

PART B – LAND USE POLICIES

B1 URBAN AREA DESIGNATIONS

B1.1 URBAN LIVING AREA

B1.1.1 Purpose

The purpose of the *Urban Living Area* designation is to recognize the existing residential areas east and west of the Welland Canal and promote the efficient use of existing and planned community infrastructure.

B1.1.2 Permitted Uses

Permitted uses in the *Urban Living Area* designation include:

- a) Single-detached residential dwelling units;
- b) Second dwelling units subject to Section B1.1.4;
- c) Semi-detached, townhouse, multiple and apartment dwellings subject to Section B1.1.5;
- d) Home occupations subject to Section B1.1.6;
- e) Bed and breakfast establishments in single detached dwellings, subject to Section B1.1.7;
- f) Public parks and open space;
- g) Complementary uses such as residential care facilities, special needs housing, day care facilities, institutional uses and convenience commercial uses subject to Section B1.1.8.

B1.1.3 Residential Intensification

In accordance with Provincial and Regional policy, the City will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the built boundary of Thorold as illustrated on the Land Use Schedules of this Plan.

For the purpose of this Plan, residential intensification includes the use of vacant or occupied residential lots, as well as the development or redevelopment of existing vacant land or underutilized land within the built boundary. In reviewing intensification proposals, the City will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal and how issues such as landscaping, traffic and parking have been addressed. The financial feasibility of or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

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

While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential intensification, the following criteria are applicable to intensification proposals within the *Urban Living Area* designation:

- a) Residential intensification proposals should be focussed on lands located within the *Downtown*, *Downtown Transitional* or *Regeneration Overlay* designations. This does not preclude consideration for other sites in the *Urban Living Area* designation.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is compatible and in keeping with the character of the neighbourhood where it is proposed. On the basis of the housing density of existing neighbourhoods, the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 85 units per hectare;
- c) Residential intensification and redevelopment proposals on lands located in the Urban Living Area designation that abut local roads shall maintain compatibility with the surrounding neighbourhood. The existing unit densities of lands within the urban living area, as set out in the Zoning By-law, may be increased through a Zoning By-law Amendment, subject to the following provisions:
 - i) The unit density may be increased by up to 75% of the existing gross density of lands within 75 metres of the site.
 - ii) The unit density may be increased by up to 150% where the development site is proximate and accessible to the *Downtown* area, provided that:
 - 1. the proposed development is supported by an engineered stormwater management plan and will be characterized by quality design and landscaping, and suitable building setbacks; and,
 - 2. parking areas and traffic movements will not negatively impact the character of the adjacent neighbourhood;
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the plan of subdivision or consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities that are considered appropriate within the *Urban Living Area* designation;
- e) The creation of an internal second dwelling unit within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of second dwelling units shall occur in accordance with Section B1.1.4; and,

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

- f) The proposal can be suitably serviced with City sewer and water services and can be designed to manage stormwater impacts as authorized by the City's Operations Department and in accordance with Section D1.4 and C5.

B1.1.4 Second Dwelling Units

B1.1.4.1 Locational Criteria

Second dwelling units are considered to be an appropriate form of residential intensification and such housing will also contribute to the supply of affordable housing in the City. On this basis, second dwelling units are permitted in the Urban Living Area designation where single detached, semi-detached and townhouse dwellings are permitted in the City's Zoning By-law.

B1.1.4.2 Zoning Provisions for Second Dwelling Units

In regulating second dwelling units, the implementing Zoning By-law will establish standards to address the following matters:

- a) The dwelling unit will comply with the Ontario Building and Fire Codes as well as applicable provisions of the City's Zoning By-law;
- b) Adequate parking is available on the lot for both dwelling units;
- c) The second dwelling unit is designed and located in the interest of maintaining the character of the residential streetscape, and,
- d) The existing and proposed second dwelling can be suitably serviced with City sewer and water services in accordance with Section D1.4.

B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings

In addition to the criteria listed in Section B1.1.3, in considering a Zoning By-law Amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- d) Is located on a site that has adequate land area to incorporate required parking, amenity areas, recreational facilities, landscaping and buffering on-site.

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

B1.1.6 Home Occupations

Home occupations are permitted, provided:

- a) It is wholly located within a dwelling unit and shall not be located in a detached accessory building;
- b) It is clearly a secondary use of the residence, in terms of floor space utilization, and is compatible with surrounding residential uses;
- c) It is located in the principal residence of the person conducting the home occupation;
- d) Preserves the character of the dwelling as a private residence;
- e) No outside storage of goods, materials, equipment or service vehicles other than cars, vans and light trucks related to the home occupation should be permitted;
- f) Adequate on-site parking is provided for the home occupation use, in addition to the parking required for the residential use, and such parking is provided in locations compatible with the surrounding residential uses; and,
- g) The use does not generate noise, odour or alter residential character of the neighbourhood.

The Comprehensive Zoning By-law shall further detail the conditions under which a home occupation may be permitted.

B1.1.7 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted in single detached dwellings, semi-detached dwellings and street townhouse dwellings.

The following criteria will provide a basis for the establishment of zone standards to regulate bed and breakfast establishments:

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

- a) Is located within the principal residence of the owner/operator;
- b) Preserves the character of the dwelling as a private residence; and,
- c) Can be accommodated in terms of parking and access.

The Implementing Zoning By-law shall define a bed and breakfast establishment and further detail the conditions under which a bed and breakfast establishment may be permitted.

B1.1.8 Complementary Uses

The following complementary uses may be permitted in the *Urban Living Area* designation, subject to an amendment to the Comprehensive Zoning By-law:

- a) Residential care facilities in accordance with Section B1.1.8.1;
- b) Institutional uses such as places of worship and schools in accordance with Section B1.1.8.2;

- c) Neighbourhood commercial uses in accordance with Section B1.1.8.4.

