

PLANNING LEGISLATION AND POLICIES

Condominium Act, 1998, S.O. 1998, c. 19

Planning Act

Approvals of descriptions

9 (2) Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description. 1998, c. 19, s. 9 (2).

Registration

9 (3) A description or an amendment to a description shall not be registered unless,

- (a) the approval authority has approved it; or
- (b) the approval authority has exempted it from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2) and it is accompanied by a certificate of exemption issued by the approval authority. 1998, c. 19, s. 9 (3).

Additional Conditions

9 (5) In addition to the conditions that it may impose under subsection 51 (25) of the Planning Act, the approval authority that receives an application described in subsection (4) may impose the conditions that it considers are reasonable in light of the report mentioned in subsection (4). 1998, c. 19, s. 9 (5).

s. 52 of Planning Act

9 (12) Section 52 of the Planning Act applies in respect of a description of a vacant land condominium corporation but does not apply in respect of a description of any other corporation. 1998, c. 19, s. 9 (12).

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;

- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate...*

Policy statements

Policy statements and provincial plans

3 (5) *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be ..*

Official plan

Mandatory adoption

17 (13) *A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.*

22 Request for amendment

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith...

Zoning by-laws

34 *(1) Zoning by-laws may be passed by the councils of local municipalities:*

Restricting use of land

- 1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.*

Restricting erecting, locating or using of buildings

- 2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.*

Construction of buildings or structures

- 4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.*

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law...

Plan of subdivision approvals

Application

51(16) An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it...

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act...*

Conditions

- (25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,*
- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
 - (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
 - (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
 - (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary;*
 - (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
 - (e) in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities*

agreement be satisfactory to the approval authority...

Agreements

(26) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land...

Lapse of approval

(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51)...

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1)...

Parkland

Land conveyed or dedicated for parkland

51.1(1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes...

Payment in lieu

(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed...

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units,*

multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial)... and other uses to meet long-term needs;

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed...*

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development that is integrated with infrastructure planning;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- g) population, housing and employment projections, based on regional market areas; and*

- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.*

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: ...

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; ...*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by: ...*

- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character;*

2.1 Natural Heritage

2.1.1 *Natural features and areas shall be protected for the long term.*

2.1.2 *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.*

2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

2.1.5 *Development and site alteration shall not be permitted in:*

- b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- c) *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- e) *significant areas of natural and scientific interest;...*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been*

demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following: ...

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; ...

4. Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

c) provide a diverse range and mix of housing options... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

d) expand convenient access to:

i. a range of transportation options, including... active transportation;

ii. public service facilities...

iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

iv. healthy, local, and affordable food options...;

e) provide for a more compact built form and a vibrant public realm...;

f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;

g) integrate green infrastructure and appropriate low impact development.

2.2.2 Delineated Built-up Areas

1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
 - a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;*

2.2.5 Employment

14. *Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.*

2.2.6 Housing

1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
 - a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: i. identifying a diverse range and mix of housing options and densities... to meet projected needs of current and future residents; ...*
 - b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
 - c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
 - d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*
2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
 - a) *planning to accommodate forecasted growth to the horizon of this Plan;*
 - b) *planning to achieve the minimum intensification and density targets...;*
 - c) *considering the range and mix of housing options and densities of the existing housing stock; and*
 - d) *planning to diversify their overall housing stock across the municipality.*
4. *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

4.2.1 Water Resource Systems

3. *Watershed planning or equivalent will inform:*
 - c) *decisions on allocation of growth; and*
 - d) *planning for water, wastewater, and stormwater infrastructure.*

4. *Planning for large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent.*

4.2.2 Natural Heritage System

1. *A Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity...*

3. *Within the Natural Heritage System for the Growth Plan:*

a) *new development or site alteration will demonstrate that:*

i. *there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*

ii. *connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*

iii. *the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible; ...*

6. *Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:*

a) *will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and*

b) *may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS*

Niagara Escarpment Plan, 2017, as amended

Part 1 Land Use Policies

1.6 Minor Urban Centre

This land use designation identifies those rural settlements, villages and hamlets that are distributed throughout the Niagara Escarpment Plan area.

1.6.1 OBJECTIVES

1. *To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.*

2. *To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.*

3. *To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.*

4. *To conserve cultural heritage resources...*

5. *To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.*
6. *To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.*
7. *To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.*

1.6.2 LIST OF MINOR URBAN CENTRES

The Minor Urban Centre designation includes the following list of villages and hamlets that are designated in local, regional or county official plans.

St. Davids

1.6.6 AMENDMENTS TO MUNICIPAL PLANS AND/ OR SECONDARY PLANS

Amendments to designations and/or land use policies within the boundaries of an approved official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan may be made without requiring an amendment to the Niagara Escarpment Plan provided such an amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of this designation.

1.6.7 LAND USE CONTROL

Land use control within a Minor Urban Centre with an approved official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan may be exercised either through by-laws passed under the Planning Act or through Development Control as authorized under the provisions of the Niagara Escarpment Planning and Development Act. By-laws or by-law amendments must not conflict with the Objectives and Development and Growth Objectives of this designation, and the Development Criteria in Part 2 of the Niagara Escarpment Plan.

1.6.8 DEVELOPMENT AND GROWTH OBJECTIVES

3. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
4. *Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*

5. *Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.*
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*
 - a) *the protection of natural heritage features and functions;*
 - b) *the protection of hydrologic features and functions;*
 - c) *the protection of agricultural lands, including prime agricultural areas;*
 - d) *the conservation of cultural heritage resources...*
 - e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
 - f) *sustainable use of water resources for ecological and servicing needs; and*
 - g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*
10. *Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available.*

Part 2 Development Criteria

2.2 General Development Criteria

The objective is to permit reasonable enjoyment by the owners of all lots that can sustain development.

