

PLANNING LEGISLATION AND POLICIES

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. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

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. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.*

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. 1994, c. 23, s. 30.*

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 or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

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. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).*

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. 1994, c. 23, s. 30.

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). 2017, c. 23, Sched. 5, s. 99 (1).

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). 2022, c. 12, Sched. 5, s. 9 (2).

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. 1994, c. 23, s. 31.

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. 2015, c. 26, s. 32 (2).

Provincial Planning Statement, 2024

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) optimize existing and planned infrastructure and public service facilities;

- c) *support active transportation;*
- d) *are transit-supportive, as appropriate; and*
- e) *are freight-supportive.*

2.8 Employment

2.8.1 Supporting a Modern Economy

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) *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 intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*
- e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

3.6 Sewage, Water and Stormwater

1. *Planning for sewage and water services shall:*

- a) *accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
- b) *ensure that these services are provided in a manner that:*
 - 1. *can be sustained by the water resources upon which such services rely;*
 - 2. *is feasible and financially viable over their life cycle;*
 - 3. *protects human health and safety, and the natural environment, including the quality and quantity of water; and*
 - 4. *aligns with comprehensive municipal planning for these services, where applicable.*
- c) *promote water and energy conservation and efficiency;*

- d) integrate servicing and land use considerations at all stages of the planning process;*
- e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.*

4.1 Natural Heritage

- 1. Natural features and areas shall be protected for the long term.*
- 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.*
- 4. Development and site alteration shall not be permitted in:*
 - a) significant wetlands in Ecoregions 5E, 6E and 7E...*
- 5. Development and site alteration shall not be permitted in:*
 - a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;*
 - b) significant woodlands in Ecoregions 6E and 7E*

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

- 8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 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.*

4.6 Cultural Heritage and Archaeology

- 2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

Niagara Official Plan, 2022

2.1 Forecasted Growth

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the

forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. 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

2.2 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

- 2.2.2.23 *Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*
- 2.2.2.24 *Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.*

- 2.2.2.25 *Designated greenfield areas will be planned as complete communities by:*
- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;*
 - b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;*
 - c) ensuring infrastructure capacity is available; and*
 - d) supporting active transportation and encouraging the integration and sustained viability of public transit service.*

3.1 The Natural Environment System

This section outlines the objectives and policies for a Regional natural heritage system and water resource system.

The natural heritage system is made up of features such as wetlands, woodlands, valleylands, and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas. The intent of the natural heritage system is to preserve and enhance the biodiversity, connectivity, and long-term ecological function of the natural systems in the region.

The water resource system is made up of both groundwater features and surface water features and areas. The intent of the water resource system is to protect the ecological and hydrological integrity of water resources and the various watersheds in the region.

The natural heritage and water resource systems are ecologically linked, rely on and support each other, and have many overlapping components. The establishment of these natural systems is required by Provincial policy. These systems have been integrated in this Plan and are known together as the Region's natural environment system.

3.1.3 Only Certain Features and Components are Mapped

3.1.3.1 Not all of the features and components that make up the natural environment system can, or have been mapped as part of the schedules to this Plan. Where features or components of the natural environment system listed in Schedule L are not mapped, detailed area-specific or site-specific studies such as an environmental impact study, hydrological evaluation, or subwatershed study are required for their identification.

3.1.3.2 Where through the review of an application for development or site alteration, or through the completion of a subwatershed study, it is found that there are features or components of the natural environment system or related ecological and/or hydrologic functions that have not been adequately mapped, evaluated, or protected, the applicant shall have an evaluation prepared by a qualified professional in consultation with the Region, the Local Area Municipality and, where appropriate, the Conservation Authority. If the evaluation finds one or more natural heritage features and areas, key natural heritage features, or key hydrologic features, the policies of this Plan will be applied to the lands under application as appropriate.

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

3.1.4 Refinements to the Limits of the Natural Environment System

3.1.4.1 Changes to the limits or classification of individual features or components of the natural environment system identified through Regional criteria may be considered through the submission of an environmental impact study and/ or hydrological evaluation based on a terms of reference approved by the Region, in accordance with the policies of this Plan, and in consultation with the Conservation Authority as appropriate.