B1.1.8.1 Residential Care Facilities

- a) Residential care facilities are defined as supervised living accommodations that may include associated support services, and are:
 - i) Licensed or funded under Province of Ontario or Government of Canada legislation;
 - ii) Meant for semi-independent or group living arrangements; and,
 - iii) For up to ten persons, exclusive of staff.
- b) The City supports the provision of an adequate supply of residential care facilities. Such uses may be subject to Site Plan Control to ensure that the facility is properly licensed by the Provincial government and complies with the Ontario Building and Fire Codes. In addition, the implementing by-law shall not permit the use of such a facility by more than 10 persons, plus the owner and staff.
- c) Drug and alcohol treatment centres, correctional residential care facilities and hostels are not to be permitted as of right in the Comprehensive Zoning By-law, and shall be subject to zoning amendment. A Zoning By-law Amendment will be subject to an evaluation of the following criteria:
 - i) the compatibility with surrounding land uses;
 - ii) the suitability of the location with respect to the needs of clients and availability of necessary services;
 - iii) size and type of dwelling as well as lot size.

B1.1.8.2 Institutional Uses

The development of any new institutional use shall require an Amendment to the Zoning By-law and shall be subject to Site Plan Control.

In conjunction with an Amendment to the Zoning By-law, the applicant shall submit the following:

- a) A Site Plan illustrating the massing, location and, if applicable, phasing of proposed land uses;
- b) A Functional Servicing and Stormwater Management report; and,
- c) Any other study or technical report required by staff or Council.

Prior to the approval of a Zoning Amendment, Council shall be satisfied that:

- a) The proposed use or expansion is compatible with the character of the area in which it is proposed;

- b) The proposed use is compatible with and can be appropriately buffered from adjacent uses, if necessary;
- c) The proposed use can accommodate the increased traffic generated by the proposed use; and,
- d) The proposed use can adequately accommodate parking requirements.

B1.1.8.3 Conversion of Institutional Uses to Other Uses

Existing institutional uses may redevelop to other uses permitted in the *Urban Living Area* designation subject to a Zoning By-law Amendment which addresses the matters outlined in Section B.1.1.8.2.

B1.1.8.4 Neighbourhood Commercial Uses

The following uses are considered to be neighbourhood commercial uses:

- a) Retail uses with a floor area of less than 140 square metres;
- b) Personal service uses;
- c) Offices;
- d) Day care facilities, private and commercial schools and studios;
- e) Restaurants; and,
- f) Medical and dental clinics.

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

Neighbourhood commercial uses will be permitted, defined and regulated through the City's Zoning By-law.

B1.1.8.4.1 Conditions for Approval

Neighbourhood commercial uses may be permitted in the *Urban Living Area* designation subject to a Zoning By-law Amendment, provided Council is satisfied that:

- a) The use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) The use can easily be accessed by pedestrians;
- c) The use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and,
- d) The scale, massing and siting of the development is compatible and consistent with development on adjoining lands.

Neighbourhood commercial uses may be permitted to locate within the main floor of multiple residential and apartment buildings, provided that the location and design of such

uses are compatible with the residential use and will conform to this section of the Plan. Zoning By-law Amendments passed in support of such a use may include site-specific regulation intended to limit the intensity of the use and maintain the character of the surrounding neighbourhood.

It is intended that the uses permitted in accordance with this policy only serve the neighbourhood retail and service needs of the surrounding residential area or neighbourhood and therefore will be limited in floor area.

B1.1.9 Urban Agriculture

The City supports the establishment of outdoor gardens and greenhouses as accessory uses to residential uses in the Urban Living Area designation. The City also supports the establishment of community vegetable gardens within the Urban Living Area. Such uses promote active and healthy lifestyles and contribute to the maintenance of a local food supply. The keeping of chickens for the production of eggs as a food source will be subject to zoning and/or licensing regulation.

B1.1.10 Monitoring of Housing

Subject to the availability of resources, a monitoring program may be established by the City to:

- a) Review historic housing production levels by location, type and tenure in the Urban Living Area;
- b) Identify the location and spatial distribution of the supply of vacant designated residential land within the Official Plan;
- c) Identify the number of draft approved and vacant registered residential lots;
- d) Identify the average price of housing available on the market;
- e) Determine if Regional housing targets for affordability are being achieved;
- f) Describe the location, spatial distribution, the amount and pricing of housing available for rent;
- g) Describe the type, location and spatial distribution of infill housing development that has occurred; and,
- h) Identify how many second dwelling units have been legally created in accordance with Section B1.1.4 of this Plan.

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

The City may consult with the Region to obtain, if applicable, information on vacancy rates, supply of affordable rental and ownership housing units, and affordability thresholds. The results of this monitoring program will be analysed at the time of a five-year Official Plan review.

B1.1.11 Conversion of Rental Housing

The City will discourage the conversion of rental accommodation to condominium ownership where the vacancy rate in the City is less than 3% if the conversion would result in the creation of condominium housing units that are not affordable.

B1.1.12 Implementing Zoning By-law

All lands that are used for residential purposes shall be placed in Residential Zone categories in the Implementing Zoning By-law. Residential zone categories may vary to reflect housing density or unit type.

B1.1.13 Exceptions

B1.1.13.1 Block 37, RP 59M-184, 2-30 Confederation Avenue

Notwithstanding the permitted uses in Section B1.1, on lands legally described as Block 37, Plan 59M-184, 2-30 Confederation Avenue, in addition to the policies of the Urban Living Area, the following uses are permitted on the easterly portion of the property:

- Retail uses;
- Service uses;
- Personal service shops;
- Business offices;
- Professional offices;
- Government offices;
- Banks and financial institutions;
- Restaurants; and
- Medical clinics.

Note: As modified by the City of Thorold, February 15, 2022 through OPA No. 17, By-law No. 20-2022

In addition, the City will give consideration to the inclusion of a warning clause or similar method deemed suitable by the City, for the purpose of advising future residents in proximity to this area of industrial uses to the east and the potential for impacts to occasionally interfere with the residential uses in this area.

B1.2 DOWNTOWN

B1.2.1 Purpose

The purpose of the *Downtown* designation is to maintain and promote Downtown Thorold as a focal point for commerce and hospitality in the City and to continue with the restoration of culturally and historically significant buildings.

B1.2.2 Permitted Uses

Permitted uses in the *Downtown* designation include:

- Retail uses;
- Service uses;
- Business offices;
- Professional offices;
- Government offices;
- Banks and financial institutions;
- Hotels, inns and bed and breakfast establishments;
- Entertainment uses;
- Day care facilities;
- Private and commercial schools;
- Places of worship;
- Institutional uses;
- Medical clinics;
- Restaurants and take-out restaurants;
- Micro-breweries and micro-wineries;
- Medium and high density residential uses;
- Mixed-use development
- Parks;
- Public uses;
- Funeral homes;

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

Banquet halls;

Private clubs and meeting facilities;

Farmers markets;

Galleries, museums and theatres, including open air pavilions; and,

Uses, buildings and structures accessory to the above.