1. *The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.*

2.13 Scenic Resources and Landform Conservation

The objective is to ensure that development preserves the natural scenery and maintains Escarpment Related Landforms and the open landscape character of the Escarpment.

Scenic Resources

1. *Development shall ensure the protection of the scenic resources of the Escarpment.*
4. *Appropriate siting and design measures shall be used to minimize the impact of development on the scenic resources of the Escarpment, including:*
 - a) *establishing appropriate setbacks and maximum building heights;*
 - b) *changing the orientation and height of built form to reduce visibility and skylining;*
 - c) *clustering buildings where appropriate;*
 - d) *minimizing the development footprint and changes to the existing topography and vegetation;*
 - e) *using natural topography and vegetation as screening for visual mitigation;*
 - f) *where there is minimal existing screening or vegetation that cannot be retained, providing new planting of native species to screen development;*
 - g) *using non-reflective materials on roofs and walls along with measures to reduce reflectivity associated with windows; and*
 - h) *minimizing the effect from exterior lighting (e.g., lighting directed downward).*

Landform Conservation

5. *Planning, design and construction practices shall ensure that Escarpment Related Landforms are maintained and enhanced, and that development is visually compatible with the natural scenery and open landscape character of the Niagara Escarpment.*
6. *Use of impervious surfacing should be minimized and limited to areas of the site where it is necessary to the Permitted Use (e.g., driveways, walkways, patios, parking, recreational surfaces).*

Greenbelt Plan, 2017

3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

3. *New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:*
 - a) *There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;*
 - b) *Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
4. *The Natural Heritage System, including the policies of section 3.2.5, does not apply within the existing boundaries of settlement areas, ...*
6. *Towns/Villages are not permitted to expand into the Natural Heritage System.*

3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:

- 1. Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:
 - a) Forest, fish and wildlife management;*
 - b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or ...**

3. Beyond the Natural Heritage System within the Protected Countryside, key natural heritage features are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.

Niagara Official Plan, 2022

2.1 Forecasted Growth

The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

2.1.1 Regional Growth Forecasts

2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

2.1.1.3 Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Niagara-on-the-Lake	28,900	17,610

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.

2.2 Regional Structure

The objectives of this section are as follows:

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities;
...and*
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) mitigation and adaptation to the impacts of climate change by:*

- i. *protecting natural heritage features and areas, water resource systems, and other components of the Region’s natural environment system pursuant to Section 3.1;*
- ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
- iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

2.2.2 Strategic Intensification and Higher Densities

2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas...

2.2.2.5 A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.

2.2.2.6 Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2.

Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

Municipality	Units	Rate
Niagara-on-the-Lake	1,150	25%

- 2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*
- a) *development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
 - c) *other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;*

2.3 Housing

The objectives of this section are as follows:

- a) *provide a mix of housing options to address current and future needs;*
- b) *provide more affordable and attainable housing options within our communities; and*
- c) *plan to achieve affordable housing targets through land use and financial incentive tools.*

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:
a) *facilitating compact built form...*

2.3.3.1 The following tools will be considered to support the development of affordable and attainable housing:

- a) flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;*
- b) streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing;*
- d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*

3.1 The Natural Environment System

3.1.30 Transition and Implementation

3.1.30.3.1 Where a formal pre-consultation meeting has been completed within one year prior to the approval of this Plan, and where the requirements for an environmental impact study or similar study has been established through a signed pre-consultation agreement that has not expired, the environmental impact study may be completed and evaluated in accordance with the Local, Regional, and Provincial polices that existed at the time pre-consultation meeting was completed, provided a complete application is submitted within 2 years of the approval of this plan

4.2 Planning for Employment

4.2.4 Employment Lands

4.2.4.2 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.

4.2.4.3 Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures: a. there is an identified need for the proposed use; b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c. adverse effects to the proposed sensitive land use are minimized and mitigated; and d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated

4.2.5 Redevelopment of Employment Lands

4.2.5.1 Any proposed redevelopment of non-employment uses on employment land, outside of employment areas, shall retain space for a similar number of jobs to remain accommodated on site.

4.2.5.3 The Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand.

6.4.2 Conservation in Accordance with Provincial Requirements

6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

Niagara Regional Official Plan, 2014 Consolidation, as amended (Policies Applicable to Natural Heritage Only)

7.A.2 Water Resources

Policy 7.A.2.6 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:

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

Policy 7.A.2.7 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 sedimentation, and impervious services as well as meeting the requirements of Policy 7.A.2.6. Stormwater management facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat, key hydrologic features, or in required vegetation protection zones in the Unique Agricultural Areas unless permitted under Chapter 7.B of this Plan.

7.B The Core Natural Heritage System

Policy 7.B.1.1 The Core Natural Heritage System consists of:

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;*

- b) *Potential Natural Heritage Corridors connecting the Core Natural Areas;*
- c) *the Greenbelt Natural Heritage and Water Resources Systems; and*
- d) *Fish Habitat.*

Policy 7.B.1.2 Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.

Policy 7.B.1.4 Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.

Policy 7.B.1.8 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the Region, the local municipality and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply.

Policy 7.B.1.11 Development and site alteration may be permitted without an amendment to this Plan:

- a) *In Environmental Conservation Areas; and*
- b) *On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.*

If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.

