

PART D – GENERAL DEVELOPMENT POLICIES

D1 WATER AND SEWER SERVICING

D1.1 WATER AND SEWER SERVICING IN THE URBAN AREAS

The provision of water and waste water services is a shared responsibility with the Region, however the City is responsible for local water and waste water services. Water and sewer servicing in the Thorold urban areas shall be by full municipal water and sewage services.

D1.2 WATER AND SEWER SERVICING IN PORT ROBINSON EAST

The preferred means of servicing in the historic settlement of Port Robinson East shall be by full municipal water and sewer services, except that where an existing lot is serviced by a private well and/or private septic system, such individual on-site sewage and water services may continue to be used provided they do not pose a risk to public health and/or safety or until such time as full municipal services become available.

The establishment of new private communal water or sewage services is not permitted.

D1.3 WATER AND SEWER SERVICING FOR THE RURAL AREA

The preferred means of servicing uses in the rural and agricultural area outside of the settlements shall be individual on-site sewage (septic) and water (well or cistern) services. Full municipal water and sewage services are only permitted outside of the settlement area boundaries of Thorold, subject to Regional Policy 8.B.8 or as amended.

It is the intent of this Plan that lot creation only be permitted where the City is satisfied that that new lot can maintain sustainable private water or wastewater services. The establishment of new private communal water or sewage services is not permitted.

D1.4 ADEQUACY OF CITY SERVICES

Where the policies of this Plan promote or encourage development, redevelopment and intensification, any proposal for development, redevelopment or residential intensification will only occur where municipal water and sanitary services and stormwater drainage are adequate to sustain such development redevelopment or intensification proposal. The City may conduct studies of servicing upgrades necessary to support development, redevelopment or intensification projects and/or will require the proponents of any development, redevelopment or intensification proposals to assess and document servicing capabilities as part of a complete application submission.

D2 TRANSPORTATION

D2.1 OBJECTIVES

It is the intent of this Plan to:

- Facilitate the safe movement of both people and goods in an effective and efficient manner;
- Ensure that new development does not create traffic hazards or unmanageable levels of congestion;
- Support transportation demand management;
- Protect corridors and rights-of-way for long-term transportation and infrastructure needs;
- Ensure appropriate right-of-way widths for all existing and proposed roads;
- Restrict development on unopened road allowances and individual rights-of-way unless an agreement on service limitations is registered on title; and,
- Promote and where possible integrate forms of accessible transport throughout the Municipality with an emphasis on the urban areas.

D2.2 ACCESS TO THE ROADS IN THE CITY

The responsibility for approving an entrance onto a public road in the City depends on which level of government maintains the road. The types of roads described in this section of the Plan are shown on Schedule D.

D2.2.1 Provincial Roads

The City of Thorold is served by Highway 58 and Provincial Highway 406 together with four interchanges. These highways have controlled access and new development abutting these highways is required to obtain a Ministry of Transportation (MTO) Land Use Permit, and may entail the review and approval of a transportation impact study as a condition for the issuance of MTO permit(s).

D2.2.2 Regional Roads

These roads serve a regional role by carrying traffic through and to the City. All development abutting Regional Roads shall be subject to the jurisdiction of the Region of Niagara.

D2.2.3 Arterial Roads

These are intermediate roads which carry significant volumes of traffic from local roads to Regional Roads. Direct access to arterial roads will generally not be permitted unless traffic impacts have been assessed and, if necessary, mitigated. All arterial roads as identified in

this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.4 Collector Roads

Collector roads are local roads that provide efficient access between Regional and arterial roads from local roads. All collector roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.5 Local Roads

Local roads carry traffic from the Regional Road system and from the arterial roads to individual properties. Access to these roads is subject to the jurisdiction of the City. All local roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

D2.2.6 Private Roads

The construction or development of new private roads or extensions to existing private roads shall not be permitted unless the private road is in a Plan of Condominium. New rights-of-way, in the form of private driveways, may be granted by the Committee of Adjustment for access only to parcels that are presently land locked and which are the site of an otherwise legal residential use on the date the implementing by-law is passed. All proposed rights-of-way for existing land locked parcels must be developed from an existing public road that is maintained year round and is of a standard acceptable to the City.