B1.2.3 The Vision for the Downtown Area

It is the intent of this Plan that the role and function of the Downtown be reinforced as a focal point for commerce and hospitality in the City, accommodating a diverse mix of commercial, residential, cultural and social uses. In Downtown Thorold specifically, this Plan envisions more housing opportunities. This Plan therefore envisions that some lands within the *Downtown* designation may be utilized for high-density residential uses, particularly in locations or in buildings that have remained vacant of commercial activity for extended periods.

It is a policy of this Plan that the scale and location of new development in the Downtown maintain and/or enhance the historic and cultural character of the Downtown.

B1.2.4 Development Policies

B1.2.4.1 Residential and Mixed Use Intensification

In accordance with Provincial and Regional policy, the City will accommodate at least 15% of projected housing growth or about 300 units within the built boundary of Thorold.

For the purpose of this Plan, residential intensification is defined as the use of vacant residential lots and the development or redevelopment of existing vacant land or underutilized land within the built boundary. In reviewing intensification proposals, the City will assess the density of such proposals relative to the surrounding downtown neighbourhood as well as the site and building design of the proposal and how issues such as landscaping, traffic and parking have been addressed. The financial feasibility or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

Intensification opportunities will be encouraged to be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential and mixed-use intensification, the following criteria are applicable to proposals within the *Downtown* designation:

- a) The City encourages intensification proposals which abut the streets identified on Schedule A-1 as Intensification Corridors;
- b) Single and semi-detached housing types will not be permitted in the *Downtown Commercial* designation;

- c) In order to encourage residential intensification proposals within or in proximity to the Downtown, the City may provide incentives through a Community Improvement Plan or bonusing in accordance with the provisions of the Planning Act. Council may also consider providing exemptions from the provision of on-site parking, local development charges and/or parkland dedication. However, the establishment of incentives or exemptions shall only occur subsequent to the completion of a Municipal led feasibility study to confirm that the provision of such incentives will not be detrimental to the financial position of the City;
- d) At least 50% of the dwelling units to be constructed in the *Downtown* should be affordable to low and moderate income households;
- e) Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, proponents will be required to integrate the urban design policies in Section B1.2.4.3, the City may prepare and adopt urban design guidelines and may enforce these standards through site plan control. Any future design guidelines created by the City should consider the Region's Model Urban Design Guidelines;
- f) The City shall establish minimum building heights in the implementing Zoning By-law for site-specific areas in the Downtown as set out in Section B1.2.4.3;
- g) The City will aim to maintain the current minimum and maximum density of the downtown area, which generally ranges from 15 units per hectare to 250 units per hectare. The Zoning By-law will strive to implement these densities in a manner that is complementary to existing neighbourhoods, land use, services, servicing infrastructure and the character of the Downtown; and,
- h) Residential intensification projects proposed within the *Downtown Commercial* or *Downtown Transitional* designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

B1.2.4.2 New Lots Created by Consent

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives of this Plan and does not unduly fragment the land base of the Downtown to make it more difficult to accommodate usable building and parking space. The creation of new lots in the Downtown shall also comply with Section D4.2.1 (New Lots by Consent - General Criteria).

B1.2.4.3 Development and Urban Design Policies

The following policies are intended to guide proposals for new development or redevelopment along the Intensification Corridors in the *Downtown* designations:

- a) In order to maintain a consistent façade along Front Street, Ormond Street, St Davids Street and Pine Street, the maximum height of new buildings fronting on these streets shall be 6 storeys. The minimum height shall be 3 storeys for Front Street and 2 storeys for Pine Street, St. Davids Street and Ormond Street. Building heights greater than 6 storeys may be permitted subject to a Zoning By-law

Amendment provided the upper storey is appropriately stepped back or recessed from the front building wall;

- b) New buildings should be built at or near the front lot line;
- c) Parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of a lot, on the street, in a communal parking area or shall be located underground;
- d) The maximum retail floor area for a single building in Downtown Thorold should not exceed 1,500 m²
- e) Retail uses are encouraged to utilize the ground floor of multi-storey buildings to intensify the main street landscape and provide additional space for mixed uses on upper storeys;
- f) Buildings should be oriented to the street, consistent with adjacent buildings and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged through the use of awning or canopies;
- h) Building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments at street level;
- i) Utilities and mechanical installations should be shrouded from main street viewscapes and/or be integrated in architectural treatments;
- j) Preferred building material include brick, wood, stone glass, in-situ concrete and pre-cast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass; and,
- k) Where fencing is necessary to provide for privacy and/or noise attenuation, such fencing will be expected to integrate vegetative features such as ivy or vines to soften the visual presence of a wooden or chain link fence.

B1.2.4.4 Parking

The following guidelines relate to the provision and design of parking areas in the Downtown:

- a) Wherever possible, parking for new development is encouraged to be provided below grade or to the rear of buildings with access by a rear lane and/or integrated with the design of the proposed building;
- b) Rear lanes should be utilized wherever possible for access to parking areas and provision should be made for the acquisition of land or easements through development approvals to create rear lanes;

- c) Business owners will be encouraged to consolidate parking areas and access for contiguous lots;
- d) Direct access to parking areas from the main street will be discouraged for lots with less than 30 metres of frontage;
- e) Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons;
- f) Parking areas shall also provide for dedicated bicycle parking and/or an internal bicycle storage facility; and,
- g) Loading areas should be screened from public view through landscaping and fencing.

Where a new or redeveloping use does not comply the City's parking requirement, the City shall require cash-in-lieu to be paid and such funds shall be utilized for the purpose of improving parking and the accessibility of parking in the Downtown. In an effort to assist redevelopment efforts in the Downtown and minimize parking problems, the City will prepare a Parking Study for the Downtown. If this study has not been finalized at the time that a significant new development is proposed, the City may require the proponent to prepare an independent parking study for the proposal as part of a complete application. Upon completion of the City initiated Parking Study, the City may require the proponent to prepare a study identifying the impact and/or implications of the proposed on the City initiated Parking Study.