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

Policy 7.B.1.15 Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an

Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Agricultural cultivation does not require planning approval and is not subject to these requirements.

Policy 7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended
SECTION 6: GENERAL DEVELOPMENT POLICIES

6.1 ARCHAEOLOGICAL SURVEY

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.

6.5 CONTAMINATED AREAS DUE TO PREVIOUS USE

Any new use or redevelopment of lands where Council has reason to believe that soil contamination may be present shall, require prior to any Council approval of the new use or redevelopment, a professional analysis of soils on the site to determine the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health. Such an analysis shall be based upon all present and previous uses of the site and shall be submitted to the authority having jurisdiction and the Town for approval of the remedial works.

6.15 LANDS ABUTTING CONSERVATION DESIGNATIONS

The municipality shall consult with the Ministry of Natural Resources and Forestry and/or the Conservation Authority prior to the approval of any development on lands abutting Conservation Areas. Proposed uses shall be sensitive to and minimize any

impact on the natural environment in a Conservation designation. Building setbacks and buffering may be a requirement in Zoning By-laws and/or Site Plan Control.

6.16 LANDS FOR EASEMENTS

Where land is required for maintenance/utility easements or emergency access to serve any proposed development, such land shall be obtained by and at the expense of the owner of such proposed development to the satisfaction of the appropriate agency, in the course of approving plans of subdivision, development or redevelopment applications and consents for land severance.

6.17 LOT SIZES

The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.

6.18 NATURAL OPEN SPACE

Public or private open space in its natural state shall be permitted in all land use designations in this Plan. Pedestrian pathways or trails shall also be permitted. Where a Town public work is proposed on lands used for natural open space that is in public ownership the municipality shall, prior to the commencement of any work, advise all abutting property owners.

6.22 PARKS AND DEDICATION

...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...

The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

- a) *New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

(2) SANITARY SEWERS

- c) *Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. Council may give consideration to development on interim services where it can be demonstrated that:*

- (i) *by permitting the proposed use in advance of services, other objectives of this Plan will be met.*
- (ii) *the expansion of services has been planned for and that funding commitments have been made by the Region and/or the Town to ensure that the provision of necessary services will proceed within a reasonable time frame.*
- (iii) *the form of interim servicing has been approved by the Niagara Health Services Department where necessary; and*
- (iv) *the interim servicing is not expected to result in a detriment to the environment, the private development, the Town or to the efficient use of land.*

(4) DRAINAGE

- a) *No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.*
- e) *Design of development proposals shall incorporate on-site control techniques to minimize peak storm water flows, and to ensure adequate water quality treatment*
- h) *Development shall be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate storm water management and sediment control.*

6.33 TREE PRESERVATION AND REFORESTATION

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following polices shall apply.

- (1) *As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

6.32.3 SPECIAL POLICY AREA A-3 (ST. DAVIDS)

The Official Plan recognizes the community of St. Davids as a Special Policy Area. The boundaries of the Special Policy Area are shown on Schedule D to this Plan.

It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.

A. Objectives

It is the intent of this Plan with respect to the St. Davids community to provide for the following planning policy objectives:

1. *Preserve the ambience and character of the historic village;*

4. *Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;*
5. *Provide for efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;*
6. *Provide for appropriately located active parkland and recreational facilities;*
8. *Provide for a diversity of housing types to meet the needs of the resident community;*
11. *Provide for a comprehensive approach to transportation planning including roadways, pedestrian ways, bicycle ways/lanes and a long-term strategy for the future of Paxton Lane;*
12. *Provide for a comprehensive approach to stormwater management;*
13. *Provide for well-designed new development through urban design guidelines to address streetscape character, infill opportunities, and community focal points;*

B. Policies

Any development, redevelopment, or infilling proposals within the St. Davids Special Policy Area shall be subject to the policies of this Plan and the following Area-specific policies:

Land Use

Schedule D, the Land Use Plan, identifies the distribution of permitted land uses within the St. Davids Special Policy Area.

General Development Policies for St. Davids

Development in St. Davids shall be governed by the general development policies of this Plan and the following specific policies:

1. *Where appropriate the scale, massing, and design of any new development shall be compatible with the character of adjacent development, and support the characteristics of the Village. All new street-related development should enhance the streetscape;*
2. *New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;*
3. *New development shall respect established building lines and significant landscape features;*
4. *Access to new buildings that have a direct relation to the street shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;*
6. *Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations, and landscaped open space;*
7. *Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.*

Protection of Natural Features

1. *The preservation and enhancement of tree and shrub species, woodlots, and habitat corridors shall be considered in project design to provide for the long-term maintenance of natural features and amenity for future development.*

2. *The design of new development shall be complementary to any adjacent natural features such as watercourses, wetlands, wooded areas, valley lands, parks, and other open space areas and shall only be permitted in accordance with the protective policies of this Plan and affected agencies.*

Niagara Escarpment Viewplane Protection and Access

1. *New development shall comply with the objectives and policies of the Niagara Escarpment Plan as applicable within St. Davids.*
2. *New development shall be designed to protect views of the Niagara Escarpment through such means as appropriate building height, separation, and orientation, and the provision of appropriately-located public space.*
3. *The design of new plans of subdivision and condominium should be in harmony with and maintain the existing character of the Escarpment landscape.*
4. *The designation and alignment of new roadways and service corridors should be in harmony with the Escarpment landscape.*
5. *New development should be designed and located in such a manner as to provide for and protect access to the Niagara Escarpment including the Bruce Trail Corridor.*

