

## 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 ..*

### **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 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.*

#### **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.*

#### **4.6 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 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*

### **1.6.7 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.*

### **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).*

## **Niagara Official Plan, 2022**

### **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**

<b>Municipality</b>	<b>Units</b>	<b>Rate</b>
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**

*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.*

### *3.1.4 Refinements to the Limits of the Natural Environment System*

*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.*

## **6.4 Archaeology**

### *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.*

*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.*

### **6.15 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 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 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;*
- 3. Protect the ecosystem integrity of woodlots, the Four Mile Creek watercourse, and the Niagara Escarpment;*
- 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.*

### **Established Village Area**

*The St. Davids Established Village Area shown on Schedule D1 to this Plan is recognized as such by virtue of its origins as the historic village centred on the intersection of York Road and Four Mile Creek Road. The Area is anchored by the edge of the historic lotting pattern to the north, the intersection of York Road and Concession 3 Road to the east, the intersections of Tanbark Road with Warner Road and York Road to the west, and the site of the original mill to the south.*

*St. Davids is recognized as one of the founding settlements in Niagara-on-the-Lake, Niagara Region, and the Province of Ontario. The unique style and ambience of St. Davids is established by its historic buildings, streetscapes, and sense of rural spaciousness that characterize the village.*

*It shall be the policy of Council to protect the St. Davids Historic Area as a unique area within the St. Davids community.*

*Development in the St. Davids Established Village Area shall be governed by the policies of this Plan and the following specific policies:*

1. *Conservation and enhancement of the character and ambience of the Area, and the preservation of buildings of architectural merit and historic interest shall be encouraged;*
2. *Conservation and enhancement of the Area character include elements constituting or supporting the quality of exterior spaces, streetscapes, and public spaces;*
3. *Conservation and rehabilitation of historic buildings in a compatible manner shall be encouraged of any proposal for re-use or redevelopment of existing properties;*
4. *In support of the preservation of homes of architectural or historic interest, Council supports the introduction of small scale commercial opportunities including bed and breakfast establishments and home occupations;*
7. *The scale, massing, and design of any new development shall be compatible with the character of adjacent development, support the heritage characteristics of the Area and enhance the streetscape;*
8. *New development shall be designed to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;*
9. *New development shall respect established building lines and significant landscape features;*
10. *Access to new buildings shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;*
12. *Proposals for infill development shall be designed to be sensitive to the heritage attributes of adjacent properties in terms of such elements as architectural treatments, building separations, and landscaped open space;*
13. *Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Area in general;*

### **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**

2. *Land division may proceed by way of plan of vacant land condominium. Such proposals shall be reviewed on the basis of such considerations as, but not limited to, building footprints and configurations; the massing and design of new buildings in relation to the style of adjacent buildings; internal vehicular and pedestrian movement; parking arrangements for motor vehicles; common and private amenity areas; landscaping, buffering and screening details; and consistency with Municipal services standards and facilities.*

#### **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.*
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.*

## **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*

## **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.*

#### **9.4 GENERAL RESIDENTIAL POLICIES**

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

##### **(2) CONDOMINIUMS**

*It is a policy of this Plan to recognize condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership subject to the following provisions:*

- a) *The Town Council's consent to the registration of a condominium plan will be given subject to the signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of "as built" construction plans where required with the Town, all such plans to be made accessible to representatives of the Condominium Corporation.*
- b) *In considering an application for the conversion of an existing residential development to condominium ownership, each application will be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new construction.*

##### **(4) RESIDENTIAL DENSITY**

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography 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.*

## **SECTION 15: OPEN SPACE AND COMMUNITY FACILITIES**

### **15.2 GOALS AND OBJECTIVES**

- (1) To provide for appropriately located neighborhood parks, institutions and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses.*
- (2) To encourage the location of community facilities at strategic locations with convenient access for all residents of the community.*
- (3) To accommodate the changing needs of the community by allowing for re-development that is timely and appropriate.*

### **15.3 LAND USE DESIGNATIONS**

#### **15.3.1 OPEN SPACE AND COMMUNITY FACILITIES**

- (1) In the Open Space and Community Facilities designation shown on the Land Use Schedules the following uses are permitted:*

##### **Main Uses:**

*Active and passive neighborhood parks, elementary schools, health care facilities, churches, day care centers, cemeteries, museums, historic sites and similar community servicing uses.*

##### **Secondary Uses:**

##### **Uses permitted with a Main Use:**

- minor sports fields, playground equipment, associated parking areas and small concession stands.*
- accessory buildings and structures*

- (2) All lands designated open space and community facilities except for municipally owned parkland within an Urban Boundary as shown on the schedules to this Plan may be re-developed for Low Density Residential Use subject to a site specific zoning by-law amendment. This policy recognizes that institutions and community facilities may cease operation, redevelop or reduce in size.*