B1.2.4.5 Drive-Throughs

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
 - i) Assess existing and projected traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
 - ii) Recommend a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
 - i) Places drive-through aisles and stacking lanes in the rear or side yards

and away from the street frontage;

- ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
- iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
- iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
- v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,
- vi) Implements the urban design policies of this Official Plan, where applicable.

B1.2.5 Public Space in the Downtown

Public land in the *Downtown* designation includes areas such as streets, sidewalks or public parking lots. In order to improve public space in the Downtown, the City may require specific improvements or installations through site plan approval or may partner with stakeholders to maintain public space in a manner that is complementary to the Downtown and is consistent with the objectives of this Plan.

Specific projects aimed to revitalize public lands and buildings may include:

- a) The establishment of plazas to foster social activity and pedestrian usage of space in the Downtown;
- b) The use of site planning, landscaping and lighting to create strategic clearly defined gateways;
- c) The establishment of public art in parks, gateways and at the terminus of view corridors;
- d) The use of paths and pedestrian crossings to encourage active transportation and make access in the Downtown accessible and free of barriers;
- e) Streetscape improvements including the replacement of overhead wires with underground installations, traffic calming, introduction of streetscape features such as lighting, furniture, vegetation and wider sidewalks; and,
- f) The integration of outdoor patios on a seasonal basis or for special events.

Council will utilize the City's Downtown Streetscape Master Plan as a basis for the provision of advice and recommendation related to streetscape improvements.

B1.2.6 Implementing Zoning By-law

All lands that are used for commercial purposes shall be placed in a Downtown Commercial or Mixed-Use Residential Zone in the Implementing Zoning By-law.

B1.3 DOWNTOWN TRANSITIONAL

B1.3.1 Purpose

The purpose of the *Downtown Transitional* designation is to reinforce the importance of the *Downtown* designation by identifying a complementary area for transitional commercial and higher density residential development that contributes to the character and identity of the Downtown.

B1.3.2 The Vision for the Downtown Transitional Area

It is the intent of this Plan that the *Downtown Transitional* designation continue its evolution as a mixed use incubator for new business and commerce adjacent to the *Downtown* designation. The intent is that this area be designated for small-scale business, commercial and residential uses that could utilize or intensify existing buildings and be complementary to the mixed-use, pedestrian oriented focus of the Downtown.

B1.3.3 Permitted Uses

Permitted uses in the *Downtown Transitional* designation include:

- a) Low and medium density residential uses;
- b) Business offices and medical clinics;
- c) Inns and bed and breakfasts;
- d) Studios and home occupations; and,
- e) Small-scale restaurants, retail uses and personal service shops.

B1.3.4 Development Policies

B1.3.4.1 New Lots Created by Consent

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives for the Downtown and does not unduly fragment the land base of the Downtown to make it more difficult to accommodate usable building space. The creation of new lots in the Downtown shall also comply with Section D4.2.1 (New Lots by Consent General Criteria).

B1.3.4.2 Residential Uses

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and bed and breakfast establishments are permitted in the *Downtown Transitional* designation both as a primary use and as an accessory use to a commercial business.

B1.3.4.3 Development and Urban Design Criteria

The policies of Section B1.2.4 shall apply to the *Downtown Transitional* designation with the following exceptions and/or additional requirements:

- a) Single detached and semi-detached dwelling types shall be permitted in the *Downtown Transitional* designation;
- b) The maximum building height should be limited to 2 storeys unless the lands front onto an Intensification Corridor in which case the policies of Section B1.2.4.3 (a) shall apply with respect to height;
- c) Buildings are encouraged to be built within 1 metre of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard;
- d) The maximum floor area dedicated to retail uses should not exceed 150 m²;
- e) Design features such as pitched roof lines, awnings and front porches are encouraged; and,
- f) Interior side yard setback should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location and maintains or instils good urban design.

Redevelopment and intensification proposals shall be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
- b) The building and/or the general appearance of the site will be improved through quality urban design;
- c) Adequate on-site or off-site parking is provided;
- d) The Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,
- e) The sign identifying the use is limited in size in accordance with the municipal sign by-law.

B1.3.4.4 Parking

Parking for any use should be accommodated on-site, however where additional required parking cannot be accommodated due to site constraints, the City may accept cash-in-lieu of parking. Dedicated bicycle parking and/or storage shall be provided for customers, employees, tenants and business owners.

Where a new or redeveloping use does not comply the City's parking requirement, the City shall require cash-in-lieu to be paid and such funds shall be utilized for the purpose of improving parking and the accessibility of parking in the Downtown. In an effort to assist redevelopment efforts in the Downtown and minimize parking problems, the City will prepare a Parking Study for the Downtown. If this study has not been finalized at the time that a significant new development is proposed, the City may require the proponent to prepare an independent parking study for the proposal as part of a complete application. Upon completion of the City initiated Parking Study, the City may require the proponent to prepare a study identifying the impact and/or implications of the proposed development on the City initiated Parking Study.

B1.3.4.5 Drive-Throughs

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown Transitional* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
 - i) Assess existing and projected traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
 - ii) Recommends a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
 - i) Places drive-through aisles and stacking lanes in the rear or side yards and away from the street frontage;
 - ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
 - iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
 - iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
 - v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,

- vi) Implements the urban design policies of this Official Plan, where applicable.

B1.3.5 Implementing Zoning By-Law

Lands within the *Downtown Transitional* designation will be zoned for low-density and medium density residential use. Mixed use and/or commercial zones will also be recognized in the *Downtown Transitional* designation where such uses currently exist or are established through site-specific zoning amendments.

B1.4 GENERAL COMMERCIAL

B1.4.1 Purpose

To identify lands within the Built-Up Area which are utilized or are proposed to be utilized for larger format retail, service commercial or institutional uses.

B1.4.2 Permitted Uses

Permitted uses in the *General Commercial* designation include:

- a) Retail stores;
- b) Personal service shops;
- c) Business offices;
- d) Restaurants;
- e) Theatres;
- f) Veterinary clinics;
- g) Fitness and dance studios;
- h) Fuel sales and convenience stores;
- i) Financial services;
- j) Art gallery;
- k) Day care facilities;
- l) Funeral homes;
- m) Accommodation facilities;
- n) Private clubs and banquet halls;
- o) Institutional uses;
- p) Places of worship;
- q) Vehicle sales and service;
- r) Public uses; and,
- s) Medical clinics.