Servicing

1. *New development including plans of subdivision, plans of vacant land condominium, and new lots created by consent shall be designed and serviced subject to the approval of the Town's Public Works Department and other appropriate agencies.*
2. *Approval of new development shall be coordinated by the Town to ensure that the provision of municipal infrastructure takes place in an orderly, efficient, and cost-effective manner.*
3. *New development shall proceed only if Council is satisfied that services and utilities are or can be made available and have the adequate capacity to accommodate and safely service the proposed development.*
4. *Developers shall be financially responsible for providing all services and utilities to new development.*
5. *All lots shall be served by municipal water and wastewater services.*

Land Division and Land Assembly

1. *Land division within St. Davids should generally proceed by plan of subdivision to ensure that an appropriate lotting pattern is created; that an appropriate roadway design will be achieved; and that suitable arrangements for the provision of services are addressed in a subdivision agreement.*
4. *Land assembly or lot consolidation may be required to ensure parcel configurations that are appropriate for development purposes by way of plan of subdivision, the orderly design of public infrastructure, and compatibility with abutting lands. The Town will encourage the merging of lands, or the undertaking of multi-party development agreements, in order to meet this policy intent.*

Residential Land Use

1. *Low density residential land uses and building types are recognized as the predominant permitted housing type intended in the St. Davids Special Policy Area. A mix of low density building types shall be encouraged.*
2. *Low density residential projects may be developed to a maximum 6 units per acre net density as provided for in the residential density policies of this Plan.*
3. *Medium density residential projects are recognized as a minor housing type. Medium density residential projects may be developed to a maximum 12 units per acre net density as provided for in the residential development policies of this Plan.*
4. *Medium density building types shall be limited to townhouses, triplexes, fourplex and quad-plex dwellings, senior citizen housing projects and nursing homes. Medium density building types may be considered in accordance with the following:*
 - (a) *Medium density projects shall be designed in such a way as to be compatible with adjacent low density buildings and areas;*
 - (b) *Medium density projects shall provide adequate outdoor amenity areas including functional common open areas and private open space areas with suitable landscaping;*
 - (c) *Medium density projects shall provide sufficient on-site parking for each dwelling and visitor accommodation.*
5. *Medium density projects shall be located:*
 - (a) *Where it can be demonstrated that the project will be compatible with adjacent development in terms of intensity of use, building design, and architectural treatment;*
 - (b) *Adjacent to or in close proximity to commercial areas for the purpose of serving the needs of residents, supporting the viability of the commercial area, and establishing consistency with the land use intensity of the commercial area;*
 - (c) *Where the project has direct access to a public street without drawing traffic through low density areas;*
 - (d) *Where adequate municipal services are available and can be provided without disruption through reconstruction of existing lines. Such reconstruction shall be discouraged by the Municipality. It shall be the responsibility of the proponent to establish the availability of capacity and demonstrate that adequate services are available.*

Housing Diversity

1. *Council recognizes the importance to the St. Davids community of providing adequate affordable housing for all residents of St. Davids, and encourages the development of an appropriate mix of housing types to meet the needs, preferences, and lifestyles of all residents.*
2. *Council encourages and intends to facilitate the development of an appropriate supply of housing for seniors in St. Davids and affordable housing for families which support community facilities and services in St. Davids.*
5. *It is the intent of this Plan that development which is specifically intended to accommodate seniors be located in close proximity to supporting commercial and community facilities.*

Parkland and Park Facilities

3. *It is the intent of Council to provide for new parkland and parks facilities to meet the needs of the growing residential community.*
4. *New parks and park facilities shall be acquired and developed at the neighbourhood park level in accordance with the Open Space and Community Facilities policies of this Plan.*
7. *Small parks may be acquired for the purpose of providing sitting and viewing opportunities where warranted by views and vistas of St. Davids or the Niagara Escarpment, or to provide public access to the Bruce Trail.*
8. *The Town intends to acquire new parkland where a new park could be integrated with other public lands and has the potential to be integrated with a municipal pond. Acquisition of lands approximately 2-3 hectares in area (5-7 acres) in the general vicinity of the fire hall would satisfy this intent. Acquisition of a similar-sized parcel located between Warner Road and Highway 405 with access to Tanbark Road would be an acceptable alternative.*
9. *Any new neighbourhood park should be located so that safe access and pedestrian linkages are provided for all park users.*
10. *The Town intends to acquire new parkland through land dedication in conjunction with approval of new plans of subdivision. The Town may also acquire new parkland by purchase, donation, or bequest if warranted.*

Urban Design

1. *The Town intends to adopt urban design guidelines to ensure that the unique historic character of St. Davids is preserved and extended through careful design consideration of built form, open space, and streetscapes.*
2. *All development, redevelopment, and infill in St. Davids shall be designed in a manner consistent with urban design guidelines adopted by Council.*

7.4 Urban Design Review Process

The Town shall seek, and have regard for, the advice of the Urban Design Committee in reviewing significant development applications in Glendale. All site plan applications for lands adjacent to Airport Road, York Road and the QEW and within the mixed-use Destination Area and Village Centre shall be subject to the Urban Design review process.

SECTION 6A: GENERAL DEVELOPMENT POLICIES

2.7 Core Natural Heritage System

Planned Function

Within the Urban Area Boundary the Core Natural Heritage System is planned to provide a framework for the protection, maintenance, restoration, integration and where possible, the enhancement of the Town's natural systems, ecological health and biodiversity.

