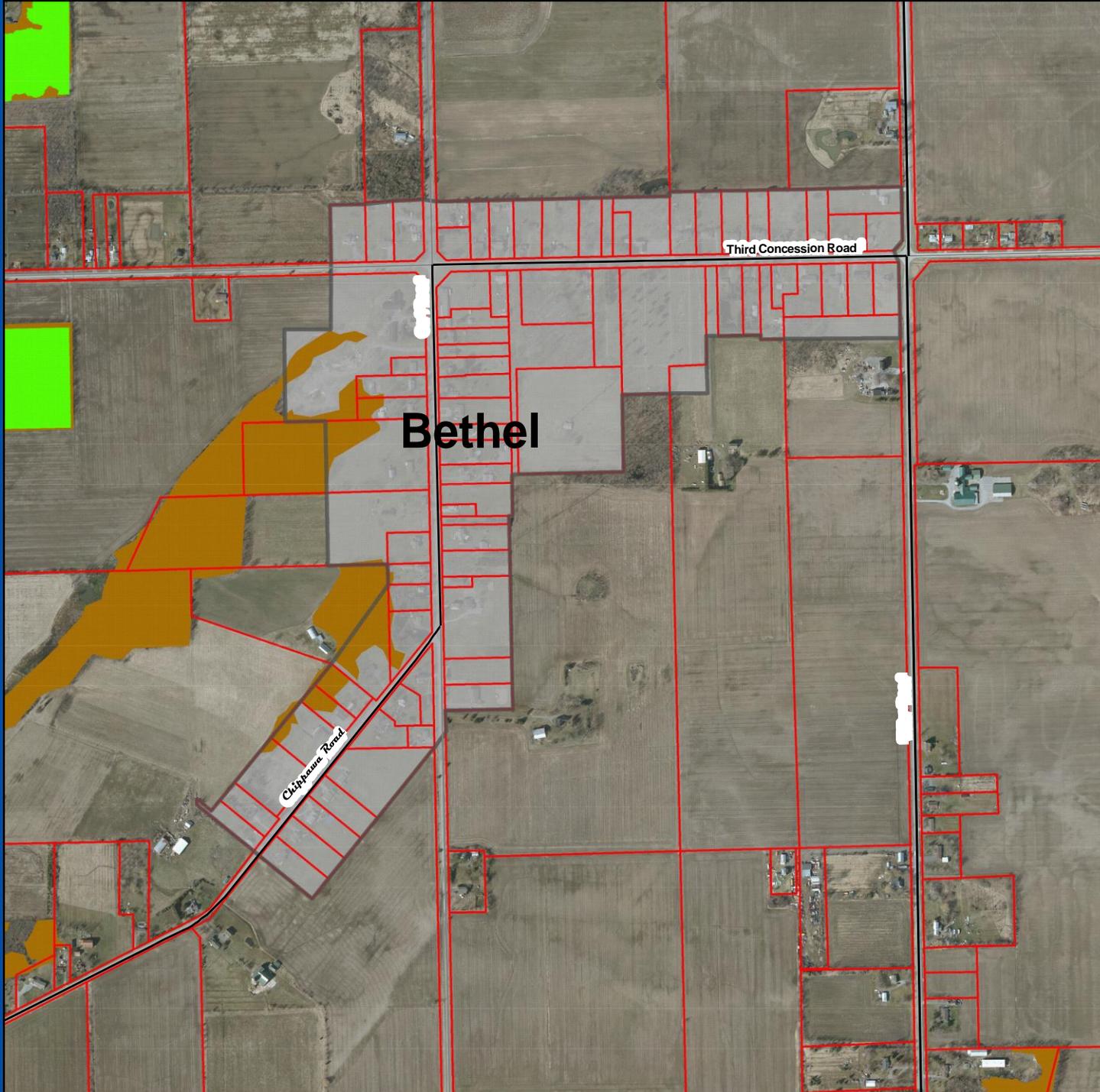
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City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

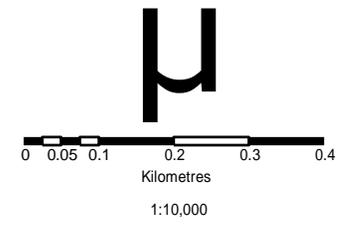


Port Colborne Official Plan

Schedule A2: Hamlets - Bethel



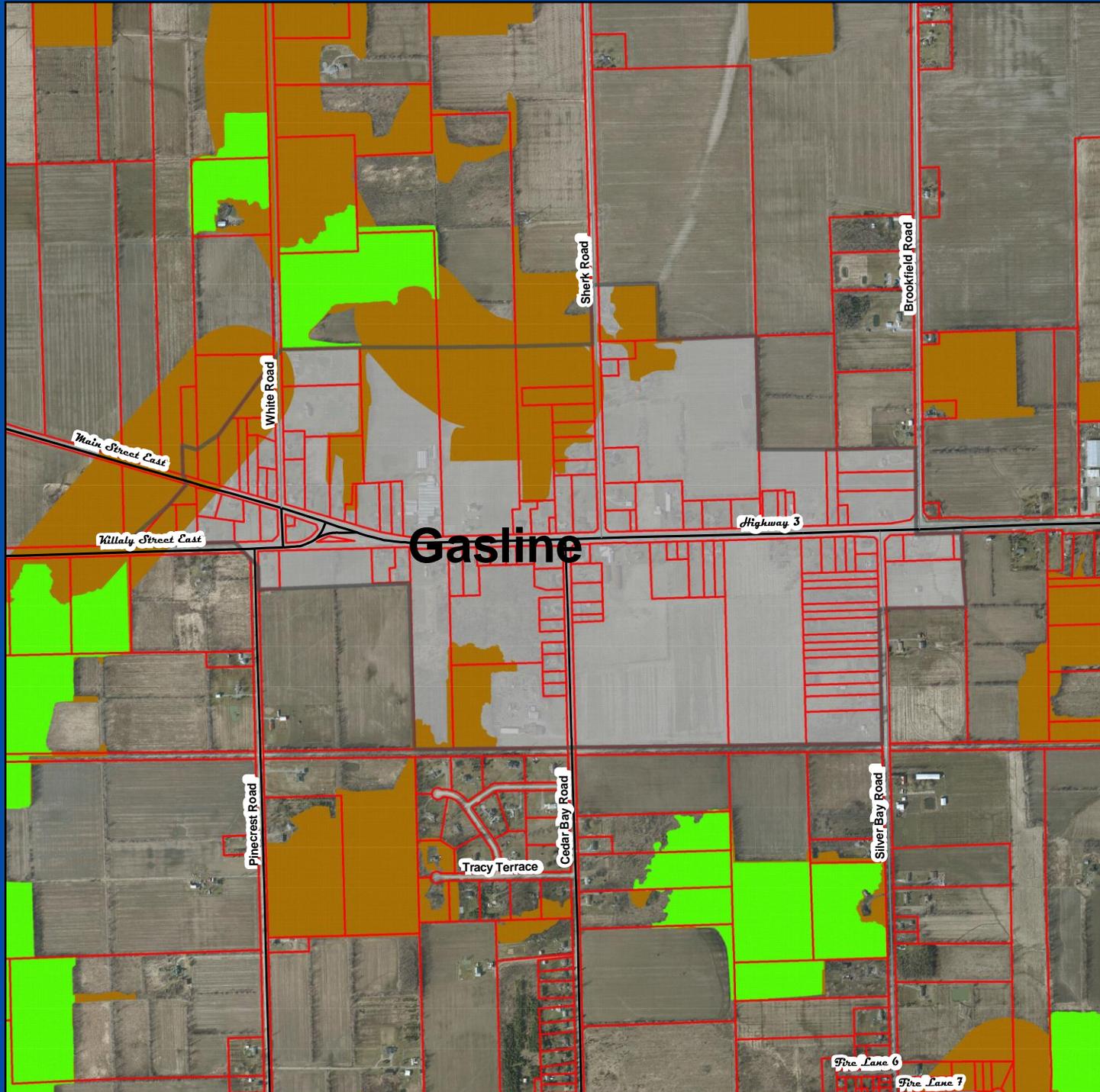
- Hamlet
- Parcel Fabric
- EPA
- ECA



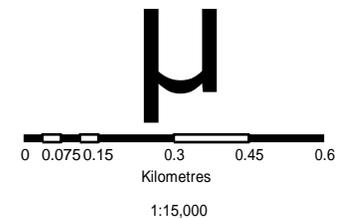
City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