## **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**

*(3) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted in any floodline or fill line as established by the Niagara Peninsula Conservation Authority without written approval from the Conservation Authority. Floodlines along One and Eight Mile Creek are regulated to the 1:100 year storm flood level. Two and Four Mile Creeks are regulated to the Regional Storm Flood level.*

*(4) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted within the 100 year erosion limit of Lake Ontario without the written approval of the Niagara Peninsula Conservation Authority.*

*(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.*

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

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

- b) Where lands abut any other watercourse or valley area designated conservation the boundary of the conservation designation shall be the floodline as established by the Niagara Peninsula Conservation Authority.*

## **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.*

## **St. Davids Urban Design Guidelines, 2005**

### **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.*

#### **7.1.6 Guidelines: Architectural Details**

*The choice of elements and details should reflect architectural characteristics associated with St. Davids as set out in the following sections. These characteristics can be applied as pure representations or combined with one another to create hybrid interpretations of the village vernacular, a common approach observed in the village at present.*

### **7.2 Private Realm: Architectural Elements**

#### **7.2.2 General Architectural Guidelines**

*These Architectural Guidelines are intended to promote a visually rich residential building fabric that projects a distinct neighbourhood image through the use of materials, building form, and architectural styles.*

#### **7.2.3 Guidelines: Rooflines**

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

#### **7.2.4 Entranceways**

- a) A high proportion of dwellings in any development are recommended to have a front porch.*
- b) 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.*
- c) Steps to front porches should have generous proportions and a gentle rise and run to encourage step sitting and the placement of flowerpots.*
- d) The design of front porch railings and columns should be integrated to provide enclosure and safe use of the porch.*

#### **7.2.5 Guidelines: Windows**

*Buildings facing or flanking a street, private lane or open space should provide a generous amount of window openings to encourage strong visual connections between the private dwelling and the public realm.*

- a) Front dwelling façades should include between 30 to 40 percent surface window areas.*
- b) Bay windows are encouraged as they increase visibility from private dwellings to the public realm and add to a building's character.*
- c) Window design should be primarily an expression of the interior dwelling use. Creative arrangements of windows should have a functional role in providing natural ventilation and light, views, and privacy to the individual and adjacent dwellings.*

#### **7.2.6 Guidelines: Garages and Accessory Structures**

*There is a marked tradition in the Village of separate outbuildings: sheds, garages, and small farm utility buildings that contribute to the Village's heritage and distinction. This tradition should be maintained.*

#### **7.2.7 Guidelines: Architectural Features**

*Details such as porches, chimneys, eaves, gables, cornices, and the way materials are combined reinforce a building's style. On existing buildings, these details should be preserved and restored. On new buildings, care should be taken to finish buildings using the same level of detail.*

#### **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.*

#### **7.2.9 Guidelines: Building Materials**

*Part of the character of St. Davids' architecture is due to the natural local building materials used in construction as shown on this page: red brick, uncut stone, painted and natural wood siding. These high-quality materials should be used in new construction, both commercial and residential, to knit the new communities to the existing village and give St. Davids a unified character. The tradition of building with a wide variety of natural materials should be continued so that new development is linked to the existing Village without necessarily replicating styles and design.*

### **7.3 Private Realm: New Residential Built Form**

#### **7.3.1 General Principles**

- a) New development should be consistent in form and design with the surrounding existing built fabric. Detailed building and garage setbacks and placement guidelines should be consistent with those for new residential areas.*
- b) A strong public face should be created. Public streets and open spaces should generally be faced by the primary façades of houses as the houses that line the street substantially create the collective image of the streetscape.*
- c) Diverse housing types and designs create great streets in which to live and visit. On any given street in St. Davids there is a striking lack of repetition; lot sizes, house types, building heights, materials and colours are consistently different. This rich architectural language should inspire designers of new buildings. On each street, a variety of building types and sizes should be provided to prevent monotony and encourage a diverse community fabric. However, a sub-neighbourhood area may be distinguished by a dominant housing type, provided there is some intermixing of dwelling types and a variety of visible building elements and materials within each block.*
- d) Higher density housing should be generally placed along arterial, collector or major roads as well as around open spaces and at the end of blocks.*