Delineation

The Core Natural Heritage System is delineated on the Core Natural Heritage Map in the Regional Policy Plan. Policies which pertain to the Core Natural Heritage System

are provided in the Environmental Section of the Regional Policy Plan and Conservation Policies of the Town Official Plan.

3.4 HOUSING MIX

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan...

4.2 Intensification Target

Intensification Target

By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to: ...

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031...*
- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...*
- f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.*
- g) The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.*
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- m) Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes*

providing for employment, commercial, recreation, institutional and other compatible land uses.

4.6 Land Use Compatibility Policies

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that the change will be appropriate and compatible...

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
 - b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
 - c) The existing and/or planned densities of the surrounding neighbourhood; and,*
 - d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
 - e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
 - f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
 - Lot frontages lot area, depth*
 - Building Setbacks*
 - Privacy and overview*
 - Lot grading and drainage*
 - Parking*
- Servicing*

6.4 Conversion Tests

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

- a) There is a need for the conversion (as defined by the Town);*
- b) The Town will meet employment targets allocated to the Town as documented in this Plan;*
- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of the Town's 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;*
- g) The conversion of employment lands to another land use designation will not adversely impact on the development of the lands already designated and planned for such other uses.*

PART 3: LAND USE POLICIES

SECTION 9: RESIDENTIAL

9.2 GOALS AND OBJECTIVES

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- (4) *To encourage the development of economical housing in a suitable environment.*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

9.3 LAND USE DESIGNATIONS

9.3.2 MEDIUM DENSITY RESIDENTIAL

- (1) *In the Medium Density Residential designation the following uses shall be permitted:*

Main Uses:

Multi-unit Residential housing such as townhouses, apartments, nursing homes, and mobile home parks.

Secondary Uses:

Uses permitted with a Main Use:

- roomers and boarders*
- bed and breakfasts*
- accessory apartments*
- group homes*
- home occupations*
- accessory buildings and structures*

Uses permitted independent of a Main Use:

- Minor open space and community facilities subject to Section 15 of this Plan;*
- Low Density Residential uses*

- (2) *Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*
- (3) *The design and location considerations for Medium Density Residential development shall include provisions of the following:*

- a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
- b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
- c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*
- d) *Service areas shall be required on the site of each development (eg. Garbage storage, recycling containers).*
- e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
- f) *Adequate municipal services can be provided to accommodate the needs of the development.*
- g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
- h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

9.3.6 Low Density Residential (CANNERY PARK)

1. In the Urban Residential (Cannery Park) designation the following land uses shall be permitted:

Main Uses

*Single dwelling units
Semi-detached dwelling units*

Secondary Uses

*Home occupations;
Bed and breakfasts;
Accessory apartments;
Group homes;
Garden suites;
Accessory buildings and structures.*

2. Medium Density Residential uses may also be permitted and will be placed in a separate zoning category in the Zoning By-law to control height, density, coverage, unit size and parking. Medium density residential development shall also be subject to the Medium Density policies of Section 9 and St. Davids Secondary Plan policies.

5. Four Mile Creek Road (Regional Road 100) shall be developed in accordance with Regional standards to reflect an urban streetscape suitable as a principal entrance with a gateway feature to St. Davids. All local roads including Line 9 Road and Concession 3 Road shall be developed in accordance with Town standards. The streetscape

improvements shall be designed to slow traffic and shall include driveways with direct access to Four Mile Creek Road, as well as sidewalks, and bike lanes along Four Mile Creek Road. Road widening and reconstruction of Regional Road 100 is required to accommodate an urban cross-section, streetlighting, landscaping and possible turning lanes. In addition, the improvements may include a traffic circle (roundabout) and medians in the right-of-way of Four Mile Creek Road designed to Regional standards.

- a. Plant material around the gateway feature should be chosen for form and colour, for relatively low maintenance requirements and suitability to the Niagara Region climate, and for its attractiveness all year long.*
- b. The gateway feature should be large enough to be seen from far away while driving.*
- c. The design of the gateway feature should be reminiscent of local architectural styles, using materials such as wood, stone, and brick.*
- d. The gateway feature should be as maintenance free as possible and feature a timeless design.*
- e. The proposed concept for a gateway feature is a simple, dry stone wall with "St. Davids" engraved in a smooth rectangular piece of stone encased in the wall and placed on both sides of the road. The wall should be surrounded by a variety of plant species.*

9.4 GENERAL RESIDENTIAL POLICIES

The following policies shall apply to all residential designations shown on the land use schedules.

(4) RESIDENTIAL DENSITY

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

St. Davids Urban Design Guidelines

6.2 Public Realm: Public Parks

6.2.3 Community Park Guidelines

c) Bike paths and sidewalks should connect to parks that are located in the vicinity of arterial roads.

6.5 Public Realm: Views

6.5.2 Guidelines

- a) *The street and block layout should be oriented to maximize views to the Escarpment.*
- b) *Streets should shift at key locations to allow for significant view opportunities to the Escarpment.*

6.6.2 Guidelines: Streets for Walking and Recreation

6.6 Public Realm: Streets

The design principles that will promote streets for walking and recreation include:

- a) *Create interconnected Road Patterns*
An interconnected local street network with shorter block lengths will allow traffic flow to dissipate more evenly through neighbourhoods. This pattern will limit increased traffic speed on long road stretches and the need for traffic calming devices which limit emergency vehicle response time, reduce street parking, and are costly to construct and maintain.
- c) *Encourage Street Parking*
Street parking helps to slow traffic through the manoeuvring of parked cars.