3.1.4.2 If the change to the limit or classification of an individual feature or component of the natural environment system identified through Regional criteria can be justified to the satisfaction of the Region, an amendment to this Plan shall not be required. Further details on the scope of the study required to support a change to the limit or classification of the natural environment system will be included in the Region's Environmental Impact Study Guidelines and/or Hydrological Evaluation Guidelines.

3.1.4.8 Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.

3.1.9 Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area

3.1.9.5 Development and Site Alteration in Natural Heritage Features and Areas outside of a Provincial Natural Heritage System

3.1.9.5.1 Development and site alteration shall not be permitted in the following natural heritage features and areas:

- a. provincially significant wetlands;*
- c. significant woodlands*

3.1.9.5.2 Development and site alteration shall not be permitted in the following natural heritage features and areas unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions:

- a. other woodlands;*

- b. significant valleylands;*
- c. significant wildlife habitat; and*
- d. areas of natural and scientific interest.*

3.1.9.5.4 Notwithstanding any other policies of this Plan, development and site alteration in, and adjacent to watercourses, provincially significant wetlands, and other wetlands that are regulated by the Conservation Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When development or site alteration is proposed in or adjacent to any watercourse, provincially significant wetland, significant valleyland, or other wetland the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.

3.1.9.5.6 Where another wetland in a settlement area has been identified, and it is determined that it is not regulated by the Conservation Authority:

- a. the Region shall require that an evaluation be undertaken through an environmental impact study, and if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrological evaluation as part of an application for development or site alteration, or through a subwatershed study to determine the appropriate classification and protection or management of the feature;*
- b. outcomes of the evaluation completed with Policy 3.1.9.5.6 a) could include the in-situ protection with appropriate buffers or incorporation of the hydrologic function into the design of the development in accordance with the following:*
 - i. if the other wetland is a treed community with a canopy coverage greater than 25 percent, and the other criteria for other woodlands are met, the other woodland policies of this Plan shall apply;*
 - ii. if the other wetland is a treed community with a canopy coverage greater than 60 percent, and the other criteria for significant woodlands are met, the significant woodland policies of this Plan shall apply;*
 - iii. no negative impact on the ecological function of the other wetland; and iv. maintain the hydrologic function of the other wetland;*
- c. if the evaluation finds one or more other natural heritage features and areas, the appropriate other policies of the Plan shall be applied to the lands and natural features that are subject to the application to development or site alteration.*

3.1.9.9 Buffers in Settlement Areas

3.1.9.9.1 Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.

3.1.11 Other Woodlands

3.1.11.1 Other woodlands are identified, and considered a natural heritage feature and area in all geographic areas of the region. The location of known other woodlands is shown on Schedule C2.

3.1.11.2 Development or site alteration shall not be permitted in other woodlands unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the other woodland or its ecological functions

3.1.11.4 Inside of settlement areas other woodlands are subject to an ecologically appropriate buffer to be determined at the time an application is made for development or site alteration in accordance with Policy 3.1.9.9.1.

3.1.16 Enhancement Areas

3.1.16.1 Enhancement areas are intended to consist of natural self-sustaining vegetation that increase the ecological resilience and function of individual key natural heritage features, key hydrologic features and/or natural features and areas, or groups of such features, by:

- a. increasing the size of key natural heritage features, key hydrologic features and/or natural heritage features and areas;*
- b. connecting key natural heritage features, key hydrologic features and/or natural heritage features and areas to create larger contiguous natural areas;*
- c. improving the shape of key natural heritage features, key hydrologic features and/or natural heritage features and areas to increase interior habitat conditions; or*
- d. including critical function zones and important catchment areas for sustaining ecological functions.*

4.2 Planning for Employment

The Region is required to plan for and protect lands to accommodate the Province's forecasted employment growth coming to Niagara. These lands will play a critical role in the ability to retain and attract employment investment that contributes to Niagara's economic competitiveness on provincial, national, and global scales. The provision of lands for employment is an important component of complete communities.