D2.2.7 Other Types Of Roads

The other types of roads in the City include:

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

- a) Private roads which cross private property to access a lot;
- b) Unopened municipal road allowances;
- c) Unassumed roads; and,
- d) Roads that are owned and maintained by a public authority for only a part of the year.

The construction or development of new private roads or extensions to existing private roads shall not be permitted unless the private road is in a Plan of Condominium. New rights-of-way, in the form of private driveways, may be granted by the Committee of Adjustment for access only to parcels that are presently land locked and which are the site of an otherwise legal residential use on the date the implementing by-law is passed. All proposed rights-of-way for existing land locked parcels must be developed from an existing public road that is maintained year round and is of a standard acceptable to the City.

D2.3 RIGHT-OF-WAY WIDTH

Determining the appropriate right-of-way width for Regional Roads is the responsibility of the Region. The minimum right-of-way width for all new Municipal roads shall generally be 20 metres (65.62 feet). Every effort will be made to secure this right-of-way width as a condition of *Planning Act* approvals.

D2.4 TRANSPORTATION STUDIES

Transportation studies may be required by the Region and/or the City to evaluate a development application. The intent of such a study is to measure the impact of the development on the road network and ensure that all proposed development is capable of being properly designed.

D2.5 TRUCK TRAFFIC MANAGEMENT

Truck traffic in the City shall be managed by:

- a) Directing it away from, or around, residential or sensitive areas where the road capacities are inadequate or where there is a potential for noise and/or safety hazards, and, in particular, designate, establish and monitor truck routes in co-ordination with the Region;
- b) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the City; and,
- c) Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

D2.6 PUBLIC TRANSIT

It is the intent of this Plan is to explore opportunities for the provision of public transit including the potential for transportation demand management and coordinated transit planning with adjacent municipalities. This can be achieved by:

- a) All Arterial and Collector Roads designed to accommodate a future transit network; and,
- b) Any work that results in improvements to the transit network is subject to the requirements of the Municipal Engineers Association Class Environmental Assessment.

The Towpath Terminal and planned future transit hubs will be sufficiently linked to intensification areas and intensification opportunities.

D2.7 ACTIVE TRANSPORTATION

Given that the focus for future population growth will be primarily in the urban areas, the City will encourage diversity in transportation modes. It is anticipated that through development of the Secondary Plans and redevelopment in areas within and proximate to

the Downtown, there will be opportunities to support active transportation modes as well as transit-supportive neighbourhoods. The City is ideally suited to show leadership on this emerging need in urban planning and will, in partnership with the Region, prepare an Active Transportation Plan to develop policies and zone regulations that support and foster active forms of transportation in all industrial, commercial, and residential development by requiring design elements such as pedestrian trails and linkages and bicycle storage and parking.

D2.8 CORRIDORS

Development will not be permitted in planned transportation and infrastructure corridors that could preclude or negatively affect the use of the corridor for the purpose(s) it was identified. New development proposed on adjacent lands to existing or planned corridors should be compatible with the existing or planned use of the corridor.

The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever practical and feasible.

D2.9 ENVIRONMENTAL ASSESSMENT

The development of new public infrastructure shall comply with the Environment Assessment Act, which in some cases may require the completion of a Municipal Engineers Association (MEA) Municipal Class Environmental Assessment. In cases where a Municipal Class Environmental Assessment (MCEA) is to be undertaken for a development or undertaking that requires an Official Plan or Zoning By-law Amendment, the completion of the MCEA may be initiated at the same time or in parallel with the Planning Act approval to help the public understand the project and to facilitate a more informed public consultation program.

D2.10 MARINE AND RAIL

Planning for land uses in the vicinity of rail and marine facilities shall be undertaken in a manner that protects the long-term operation and economic role of the facility and integrates surrounding land use in a compatible manner.

D3 HERITAGE AND ARCHAEOLOGICAL RESOURCES

D3.1 OBJECTIVES

It is the intent of this Plan to:

- Continue to identify and protect heritage building and sites that have been designated by the City under the Ontario Heritage Act;
- Recognize that the maintenance of the City's heritage resources will contribute to the preservation of the City's character; and,
- Consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the City.