- e) *A variety of dwelling types and front yard building setbacks should be integrated within neighbourhood blocks to contribute to a diverse and distinct neighbourhood image. A minimum setback of 4.5 metres and a mix of architectural treatments will provide for a variety in the building street wall. Where rear yard garages are provided, a minimum 3.0 metre front yard with a 1.5 metre no-encroachment zone should be permitted.*
- g) *Housing adjacent to woodlots and mature specimen trees is encouraged, recognizing that special design will be required to maximize the retention of these natural features through measures such as a woodlot or tree buffer zone, and limitations to any housing immediately surrounding the woodlot.*
- i) *Automobile storage should be subordinate. Garages should not be readily visible from the street; this allows the house façade to have greater expression through the emphasis on the front entrance, porch, bay windows, etc.*
- j) *A consistent high quality design approach should be pursued. The design of structures and houses, the selection of lighting standards, streetscape standards, and signage will occur over many years and will involve the participation of many design professionals. The overall design approach of the community is intended to encourage creative interpretation within a solid design process. The design process will enable a variety of design projects and styles to lead a cohesive, integrated and high quality community.*

## **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.*

**Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area**

Settlement Area	Density Type				Percentage Share
	Singles & Semi-Detached	Multiples <sup>1</sup>	Apartments <sup>2</sup>	Total	
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;*
- 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;*
- g) measures to protect the Town's scenic beauty, tree cover and landscaping;..*

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 Policies**

- 4.5.3.2 *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single-detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant development and compatibility policies of this Plan.*
- 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.*



#### **4.7.2 Compatibility**

4.7.2.1. *Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:*

- a) conserving natural heritage and cultural heritage resources;*
- b) Existing and/or planned densities;*
- c) Lot frontages, area and depth;*
- d) Building setbacks;*
- e) Privacy;*
- f) Parking;*
- g) Servicing, lot grading and drainage; and,*
- h) The existing and/or planned height and massing of buildings.*

4.7.2.2. *Development proposals shall 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.*

#### **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.*
- h) To promote the maintenance and rehabilitation of the existing housing stock.*
- 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.*

#### **4.14 Community Facilities**

##### **4.14.4 Policies**

*4.14.4.1 All lands designated Community Facilities except for municipally-owned parkland will only be re-developed for residential use subject to an official plan amendment and zoning by-law amendment, and provided that it has been determined that other community facilities are not able to be established on the site. This policy recognizes that community facilities may cease operation, redevelop or reduce in size.*

*4.14.4.2 In considering an application for the conversion of lands designated Community Facilities, Council shall ensure that the development 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:*

- a) The lot frontage(s) and lot area(s) of any proposed new lot(s) (including any retained lot(s)) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- 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;*

- g) *The width of any garage(s) at the front of new building(s) and width of driveway(s) on the property shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- 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 micro-climatic conditions such as shadowing;*
- j) *The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
- k) *Proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;*
- l) *Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection; and*
- m) *The development conforms with any provisions applicable to any heritage character area in which the property is located.*

## **Section 4.15 Conservation**

*4.15.3 Within the Conservation designation, the following uses are permitted: forestry, fisheries and wildlife management, conservation, public and private parks, and trails.*

*4.15.5 Accessory buildings and structures permitted in an abutting designation and not used for human habitation may be recognized subject to the approval of Town or NPCA, as applicable.*

*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 5 Niagara Escarpment Plan Area**

### **5.1. Background**

*5.1.2. Within the Town, the Niagara Escarpment Plan (NEP) contains lands designated as Escarpment Natural Area, Escarpment Recreation Area, Escarpment Protection Area and Escarpment Rural Area. Queenston and St. Davids are designated as Minor Urban Centres in the NEP.*

*5.1.4. The provisions of the Niagara Escarpment Plan apply to development within the NEP.*

### **5.2. Policies**

*5.2.1. The NEP sets out designations, policies and development criteria which, when applied, determine how land should be used throughout the area of the NEP. The NEP policies identify permitted uses and lot creation policies for each designation.*

*5.2.7. In addition to the Policies and Development Criteria of the NEP any new use may be subject to site plan approval from the Town and approvals from other agencies, such as the NPCA.*

## **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).**

## **Section 8 Natural Heritage**

### **8.2 Natural Heritage Objectives**

**8.2.2 The 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...**
- j) Regulate development on 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;**
- 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.**

### **8.4 General Policies**

**8.4.1 Development should maintain, enhance or restore ecosystem health and integrity. Priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required.**

**8.4.2 Development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.**

## **8.5 Development and Site Alteration**

*8.5.1 Development and site alteration shall only be permitted if it will not have negative impacts on:*

- a) The quantity and quality of surface and ground water;*
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;*
- c) The natural hydrologic characteristics of watercourses such as base flow;*
- d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Natural Heritage System or its components;*
- e) Drainage systems, stream forms and shorelines; and*
- f) Flooding or erosion.*

*8.5.4 Development and site alteration shall not be permitted in fish habitat or in the habitat of endangered species and threatened species except in accordance with provincial and federal requirements.*

*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.*

## **Section 9 Infrastructure**

### **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*

*9.3.12 Any proposed works for stormwater management must ensure the conservation of cultural heritage resources.*