The policies encourage employment development in urban areas and recognizes the contribution of rural employment in the agricultural community toward Niagara's prosperity. Emphasis is on fostering communities that attract people, jobs, and investment, while protecting employment uses for the long-term.

4.2.1 Employment Area Types and Densities

4.2.1.3 Sensitive land uses that are not ancillary to the primary employment use shall be limited in employment areas and only permitted if such use can comply with D-6 Guidelines.

4.2.1.4 Employment areas are classified in three types, as identified on Schedule G and Table 4-2.

Table 4-2: Niagara Region Employment Area Minimum Density Targets to 2051

Employment Area Sub-Grouping	Local Area Municipality	Employment Area	Minimum Overall Density Target (jobs per hectare)
<i>Knowledge and Innovation</i>	<i>Niagara-on-the-Lake</i>	<i>NOTL-2 Glendale Momentum District</i>	<i>60 jobs/ha</i>

4.2.1.7 Knowledge and Innovation employment areas are clusters of higher density employment uses, including office parks, and major institutional uses. Knowledge and Innovation employment areas will: a. contain a mix of complementary land uses to facilitate partnerships and promote the sharing of ideas and information; b. accommodate built form that supports nearby major institutional uses and major office uses where permitted; c. attain high-quality urban design; d. encourage densities that are transit-supportive; and e. incorporate active transportation facilities along active transportation networks.

4.2.1.13 Employment areas will be promoted by aligning land use planning and economic development strategies to retain and attract investment.

6.4 Archaeology

The Niagara region is situated on treaty lands. This land is steeped in the rich history of the First Nations, including the Anishinaabe, such as the Mississaugas of the Credit First Nation, the Hatiwendaronk and the Haudenosaunee.

Both Indigenous and European terrestrial and marine archaeological resources contribute to Niagara's local identity. They include sites that contain scattered artifacts, remains of structures or other cultural deposits, and sites that are fully or partially submerged or lie below the high-water mark of any body of water.

As archaeological sites are both highly fragile and non-renewable, the Region recognizes the importance of conserving archaeological resources and the potential to commemorate significant archaeological discoveries in recognition of their contribution to Niagara's unique community identity.

The Region will manage archaeological data and potential mapping on behalf of the Local Area Municipalities.

6.4.2 Conservation in Accordance with Provincial Requirements

6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.

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.

6.17 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.

6.22 PARKS AND DEDICATION

Whenever development or redevelopment of lands is proposed for commercial or industrial purposes up to a maximum of two per cent of such lands shall 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.

6.15 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.

6.33 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 policies 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 arbourist 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.

SECTION 6A: GROWTH MANAGEMENT POLICIES

2.6 Greenfield Areas

Planned Function

Greenfield Areas are larger tracts of undeveloped areas and are planned to provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban development.

Though the Town of Niagara-on-the-Lake's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, it is realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however; the Town will closely monitor its Greenfield developments to ensure that Niagara-on-the-Lake's overall Greenfield target will be achieved.

SECTION 11: INDUSTRIAL

11.2 GOALS AND OBJECTIVES

(1) To broaden the tax base through the attraction of new industrial development to meet the financial needs of the Town and its residents by helping to maintain a balanced assessment ratio between industrial/commercial and residential uses.

(2) To diversify, stabilize and stimulate the local economy through the attraction of new industries.

(3) To provide and expand the employment opportunities in the Town and Region.

(4) To provide for a more efficient and economic extension of municipal service through the concentration of a number of industries in a specific area, rather than scattered indiscriminately in widely separated locations throughout the Town.

(5) To provide for industrial sites that are serviceable and can be assured of a high level of hydro power supply.

(6) To ensure that adequate water and sewer service (or alternatives) and drainage works will be provided to the entire industrial district.

(7) To encourage industrial development to locate within serviced industrially designated lands.

(8) To encourage prestige type industries to locate in areas with exposure to the Queen Elizabeth Way and the arterial roads.

(9) To minimize conflicts between industrial uses and adjacent rural, rural residential and natural amenity areas through adequate regulation and separation;

(10) To ensure that a broad range of industrial related commercial facilities exist to meet the needs of the users of the industrial district as well as other visitors to the area by providing suitable locations for the facilities and permitting a suitable range of services.