D3.2 GENERAL POLICIES

D3.2.1 Heritage Impact Assessment

Council may require the submission of a Heritage Impact Assessment (HIA) to support an application for development if the affected lands are the site of an identified cultural heritage resource as identified on Schedule E to this Official Plan. The intent of the HIA is to determine what impacts the development will have on the resource and whether the application for development will conform to the goals, objectives and policies of this Plan.

The HIA shall be in the form of a report undertaken by a qualified professional with expertise in heritage studies, and contain a description of:

- a) The proposed development;
- b) The cultural heritage resource(s) to be affected by the development;
- c) The effects upon the cultural heritage resource(s) by the proposed development;
- d) The measures necessary to mitigate the adverse effects of the development upon the cultural heritage resource(s); and,
- e) How the proposed development will relate, in terms of height, bulk, massing and presence with identified heritage buildings on the property and in the area.

Prior to considering a development that requires the preparation of a HIA, Council shall be satisfied that the development will conform to the goals and objectives of this section and will be compatible, in terms of height, massing, bulk and scale with adjacent development.

D3.2.1.1 Public Works

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any

Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

D3.2.1.2 Mitigation of Impacts on Cultural Heritage Resources

Council may impose as a condition of any development approval the retention and conservation of cultural heritage resources identified in a HIA, or the implementation of appropriate mitigation measures, to minimize the impact of the development on the cultural heritage resource.

D3.2.1.3 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources. Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the *Planning Act*. Council may also restore, rehabilitate, enhance and maintain municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

D3.2.2 Built Heritage and Cultural Landscape Resources

D3.2.2.1 Built Heritage Register

In accordance with Section 27 of the *Ontario Heritage Act*, the City must maintain a register of all designated properties, but Council may also include land and buildings that have not been designated but that Council believes to be of cultural heritage value or interest.

D3.2.2.2 Cultural Heritage Landscape Register

In accordance with the *Ontario Heritage Act*, the City must also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place. The City, when evaluating potential cultural heritage landscapes, may refer to the *Guidelines for Identifying, Researching and Evaluating Cultural Heritage Landscapes in Thorold, Ontario*, prepared by Heritage Thorold Local Architectural Conservation Advisory Committees (LACAC).

D3.2.2.3 Designation under the Ontario Heritage Act

The City of Thorold has approximately 45 sites of cultural heritage significance in accordance with the *Ontario Heritage Act*. These sites are identified on Schedule E to this Official Plan and where new sites are added, such sites will be recognized in this Plan at the time of an Official Plan Review and Update.

Council will continue to designate cultural heritage resources, such as individual properties and conservation districts pursuant to the Ontario Heritage Act and the policies of this section. Prior to the passage of any by-law to designate a building or property, Council shall be satisfied that:

- a) The building or property has historical or associative value because it:

- i) is strongly associated with a person, theme, event, belief, activity, organization or institution that played an integral role in the development of the City and/or is well-known locally, nationally or internationally;
 - ii) yields, or has the potential to yield, information that contributes to an understanding of the community or of local culture, or
 - iii) is the work of, or reflects the work or ideas of a recognized architect, artist, builder, designer, or theorist who is significant to the community.
- b) The building or property has architectural value because it:
- i) is a distinctive, rare, unique, representative, or early example of a style, type, expression, material, or construction method used in a certain period of history,
 - ii) displays a high degree of craftsmanship or artistic merit, or
 - iii) demonstrates a high degree of technical or scientific achievement.
- c) The building or property has contextual value because it:
- i) is the location of, or is associated in a significant way, with a significant local, national or international event,
 - ii) is physically, functionally, visually, or historically linked to its surroundings,
 - iii) is considered to be an easily recognizable landmark in the City, or
 - iv) contributes to the character of the community.
- d) When considering a neighbourhood, the neighbourhood contains a collection of buildings and properties described in Sections a), b), and c) above, and which collectively contribute to the character of the City.

D3.2.2.4 Official Plan Policy and Zoning By-law Provisions to Identify Heritage Conservation Districts

Council may, by Amendment to this Plan or incorporation into a Secondary Plan, include policies that are intended to provide guidance on how buildings and properties can be developed/redeveloped in an area where a concentration of significant cultural heritage resources in an area exists. The intent of the policies would be to conserve and enhance the cultural heritage of an area or district, in accordance with the goals and objectives of this Plan. These policies shall:

- a) Describe the historical development context of the area;
- b) Review the existence and significance of cultural heritage resources in the area;
- c) Identify the conservation priorities for identified and defined cultural heritage resources;

- d) Establish how cultural heritage resources should be considered through a redevelopment process; and,
- e) Identify and describe the architectural design and streetscape guidelines that will guide development in a defined area.