B1.4.3 Development Policies

The development of uses in the *General Commercial* designation shall be subject to Site Plan Control. Any redevelopment of existing commercial uses which would involve an expansion of the floor area or required parking or an expansion or reconfiguration of parking of may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a) The development has been designed in a manner that minimizes entrances and exits to and from City streets and to separate auto and pedestrian traffic;
- b) The proposal requires limited enclosed outside storage and such storage is suitably buffered from adjacent uses;
- c) The site is appropriately landscaped and buffered from adjacent uses and the site is appropriate for the proposed use;
- d) All new buildings are compatible with the site and surrounding area, and the existing streetscape is retained or improved both functionally and aesthetically;
- e) Site servicing is appropriate for the development and has obtained requisite clearances from the Region and the NPCA, if necessary.

B1.4.4 Implementing Zoning By-law

All lands located in the *General Commercial* designation shall be required to be placed in Commercial zone categories that reflect existing uses in the implementing Zoning By-law.

Note: As modified
by the City of
Thorold, February
15, 2022 through
OPA No. 17, By-
law No. 20-2022

B1.5 GENERAL INDUSTRIAL

B1.5.1 Purpose

The purpose of the *General Industrial* designation is to identify employment lands where the City wishes to accommodate a wide range of industrial uses including manufacturing, processing as well as industrial trades and services.

B1.5.2 Location

The *General Industrial* designation as shown on Schedules to this Plan applies to lands located within the urban areas which are currently used for industrial purposes or have been historically designated and zoned for industrial purposes. These lands comprise part of the Provincially Significant employment area known as the Gateway Economic Centre established in the Growth Plan for the Greater Golden Horseshoe.

B1.5.3 Permitted Uses

Permitted uses on lands designated General Industrial include:

- a) **Manufacturing, assembly, processing, and fabrication;**
- b) **Warehousing, including personal warehousing;**
- c) **Printing and publishing;**
- d) **Vehicle repair, maintenance and body shops;**
- e) **Custom workshops for skilled trades;**
- f) **Building material and equipment sales and rental;**
- g) **Research and development;**
- h) **Wholesaling establishments; and,**
- i) **Accessory retail and office uses are also permitted, provided they occupy only a limited amount of the gross floor area and are accessory and incidental to the industrial use.**

B1.5.4 Form of Development

It is the intent of this Plan that, where development within the General Industrial designation requires the extension of Regional servicing or municipal roads, that such development occur by way of Plan of Subdivision/Condominium to ensure that servicing and access for an entire parcel can be planned in an orderly and efficient manner.

B1.5.5 Development Policies

All new uses may be subject to an amendment to the implementing zoning by-law and shall be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;

- b) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- c) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- d) A stormwater management plan has been prepared and found to be acceptable by the City and the NPCA;
- e) Outdoor storage areas are substantially screened from view from passing traffic;
- f) Traffic movements and impacts can be managed and on-site parking and turning movements are suitable for the site and in the location proposed;
- g) The proposed use can be connected to the municipal water and sanitary sewer system if located within an urban area or if the lands are located in the rural area, the use must have a suitable water supply and an approved private septic system; and,
- h) Where a proposed use abuts or is proximate to an existing residential use or a planned residential development, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses.

B1.5.5.1 Redesignation of Lands in the General Industrial Designation

Lands located within the *General Industrial* designation shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the City and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The City will meet the employment forecasts articulated in the Settlement Area Strategy outlined at the beginning of this Plan;
- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
- d) There is existing or planned infrastructure to accommodate the proposed use;
- e) The lands are not required over the long term for employment purposes for which they are designated;
- f) Cross-jurisdictional issues have been considered;
- g) The conversion will lead-to or promote compatible mixed-use development.
- h) The conversion will result in or support the redevelopment of brownfield sites; and,

- i) The conversion will support efforts to revitalize the Downtown and/or provide for a broader range of housing types to address the need for affordable housing.

B1.5.5.2 Intensification and Redevelopment

The City encourages intensification and/or the redevelopment of under-utilized lands located within the *General Industrial* designation for new employment uses through building expansion, conversion or reuse of existing buildings and infilling.

B1.5.6 Implementing Zoning By-law

All lands within the *General Industrial* designation shall be placed in appropriate Employment or Industrial Zones in the implementing zoning by-law. Given that the *General Industrial* designation applies to lands in the settlement area as well as in the rural area, the Zoning By-law will contain regulations and performance standards specific to urban and rural industrial uses.

B1.5.7 Exceptions

B1.5.7.1 Block 4, Plan 59R-306, McCleary Drive within the Collier Park Industrial Subdivision

Notwithstanding the permitted uses in Section B1.5.3, on lands legally described as Block 4, Plan 59R-306, McCleary Drive within the Collier Park Industrial Subdivision a food supermarket having a maximum gross floor area of 40,000 ft² and located on lands having a minimum area of 2.43 hectares (6 acres) shall be a permitted use.

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

B1.6 OPEN SPACE AND PARKS

B1.6.1 Purpose

The purpose of the *Open Space and Parks* designation is to ensure that the residents of the City have access to a well-planned and accessible parkland system, which incorporates the principles of active transportation.

B1.6.2 Location

The *Open Space and Parks* designation as shown on Schedules to this Plan applies to both public and privately owned lands. Where lands so designated are under private ownership, it is not intended that these lands shall remain designated as such in perpetuity, nor does it mean that these land are open to the general public. The designation recognizes an existing use, or indicates the intent of the City to encourage the preservation of the open space quality of the lands.

B1.6.3 Permitted Uses

Permitted uses in the *Open Space and Parks* designation outside of the urban areas may include non-motorized passive and active recreational uses, festivals, special events, conservation uses, existing cemeteries, forestry uses in accordance with good management practices and accessory uses. On lands designated *Open Space and Parks* within the urban areas, permitted uses may also include buildings and structures utilized for recreational purpose such as, but not limited to arenas, swimming pools and gymnasiums. Existing and future public utilities may also be permitted in the Parks and Open Space designation.