(11) To protect and conserve environmentally sensitive areas, such as existing watercourses, their valley lands, wood lots and other significant landscaped areas by minimizing any adverse effects by industrial uses. This may be accomplished by special site plan requirements or other appropriate methods.

(12) To ensure that all industrial development takes place in a logical and orderly manner within the physical and financial capabilities of the Town.

11.3.2 LIGHT INDUSTRIAL

(1) In Light Industrial designation shown on the Land Uses Schedules the following uses shall be permitted:

Main Uses:

Light industrial activities such as: manufacturing; fabrication; assembly and processing of partially processed material, goods and products; warehousing; bulk storage tanks; servicing and maintenance operations; public utilities; transportation facilities; and research and development laboratories that by their operation do not result in any threat to public health or safety.

Secondary Uses:

Uses permitted with a Main Use:

- recreation facilities.*
- limited residential uses subject to General Industrial Policy (12)*
- accessory buildings and structures*
- open storage of goods, material and equipment, subject to policy (2)*

Uses permitted independent of a Main Use:

- commercial uses which provide services for the industrial areas and which increases the attractiveness for industry, such as offices and retail outlets operated only as a subsidiary function of an industry.

- agricultural uses subject to General Industrial Policy (10)

(2) Open storage of goods, materials or equipment shall be limited and generally confined to

rear yards and appropriately screened from view.

11.3.3 PRESTIGE INDUSTRIAL

(1) In Prestige Industrial designation shown on the Land Use Schedules the following uses shall be permitted:

Main Uses:

- Prestige type industrial uses, well designed, carefully sited and landscaped in order to benefit from their proximity and exposure to well-travelled highways and to foster a good impression of the community and the industrial district.

- Non-obnoxious industrial uses such as: light manufacturing; assembly of processed material, goods and products; warehousing; public utilities; research and development laboratories that by their operation do not result in any threat to public health or safety, technology centers, office complexes, colleges and universities.

Secondary Uses:

Uses permitted with a Main Use:

- recreation facilities.

- limited residential uses subject to General Industrial Policy (12)

- accessory buildings and structures

- open storage of goods and materials, subject to Policy (3)

Uses permitted independent of a Main Use:

- Commercial uses which provide services for the industrial area and which increase the attractiveness for industry such as offices and retail outlets operated as a subsidiary function of an industry, provided they meet prestige quality standards.

- Industrial related commercial uses such as bank, restaurant, service station, hotel and motel, are permitted within the area shown as "service commercial with prestige industrial" on the Land Use Schedule F to this Plan.

- Agricultural uses subject to General Industrial Policy (10)

(2) Within the Prestige Industrial areas designated in the Plan, prestige quality standards shall be set out in the implementing zoning by-law to provide protection for adjacent residential communities and/or maintenance of high amenity value for the industrial or commercial use itself. Such standards may include special requirements for limitation of uses, landscaping, buffering, off-street parking and unloading facilities, external building design and materials, sign control, and prohibition or screening of outside storage.

(3) Only limited open storage of goods or materials shall be permitted within areas designated Prestige Industrial. In limiting the amount of open storage regard shall be had for such matters as visibility from main roads, highways and other significant public vantage points, amount of open storage and type of material to be stored (i.e. bulk goods vs. landscaping).

11.4 INDUSTRIAL POLICIES

(3) Where industrial uses are proposed adjacent to residential uses or lands designated for residential use, adequate separation and buffering shall be provided as determined by the Town in consultation with the authority having jurisdiction.

SECTION 16: CONSERVATION/WETLANDS

16.2 GOALS AND OBJECTIVES

(1) To protect wetlands from incompatible activities.

(2) To encourage the retention of woodlots and the reforestation of low capability farmland.

(3) To protect areas of natural and scientific interest.

(7) To delineate and regulate development on all lands having inherent physical environmental hazards such as flood susceptibility, poor drainage or other physical conditions which act as a constraint to development in order to prevent loss of life and to minimize property damage and social disruption.

(8) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.

(9) To preserve and protect provincially significant wetlands in accordance with provincial policy statements.