In the establishment of this policy, it is acknowledged that over 20 buildings and sites have been recognized under the Ontario Heritage Act in Downtown Thorold. On this basis, the Downtown should be a priority area for the establishment of site-specific policy intent on defining and fostering a Heritage Conservation District.

The policies may be implemented in the Implementing Zoning By-law through the creation of a heritage overlay zone or an area-specific heritage area zone, as appropriate.

D3.2.2.5 Retention/Relocation of Heritage Buildings

Council encourages the retention of buildings of cultural heritage value or interest in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

D3.2.2.6 Adjacent Lands

Development and site alteration may be permitted on lands adjacent to a protected heritage property as shown on Schedule E where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Where development of site alteration related to a Planning Act approval is proposed on lands proximate to a protected heritage property, Council shall require a Heritage Impact Assessment (HIA) to fulfil the following:

- a) To assess the nature of site alteration or development and confirm that development will not adversely impact the heritage attributes of the protected property; and,
- b) To confirm or provide recommendations to ensure that the vista and viewshed to or from the protected properties will be protected.

Mitigative measures and/or alternative development approaches shall be required in order to conserve heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

D3.3 ARCHAEOLOGICAL RESOURCES

D3.3.1 Archaeological Assessment Requirements

Council recognizes that there are archaeological remnants of early pre-contact and early historic habitation as well as areas of archaeological potential within the Niagara Region. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological assessments and the conservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements referenced under the *Ontario Heritage Act*.

Council may conserve the integrity of archaeological resources by adopting Zoning By-laws under Section 34 of the *Planning Act*, to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

D4 SUBDIVISION OF LAND

This section is intended to contain policies that are to be considered with every application to subdivide land in the City. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

D4.1 PREFERRED MEANS OF LAND DIVISION

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) The extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) The area that is proposed to be developed is not considered to be infilling; or,
- c) A Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- d) Six or more new lots are being created.

D4.2 NEW LOTS BY CONSENT

D4.2.1 General Criteria

Prior to considering an application to create a new lot for any purpose, the Committee of Adjustment shall be satisfied that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,
- i) Complies with Provincial Minimum Distance Separation Formulae, where applicable.

D4.2.2 Legal or Technical Consents

A consent may be permitted for legal or technical reason of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

D4.2.3 Farm Property Consolidations

Farm property consolidations may be considered where the effect of the property boundary adjustment or consolidation is to improve the flexibility and potential agricultural viability of a farm operation provided:

- a) No new lot is created;
- b) The benefitting parcel captures the majority of the arable farmland; and,
- c) The flexibility and potential agricultural viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

D4.2.4 Lots for Utilities

The creation of new lots for public utilities of a linear nature such as communication utilities and pipelines may be permitted, provided:

- a) The area of the proposed lot is minimized and reflects what is required for the use;
- b) The Implementing Zoning By-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot;
- c) The land, building and structures are subject to Site Plan Control.

D4.3 SUBDIVISION DEVELOPMENT POLICIES

This section is intended to contain general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) The approval of the development is not premature and is in the public interest;
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification;

- d) The subdivision, when developed, will be easily integrated/connected with other development in the area;
- e) The subdivision has incorporated design measures and green standards that will support accessibility, active transportation and transit;
- f) The subdivision conforms with the environmental protection and management policies of this Plan; and,
- g) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the City will be required. Applicants are required to pre-consult with the approval authority prior to submitting an application.

D4.3.1 Energy Conservation and Sustainability

The City encourages innovative subdivision and site plan design that minimizes energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other renewable energy sources. Additional measures to maximize energy conservation and sustainability may include:

- a) integrating the plan or development with on-site, renewable energy generation and co-generation systems, as well as district energy systems;
- b) maximizing water conservation, which may include collection and reuse of stormwater and utilizing water efficient plant species for landscaping purposes;
- c) designing for appropriate stormwater infiltration at-source and ensuring that stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces;
- d) integrating green rooftops into energy and water conservation strategies;
- e) integrating active transportation and transit into development plans; and,
- f) maintaining natural heritage features and functions in accordance with the policies of this Plan.