Port Colborne Official Plan

Schedule A3: Hamlets - Gasline



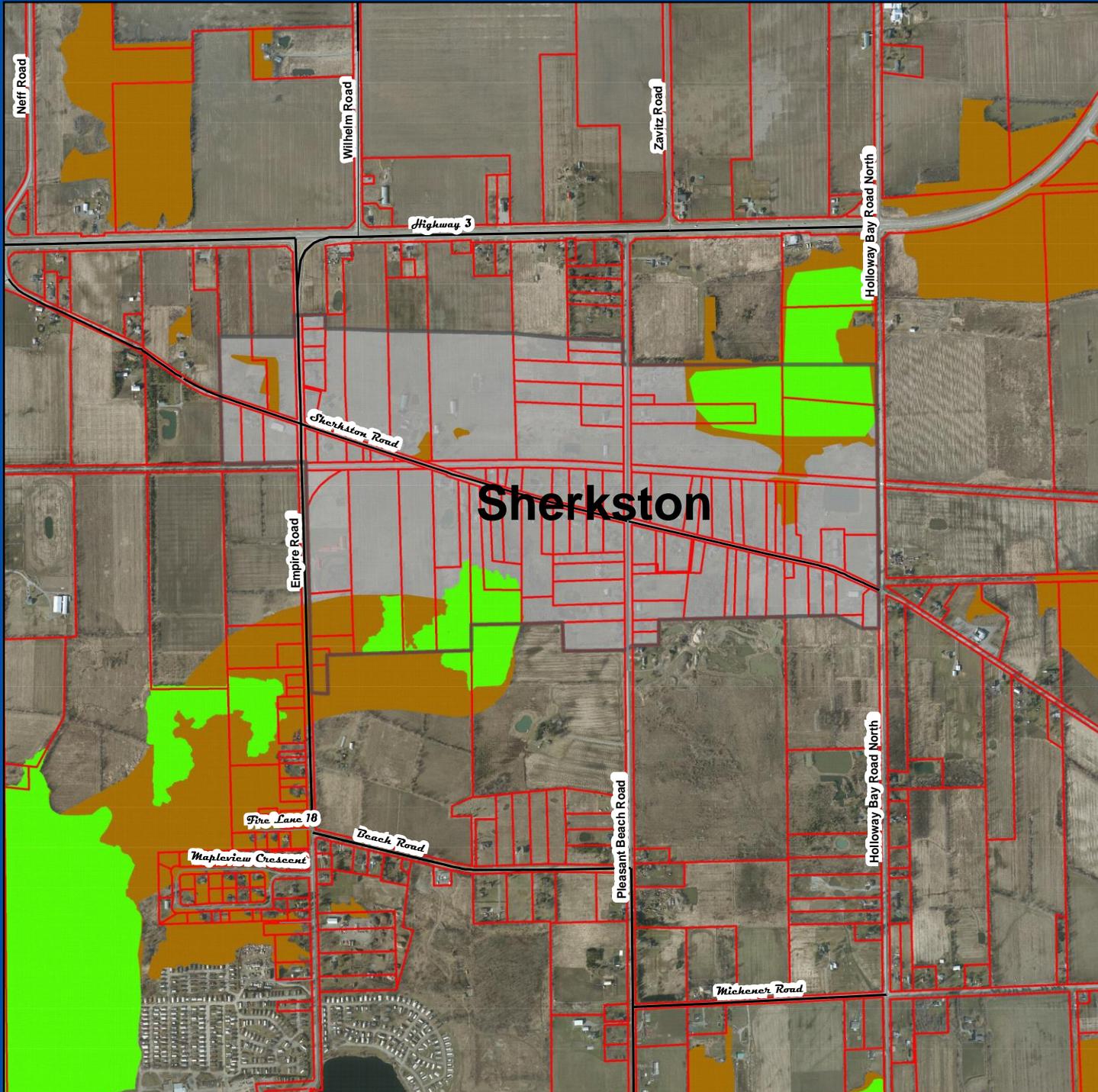
- Hamlet
- Parcel Fabric
- EPA
- ECA



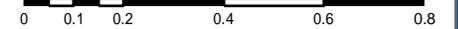
Port Colborne

Official Plan

Schedule A4: Hamlets - Sherkston



-  Hamlet
-  Parcel Fabric
-  EPA
-  ECA

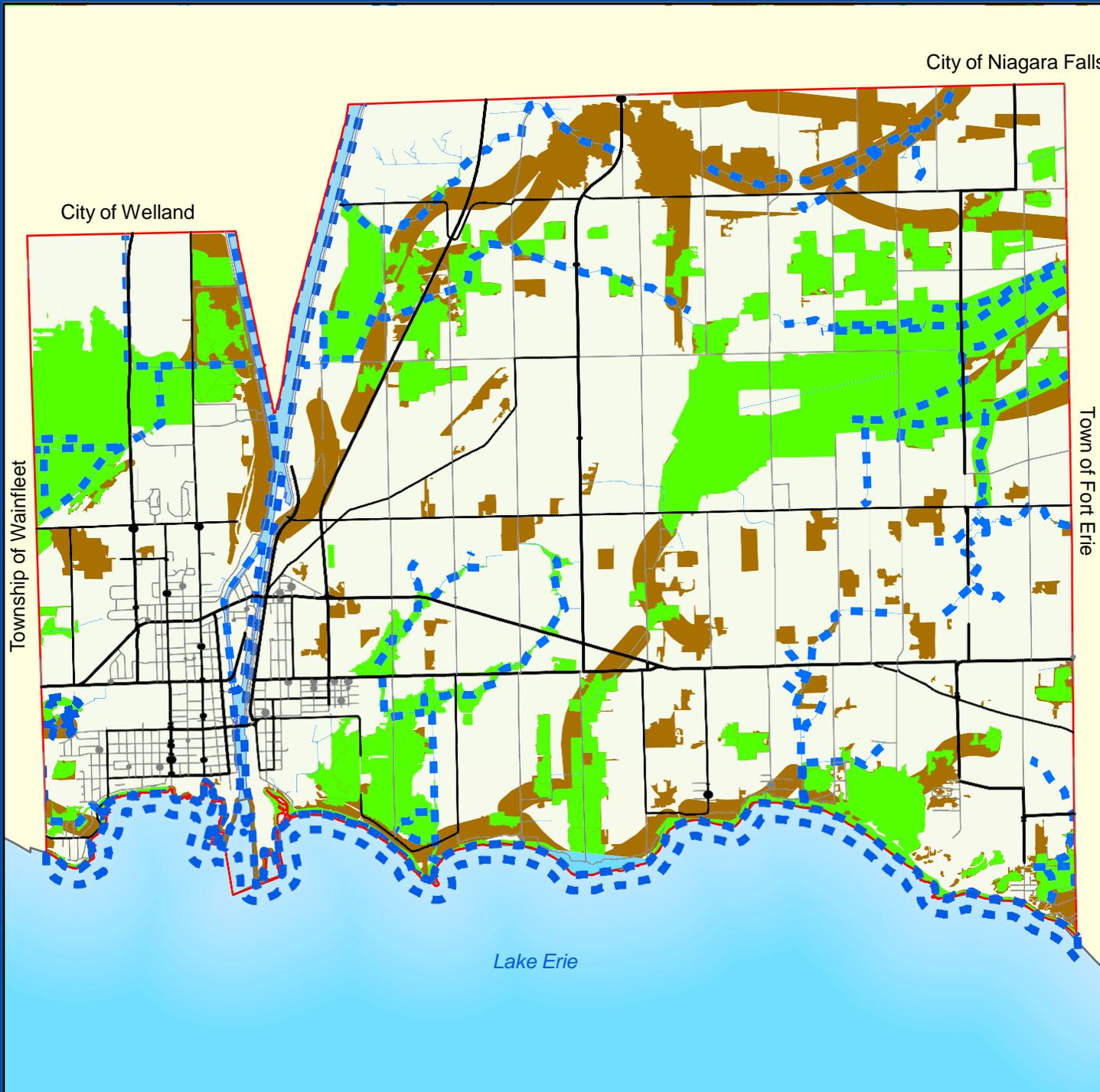


Kilometres

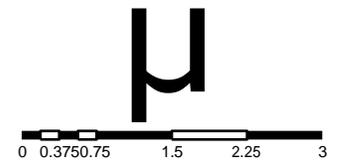
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Port Colborne Official Plan

Schedule B: Natural Heritage



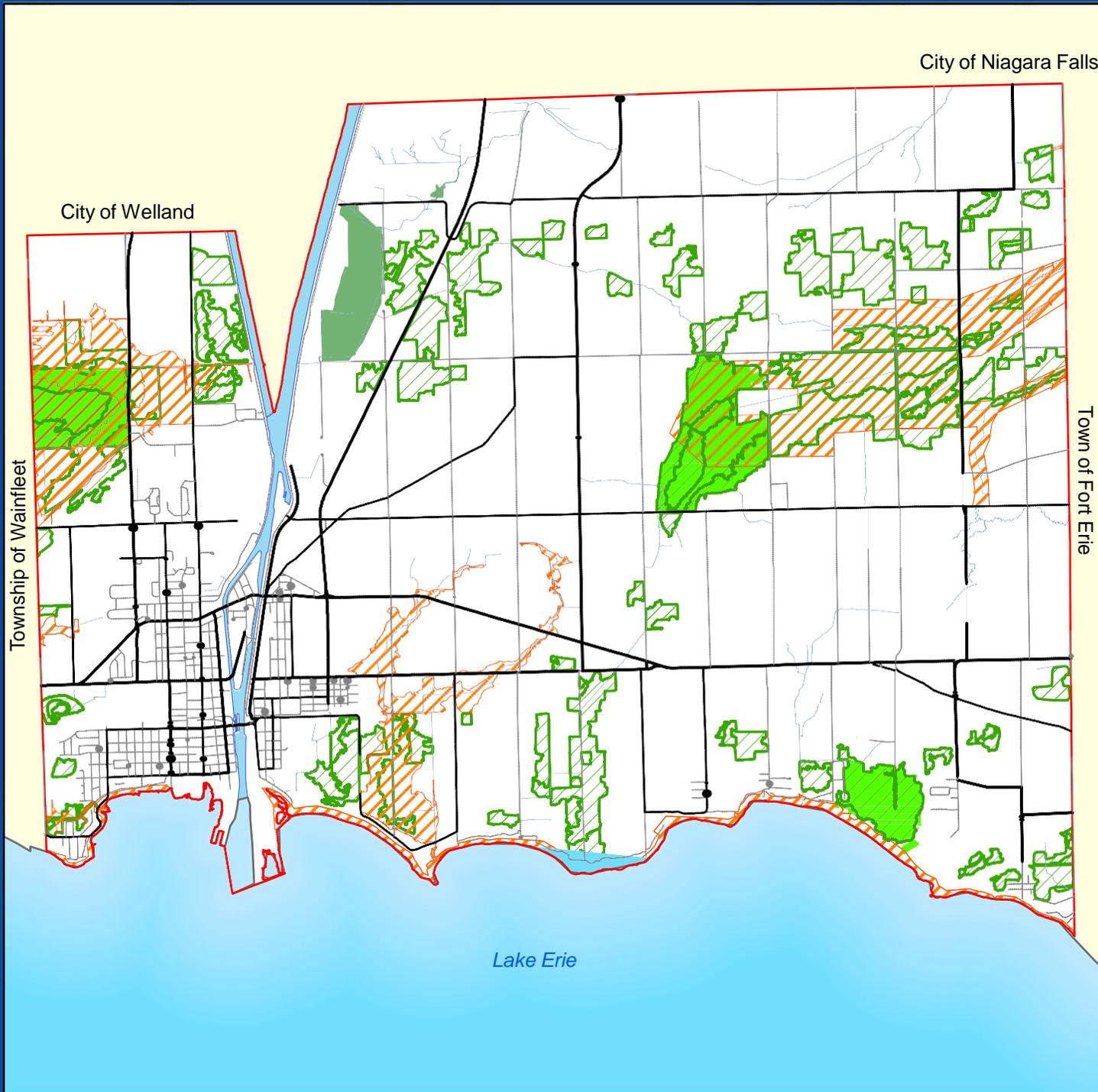
-  EPA
-  ECA
-  Streams
-  Fish Habitat
-  Municipal Boundary



Port Colborne Official Plan

Schedule B1: Environmental Protection Area

-  Environmental Protection Area
-  Provincial ANSI
-  Natural Hazard Lands
-  Streams
-  Provincially Significant Wetlands
-  Municipal Boundary