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

(2) No buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, without the prior written authorization of the Conservation Authority or the Ministry of Natural Resources and Forestry.

Glendale Secondary Plan, 2010:

2. Objectives and Principles

2.1 Place Making and Beauty

Establish an identity and sense of place for Glendale that is distinct yet true to the overall identity of the Town. In each area within Glendale development shall have compatible built form and streetscape characteristics and contribute to a coherent, inviting place.

2.2 Diversity

Accommodate a diversity of employment uses and housing types.

2.5 Conservation

Preserve and respect natural heritage features.

3. Land Use and Site Development

3.1 General Policies

(b) Stormwater management shall be incorporated into the planning and design of open spaces, buildings and paved areas. Stormwater retention ponds and other elements should contribute to a park-like setting and connect to other open space amenities.

(c) Existing mature trees shall be preserved wherever possible. Niagara Region's Tree and Conservation Bylaw shall apply in Glendale, and development applications may be required to include a tree preservation plan.

(d) Applications for development on lands within or adjacent to Environmental Conservation Areas shall include an environmental impact study stating that there will be no negative impact on the natural feature or its ecological function.

3.3 Prestige Employment Areas

Prestige Employment Areas occupy a significant portion of the land in Glendale and most are highly visible from major roads; therefore, the quality of development on these lands will play a large role in defining the image and character of the community.

The conversion of Prestige Employment Areas to nonemployment uses, including stand-alone major retail uses and residential uses, shall only be considered through a comprehensive municipal land use review.

Prestige Employment Areas are intended to accommodate a wide range of office and industrial uses occupying sites and buildings that demonstrate design excellence. In addition to the policies in Section 3.1, the following shall also apply to Prestige Employment Areas:

(a) The following uses are permitted in prestige Employment Areas

- corporate or other business office*
- research and development facility*
- manufacturing and assembly*
- information processing*
- goods distribution and warehousing*
- enclosed technical or commercial school*

(m) ... Exceptions to the following guidelines are permitted without amendment to this plan provided the exceptions satisfy the principles and objectives for Glendale.

i) ... Along secondary roads, lot widths should be a minimum of 30 metres. Lots should have a minimum depth of 60 metres.

3.4 Industrial Park Areas

The Industrial Park Areas are located in a less publicly visible area of Glendale and therefore are an appropriate location for industrial uses whose operations may have adverse visual impacts.

The following uses are permitted in Industrial Park Areas:

- *research and development facility*
- *manufacturing and assembly*
- *fabrication*
- *information processing*
- *goods distribution and warehousing*
- *industrial and transportation servicing and maintenance facility*
- *construction and agricultural equipment sales and rental facility*

g) ... Exceptions to the following guidelines are permitted without amendment to this plan provided the exceptions satisfy the principles and objectives for Glendale.

i) Lots should have a minimum width of 30 metres...

5.3 Environmental Conservation Areas

The primary intent with respect to the Environmental Conservation Areas associated with the two branches of Six Mile Creek is to protect their natural features and enhance their ecological function while enhancing their visual presence and amenity value... Any proposed improvements within Conservation Areas and development adjacent to them shall be subject to the policies, regulations and guidelines of the Niagara Peninsula Conservation Authority. Applications for development on adjacent lands shall include environmental impact studies.

- *The following main uses are permitted: fisheries management, wildlife management, waterfowl protection, floodplains, environmental protection, parks, activities and facilities of the Niagara Peninsula Conservation Authority.*
- *The following secondary uses are permitted: uses permitted with a main use such as accessory buildings and structures subject to the approval of the authority having jurisdiction.*
- *The following uses, independent of a main use, are permitted: accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction*

Niagara Region's policies respecting natural heritage and development adjacent to natural heritage features, as well as the Region's Tree and Conservation By-law, shall apply in Glendale. Applications for development in areas where the Tree and Conservation By-law applies may be required to include a tree preservation plan.

7.2 Site Plan Control

With the exception of detached, semi-detached and Townhouse dwellings, and accessory structures on a residential property, all proposed developments in Glendale shall be subject to site plan control.