B1.6.4 Components of the Open Space and Parks Designation

B1.6.4.1 Major Parks in the Settlement Areas

The major community parks in the settlement areas include Memorial, Mel Swart, Port Robinson, South Confederation, Beaverdams Village, Allanburg Community, McMillan and Martin Street. It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the City's residents.

Policies on parkland dedication can be found in Section D4.4 of this Plan.

B1.6.4.2 Other Public Parkland

The urban areas in the City of Thorold are characterized by a number of parcels of public land which are not improved or formally maintained as parks but nonetheless are public lands which contribute to the identity and character of the urban areas. It is anticipated that these areas will generally remain in their current state during the life of this Official Plan.

B1.6.4.3 Niagara Peninsula Conservation Authority Lands

All Niagara Peninsula Conservation Authority (NPCA) lands are intended to be used on a passive basis, as most NPCA lands are characterized by environmentally sensitive features. It is the intent of this Plan to encourage the Conservation Authority to maintain these lands in public ownership and

to ensure that their use is consistent with the ecological character and environmental features in the immediate area.

B1.6.4.4 Greater Niagara Circle Route

Council supports the use and function of the Greater Niagara Circle Route as identified on Schedule D in providing an inter-regional facility supporting active transportation and recreation. Council will support opportunities to create linkages or connections with the Greater Niagara Circle Route and other trails or public open space in the City of Thorold.

B1.6.4.5 Hydro Corridors

Hydro corridors shall continue to be used primarily for the transmission of energy. However, lands within hydro corridors may also be utilized to accommodate secondary open-space-type uses under the Provincial Secondary Land Use Program (PSLUP). In order to ensure compatibility, public safety, and feasibility from a technical and operational perspective, secondary uses within hydro corridors shall only be established in consultation with OPG and/or Infrastructure Ontario.

B1.6.5 Implementing Zoning By-law

All lands in the *Open Space and Parks* designation shall be placed in an Open Space Zone or other appropriate zone in the Implementing Zoning By-law.

B1.7 INSTITUTIONAL

B1.7.1 Purpose

The purpose of the *Institutional* designation is to permit institutional uses which serve the needs of the community and recognize the cultural and social importance of major institutional land and buildings.

B1.7.2 Location

The *Institutional* designation as shown on the Schedules to this Plan applies to larger or more space extensive institutional uses that were in existence or approved on the date this Plan was adopted by Council. The City encourages the co-location of compatible public service facilities to facilitate cost-effective service delivery and access to transit and active transportation.

B1.7.3 Permitted Uses

Permitted uses in the *Institutional* designation include:

- a) **Schools;**
- b) **Hospitals and medical facilities;**
- c) **Long-term care facilities;**
- d) **Museums and galleries;**
- e) **Places of worship;**
- f) **Cemeteries; and,**
- g) **Public uses.**

B1.7.4 Development Policies

B1.7.4.1 New Uses and Expansions to Existing Uses

The development of any new institutional use shall require an Amendment to the Official Plan and Zoning By-law and shall be subject to Site Plan Control. New institutional uses proposed in the Urban Living Area designation on lands smaller than 1 hectare in area shall proceed according to the policies set out in Section B1.1.8.2. Expansions to existing uses on lands that are already within the *Institutional* designation may require an amendment to the implementing zoning by-law and shall be subject to Site Plan Control and also shall proceed in accordance with the development policies set out in Section B1.1.8.2.

B1.7.5 Zoning By-law Implementation

All lands in the *Institutional* designation shall be placed in an appropriate Institutional Zone in the implementing zoning by-law.

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

B1.8 THE NEIGHBOURHOODS OF ROLLING MEADOWS SECONDARY PLAN

B1.8.1 Intent

The intent of this Secondary Plan is to provide a long-term planning program which recognizes the strategic position of the Neighbourhoods of Rolling Meadows Secondary Plan area as a new community providing the integration of diverse land uses including various housing types, community facilities such as schools and recreational areas, a range of commercial uses, compatible employment lands and open space/natural heritage areas.

This Secondary Plan embraces the principles of Smart Growth and provides for compact development resulting in a comprehensively planned complete community.

B1.8.2 Objectives

The primary goal of the Neighbourhoods of Rolling Meadows Secondary Plan is to develop a Mixed Use Community. The Secondary Plan shall be guided by the following objectives:

- a) Provide an integrated mixture of housing types, tenure and densities;
- b) Integrate commercial and other employment opportunities throughout the Community;
- c) Provide affordable housing;
- d) Provide a land use distribution that achieves a compatible and aesthetically pleasing development pattern;
- e) Enhance the attractiveness of the planning community and its surroundings by protecting natural features and the provision of linear parks and pedestrian pathways, including hydro corridors;
- f) Coordinate the provision of recreation and education facilities with the growth of population in the Community;
- g) Establish a desirable and safe traffic pattern which will minimize impacts on existing roads and development, and which will provide the necessary connections to the external transportation network;
- h) Ensure the location of services including sanitary sewers water distribution system and stormwater management facilities is appropriate; and,
- i) Encourage a high standard of site and building design, landscape and streetscape through urban design guidelines.

B1.8.3 General

The Neighbourhoods of Rolling Meadows Secondary Plan establishes a land use plan, attached to this Plan as Schedule A-3 together with policies established for each land use category.

Boundaries of land use designations, as shown on Schedule A-3 are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries, streets and trails as well as implementing zoning by-law boundaries provided the general intent of the Official Plan and this Secondary Plan are maintained.

B1.8.4 Principles

- a) The lands are to be developed with a compact urban form at an appropriate scale that is pedestrian-oriented and fosters interaction throughout the neighbourhoods.
- b) A sense of identity throughout each neighbourhood is to be created through good quality urban design.
- c) Opportunities to live and work throughout all of the neighbourhoods are to be provided.
- d) A wide range of dwelling units differing in form, density, size, tenure and price are to be provided within each neighbourhood.
- e) The protection and enhancement of important natural heritage features is to be achieved.
- f) A land use pattern and transportation system that supports pedestrian and vehicular traffic are to be developed.
- g) A centrally located mixed use Village Square is to be created upon which the various neighbourhoods will focus, when fully developed.
- h) A network of linked trails along the utility corridors is to be established.
- i) The greyfield areas fronting Provincial Highways 20 and 58 are to be redeveloped and intensified in such a manner so as to create vibrant employment corridors of compatible commercial and light industrial development.
- j) To strategically position employment lands in such a fashion so as to achieve land use compatibility.

