

PLANNING LEGISLATION AND POLICIES

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

Provincial interest

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

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate...

Policy statements

Policy statements and provincial plans

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

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

Official plan

Mandatory adoption

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

22 Request for amendment

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

24 Public works and by-laws to conform with plan

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

Zoning by-laws

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

Restricting use of land

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

Restricting erecting, locating or using of buildings

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

Construction of buildings or structures

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

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the

minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law...

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

2.1 Planning for People and Homes

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

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

2.1.6 *Planning authorities should support the achievement of complete communities by:*

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

2.2 Housing

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

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

2.3.1.1 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.

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

a) efficiently use land and resources;

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

c) support active transportation;

d) are transit-supportive, as appropriate; and

e) are freight-supportive.

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

2.3.1.4 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

2.3.1.5 Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.

2.9 Energy Conservation, Air Quality and Climate Change

2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
- c) support energy conservation and efficiency;
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and....

Chapter 3: Infrastructure and Facilities

3.1 General Policies for Infrastructure and Public Service Facilities

- 3.1.1 *Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.*

Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- a) *are financially viable over their life cycle, which may be demonstrated through asset management planning;*
- b) *leverage the capacity of development proponents, where appropriate; and*
- c) *are available to meet current and projected needs.*

3.6 Sewage, Water and Stormwater

- 3.6.1 *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;*
- d) *integrate servicing and land use considerations at all stages of the planning process;....*

3.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

- 3.6.8 *Planning for stormwater management shall:*

- a) *be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) *minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) *minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces;*
- f) *promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) *align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

3.9 Public Spaces, Recreation, Parks, Trails and Open Space

3.9.1 Healthy, active, and inclusive communities should be promoted by:

- a) *planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) *planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; ...*

4.2 Water

4.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- b) *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- d) *maintaining linkages and functions of water resource systems;*
- f) *planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*

4.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

4.6 Cultural Heritage and Archaeology

4.6.2 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.

6.1 General Policies for Implementation and Interpretation

6.1.1 The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

6.1.5 Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.

6.1.6 Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

6.1.7 Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.

6.1.12 Density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Provincial Planning Statement or any other provincial plan.

6.2 Coordination

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

- a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- g) population, housing and employment projections, based on regional market areas, as appropriate; and*
- h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.*

6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.

Niagara Official Plan, 2022

2.1 Forecasted Growth

The objective of this section is as follows:

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

2.1.1 Regional Growth Forecasts

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

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

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

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

Municipality	Population	Employment
<i>Niagara-on-the-Lake</i>	<i>28,900</i>	<i>17,610</i>

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

2.2 Regional Structure

The objectives of this section are as follows:

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

2.2.1 Managing Urban Growth

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

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. *a range of transportation options, including public transit and active transportation;*
 - ii. *affordable, locally grown food and other sources of urban agriculture;*
 - iii. *co-located public service facilities; and*
 - iv. *the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) *mitigation and adaptation to the impacts of climate change by:*
 - i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
 - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
 - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

2.2.2 Strategic Intensification and Higher Densities

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

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

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

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

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

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;

2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

2.2.2.24 Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.

2.2.2.25 Designated greenfield areas will be planned as complete communities by:

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

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;*

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.

6.16 LANDS FOR EASEMENTS

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

6.17 LOT SIZES

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

6.18 NATURAL OPEN SPACE

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

6.22 PARKS AND DEDICATION

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

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

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

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

(2) SANITARY SEWERS

- c) Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. Council may give consideration to development on interim services where it can be demonstrated that:
 - (i) by permitting the proposed use in advance of services, other objectives of this Plan will be met.*
 - (ii) the expansion of services has been planned for and that funding commitments have been made by the Region and/or the Town to ensure that the provision of necessary services will proceed within a reasonable time frame.*
 - (iii) the form of interim servicing has been approved by the Niagara Health Services Department where necessary; and*
 - (iv) the interim servicing is not expected to result in a detriment to the environment, the private development, the Town or to the efficient use of land.**

(4) DRAINAGE

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

6.33 TREE PRESERVATION AND REFORESTATION

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

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

SECTION 6A: GENERAL DEVELOPMENT POLICIES

2. MUNICIPAL URBAN STRUCTURE

2.6 Greenfield Areas

Planned Function

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

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

Delineation

Greenfield Areas are the lands within the Urban Area which are not built-up. Greenfield Areas are delineated on Schedule "I-1", "I-2", and "I-5". Additional policies pertaining to Greenfield Areas are provided in Section 5 of this plan.