7.3 Plans of Subdivision

Where development requires the subdivision of land and the dedication of public right-of-ways and open spaces, a plan of subdivision shall be required. All plans of subdivision applications shall include a phasing plan.

Glendale Secondary Plan (Council Approved 2025):

2. VISION & PRINCIPLES

2.1. Vision

Glendale will be a beautiful, healthy and complete urban community that fulfills its role in the urban structure of the Town and includes a full array of opportunities to live, work, learn and play in proximity.

2.2. Fundamental Principles

a) To achieve the vision, the policies of this Plan build upon the following fundamental principles:

Principle 2 - Protect and enhance natural features and functions - All of the significant natural heritage features and associated ecological functions within Glendale will be protected and their natural beauty and quality will be enhanced for the enjoyment of everyone.

Principle 3 - Promote compact development and intensification - New development will support the ongoing evolution of the Glendale secondary plan area into a more compact, walkable, and transit-supportive community. New development will be efficient, and will be provided with municipal infrastructure systems, including a full range of mobility options, Public Service Facilities and parkland in a cost-effective and fiscally responsible manner.

Principle 4 - Provide a full range and mix of land uses - Glendale will be a welcoming and inclusive community, providing a full range of residential, retail and service commercial uses, restaurants, educational, recreational, employment and cultural opportunities

Principle 6 Encourage high quality design - High quality urban design will promote the importance of Glendale within the structure of the Town. New development will demonstrate high quality urban design that contributes to the recognition of Glendale as a beautiful and successful mixed-use community

3. GROWTH MANAGEMENT

3.2. Phasing

- b) Development approval will be considered on the basis of the following criteria;*
 - i. Conforms with all of the relevant policies of the Official Plan and this Plan, and is consistent with the attached Urban Design Guidelines;*

- iv. Considers compatible development, community impacts and community benefits*

4. GENERAL POLICIES FOR BUILDING A SUCCESSFUL COMMUNITY

4.2. Economic Development

a) It is recognized that the Industrial/Business Park lands within Glendale represent one of Niagara's premier prestige business parks and is an important resource for both the Town and the Region in terms of attracting high quality jobs and businesses. This Plan includes the protection of the lands within the Industrial/Business Park designation for employment generating land uses. The key advantages of the Industrial/Business Park lands within Glendale are as follows:

- i. Direct access/exposure to the QEW and close proximity to Highway 405;*
- ii. Proximity to the Niagara District Airport, the international border and Niagara College;*
- iii. Contains an available supply of serviced employment land; and*
- iv. A strategic gateway location for Niagara-on-the-Lake.*

4.3. Urban Design

b) All development within Glendale shall be compatible with the surrounding community. The following shall be considered when evaluating the compatibility of development proposals:

- i. The use, height, massing, orientation and landscape characteristics of nearby properties to ensure an appropriate transitions between the built forms and uses;*
- ii. On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and*
- iii. Appropriate streetscape patterns, including block lengths, setbacks and building separations are implemented.*

4.4. Compatible Development

c) To ensure compatible development, all development applications shall be consistent with the Urban design Guidelines attached to the Plan as Appendix B.

5. LAND USE AND BUILT FORM POLICIES

6.6. Industrial/Business Park Designation

6.6.2. Permitted Uses

a) Permitted uses on lands within the Industrial/Business Park designation identified on Schedule F, may include, subject to the relevant policies of this Plan:

i. Industrial uses, including:

- Light manufacturing facilities;*
- Warehousing and distribution centres;*
- Municipal works yard;*
- Research and development facilities;*
- Data processing facilities;*
- Transportation servicing and maintenance facilities;*
- Construction and agricultural equipment sales and rental facilities*

6.6.3. General Development Policies

a) Development within the Industrial/Business Park designation will accommodate built forms that support Niagara College and major office uses. Development is also expected to attain high-quality urban design, at densities that are transit-supportive. Development within the Industrial/Business Park designation should ultimately aim to achieve an overall density of 60 jobs per hectare. Development will incorporate identified elements of the Pedestrian Realm and Active Transportation Network, as shown on Schedule F4.

d) Development within the Industrial/Business Park designation shall be compatible with existing and planned sensitive land uses in proximity. Appropriate transition conditions, including enhanced setbacks, landscaping, angular planes or height reductions, and other mitigation techniques shall be employed to resolve any adverse impacts that may emanate from any permitted use within the Industrial/Business Park designation on any existing or planned sensitive land uses in proximity.