6.6.3 Guidelines: Unique Street Character

- a) *Vary the Length of Streets and Blocks*
Allow streets to respond to the configurations of topography, other natural features, and existing development (streets, residential areas) to reinforce a sense of place in the new community.
A uniformity of new streets and blocks will limit orientation with community landmarks. A variety of streets and blocks that are occasionally offset, single loaded or curved will enhance one's orientation and enjoyment of the area.
- b) *Provide a Variety of Setbacks*
Opportunities to provide a variety of street setbacks will create visual interest and a sense of informality. A greater variety of buildings will create an image of incremental development as housing has evolved in the Town's older neighbourhoods, rather than an appearance of being built all at once.

6.6.5 Guidelines: Block and Street Design

A pattern of short blocks encourages walking as it shortens distances. It is also more interesting since a greater combination of possible routes is created. With greater pedestrian activity, streets become safer; with more efficient routes, driving distances are reduced.

The result of this street design is environmental and safety benefits.

- a) *Blocks should be short. Block lengths should not exceed 250 metres.*
- b) *Streets should be interconnected to disperse traffic.*
- c) *The street pattern should discourage through traffic (for example through T-intersections).*
- d) *In general, culs-de-sac should be avoided.*
- e) *Mid-block paths should be provided to create an overlay network dedicated to pedestrians.*

6.7 Public Realm: Pedestrian Network

6.7.2 Guidelines: Sidewalks and Walkways

- a) *Sidewalks should be provided on all pedestrian routes as outlined above including major and local streets.*
- f) *Sidewalks should be used to connect neighbourhoods, streets, public facilities, and open space.*

6.8 Public Realm: Streetscape

6.8.1 Guidelines: Mid-block Paths

As a means to promote walking and cycling, walkways through blocks and to open spaces are encouraged to increase accessibility throughout neighbourhoods, between public amenities and facilities, and to link recreational trails.

- b) *Walkways should generally be lit from adjacent street lights; the length of a mid-block walkway should therefore not exceed the depth of the block.*
- c) *In general, walkways should have a minimum 3.0 metre right-of-way incorporating a concrete surface that is suitable for pedestrian and bicycle use and requires minimal maintenance.*

6.8.8 Sidewalks and Landscape Strips

A key objective of landscape strips and sidewalks is to provide a buffer between the street and private properties, and between differing uses.

- a) *A continuous public sidewalk should be provided on two sides of arterial roads and on a least one side of collector and local roads.*
- f) *Landscape strips that are less than 1.0 metre in width and are adjacent to a hard edge, such as a wall or a curb, should be paved with feature paving material.*

6.10 Public Realm: Residential Areas

6.10.4 Guidelines: Unique Neighbourhood Identity

The following characteristics of established neighbourhoods in St. Davids should be maintained and enhanced in new neighbourhoods:

- a) *A Variety of Street and Block Configurations*
It is easy to "know where you are" in St. Davids as no two streets appear the same. This is due in part to the variety of street, block and lot configurations and sizes within the town.
- b) *A Variety of Setbacks*
The wide variety of setbacks is a defining characteristic of the streetscape and provides visual interest and a sense of informality that are important attributes for a small town character.

6.10.7 Guidelines: Residential and Arterial/ Collector Road Interface

- c) *The front yard of dwellings should optimize opportunities for landscaped open space through reduced paving to access garages.*
 - *Front yards less than 40 feet (12 metres) wide should not permit double car garages to face the public roadway.*
 - *Driveway widths should not exceed the width of a single car garage of approximately 10 feet (3 metres).*

- *Driveway spacing should be controlled to minimize disruption of the road function and ensure ample opportunity to plant street trees and where appropriate, provide street parking.*

7.1 Private Realm: Infill

7.1.5 Guidelines: Massing

Proposed heights for infill buildings should not be less than 80 percent or more than 120 percent of an existing building's height-to-width ratio. Since the majority of existing buildings does not exceed two storeys in height, it is recommended that new buildings generally reflect the same proportions particularly along the south end of Four Mile Creek Road where views to the Escarpment should be maintained.

7.2 Private Realm: Architectural Elements

7.2.3 Guidelines: Rooflines

- A variety of rooflines and shapes should occur in each residential block.*
- Roof forms should apply a generally consistent roofline in mass and height to adjacent buildings.*

7.2.4 Entranceways

- A high proportion of dwellings in any development are recommended to have a front porch.*
- Front porch and deck dimensions are encouraged to be deep enough to accommodate furnishings to ensure their active use. Therefore, the minimum depth for porches and decks should be 2.0 metres.*
- Steps to front porches should have generous proportions and a gentle rise and run to encourage step sitting and the placement of flowerpots.*
- The design of front porch railings and columns should be integrated to provide enclosure and safe use of the porch.*

7.2.8 Guidelines: Fences

There is a great variety of fence types found in St. Davids, as shown below: wood picket, cast iron, traditional agricultural, and living fences, hedges. They all have an approximate height of three feet, are semi-permeable, and are made of natural materials. New fences should maintain the character of existing village fences in terms of materials, visual permeability, and height.