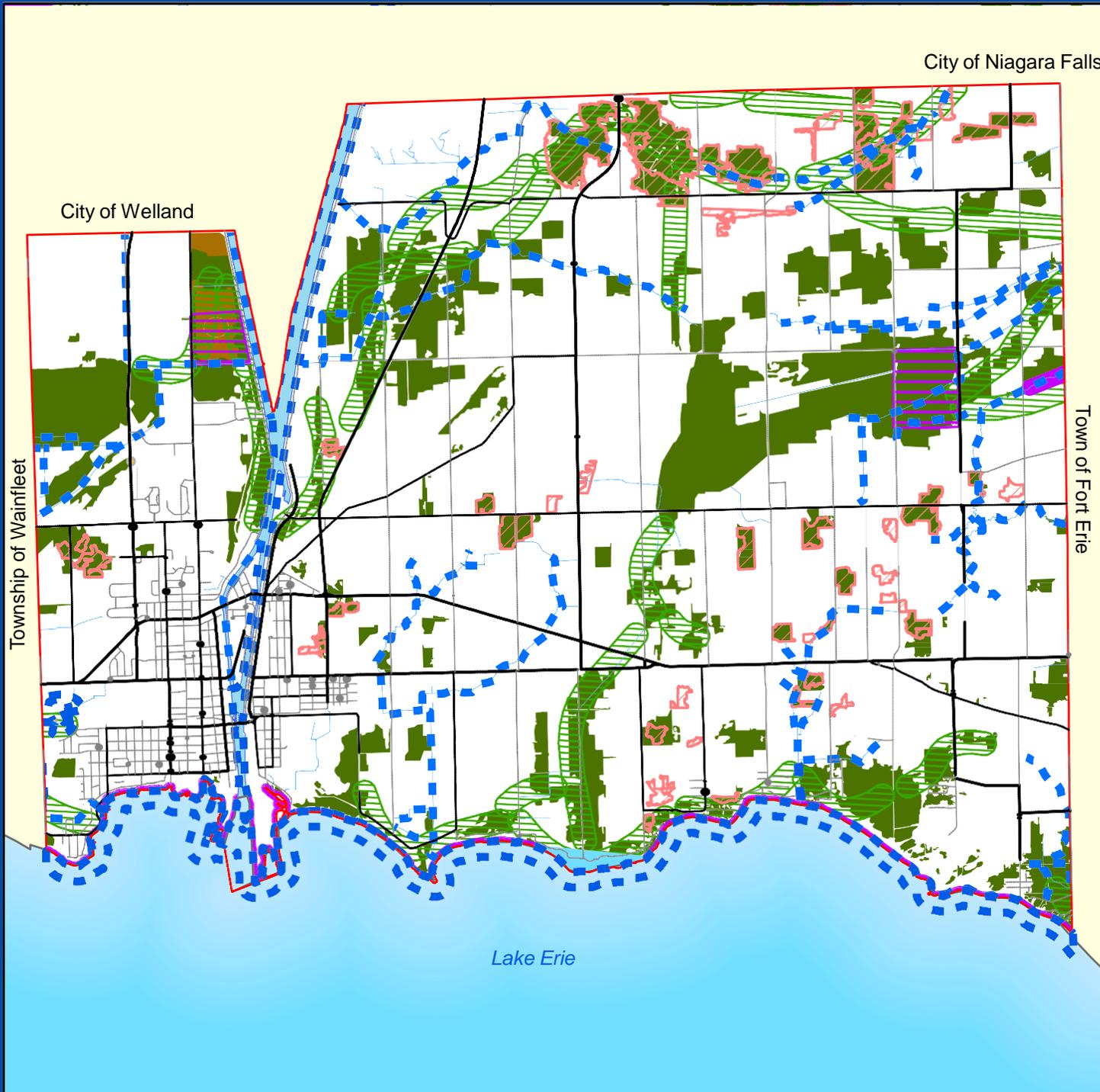


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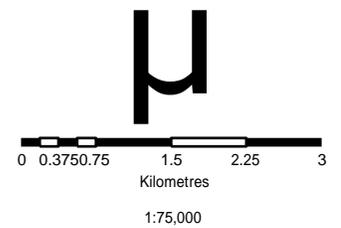
City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

Port Colborne Official Plan

Schedule B2: Environmental Conservation Area



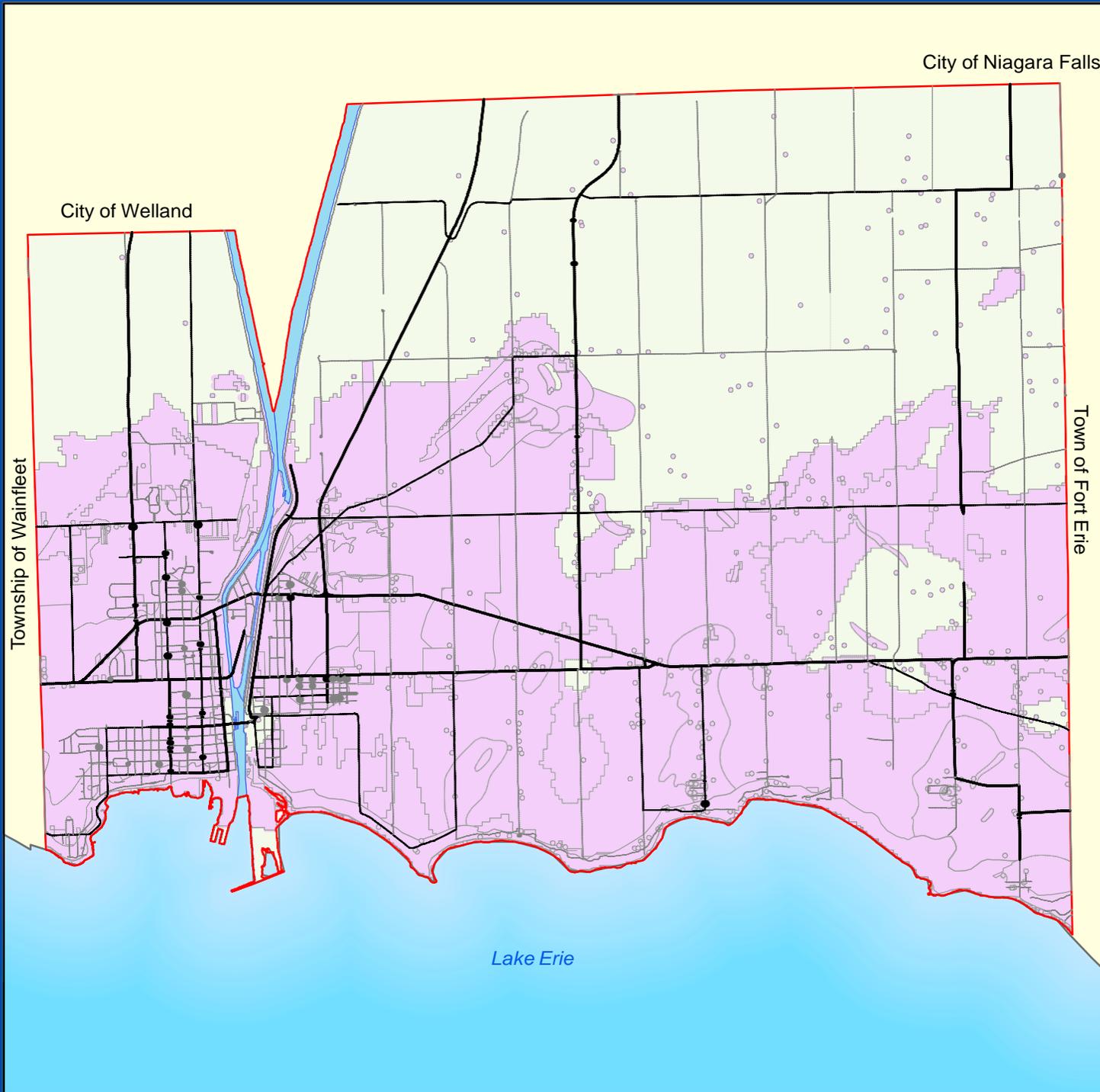
-  Regional ANSI
-  Significant Woodlands
-  Conservation Lands
-  Streams
-  Fish Habitat
-  Significant Valleylands
-  Environmental Corridors
-  Significant Wildlife Habitat
-  Municipal Boundary
-  Non-Provincially Significant Wetlands



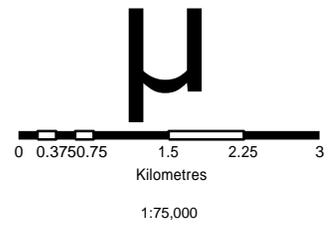
City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