B1.8.5 Design Guidelines

To assist in guiding the built form of the Neighbourhoods of Rolling Meadows, urban design guidelines are to be prepared in consultation with Regional Niagara. These guidelines form Appendix B and will function as an implementation tool for successive development and approval processes, particularly plans of subdivision.

B1.8.6 Residential Policies

The policies of this Plan are presented as general development guidelines for an implementation period likely to exceed 15 years. Over this period, although the basic principles guiding location are expected to remain, the housing types and densities will adjust to reflect housing preferences and market conditions.

B1.8.6.1 Permitted Uses

The predominant use of the lands designated as Residential on Schedule A-3 Land Use Plan shall be for residential dwellings.

Secondary uses which may be permitted include the following:

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

- a) Places of worship;
- b) Nursery schools and day care facilities;
- c) Group homes, subject to the requirements of the Zoning By-law;
- d) Home occupations, subject to the requirements of the Zoning By-law;
- e) Neighbourhood parks and interconnected trails;
- f) Accessory buildings and structures; and
- g) Stormwater management facilities.

B1.8.6.2 Housing Density

For the purpose of this Plan, no areas have been designated on Schedule A-3 Land Use Plan for the various densities and housing types as in order to achieve a compact built form within the Neighbourhoods of Rolling Meadows minimum residential densities of 19 units per hectare per draft plan of subdivision are to be provided for. The location of medium and high density development shall occur throughout the Neighbourhoods of Rolling Meadows area and be guided by the policies of this Plan.

Development within the Neighbourhoods of Rolling Meadows will be coordinated with both the short-term housing demand and long range housing needs. Recognizing the increased need to provide a range of housing types, at varying densities and in a compact urban form and acknowledging the unique characteristics of this neighbourhood, and the broader community, the following residential mix will be achieved:

- a) RM Low Density

60% single detached and semi-detached

A minimum of 12 u.p.h. net units

(5 u.p.a.)

- b) RM Medium Density

30% multiple attached

A minimum of 24 u.p.h. net

(10 u.p.a.)

- c) RM High Density

10% multiple attached and apartments

A minimum of 48 u.p.h. net

(20 u.p.a.)

Variations to these housing targets and residential densities may be permitted when the minimum overall density target of 19 units per hectare is achieved.

Net density in freehold developments is defined as including the local public road serving the housing units, but not the residential collector road. In group developments, net density includes private residential streets, driveways and parking areas and a portion of the public street which provides direct driveway access to each individual unit.

B1.8.6.3 Affordability

The City of Thorold will have regard to the housing policies in the Provincial Policy Statement and the housing policies in the Regional Official Plan with particular emphasis on the affordability guidelines set by the Province and Region when reviewing residential development and mixed-use proposals.

In order to provide a range of affordable housing, a mix of dwelling unit types and lot sizes will be provided within the Neighbourhoods of Rolling Meadows Secondary Plan area. This mix of type and range of lot size will provide the opportunity for a range of affordable residential accommodation.

B1.8.6.4 Housing Mix

In order to achieve the housing mix and density targets of this Plan, the City will not approve any development application that compromises the ability of the City to achieve the expressed targets throughout the Neighbourhoods of Rolling Meadows area. Prior to the approval of any application for plan of subdivision and/or Zoning By-law Amendment the proponent shall effectively demonstrate how the proposed development achieves the housing mix and density targets of this Plan and provide a housing mix and density plan that geographically distributes house forms/types, lot sizes and densities based on the objectives and policies of this Plan.

Housing types will be located within the Neighbourhoods of Rolling Meadows in such a manner as to enhance the physical and living environments of the neighbourhoods. This will especially be the case for multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single detached house.

A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.

Developments incorporating a harmonious mix of single and multiple accommodation will be provided in all of the neighbourhoods so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes. In providing for this compatible mix of housing types and densities, varieties of housings types and densities will not be mixed indiscriminately but will be arranged in a gradation of housing types, heights and densities. Additionally, a particular housing type shall not dominate the character or identity of a

neighbourhood rather, each neighbourhood shall provide the housing mix and density range based upon the locational criteria of this Plan.

In order to minimize the impact of high density living on the residents of the neighbourhood, high density developments are proposed to be appropriately located within the residential neighbourhoods with convenient access to the arterial road system and public transit to minimize traffic movement on local streets and generally adjacent to:

- Local arterial roads;
- Open space areas; and
- The Village Square.

To ensure that medium and high-density developments are located in an appropriate fashion to minimize impact upon surrounding land uses, a Zoning By-law Amendment and Site Plan Application shall be required.

The character of the residential areas will be protected in the process of considering new higher density forms development by requiring increased building setbacks, appropriate landscape buffers, consideration of building orientation and the placement of uses such as loading bays, and refuse containers.

B1.8.6.5 RM Medium Density Residential

The siting of RM Medium Density development throughout the Neighbourhoods of Rolling Meadows shall be guided by the following locational criteria:

- a) Type and scale of development proposed for the site as it relates to the surrounding area;
- b) Nature and extent of existing land uses within the general area of the site;
- c) The relationship of the building to the established streetscape pattern in the area, particularly building spacing and setback;
- d) Proximity to natural amenities such as open space areas, parks and natural heritage features;
- e) Proximity to commercial areas, including the Village Square;
- f) Proximity to public transit, pedestrian pathways and the neighbourhood trail network; and
- g) Proximity to collector and neighbourhood collector roads so as to provide controlled access to such roads and minimize traffic infiltration of low density housing areas.

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

RM Low Density and RM Medium Density development will not be designed to have reverse frontages on arterial roads.

B1.8.6.6 RM High Density Residential

Where RM High Density Housing abuts lower density residential housing, site design consideration will be undertaken to ensure that the amenity of the lower density area is maintained.

Site design considerations may include:

- a) Increased setbacks;
- b) Sensitive building siting;
- c) Provision of landscaped buffers;
- d) Control of the scale of development;
- e) The provision of parking areas that do not dominate the site physically and visually;
- f) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and
- g) Ensuring well defined and articulated streetscapes.