D4.3.2 Extension of Draft Plan Approval

In considering a request for an extension to draft plan of subdivision approval, the City will communicate with the Region, NPCA and all other affected agencies to ensure that such conditions of draft approval are reflective of current policies, guidelines and technical standards.

If a plan of subdivision or part thereof has been registered for eight years or more and no installation of infrastructure or construction has occurred and the subdivision does not meet the growth management policies of this Plan, the City may use its authority under Section 50(4) of the Planning Act to deem the plan to no longer be a registered plan of subdivision.

Only one extension to a lapsing draft plan of subdivision shall be approved by the City for a period of up to two years, unless the draft plan meets the growth management and environmental policies of the Regional and Thorold Official Plans.

D4.4 PUBLIC PARKLAND

D4.4.1 Objectives

It is the objective of this Plan to:

- a) Establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) Enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) Ensure that appropriate amounts and types of parkland are acquired by the City through the development process;
- d) Encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) Manage the public open space and parkland areas in a manner that is consistent with the 'environment-first' objectives of this Official Plan.

D4.4.2 General Policies Applying to all Public Parkland

D4.4.2.1 Integration of Other Public Uses with the Public Parkland System

Where a public parkland area is to be integrated with an educational or major recreational facility, it is the intent of this Plan that the two uses complement each other by limiting physical barriers between the uses.

D4.4.2.2 Dedication of Land through the Development Process

Council will require the dedication of five percent of the land for all forms of residential development or redevelopment, as a condition of approval, to be dedicated to the City as parkland. Two percent of the land within a commercial development shall be dedicated as parkland, however, mixed-use development (residential/commercial) shall be five percent of land within the development. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. All other forms of development or redevelopment, as a condition of approval, require that up to five per cent of such lands shall be conveyed to the municipality for park or other public recreation purposes.

All lands dedicated to the City shall be conveyed free and clear of any encumbrances and shall be in a physical condition satisfactory to the City for its intended functional use.

Lands within any *Environmental Protection* designation and/or which have been identified as hazard or floodprone lands or stormwater management facilities shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

D4.4.2.3 Dedication of Land in High Density Development Proposals

As an alternative to the requirement set out in Section D4.4.2.2, in high density residential development proposals, Council may require land to be conveyed for park or other public recreational purposes at a rate of up to one hectare for each 300 dwelling units proposed. In lieu of the above requirement, Council may require cash-in-lieu of parkland instead, as deemed appropriate.

D4.4.2.4 Parkland Dedication By-law

Council shall enact a Parkland Dedication By-law that establishes:

- a) The lands to which the by-law is applicable;
- b) The rate of parkland dedication in accordance with Section D4.4.2.2 and the applicable Section of the *Planning Act* used to require parkland dedication;
- c) The development applications which are subject to parkland dedication requirements; and
- d) Land uses which are exempt from parkland dedication requirements.

D4.4.3 Parkland Development Policies

D4.4.3.1 Parks and Recreation Master Plan

In making future decision with respect to improvements to parks and recreation facilities as well as capital expenditures, Council will be guided by the Parks and Recreation Master Plan (2010) or its successor.

D4.4.3.2 Parkland Siting and Design

It is the intent of this Plan that all public parkland:

- a) Have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
- b) Be appropriately lit for safety purposes;
- c) Have direct and safe pedestrian access from adjacent residential areas;
- d) Be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access and parking;
- e) Incorporate natural heritage features wherever possible into the design of the parkland;
- f) Be integrated into the fabric of the adjacent neighbourhood; and,

- g) Be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

D4.5 FINANCIAL

D4.5.1 Public Facilities and Infrastructure

Where new development creates the need for new or expanded public facilities and infrastructure, Council will ensure the cost of providing such facilities is borne by the development proponent to the greatest extent possible under applicable provincial legislation.

D4.5.2 Waste Recycling and Collection Services

Where new development creates the need for waste recycling and collection services, such development must be compliant with the Region of Niagara Waste Collection Policy.

D4.5.3 Coordination of Capital Planning

Council will align its investment strategy in new infrastructure and transportation with the Region and other municipalities. Specifically, the Strategic Locations for Investment and the Gateway Community Improvement Area as identified by the Region shall be focal points for co-ordinated investment.