7.3 Private Realm: New Residential Built Form

7.3.2 Guidelines: Single Detached and Attached Dwelling Setbacks

- Front yard setbacks should generally be a minimum of 4.5 metres with the exception of "wide shallow lots" and lots providing rear yard garages which permit a minimum 3.0 metre front yard setback.*
- A variety of front yard setbacks (3-6 metres), house types and garage treatments are encouraged on any given street block.*
- Rear Yard setbacks shall be a minimum of 7.5 metres.*
- Visible building elements including porches, entrances, windows and building materials should differ from adjacent buildings to provide variety to the image of the streetscape.*

SECTION 16: CONSERVATION/WETLANDS

16.2 GOALS AND OBJECTIVES

- (2) To encourage the retention of woodlots and the reforestation of low capability farmland.*
- (3) To protect areas of natural and scientific interest.*
- (8) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.*

16.3 LAND USE DESIGNATIONS

16.3.1 Conservation

Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:

Main Uses:

Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.

Secondary Uses:

Uses permitted with a Main Use:

- accessory buildings and structures subject to the approval of the authority having jurisdiction.*

Uses permitted independent of a Main Use:

- shoreline protection works*
- any agricultural use permitted in Section 7 of this Plan*
- yard space for any use permitted in an abutting designation*
- accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.*

16.4 General Conservation Policies

(7) Any applications for the redesignation of Conservation lands will be carefully reviewed and shall not adversely impact on the natural environment. Council shall, in conjunction with appropriate public agencies including the Conservation Authority, the Ministry of Natural Resources and Forestry and the Region, require a proponent to submit a study prepared by a qualified environmental specialist.

Such a study shall contain:

- a) A description of the natural environment and existing physical characteristics including a statement of environmental quality.*
- b) A description of the proposed development and the potential effect on the natural environment.*
- c) A description of the costs and benefits in economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects.*

- d) *An evaluation of alternatives including other locations to the proposal. There is no public obligation, however, either to change the designation of, or to purchase any area within the Conservation designation, particularly if the environmental hazard would be difficult or costly to overcome.*

(10) In interpreting the boundary of any conservation designation the following principals shall apply:...

- c) *Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area development may be permitted but restricted to preserve existing trees or other natural feature....*

16.4 GENERAL CONSERVATION POLICIES

(7) Any applications for the redesignation of Conservation lands will be carefully reviewed and shall not adversely impact on the natural environment. Council shall, in conjunction with appropriate public agencies including the Conservation Authority, the Ministry of Natural Resources and Forestry and the Region, require a proponent to submit a study prepared by a qualified environmental specialist. Such a study shall contain:

- a) A description of the natural environment and existing physical characteristics including a statement of environmental quality.*
- b) A description of the proposed development and the potential effect on the natural environment.*
- c) A description of the costs and benefits in economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects.*
- d) An evaluation of alternatives including other locations to the proposal.*

(9) Conservation lands will be placed in appropriate zoning categories in the implementing Zoning By-laws.

SECTION 18: HERITAGE CONSERVATION

18.5 ARCHAEOLOGICAL PLANNING

(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

2.4 Growth Management

2.4.3 Population and Employment Forecasts

2.4.3.2 Housing Forecast

- b) In 2011, the household mix by unit type in the Town was 85% low density (single-detached and semi-detached units), 9.3% medium density*

(townhouses, rowhouses), and 5.7% high density (apartments). Source: Watson and Associates The allocation of forecast housing growth to the various settlement areas will be completed upon finalization of the Regional Municipal Comprehensive Review.

- c) The Town can accommodate over 4,300 housing units through intensification and greenfield development opportunities, which is in excess of the anticipated increase in households to 2031. The potential supply opportunities for each settlement area are shown in **Table 4**.
- d) Beyond 2031, St. Davids is expected to accommodate the largest share of urban residential growth, with the balance distributed between Old Town, Glendale and Virgil. Queenston has limited opportunities for additional growth.

Settlement Area	Density Type				Total	Percentage Share
	Singles & Semi-Detached	Multiples ¹	Apartments ²			
Old Town	187	323	241		751	17%
Virgil	690	32	22		744	17%
Queenston	29	0	0		29	1%
St. Davids	858	113	800		1,771	41%
Glendale	413	649	10		1,072	25%
Rural	2	0	0		2	0%
Total	2,179	1,117	1,073		4,369	100%
Percentage Breakdown	50%	26%	25%		100%	

1 Includes townhomes and apartments in duplexes
2 Includes bachelor, 1 bedroom and 2 bedroom+ apartments
Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels.
Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake.

2.6 Complete Communities

2.6.1 Sustainability

2.6.1.1 The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.

2.6.1.3 Sustainability is achieved through a variety of initiatives that can include: ...

- d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;
- e) building on the existing employment strengths within the Town to generate economic prosperity;
- g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;

- h) having vibrant downtowns and attractive public spaces;*
- i) maintaining a commitment to low profile development; ...*

2.6.2 Healthy Neighbourhoods

2.6.2.1 ...Components of healthy communities in the Town include:

- a) Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other; ...*
- c) a range of quality housing choices to meet the needs of people in all stages of life; ...*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

2.6.3 Housing

2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

2.6.3.2 *Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification*

...

2.6.3.3 *Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

4.5 Intensification Strategy

4.5.3.10 *In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:*

- b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*

- h) *new driveways and service connections shall be sited to minimize tree loss;*
- i) *impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- l) *road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 4.15 Conservation

Policy 4.15.6 – The re-designation of Conservation lands may only be considered where it is demonstrated that the proposal complies with the applicable requirements in Section 8.