Port Colborne Official Plan

Schedule B3: Vulnerable Aquifer Areas



-  High Vulnerable Aquifer
-  Municipal Boundary

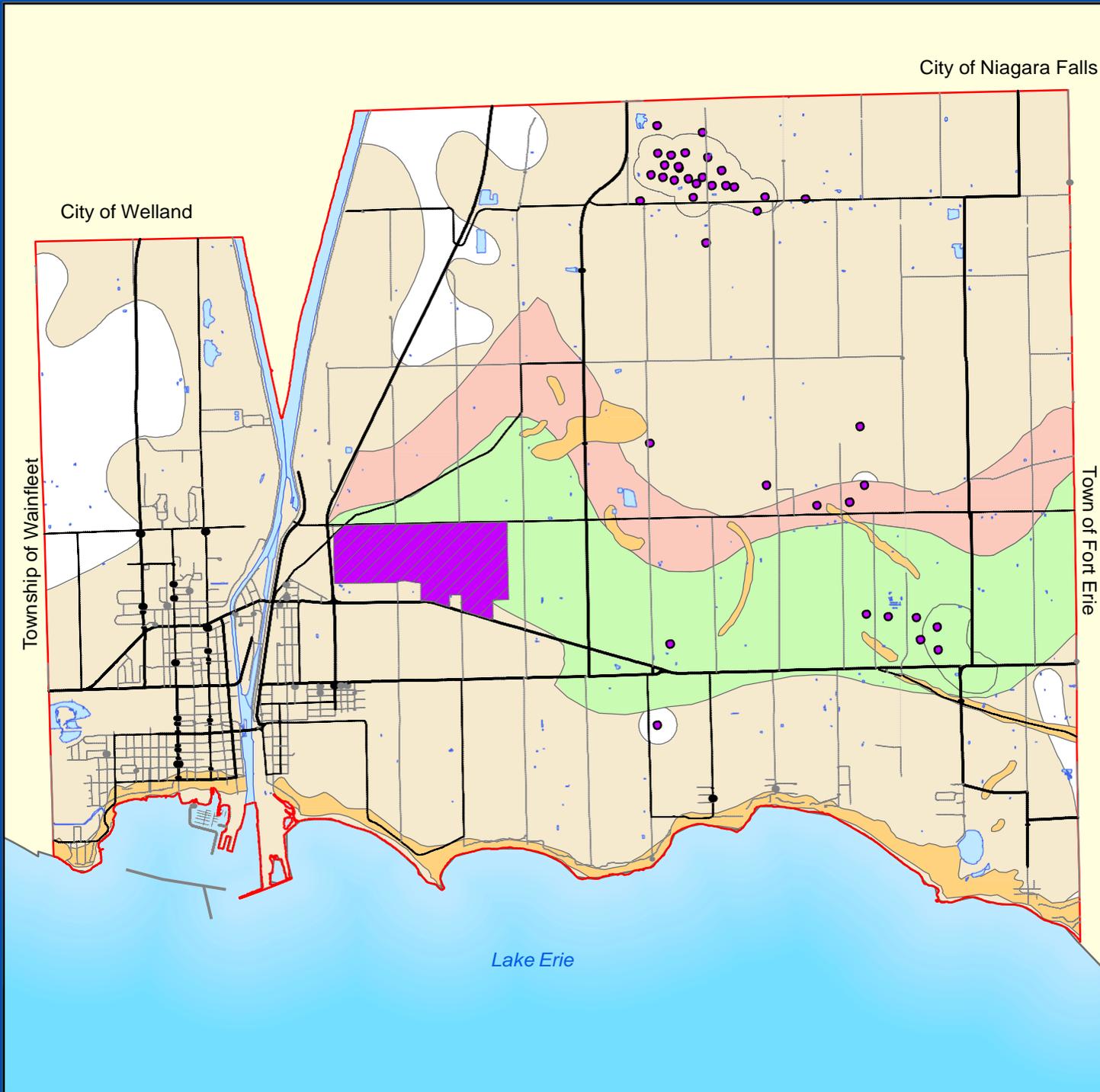


City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

Port Colborne

Official Plan

Schedule C: Mineral Aggregate and Petroleum Resources



Bedrock

- Bobcaygeon
- Onondaga

Sand and Gravel

- Aggregate Potential Area
- Mineral Aggregate Operation

Petroleum

- Active Gas Well
- Petroleum Resource Areas



1:75,000

Port Colborne Official Plan

Schedule D: Transportation

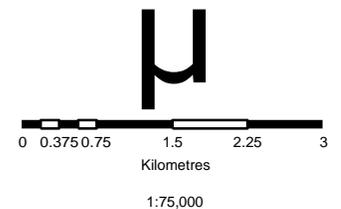
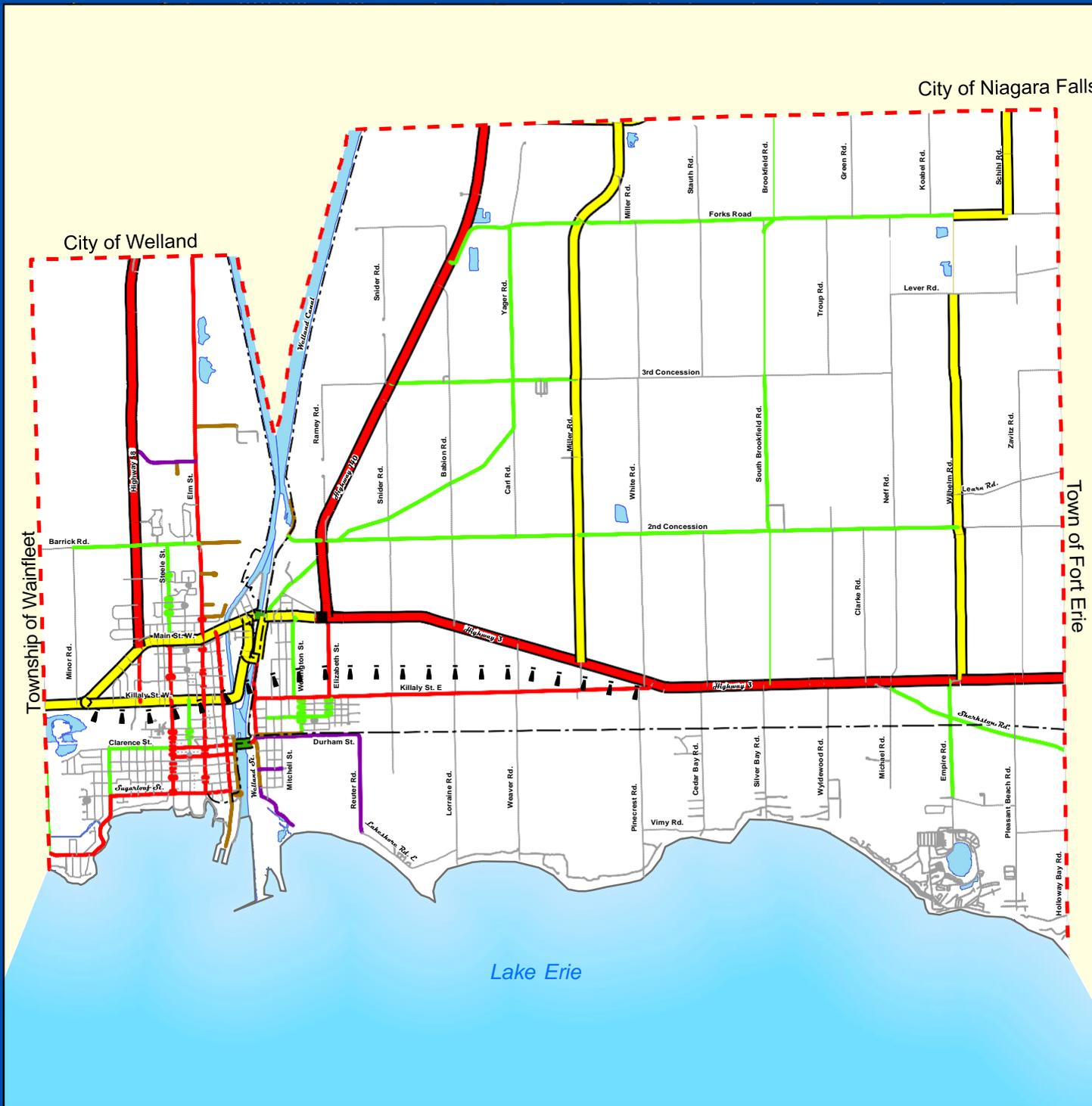
-  Municipal Boundary
-  Future Highway 3
-  Port Colborne Bike Trails

Roads Classification

-  Laneway
-  Local Road
-  Local Commercial or Industrial
-  Arterial
-  Collector
-  Collector Commercial or Industrial
-  St. Lawrence Seaway
-  Regional
-  Provincial

Schedule Notes:

This map is for general illustration purposes only. For boundary interpretations please contact the City of Port Colborne Planning and Development Department.



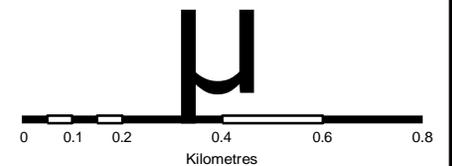
Port Colborne Official Plan

Schedule E: Sherkston Shores Secondary Plan

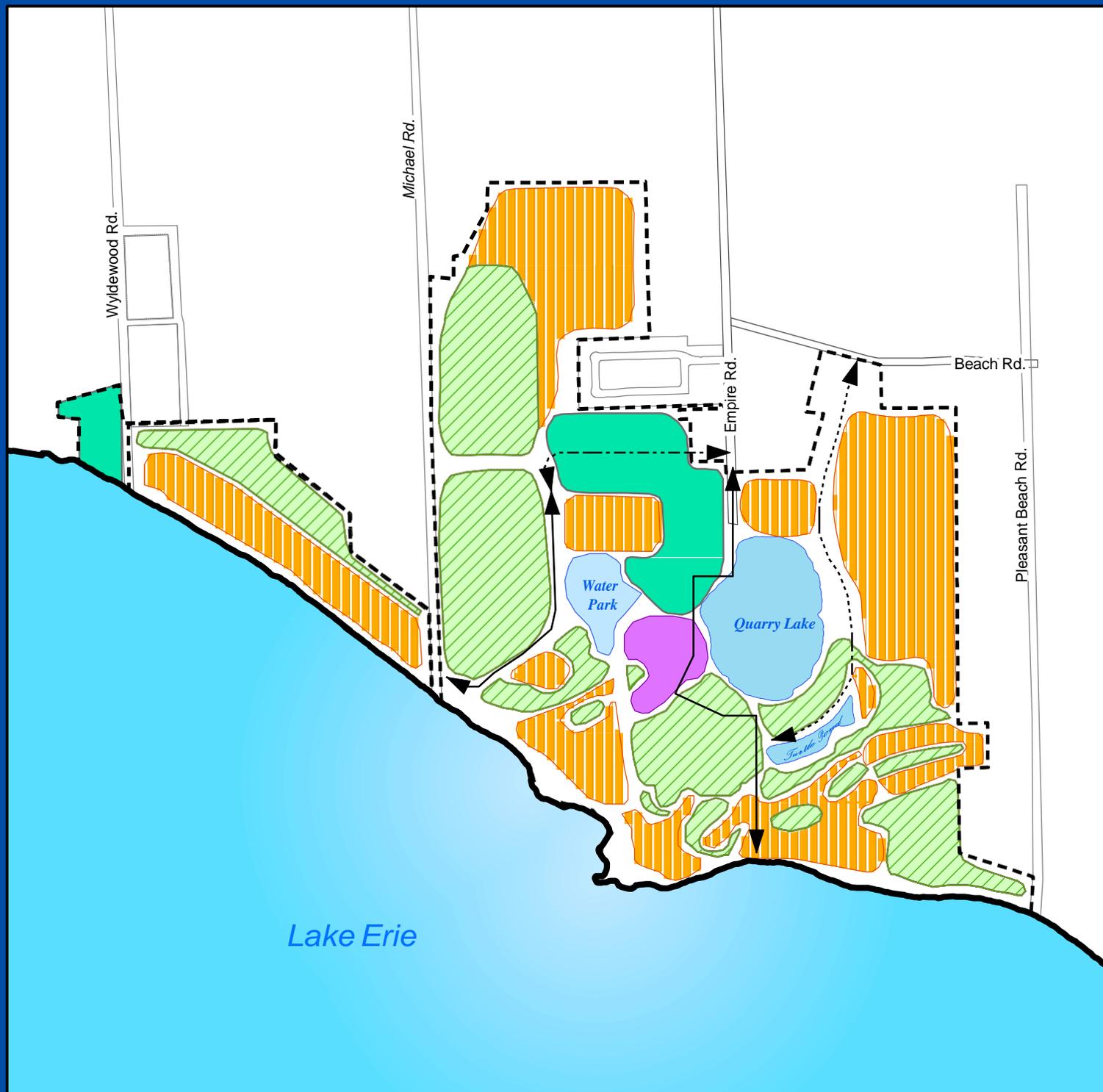
-  Municipal Boundary
-  Secondary Plan Area
-  Camping
-  Storage Maintenance, Parking and Administration
-  Lodge Accommodation
-  Natural Areas
-  Major Access Route
-  Minor Access Route

Schedule Notes:

This map is for general illustration purposes only. For boundary interpretations please contact the City of Port Colborne Planning and Development Services Department.



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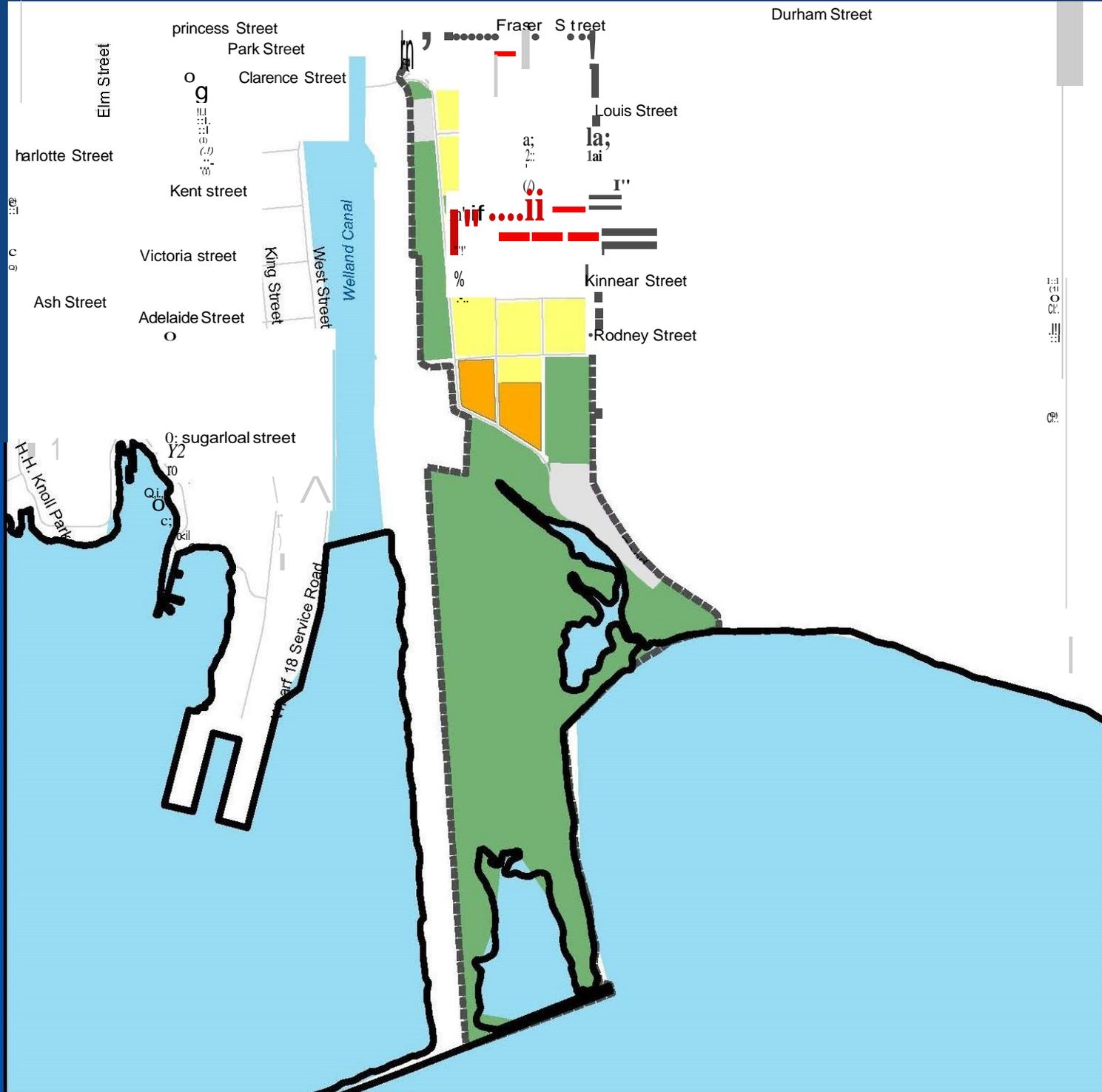
Port Colborne Official Plan