D4.5.4 Developer's Group/Front Ending Agreements

Developer's Group/Front Ending Agreements recommended by secondary plans, servicing plans and/or any other studies deemed necessary by the City, shall be entered into by the benefiting parties and approved by the City as a condition of the approval of development applications.

Such agreements shall ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincident with occupancy and use of land. Items which may be addressed in the Developer's Group/Front Ending Agreements include:

- a) open space and environmental features;
- b) streetscape features;
- c) water distribution and wastewater collection;
- d) storm water management facilities;
- e) road infrastructure, internal access and widenings; and,
- f) other utilities.

If difficulties or undue delays are encountered with respect to the preparation of any Developer's Group/Front Ending Agreement required above, the City may be requested to facilitate discussions amongst parties to address difficulties or delays. Where resolution of disputes amongst parties is not deemed feasible by the City or is not possible even with

the City's intervention, the City may approve alternative mechanisms to satisfy the intent of the applicable policy.

D5 OIL AND NATURAL GAS PIPELINES

D5.1 LOCATION

Trans Canada Pipelines Limited (TCPL) and Enbridge Pipelines Inc. (Enbridge) own and operate high pressure pipelines regulated by the National Energy Board (NEB). TransCanada Pipelines Limited operates two high pressure natural gas pipelines within its right-of-way which is located in the north extent of the City. Enbridge operates two high pressure petroleum pipelines in the same area. Both are identified on Schedule D to this Plan

D5.2 AUTHORITY

TransCanada and Enbridge are regulated by the National Energy Board which, in addition to TransCanada and Enbridge, have a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment. New development can result in increasing the population density in the area that may result in TransCanada or Enbridge being required to upgrade its pipeline to comply with the CSA Code Z662. Therefore, the City shall require pre-consultation with TransCanada and/or Enbridge or its designated representative for any development proposals within 200 metres of its facilities.

D5.3 NEW BUILDINGS AND STRUCTURES

The implementing Zoning By-law shall establish requirements prohibiting new permanent buildings or structures from being located within 7 metres of the pipeline right-of-way. The Zoning By-law shall also require accessory structures to maintain a minimum setback of at least 3 metres from the limit of the right-of-way and that no building or structure shall be permitted within 3 metres of the right-of-way. These setbacks may be varied subject to the review and approval of TransCanada and/or Enbridge or their authorized agent and such variance shall not require an Official Plan Amendment.

D6 UTILITY INFRASTRUCTURE

D6.1 INTENT

Utility infrastructure such as water and sanitary sewer pipes, communications and hydroelectric cabling and wiring shall be permitted in all land use designations unless other policies in this Plan prohibit or require impact assessment prior to the installation of utility infrastructure. It is the intent of this Plan that the installation and provision of such infrastructure will be integrated concurrent with new development or redevelopment. In addition, the development of sustainable, compatible, energy supply systems will be encouraged in the City to accommodate current and projected needs.

D6.2 FUNCTIONAL SERVICING REPORTS

Where the policies of this Plan or where pre-consultation discussions resolve the need for a proponent of new development to prepare a Functional Servicing Report, such report shall:

- a) Identify preferred locations for large utility equipment, including the identification of cluster sites;
- b) Outline an installation plan to ensure utilities will be installed in a coordinated and cost-efficient manner with minimal disruption; and,
- c) Suggest innovative design measures in an effort to minimize visual impacts and preserve or contribute to the establishment of a neighbourhood or community character particularly in cases where the policies of this Plan have established urban design guidelines and objectives.

D6.3 LOCATION OF UNDERGROUND UTILITIES

Underground utilities may be located in public or private rights-of-way provided appropriate legal agreements and other measures are in place to ensure that such utilities will have unfettered access for maintenance purposes.

D6.4 TELECOMMUNICATION TOWERS

The approval authority for telecommunications towers is Industry Canada. In accordance with Industry Canada's siting and approval procedures, proponents who wish to establish new telecommunication towers are required to consult with the City. The purpose of this policy is to provide guidance and expectations for the proponents of new or expanding telecommunication towers and infrastructure.