6.8. The Environmental Protection Designation

6.8.2. Permitted Uses

a) Permitted uses, subject to the results of an Environmental Impact Study, on lands within the Environmental Protection designation may include:

- i. Conservation uses;*
- ii. Small-scale buildings or structures appropriate and supportive of public parks and trails and other associated passive recreational opportunities and facilities; and*
- iii. Buildings or structures necessary for flood or erosion control.*

b) In addition to the permitted land uses listed, the following uses may also be considered:

ii. Municipal service infrastructure (sewer, water stormwater management) and public and private streets which are supported by a completed Environmental Impact Study or similar study

6.8.4. General Development Policies

Limited Development

d) No new lot creation, buildings or structures, nor the cutting of trees, or the removal or placing of fill of any kind whether originating on the site or elsewhere, may be permitted within the Environmental Protection designation, except with the approval of the Town, in consultation with any agency having jurisdiction. Lands within the Environmental Protection designation shall generally not form part of any new lots to be created for the purposes of development, other than to facilitate the establishment of the uses permitted by this Plan.

Environmental Impact Study

e) Where development, redevelopment and/or site alteration is proposed within the Environmental Protection designation, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial, Regional, and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.

f) Where fish habitat and/or the habitat of endangered species and/or the habitat of threatened species are identified, the required Environmental Impact Study shall ensure that all Provincial and Federal requirements have been satisfied.

No Negative Impact

h) The establishment of any permitted use shall demonstrate no negative impact to any natural heritage feature and/or associated ecological functions, as demonstrated through the required Environmental Impact Study. Where a permitted use requires impact mitigation, the mitigation shall result in no negative impact on the natural heritage features and/or their ecological functions.

Dedication of Lands

n) Lands within the Environmental Protection designation may be dedicated to the Town, other public authority, or to a Land Trust, or other not-for-profit agency, subject to the approval of the Town, without cost.

6.8.5. The Adjacent Lands Overlay

b) Where development, redevelopment and/or site alteration is proposed within the Adjacent Lands Overlay, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.

d) The uses permitted and the associated development policies on any specific site or area within the Adjacent Lands Overlay may include those land uses permitted by the underlying land use designation, as identified on Schedule F, subject to the results of an Environmental Impact Study when required by the Town. In addition to any permitted land uses, the extension of existing municipal infrastructure projects where the alignments or locations of those facilities have been established in this Plan, and/or an approved Environmental Assessment, may be permitted on lands within the Adjacent Lands Overlay, subject to the application of specific mitigation measures as set out in an approved Environmental Impact Study.

8.2. Municipal Service Infrastructure and Utilities

8.2.1. General Policies

a) Municipal service infrastructure includes water, wastewater and stormwater facilities that are a critical element in the development of Glendale. The objectives of this Plan with respect to municipal service infrastructure are to:

i. Provide adequate and sufficient systems of water supply, sanitary sewage disposal and storm drainage to all areas of development in Glendale in accordance with the phasing policies this Plan and based on sound financial planning.

8.2.2. Municipal Water and Wastewater Servicing Infrastructure

a) All new development within Glendale is required to connect to urban municipal water and wastewater service infrastructure upon confirmation that capacity is available within those systems. The phasing of development shall be coordinated with the phasing of municipal water and wastewater service infrastructure.

8.2.3. Stormwater Management Infrastructure

b) New stormwater management facilities in Glendale shall be consistent with the attached Urban Design Guidelines and in accordance with the following policies:

iv. Proposals for large-scale development proceeding by way of a Plan of Subdivision/Condominium, Consent or Site Plan Approval will be supported by a stormwater management plan or equivalent, that:

- *Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure - including consideration of porous pavements, bioretention basins, enhanced swales, green roofs and rain gardens among others;*
- *Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;...*