5. GREENFIELD DEVELOPMENT

5.1 Strategy

The Town's Greenfield development strategy is intended to create more compact, mixed-use, transit supportive development in the Greenfield Areas. The specific objectives are outlined are as follows:

Objectives

The objectives of the Greenfield development strategy are to:

- a) Promote compact, mixed use and transit supportive development on Greenfield lands.*
- b) Promote appropriate densities with a mix of housing types on Greenfield lands.*
- c) Improve connections between Greenfield areas and the Built-up Area.*
- e) Niagara-on-the-Lake's Greenfield Areas will be planned to support the achievement of the target of 50 residents and jobs combined per gross hectare in Greenfield areas.*

5.2 Greenfield Density Target

The Town's Official Plan policies support the overall Region wide Greenfield density target

of 50 people and jobs combined per gross hectare by:

- b) *Permitting low and medium density development within the Greenfield area...*
- c) *Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi-detached, townhouses and apartment style housing.*
- f) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped by utilizing a maximum net density as provided in the residential policies in Section 9 of the Official Plan and a minimum net density of 19.76 units per hectare (8 units per acre).*

5.4 Greenfield Design

Urban Design

... the following urban design policy guidelines will apply to Greenfield proposals in Virgil... as well as other applicable policies of this plan.

- d) *Lots should vary in size and shape.*

5.5 Implementation Strategy

Given that the Town's existing Greenfield Areas are small or have already been planned the preparation of secondary plans will likely not be required, however, new development proposals that have not been previously planned (i.e. draft plan approved) shall be developed consistent with the policies of this plan. The Town will update zoning standards to insure there are adequate provisions to allow development that meets Greenfield density targets for residential and employment lands.

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.

(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 18: HERITAGE CONSERVATION

18.5 ARCHAEOLOGICAL PLANNING

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

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

2.4 Growth Management

2.4.3 Population and Employment Forecasts

2.4.3.2 Housing Forecast

- b) In 2011, the household mix by unit type in the Town was 85% low density (single-detached and semi-detached units), 9.3% medium density (townhouses, rowhouses), and 5.7% high density (apartments). Source: Watson and Associates The allocation of forecast housing growth to the various settlement areas will be completed upon finalization of the Regional Municipal Comprehensive Review.*
- c) The Town can accommodate over 4,300 housing units through intensification and greenfield development opportunities, which is in excess of the anticipated increase in households to 2031. The potential supply opportunities for each settlement area are shown in **Table 4**.*
- d) Beyond 2031, St. Davids is expected to accommodate the largest share of urban residential growth, with the balance distributed between Old Town, Glendale and Virgil. Queenston has limited opportunities for additional growth.*

Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area					
Settlement Area	Density Type				Percentage Share
	Singles & Semi-Detached	Multiples ¹	Apartments ²	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;*
- e) *building on the existing employment strengths within the Town to generate economic prosperity;*
- g) *making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*
- h) *having vibrant downtowns and attractive public spaces;*
- i) *maintaining a commitment to low profile development; ...*

2.6.2 Healthy Neighbourhoods

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

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

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

2.6.3 Housing

- 2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*
- 2.6.3.2 *Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification*
- ...
- 2.6.3.3 *Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

4.5 Intensification Strategy

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

- b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- h) new driveways and service connections shall be sited to minimize tree loss;*
- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 4.15 Conservation

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

Section 8.2.1 Natural Heritage

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

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

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

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

4.10 Residential Areas

4.10.2 Objectives

4.10.2.1 Objectives for residential development areas are as follows:

- a) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- b) To improve housing supply options in the Town...*
- c) To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.*
- f) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of municipal services and community facilities.*
- g) To limit land use conflicts that may be associated with proposed new residential and mixed use development proposals.*
- j) To encourage development of well-designed and visually-distinctive housing projects.*
- k) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.*

4.10.3 Policies

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

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

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

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

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

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

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

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

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

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

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

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

4.10.5 Residential Designation

4.10.5.1 Character:

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

4.10.5.2 Permitted Uses:

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

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

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

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

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

c) Other uses permitted include:

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

SECTION 7 Heritage, Archaeology and Culture

7.3 Archaeological resources

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

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

- a) Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential... or where an archaeological site has been previously registered on the property.*
- b) Require an archeological assessment for the entire property in compliance with current Provincial requirements, standards and guidelines for consultant archaeologists; and assess the impact of the proposed development on any archaeological resources identified. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the project archaeologist may consult with the Ministry of Tourism, Culture and Sport on a property-by-property basis to determine if these areas can be exempt.*
- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

9.2 Water and Wastewater Services

9.2.1 General Policies

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

9.2.2 Urban Growth on Full Municipal Services

9.2.2.1 The provision of water and wastewater services is a shared responsibility with the Region; however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town's settlement areas. Stormwater management

strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.

9.2.2.3 Sanitary Sewers

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

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

9.2.2.4 Watermains

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

9.3 Stormwater Management

9.3.1 Planning for stormwater management will:

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

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

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

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

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