Schedule F: East Waterfront Secondary Plan

- CJ** Municipal Boundary
- L'** Secondary Plan Area
- Medium-Density Urban
- High-Density Urban
- Neighbourhood Neighbourhood
- Mixed Use Areas
- Industrial Areas
- Parks and Open Space
- Road Network

Schedule Notes:
 This map is for general illustration purposes only.
 For boundary interpretations please contact the
 City of Port Colborne Planning and Development
 Services Department.

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S

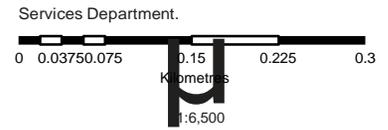


Port Colborne Official Plan

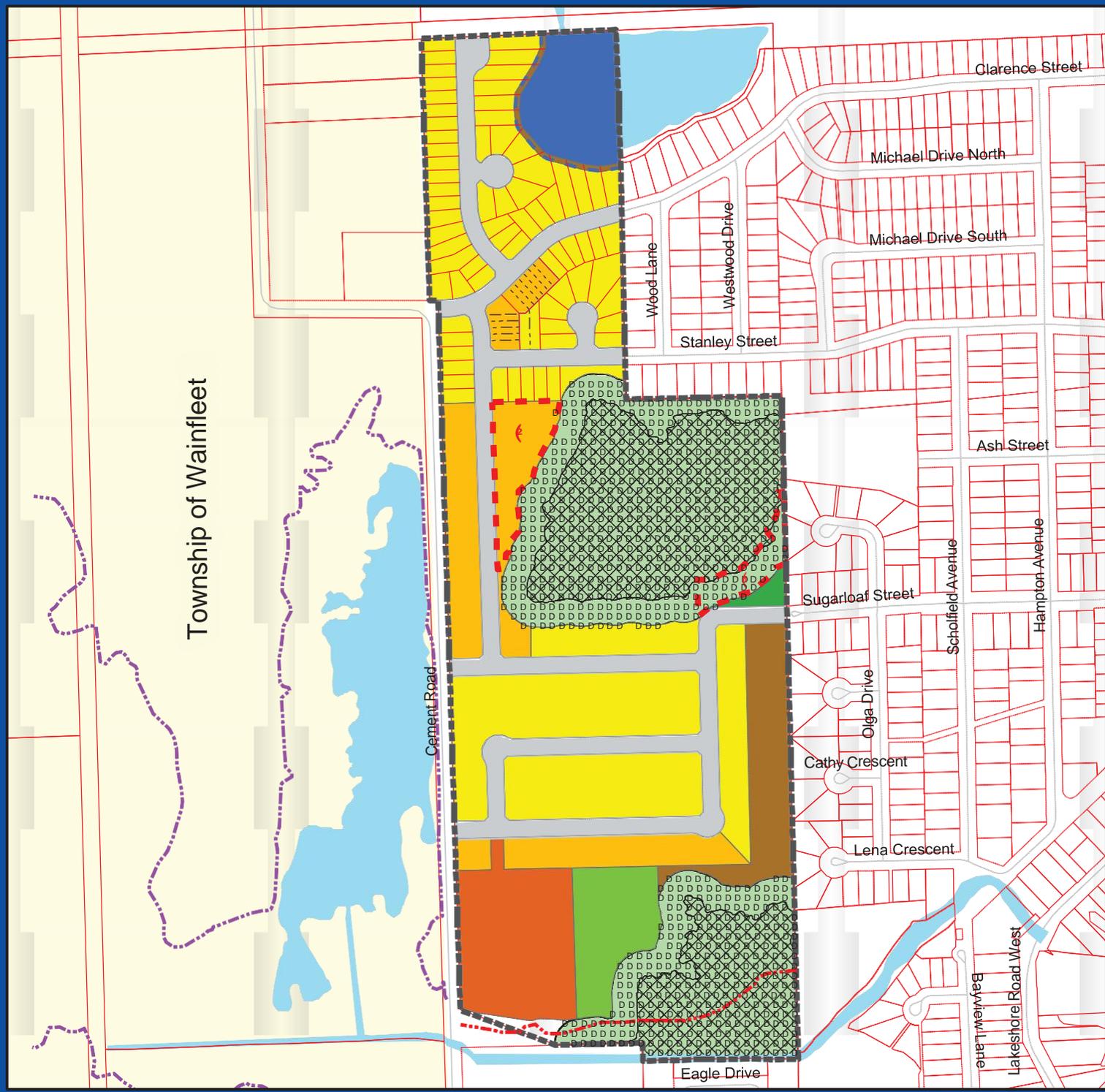
Schedule G: Westwood Park Secondary Plan

-  Low Density Residential
-  Medium Density Residential
-  Medium/High Density Residential
-  Stormwater Management
-  Quarry
-  Park
-  Environmental Protection
-  30m Environmental Protection Buffer
-  Environmental Conservation
-  Conceptual Road Network
-  5m Setback from Quarry
-  Secondary Plan Boundary
-  100 Year Regulatory Floodline
-  Regional Floodline
-  Road Network
-  Special Policy 5.3.3.7 (a)(vii)
-  Special Policy 5.3.3.5 (h)

Schedule Notes:
 This map is for general illustration purposes only.
 For boundary interpretations please contact the
 City of Port Colborne Planning and Development



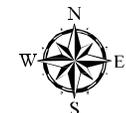
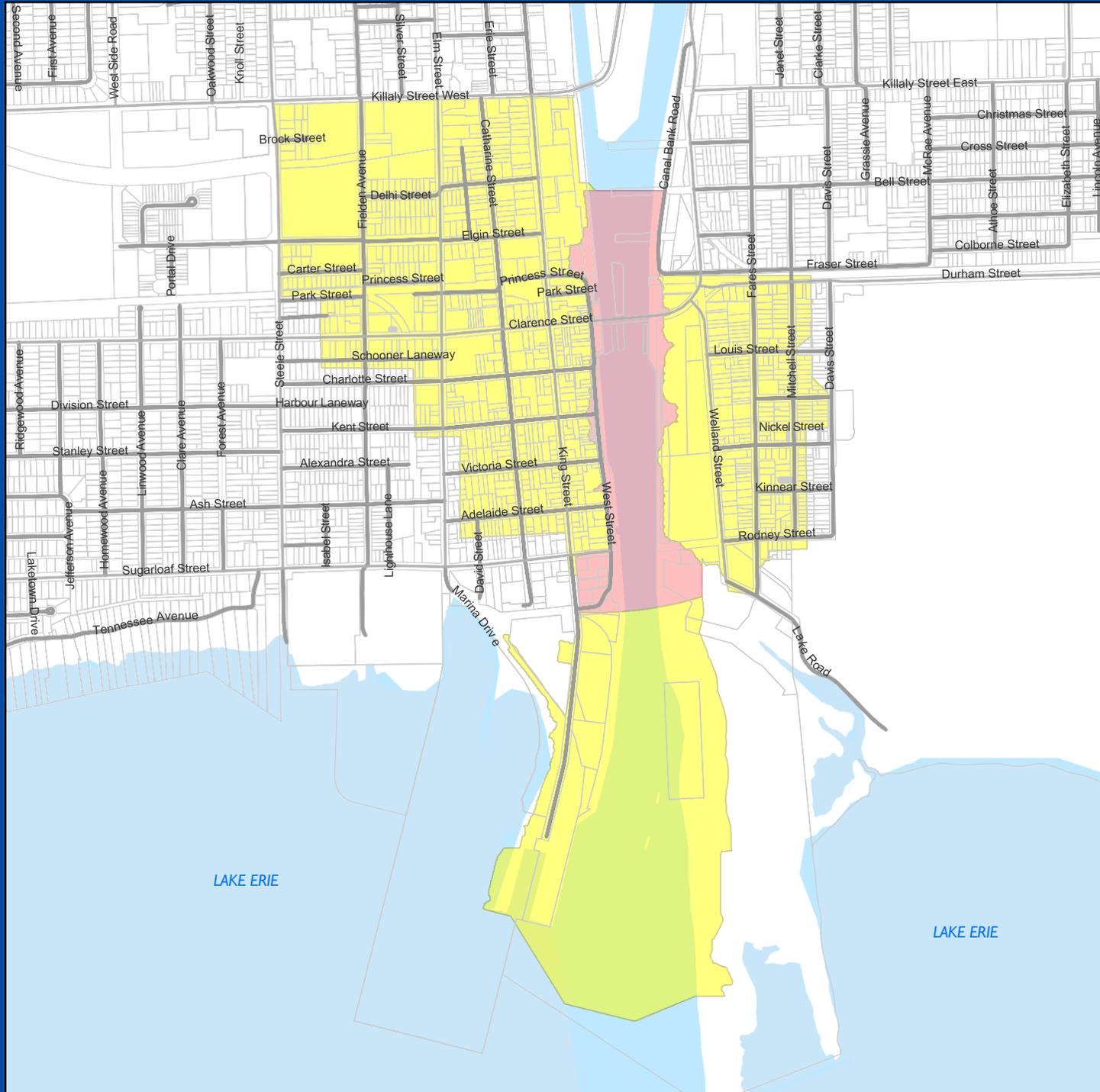
City of Port Colborne, Engineering and Operations Department.
 This map was compiled from various data sources and is current as of August 2012.