D6.4.1 Complete Application Requirements

All applications for new telecommunications towers, antenna facilities and modifications to existing towers which require municipal consultation in accordance with Industry Canada's antenna siting and approval procedures shall require the submission of an application to the City comprised of the following information:

- a) A written submission providing the rationale for the preferred location, which includes an assessment of other non-tower and co-location options. This submission will also address design considerations for the site and identify measures intended to minimize visual impacts caused by the tower;
- b) A site plan drawn to scale identifying the subject property, topographic information including contours, lot lines, existing and proposed buildings and structures, fences, vegetation, access and parking and complete tower specifications; and,
- c) An overlay of the site plan information on an air photo providing sufficient detail on surrounding land use within a minimum radius of 1 kilometre from the proposed tower site.

D6.4.2 Public Consultation

The City encourages the proponents of telecommunication towers to provide opportunities for public consultation. The City will assist proponents in facilitating public consultation by providing a mailing list of property owners in proximity to the proposed tower site. Public consultation can be accomplished through:

- a) Providing a notice of intent to adjacent landowners through regular mail;
- b) Posting a notice of intent in the local newspaper; and/or,
- c) Hosting a public information open house.

The City will require a summary of comments raised through public consultation together with proponent responses.

D6.4.3 Consultation with City and Regional Emergency Service Departments

Proponents shall be required to contact City and Regional Emergency Service departments to determine if their telecommunication system requirements could be improved by the installation of the proposed tower.

D7 ACCESSIBILITY

D7.1 OBJECTIVE - MOBILITY FOR ALL PERSONS

The City shall strive to improve the mobility of all persons to make conditions safe for walking, persons using mobility devices, including wheel chairs and scooters, and people utilizing accessible conventional transit, specialized transit and accessible taxis.

D7.2.1 Accessible Design for New Buildings

All new public, commercial, residential, recreational, and institutional buildings and facilities will incorporate accessible design, including, but not limited to, escalators/elevators where appropriate, automatic door openers, and ramps at building entrances.

D7.2.2 Development Review Considerations

In the review of development applications, the City will address accessibility needs by:

- a) requiring driveway and sidewalk slopes at a ratio of 1:12, height to length;
- b) requiring sidewalk curb cuts at all intersections;
- c) requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;
- d) requiring designated parking spaces for persons with disabilities, as specified in the Zoning By-law;
- e) encouraging any other features appropriate to ensure that barrier-free design is provided and,
- f) where appropriate, circulating the Application to an Accessibility Advisory Committee for comment.

D7.2.3 Preparation of Guidelines

The City may prepare specific design guidelines for accessibility and/or ensure that accessible design is addressed when preparing design guidelines for neighbourhoods.

Note: As modified by the Ontario Land Tribunal, March 16, 2021 through OPA 06, By-law No. 60-2019

The City will work with Niagara Region, not-for-profit housing agencies and the private sector to ensure that a sufficient supply of housing is provided which is affordable to low- and moderate-income households. The City will target 30% of all new housing units constructed over the long term to consist of affordable housing units to be constructed in both intensification areas and throughout the built-up area and also in greenfield areas. The City will consider alternative requirements for residential lot standards and required floor space in the Zoning By-law which would support the provision of affordable housing.

D7.2.4 Accessible Housing

The City will work Niagara Region, the Province, the private sector and other special needs groups to ensure that an adequate supply of accessible housing is provided to meet long term demand for persons with physical disabilities.

D8 CONSULTATION WITH FIRST NATION COMMUNITIES

The City shall consult with First Nation communities on any planning matter that the City believes may be of interest to First Nation groups or where a First Nation community may have background and knowledge that would benefit the planning process.

D9 LICENSED MARIJUANA PRODUCTION FACILITIES

Facilities licensed by Health Canada for the production of medical marijuana will be permitted by this Plan in the Rural Industrial designation. The City shall use the Comprehensive Zoning By-law to define and further regulate licensed facilities for the production of marijuana through the use of setbacks from sensitive uses, minimum lot area and frontage, maximum floor area and other suitable zone regulations to address matters of compatibility. Where the Comprehensive Zoning By-law does not permit a marijuana facility as-of-right, a zoning by-law amendment shall be required. Marijuana production facilities shall be subject to site plan control.

Note: As modified
by the Ontario
Land Tribunal,
March 16, 2021
through OPA 06,
By-law No. 60-
2019