Section 8.2.1 Natural Heritage

Policy 8.2.2 – objectives for the Natural Heritage System are to:

- a) Promote the responsible protection of the Town’s natural heritage features...*
- d) Promote environmental stewardship including restoration where possible, as part of all municipal decision-making...*
- g) Encourage the retention and restoration of woodlands.*
- h) Protect Significant Areas of Natural and Scientific Interest, wetlands, woodlands, wildlife habitat, fish habitat and valleylands...*
- k) Preserve and enhance the recreational amenities and natural resources offered by waterways, wetlands and natural areas;*
- l) Encourage landscape restoration and enhancement as part of the development approval process, to repair past damage and to mitigate the potential negative impacts of development.*

Policy 8.5.6 - Development and site alteration may be permitted where supported by an Environmental Impact Study (EIS) that demonstrates that there will be no negative impact on a component of the Core Natural Area or adjacent lands, and in the following situations:

- a) Within an Environmental Conservation Area; or*
- b) On adjacent lands to an Environmental Conservation Areas.*

4.10 Residential Areas

4.10.2 Objectives

4.10.2.1 Objectives for residential development areas are as follows:

- a) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- b) To improve housing supply options in the Town...*
- c) To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.*
- f) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing*

uses and where it will contribute to the more efficient use of municipal services and community facilities.

g) To limit land use conflicts that may be associated with proposed new residential and mixed use development proposals.

j) To encourage development of well-designed and visually-distinctive housing projects.

k) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.

4.10.3 Policies

4.10.3.1 Low-rise structures are the predominant built form throughout the residential areas...

4.10.3.4 Any construction of additions or new structures within residential areas will complement existing adjacent development in terms of its scale, character, height, design and mass.

4.10.3.5 The design and location considerations for multiple unit residential buildings shall include provisions of the following:

a) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses or on cultural heritage resources.

b) Appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density uses.

c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.

d) Service areas shall be required on the site of each development (e.g. garbage storage, recycling containers).

e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

f) Adequate municipal services can be provided to accommodate the needs of the development.

g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.

h) Close proximity to community facilities such as schools and recreation facilities, and to commercial facilities should be available.

4.10.3.6 The implementing zoning by-law may use separate zoning categories to limit certain uses where appropriate.

4.10.5 Residential Designation

4.10.5.1 Character:

a) *In the Residential designation, a variety of residential uses, types and densities are be permitted, as detailed in the secondary plans, where such secondary plans have been approved.*

4.10.5.2 Permitted Uses:

a) *In general, the housing mix in the Residential designation will include low rise structures, including:*

- *single-detached,*
- *semi-detached and duplex dwellings, and*
- *medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments).*

These may be identified in separate zoning categories in the Comprehensive Zoning By-law.

b) *Secondary uses permitted in conjunction with a principal use that are appropriate in the Residential designation include:*

- *rooming and boarding houses,*
- *Bed and Breakfast Establishments,*
- *second residential units,*
- *home occupations,*
- *cottage rentals, and*
- *accessory structures.*

c) *Other uses permitted include:*

- *open space,*
- *parks,*
- *trails,*
- *specialized housing (e.g. retirement or nursing homes),*
- *group homes, and*
- *community facilities.*

SECTION 7 Heritage, Archaeology and Culture

7.3 Archaeological resources

7.3.3 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

7.3.4 *The Town will promote conservation of its archaeological resources and will:*

a) *Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential... or where an archaeological site has been previously registered on the property.*

b) *Require an archeological assessment for the entire property in compliance with current Provincial requirements, standards and guidelines for consultant archaeologists; and assess the impact of the proposed development on any archaeological resources identified. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the*

project archaeologist may consult with the Ministry of Tourism, Culture and Sport on a property-by-property basis to determine if these areas can be exempt.

- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

9.2 Water and Wastewater Services

9.2.1 General Policies

9.2.1.1 New development will be limited by the available capacities of services...

9.2.2 Urban Growth on Full Municipal Services

9.2.2.1 The provision of water and wastewater services is a shared responsibility with the Region; however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town's settlement areas. Stormwater management strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.

9.2.2.3 Sanitary Sewers

b) Within any settlement area, development is required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. The Town may consider development on interim services where it can be demonstrated that:

- i. by permitting the proposed use in advance of services, other objectives of this Plan will be met;*

9.2.2.4 Watermains

a) The improvement and supply of water lines to existing development is a priority for the Town.

9.3 Stormwater Management

9.3.1 Planning for stormwater management will:

- a) minimize, or where possible, prevent increases in contaminant loads;*
- b) minimize changes in water balance and erosion;*
- c) Not increase risks to human health and safety and property damage;*
- d) Maximize the extent and function of vegetative and pervious surfaces;*
- e) Provide controls on invasive species including cattails and phragmites;*
- f) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development; and*
- g) Develop stormwater master plans for serviced settlement areas.*

9.3.2 No development will occur without appropriate regard for storm run-off, on-site collection and channeling of stormwater to an adequate outlet. Drainage will be to a storm sewer outlet satisfactory to the Town.

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

9.3.5 Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*
- b) Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces; and*
- c) Aligns with the stormwater master plan for the settlement area, where applicable*

10.14 Potentially Contaminated Sites

10.14.4 A phase 1 environmental site assessment may be required in support of any planning application in order to ensure that there are no adverse effects, as defined in the Environmental Protection Act, including:

- a) impairment of the quality of the natural environment for any use that can be made of it,*
- b) injury or damage to property or to plant or animal life,*
- c) harm or material discomfort to any person,*
- d) an adverse effect on the health of any person,*
- e) impairment of the safety of any person,*
- f) rendering any property or plant or animal life unfit for human use,*
- g) loss of enjoyment of normal use of property, and*
- h) interference with the normal conduct of business.*