Port Colborne Official Plan

Schedule H: Source Water Protection

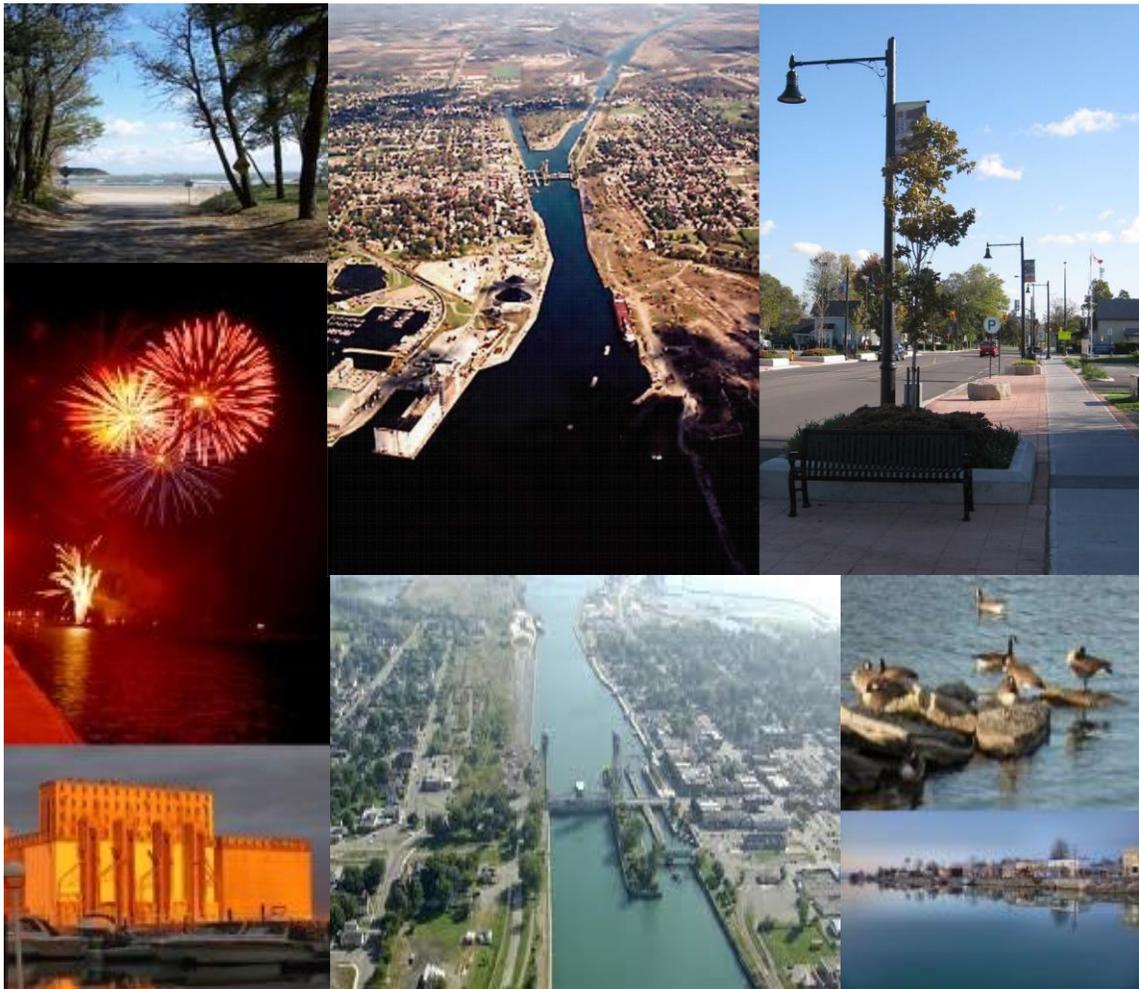
-  IPZ-1
-  IPZ-2
-  Parcel Fabric



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City of Port Colborne, Engineering and Operations Department.
© This map was compiled from various data sources and is current as of June 2017.

City of Port Colborne Official Plan Appendices



PORT COLBORNE
WWW.PORTCOLBORNE.CA

ISSUE DATE:

July 11, 2013

Appendix A



PL090828

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Nyon Oil Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Port Colborne to redesignate land at Part Lots 23, 24 and 25, Concession 4, Part Lots 16 to 20, Concession 5 from Deferred Industrial, Private Open Space and Agricultural to Special Industrial/Employment Area to permit the development of an energy park
OMB File No. PL090828

Nyon Oil Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1150/97/81 of the City of Port Colborne to rezone lands respecting Part Lots 23, 24 and 25, Concession 4, Part Lots 16 to 20, Concession 5 from Agricultural and Environmental Protection to Special Exemption Heavy Industrial and Environmental Protection to permit the development of an energy park
OMB File No. PL090829

APPEARANCES:

Parties

Counsel

Nyon Oil Inc.

J. Ayres

City of Port Colborne

S. Premi

Region of Niagara

S. Chisholm
P. DeMelo

Also Appeared:

Ministry of Municipal Affairs and
Housing

R. Boxma

DECISION DELIVERED BY J. V. ZUIDEMA AND ORDER OF THE BOARD

[1] At the outset of this hearing, the Ministry of Municipal Affairs and Housing (“MMAH”) appeared, seeking party status. No formal motion materials were provided given the late request, so oral submissions and responses were provided. The Board provided an oral ruling substantially as follows:

[2] This is the sixth hearing associated with the appeals filed by Nyon Oil Inc. (“Nyon”). The other five hearing events were in person and via telephone conference prehearings. I have been case managing this matter since the first Pre-Hearing Conference (“PHC”) of April 6, 2011, over two years ago.

[3] The MMAH attends this morning seeking party status. The motion for party status is made orally, which is permitted under the Board’s Rules although not usual or preferred. Motions of a substantial nature, including that of party status, are normally done with 10 days’ notice and filing of a Notice of Motion with supporting affidavit material.

[4] The oral motion has left the responding parties to similarly provide verbal submissions without formal Response materials and affidavits although some documents have been tendered to support their positions. The Responding parties all object to the inclusion of MMAH as a party.

[5] The Board dismisses MMAH’s motion and my reasons are as follows:

[6] The appeal was launched under ss. 22(7) of the *Planning Act*. Subsection 22(11) refers to ss. 17(44) to ss. 17(44.7) as those provisions apply. Subsection 17(44.1) deals with the addition of parties and states:

Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:

A person or public body who satisfies one of the conditions set out in subsection (44.2).

1. The Minister.
2. The appropriate approval authority.

[7] Subsection 17(44.2) states:

The conditions mentioned in paragraph 1 of subsection (44.1) are:

1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council.
2. The Municipal Board is of the opinion that there are reasonable grounds to add the person or public body as a party.

[8] In this circumstance, the addition of the Minister is not mandatory, as suggested by counsel to MMAH, but rather, discretionary as the term “may” and not “shall” is used in the legislation.

[9] To add the Province under the rubric of “person or public body” would mean that the Board would have to be satisfied that one of the conditions under ss. 17(44.2) had been satisfied.

[10] With respect to condition #1, no submissions or evidence was provided to satisfy that condition.

[11] With respect to condition #2, the Board is not convinced that there are reasonable grounds to add the Province because:

- a. The matters before the Board have been ongoing for over two years and there have been a number of opportunities for the Province to appear earlier and become engaged in the process. The Province received notice not only of the Board’s process but also the City’s initiatives through the public information meeting and the Province did not attend.
- b. With the greatest respect to the communications between the Planners at the Province and those at the Region, if the Province believes that a matter is of significant importance, it is not enough to send emails or other correspondence to staff and stop there. It is incumbent on the Province to attend before this Board where warranted and make its position known, and if necessary, continue to be engaged to defend that position.

[12] Through the process undertaken by the City, the Region and the applicant, significant time and resources have been expended to resolve the dispute between the parties. I am not counting the resources of the Board to have the matters move forward to possible resolution.

[13] The Board encourages at all times, for resolution to be achieved amongst the parties as long as the resolution meets the tests as enunciated in the legislation, in provincial, regional and local policy, and that it satisfies the Board that it is in the public interest and represents good and proper planning. The parties to date have been diligent in working towards that goal in earnest. To permit the Province to be added as a party at this late date could potentially undermine all of that good work and that would not be in the public interest nor reflect the spirit of negotiation and resolution which the Board strives to achieve. To do so at the start of a hearing, where settlement has been achieved, would in fact have the effect of thwarting the Board's process to encourage such resolution.

[14] Now to address the substantive reasons for denying party status in addition to those which I have provided thus far and would categorize as dealing with procedural fairness, unfortunately I am not persuaded by what the Province hopes to achieve in seeking such status.

[15] Regional Policy Plan Amendment ("RPPA") 1-2012 is in full force and effect. No appeals were launched and if the Province had concerns with that Regional Amendment, it could have appealed it and had the matter adjudicated through the Board's process. It did not. By not doing so, one can properly presume that RPPA 1-2012 meets the provincial policy objectives of both the 2005 Provincial Policy Statement ("2005 PPS") and the Growth Plan.

[16] Any amendment to a local official plan, such as the one I have before me, must conform to the upper tier plan. Similarly, zoning amendments must follow official plan policy. That's how planning works and that certainty is important to maintain.

[17] RPPA 1-2012 is not before me, nor is the City's new Official Plan nor is the appeal of RPPA 2-2009. The only matters to which I have jurisdiction is Nyon's appeals under ss. 22(7) and 34(11), seeking amendments to re-designate its lands from Deferred Industrial, Private Open Space and Agriculture to Special

Industrial/Employment Area and to rezone from Agricultural and Environmental Protection to Special Exemption Heavy Industrial and Environmental Protection. In each case, the re-designation and rezoning are to facilitate the development of an energy park.

[18] The other planning instruments to which the Province may have some concern are not consolidated with Nyon's appeals. No motion for consolidation was made and I cannot go beyond the boundaries of my jurisdiction. I cannot make any decisions or rulings on either the City's new Official Plan ("OP") or RPPA 2-2009.

[19] Finally, the Province states that there is no declaration of provincial interest here and that is why the 30-day notice requirement is not applicable. I accept that.

[20] Therefore for the foregoing reasons, I dismiss the request for party standing; however, MMAH is welcome to stay at these proceedings.

[21] Following the delivery of the Board's ruling, MMAH left the proceedings and the Board heard from Richard Brady, qualified and accepted as an expert in land use planning. Mr. Brady's testimony was in support of the settlement achieved amongst the parties.

[22] Mr. Brady provided an overview of the history and geography of the project. He opined that the settlement proffered to the Board met all legislative and policy tests, represented good planning and was in the public interest. It is on the basis of Mr. Brady's evidence that the Board allows the appeals in order to give effect to the settlement achieved.

[23] Mr. Brady reviewed his report, contained in Exhibit 1, Tab D. This report dated February 12, 2013, was submitted to the City's Municipal Council for consideration. The report articulates the rationale for support and recommends approval of the Nyon project. This report along with other supporting technical reports was posted to the City's website and all such information was available for the public.

[24] Mr. Brady then reviewed the specific language of the draft Official Plan Amendment ("OPA"). It was contained in Exhibit 1, Tab D2. At p.172, the details of the amendment are set out. This was part of the materials provided to the municipality.

Following dialogue, leading up to this hearing, refinements were made and the draft proposed to this Board was prepared. That document is located at Tab 3G. The refinements reflect, for example, the definition of rural employment as taken from the Port Colborne Official Plan.

[25] Mr. Brady opined that the proposed draft OPA as identified at Tab 3G of Exhibit 1 was consistent with the 2005 PPS, conformed to the Growth Plan, the Regional and local OPs, represented good planning and was in the public interest.

[26] The same was true for the proposed draft Zoning By-Law Amendment (“ZBA”) found at Tab D3 as prepared for consideration by the municipalities. The By-Law contains a holding provision for the tank farm and following the provision of specific technical reports, the holding provision will be lifted. Site plan approval is also required before the “h” is lifted. The draft proposed to this Board was filed as Exhibit 14.

[27] Mr. Brady felt confident in recommending this draft By-Law to the Board because besides meeting all of the policy and legislative requirements, he explained that the City was still in control of the process yet to occur. He also indicated that the proposed planning instruments had undergone an extensive public process and the elements which were “fractious” to the community had been removed. His testimony was unchallenged.

[28] The Board also heard from Kristy Shortall, who was also qualified and accepted as an expert in land use planning. Ms. Shortall agreed with Mr. Brady’s opinions. She testified that not only did the proposed planning instrument meet the requisite tests as enunciated by Mr. Brady, the project would take advantage of underutilized lands and achieve the objectives of the Growth Plan.

[29] She explained that the Provincial D6 Guidelines were implemented and all but one residence were located outside the 1,000 m radius. For the one residence impacted, mitigation for noise and traffic were completed. Like Mr. Brady, she recommended the draft OPA and ZBA to the Board.

[30] The Board also heard from a number of Participants: Wendy Bover, Toby McCreadie and Robert Ferri. All testified as laypersons.

[31] Ms. Bover raised concerns which were outside of the jurisdiction of the Board, such as corporate name change of Nyon, transfer of land from the City to Nyon and why the tanks are called petro-chemical. Her other concerns, that there was not enough public engagement and the unduly length of the process, were not supported. Despite her criticism of the lack of public process, Ms. Bover admitted under cross-examination that she did not access the City's website where all the relevant reports could be found because as she said, she could not attain those with ease. She also did not attend at the City Clerk's Department where these same reports were available as hard copies for public viewing. Ms. Bover testified that she lived approximately ½ a mile from the subject site.

[32] Ms. McCreadie came forward as a Participant later in the process. She did not identify herself as such at any of the earlier Pre-Hearings. Ms. McCreadie was concerned about potential vibration and she doubted that significant employment opportunities will result from the project. Her concerns of vibration stemmed from an existing Starch factory, which was across the Canal.

[33] Robert Ferri's concerns centered on access to property he inherited at 4253 Highway 140 ("Hwy 140"). Mr. Ferri does not live at this location; his residence is elsewhere in Welland. He was dissatisfied that access to his property on Hwy 140 was being re-routed and as such, he was being unnecessarily inconvenienced.

[34] In response to these concerns, Ms. Shortall was recalled. Concerning Mr. Ferri's misgiving, road re-alignments were done to address sightlines and safety issues. A report prepared by Paradigm located various access points along Hwy 140 and given the classification of this road (Class 3 Controlled Access), Kleinsmith Road was not preferred for upgrading given its incline. As such an alternate access to a new municipal road, approximately 200 m from Kleinsmith was provided. Ms. Shortall also explained that this rationale had been provided to Mr. Ferri's son as he was the contact name provided.

[35] With respect to Ms. Bover's and Ms. McCreadie's worries, Ms. Shortall assured them that no natural gas was being proposed for the tanks. They are to be petroleum or petrochemical which includes petrol, diesel and oil. She also set out the background and dialogue with the Niagara Peninsula Conservation Authority ("NPCA") wherein

floodplain analysis was done to address inaccuracy with mapping. A 30 m buffer for heritage features is provided. Further, a geotechnical report was done wherein seven boreholes were undertaken. That report with analysis was made available at the City Clerk's department as well as the public library.

[36] While the apprehensions of the Participants are genuinely held, they are not sufficient to successfully challenge the expert planning testimony of Ms. Shortall and Mr. Brady.

[37] The Board determines that the appeals are allowed in order to effect the settlement achieved between the parties.

BOARD ORDERS

[38] Therefore the Board orders the appeal of Nyon Oil Inc. is allowed in part and the Official Plan for the City of Port Colborne is modified as set out in Attachment 1 to this Order and filed with the Board as Exhibit 1, Tab 3G, and as modified is approved.

[39] Further the Board orders the appeal of Nyon Oil Inc. is allowed in part and Zoning By-law for the City of Port Colborne is hereby amended in the manner set in Attachment 2 to this order and filed with the Board as Exhibit 14. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

"J. V. Zuidema"

J. V. ZUIDEMA
VICE-CHAIR

ATTACHMENT 1

1

194

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO.XXX/XX/13

**BEING A BY-LAW TO ADOPT AMENDMENT NO.XX TO THE OFFICIAL PLAN OF THE
PORT COLBORNE PLANNING AREA**

WHEREAS it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

NOW THEREFORE the Council of the Corporation of the City of Port Colborne pursuant to Section 17(22) of The Planning Act, R.S.O. 1990, enacts as follows:

1. The Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area consisting of the attached explanatory text and mapping.
2. That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforesaid Amendment No. XX to the Official Plan for the Port Colborne Planning Area.
3. This By-law shall come into force and take effect on the date upon which it is finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH DAY OF
[Month] 2013.**

Vance Badawey, MAYOR

Ashley Grigg, CLERK

April 11, 2013

**AMENDMENT NO.XX
TO THE OFFICIAL PLAN FOR THE
PORT COLBORNE PLANNING AREA**

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THE STATEMENT OF COMPONENTS

Part A – The Preamble

Purpose
Location
Basis

Part B – The Amendment

Part C – Definitions

April 11, 2013

**AMENDMENT NO.XX
TO THE OFFICIAL PLAN FOR THE
PORT COLBORNE PLANNING AREA**

THE STATEMENT OF COMPONENTS

PART A - The Preamble which does not constitute part of this Amendment.

PART B - The Amendment consisting of the following text and Schedule "A", and which constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

PART C - Definitions which also constitute a part of this Amendment.

PART A – THE PREAMBLE

Purpose

The purpose of this amendment is to re-designate certain lands within the Port Colborne Planning Area to Rural Employment Lands and Environmental Protection Area, and include a Special Policy Area to permit the development of a petrochemical storage and distribution facility.

Location

The lands are generally bounded by the CN railway tracks to the north, Highway 140 to the east, the Welland Canal by-pass to the west and Third Concession Road to the south. A detailed map of the subject lands is attached as Schedule "A" to this Official Plan Amendment No. XX

Basis

An application has been submitted to establish an energy park in the City of Port Colborne. The energy park will include a number of light industries in addition to a ground-mounted solar energy facility and a petrochemical storage and distribution facility.

These lands are currently designated "Deferred Industrial", "Private Open Space", and "Agricultural". It is proposed that these lands be re-designated to "Rural Employment", "Environmental Protection Area" and "Special Policy Area" permitting a 56 tank petrochemical storage and distribution facility.

The "Deferred Industrial" designation applies to those lands located on the west side of Snider Road, north of Third Concession Road and south of Forks Road. The Official Plan states that this "Industrial" designation has been placed on the subject property to recognize the strategic importance of these lands for industrial use given the extensive frontage along the Welland Canal and the assignment of the "Deferred" category is due to the absence of servicing. With private on-site services being proposed for the development, the removal of the "Deferred Industrial" designation is appropriate. Similar to other industrial lands fronting onto the Welland Canal, the subject property would be re-designated "Rural Employment".

Those lands located north of Forks Road and south of the Highway 58 corridor and fronting onto the Welland Canal are currently designated "Private Open Space". The balance of lands (i.e. those lands east of the "Private Open Space" designation and west of Highway 140) are designated "Agricultural".

The "Private Open Space" policies are intended to provide for recreational purposes. However, the Official Plan provides for re-designation of these lands for other uses where direct canal

April 11, 2013

access is required for industrial land; and the lands are not required by the Region or other appropriate government authority. The lands are no longer required for open space use because the Region no longer requires the protection of these lands to implement the Greater Niagara Circle Route trail system, and the adjacent proposed industrial use would benefit from direct access to the Canal.

The designation of the lands for industrial purposes is warranted based on a defined need for additional industrial lands to accommodate large parcel industrial users, as outlined in the City of Port Colborne's Industrial Land Needs Study. Furthermore, these lands are within the area identified by the Province, Region and City as an "Economic Gateway Centre" which has been identified as having a unique economic importance to the Region and the Province due to its proximity to the international border crossing and has recently been designated as "Rural Employment" with the adoption of RPPA 1-2012, the Region's Economic Gateway Amendment and the City's Official Plan (as adopted in 2012).

A number of studies have been completed, which demonstrate the feasibility and appropriateness of the proposed rural employment development in this location. These studies include:

- Planning Rationale Report;
- Floodplain Analysis Report;
- Noise Impact Study;
- Air Emissions Compliance Assessment;
- Traffic Impact Study;
- Hydrogeological Consultation Report;
- Functional Servicing Report;
- Groundwater Impact and Environmental (Contaminant) Management Plan;
- Geotechnical Study;
- Project Implementation Plan;
- Archaeological Study; and
- Abandoned Natural Gas Well Study.

Further to the above studies, the following studies will be completed prior to development proceeding:

- Environmental Impact Statement;
- Tree Preservation Plan; and
- Risk Assessment Plan.

In addition to the policies outlined in this Official Plan Amendment, there will be further controls governing the development on the subject property. These will include:

- Zoning By-law for Dry Industrial Development (ID) zone;
- Zoning regulations, including a holding "H" symbol so all required conditions must be cleared before development can commence;
- Site plan approval to delineate the specific nature and location of development; and

April 11, 2013

- Various required environmental approvals.

The specific nature of future industrial uses will be guided by the recommendations outlined in each of the supporting studies and adhere to standard protocol for industrial uses, including the MOE D-6 Separation Guidelines, which will guide development and be applied during the review of the Site Plan.

It is intended that the boundaries of the proposed land use designations, as shown on Schedule "A", shall be considered as approximate, except where they coincide with roads, railways or other definite physical features. Where the general intent of the Official Plan for the Port Colborne Planning Area is maintained, minor adjustments may be made in these boundaries without necessitating an amendment to the Plan. Other than such minor adjustments, no areas of designation shall be created that do not conform to the Official Plan with respect to land use.

PART B - THE AMENDMENT

All of this part of the document entitled Part B – The Amendment, consisting of the following text and Schedule "A" as well as Part C – Definitions, constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

DETAILS OF THE AMENDMENT

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

The following text is inserted into Section G.12 of the Official Plan for the Port Colborne Planning Area:

- (s) Solar energy generating facilities and dry industrial development will be permitted uses on lands generally located south of the CN railway track, west of Highway 140, east of the Welland Canal By-pass, and north of Third Concession Road as shown on Schedule A (attached) and;

The following changes are made to Schedule C - Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as "Rural Employment" on Schedule A, attached hereto, entitled "Schedule A to Official Plan Amendment No. XX", shall be re-designated from "Agricultural" and "Private Open Space" to "Rural Employment" and shall be so identified on Schedule C Land Use Map of the Official Plan for Port Colborne Planning Area.
2. That a portion of the area shown as "Rural Employment" on Schedule A, attached hereto be the subject of a Special Policy Area provision that permits the additional use of a 56 tank petrochemical storage facility, entitled "Schedule A to Official Plan Amendment No. XX", shall be redesignated from "Agricultural" and "Private Open Space" to "Rural Employment" subject to Special Policy Area provisions and shall be identified on Schedule C Land Use Map of the Official Plan for the Port Colborne Planning Area.
3. That the area shown as "Environmental Protection" on Schedule A, attached hereto, entitled "Schedule A to Official Plan Amendment No. XX", shall be re-designated from "Deferred Industrial" and "Agricultural" to "Environmental Protection Area" and shall be so identified on Schedule C Land Use Map of the Official Plan for the Port Colborne Planning Area.

The implementation and interpretation of this amendment shall be in accordance with all other relevant policies of the Official Plan for the Port Colborne Planning Area.

PART C – DEFINITIONS**Rural Employment Area**

For the purposes of this Amendment, "Rural Employment Area" means,

"The areas identified on Schedule A as Rural Employment represent a portion of lands designated in the Regional Policy Plan through RPPA 1-2012 located near the Welland Canal and along Highway #140 but that fall outside the City's Urban Area Boundary. The predominant uses of lands designated Rural Employment shall be consistent with Section 4E of the Regional Policy Plan and include, but not be limited to uses that are of a dry industrial nature, in that they are considered to have minimal water and wastewater requirements, and should ideally be serviced through *sustainable private servicing* only. Uses shall be compatible with adjacent *agricultural uses*, planned *agricultural uses* and shall not negatively impact normal farm operations."

Environmental Protection Area

For the purposes of this Amendment, "Environmental Protection Area" means

"Areas designated as Environmental Protection on Schedule A are those lands that are classified as *Provincially Significant Wetlands (PSW's)*, *Areas of Natural and Scientific Interest (ANSI's)*, the *Habitat of Threatened and Endangered Species* and Natural Hazard Areas consistent with the designation and policies of the Regional Policy Plan as amended. The predominant uses for lands designated Environmental Protection Area shall include forest, fish and wildlife management; small-scale passive recreational uses and accessory uses such as: trails, boardwalks, footbridges, fences, docks and picnic facilities that will not negatively impact on the natural features or ecological function of the areas; and conservation and flood erosion control projects where it has been demonstrated that they are necessary in the public interest and no other alternatives are available."



ATTACHMENT 2

Ex 14

DRAFT ZONING BY-LAW AMENDMENT
THE CORPORATION OF THE CITY OF PORT COLBORNE
 BY-LAW NO. _____

Exhibit:	14
File #:	PL 090828

BEING A BY-LAW TO AMEND ZONING BY-LAW 1150/97/81, AS AMENDED, RESPECTING LANDS KNOWN AS PART OF LOTS 23, 24 AND 25, CONCESSION 4 AND PART OF LOTS 16 TO 20, CONCESSION 5, CITY OF PORT COLBORNE, LOCATED ON THE EAST SIDE OF THE WELLAND CANAL, SOUTH OF THE RAILWAY LANDS, WEST OF HIGHWAY 140 AND SNIDER ROAD AND NORTH OF THIRD CONCESSION ROAD

WHEREAS, By-law 1150/97/81, as amended, is a by-law of the Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW, THEREFORE, and pursuant to the provisions of Section 34 of The Planning Act, R.S.O. 1990, the CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the "Zoning Map" referenced as Schedule "A" forming part of By-law 1150/97/81, as amended, is hereby amended by changing those lands described on Schedule "A" attached from "A (Agricultural)" and "EP (Environmental Protection)" to the site-specific "HI-X-HSP (Heavy Industrial - Holding)", "ID-X-HSP (Dry Industrial Development Zone - Holding)", and "EP (Environmental Protection)".
3. It is intended that the boundaries of the proposed zones, as shown on Schedule "A", shall be considered as approximate, except where they coincide with roads, railways or other definite physical features. Where the general intent of the City of Port Colborne Zoning By-Law 1150/97/81 is maintained, minor adjustments may be made in these boundaries without necessitating an amendment. Other than such minor adjustments, no areas of implementing zones shall be created that do not conform to Zoning By-Law 1150/97/81.
4. That Section 30(b) entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 1150/97/81, as amended, is hereby further amended by adding the following:

HI-X-HSP – (Heavy Industrial – Holding)

The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne Zoning By-law 1150/97/81 will continue to apply to the lands zoned "HI-X-HSP (Heavy Industrial - Holding)" The permitted uses will be restricted to a 56 tank petrochemical storage facility.

The uses permitted in this By-law shall not occur until the Holding Symbol (HSP) on the "HI-X-HSP (Heavy Industrial – Holding)" zone is removed through an amending By-Law enacted by the City of Port Colborne. The Holding (HSP) provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities. Removal of the Holding Symbol (HSP) may only occur when:

- i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
- ii) The above mentioned technical studies and their recommendations are satisfactory to the City of Port Colborne;
- iii) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use; and,

- iv) Meets Species at Risk requirements to the satisfaction of Ministry of Natural Resources.

ID-X-HSP – (Dry Industrial Development Zone - Holding)

Prior to any dry industrial development of lands zoned "ID-X-HSP", a Zoning By-Law Amendment is required to establish the permitted uses and zone requirements.

Further, development on the subject lands shall not occur until the Holding Symbol (HSP) on the "ID-X-HSP (Dry Industrial Development - Holding)" zone is removed through an amending By-Law enacted by the City of Port Colborne. Removal of the Holding Symbol (HSP) may only occur when:

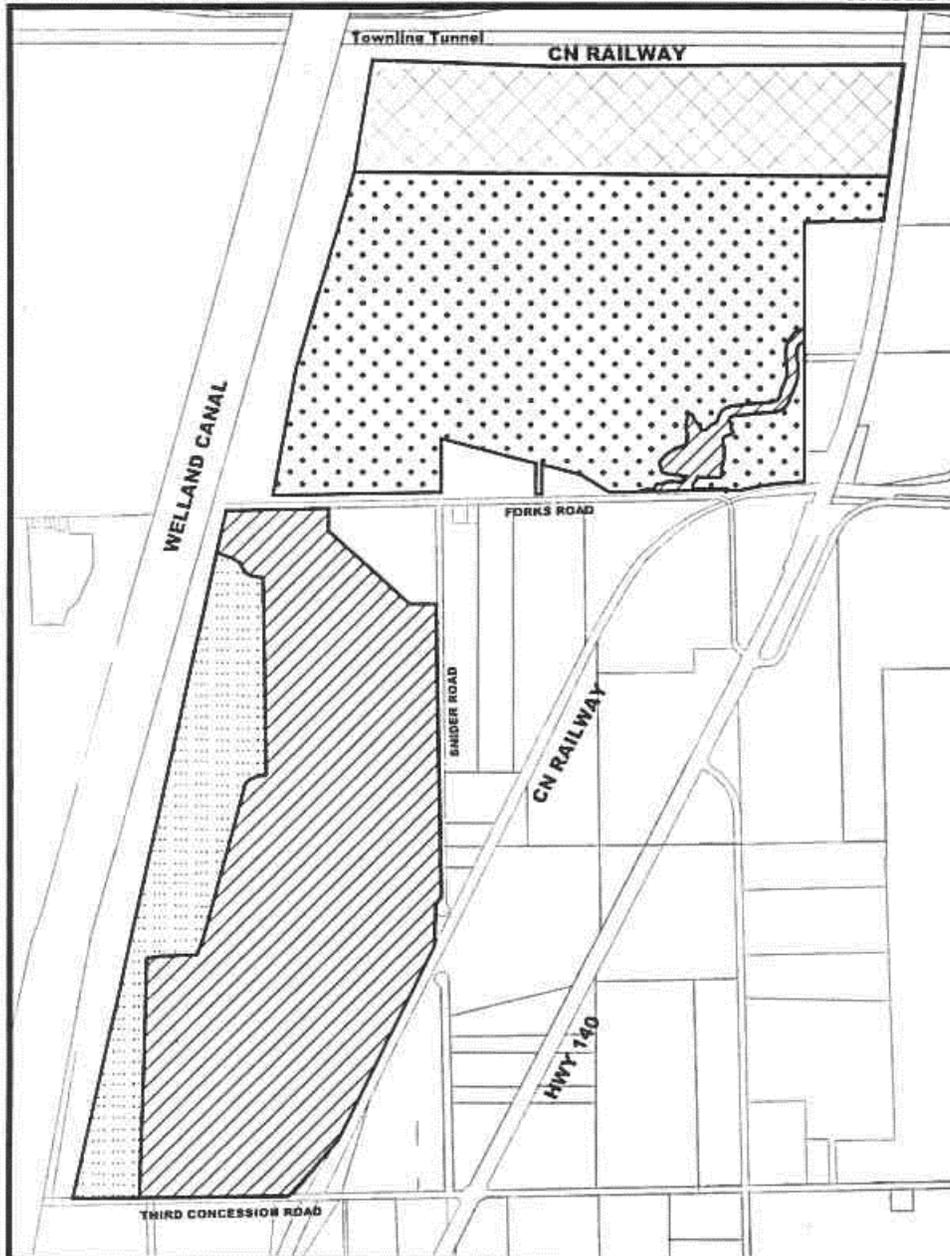
- i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting technical studies conducted in association with the development application;
 - ii) Appropriate technical studies are submitted including a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report dependent upon the use proposed. A pre-consultation meeting will be held to identify which studies are required and to scope the extent of the studies;
 - iii) The above mentioned technical studies and their recommendations are to be satisfactory to the City of Port Colborne; and,
 - iv) Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use.
5. Any development shall have a 25 metre setback from all hydro transmission and distribution facilities (including poles and towers and conductors thereon but excluding underground conductors) that exist on the subject lands and adjacent to the west of the subject lands at the time of this By-law, measured from the centre line of such hydro facilities, which may be reduced with the consent of Hydro One Networks Inc. upon preparation of a site plan. Notwithstanding the above, in the case of the two paralleling single-circuit transmission facilities that exist on the subject lands at the time of this By-law, a minimum setback of 25 metres shall be required for any development from the respective centreline of each transmission circuit to provide for a total utility corridor with a width not exceeding 75 metres. In addition, any petrochemical storage facilities developed in the HI-X-HSP zone following the lifting of the Hold Symbol (HSP), shall have a 100 metre setback from existing hydro transmission towers located on the northwest portion of the subject lands.
6. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of The Planning Act.
7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with The Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
XX DAY OF XXXXXX, 2013.**

Vance Badawey, MAYOR

Ashley Grigg, CLERK

SCHEDULE "A"



THIS IS SCHEDULE "A" TO BY-LAW NO. _____
 PASSED THE _____, 2013

 MAYOR

 CLERK

-  LANDS TO BE REZONED FROM "A" & "EP" to "HI-X-HSP"
-  LANDS TO BE REZONED FROM "A" & "EP" to "ID-X-HSP"
-  LANDS TO BE REZONED FROM "A" to "EP"
-  LANDS TO BE REZONED FROM "A" to "ID-X-HSP"

	DATE:	FILE NO.
	SCALE: NTS	DRAWN BY: TB