B1.8.7 Commercial Policies

The Neighbourhoods of Rolling Meadows Secondary Plan, consistent with the principle of developing a Mixed-Use Community and the need to provide employment uses in such a manner to achieve the Provincial target of 50 residents and jobs combined per hectare, has established two commercial areas. The RM Highway Commercial designation, as identified on Schedule A-3 Land Use Plan, recognizes the historic commercial corridor along Highway 20 and is providing for additional commercial opportunities along the Highway 58 frontage lands.

The RM Village Square Commercial area, as designated on Schedule A-3 Land Use Plan, is a new land use concept and is to reflect the unique character of this planning community and function as a centrally located mixed-use local convenience centre.

B1.8.7.1 RM Highway Commercial

The historical commercial designation of the Highway 20 corridor was intended to provide commercial uses to serve the needs of local industry. Recognizing that the form and function of land uses to the north of Highway 20 has changed and is principally of a residential nature, the following policies, in addition to those of Section B1.4 of this Plan, apply.

The development and redevelopment of the RM Highway Commercial areas shall capitalize upon the sites strategic location to the travelling public, major tourism destinations, urban centres, existing industrial areas, and the developing residential community.

B1.8.7.2 Design Guidelines

- a) The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscaped islands is required.

- b) Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.
- c) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the “greening” of commercial areas and to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.
- d) Loading and unloading spaces shall be provided and shall generally be located in the interior side yard and screened from view of the roadways.
- e) Where permitted, the location and scale of outside storage or display of merchandise will be strictly limited, and will ensure their exposure would be visually acceptable and not detract from the general character of the area.

B1.8.7.3 RM Mixed Use

It may be appropriate at preferred locations, such as street intersections or on large lots to consider, by Zoning By-law Amendment, mixed-use developments, places of worship or nursing homes. Proposals to amend the Zoning By-law shall be evaluated based upon the following criteria:

- a) Type of development proposed for the site;
- b) Nature and extent of existing land uses within the general area of the site;
- c) Adequacy of available municipal services;
- d) Total extent of the site;
- e) Provision of on-site amenities;
- f) Adequacy of landscaping and buffering provisions;
- g) Land use compatibility;
- h) Opportunities for public transit service; and
- i) For mixed-use developments, the adequacy of amenity space exclusively devoted to the residential component and the functional separation from the public areas associated with the other uses on site.

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

B1.8.7.4 RM Village Square Commercial

B1.8.7.4.1 Purpose

The purpose of the RM Village Square Commercial Centre is to establish a local convenience centre that services the day-to-day needs of nearby residents. The Village Square should be designed as a community focal point. The following policies shall apply to the Village Square.

B1.8.7.4.2 Development Policies

- a) A clearly defined “Main Street’ concept shall be created. One with a strong urban image and a highly developed streetscape appearance at a human scale incorporating a 0 metre setback for development and with the commercial uses being designed to provide a continuous retail face along the street edge.
- b) Residential uses will be permitted in this commercial area to promote life and movement beyond the workday hours. The residential uses will locate above commercial uses. Freestanding residential uses will not be permitted in the RM Village Square Commercial area.
- c) It is intended that the Village Square, as a mixed-use node for the larger community, will achieve residential densities of 39 units per hectare.
- d) The design of the Village Square will provide residents with ample private open space in the form of terraces and patios. Such accommodation will provide privacy and separation from commercial activity. Stepping back building facades or terracing above the ground level commercial as a method of achieving privacy will be encouraged.
- e) Direct automobile access from collector roads will not be allowed. Access shall generally be via back lanes. Treatment of access to the street from individual lots shall be given careful design consideration in order to maintain pedestrian amenability.
- f) The Village Square shall be designed and developed in a manner that minimizes the negative impact on adjacent residential areas and encourages pedestrian activity.
- g) Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.
- h) Where a rear or exterior lot line or building facade abuts a public road, public open space, and/or a residential lot, special landscaping/building treatments shall be required to ensure that the rear and/or side building facades are attractive and/or appropriately screened from view.
- i) All parking, storage and loading areas shall be appropriately screened, landscaped and buffered from all adjacent land uses and road rights-of-way.
- j) All storage and display areas for retail sales shall be carried out entirely within wholly enclosed buildings.

- k) The total gross leasable floor area per individual use shall not exceed 300 square metres.

B1.8.8 RM Industrial Policies

The Neighbourhoods of Rolling Meadows Secondary Plan, consistent with the principle of developing a mixed-use community and the need to provide employment uses in such a manner to achieve the Provincial target of 50 residents and jobs combined per hectare, has established, in addition to the commercial areas, the following three industrial designations:

- RM Employment - Dry Industrial designation
- RM Employment - Prestige Industrial designation
- RM Employment - Light Industrial designation

B1.8.8.1 RM Employment - Dry Industrial

For those lands designated RM Employment - Dry Industrial, as identified on Schedule A-3 Land Use Plan, the policies of Section B2.4 of the Official Plan shall apply to govern land use.

B1.8.8.2 RM Employment - Prestige Industrial

B1.8.8.2.1 Permitted Uses

The uses permitted within the RM Employment - Prestige Industrial designation, as identified on Schedule A-3 Land Use Plan, shall include enclosed warehousing, offices, limited product distribution services, product showroom and display centres, research and development facilities, business and government services as well as light manufacturing and processing operations deemed not to be noxious by reason of dust, odour, fumes, particulate matter, noise and excessive vibrations.

Uses that are incidental or ancillary to the industrial operation such as a retail and wholesale division that is operated as a subsidiary function of any industry may also be permitted in the Industrial areas providing the floor area devoted to such use does not exceed 20% of the total floor space of the industry.

B1.8.8.2.2 Design Guidelines

- a) Parking areas shall be located to the side and rear yard for employees and visitors. Parking for vehicles used in conjunction with the industrial operation shall be restricted to the rear yard. In cases where parking areas can be viewed from the roadway, they shall be screened with appropriate planting strips, berms fences and other physical separations.
- b) Loading and unloading facilities shall be restricted to the side and/or rear of the building. Where such areas can be viewed from the roadway, proper screening shall be installed.
- c) No outdoor storage shall be permitted. All storage must be fully enclosed within a building.

- d) No outdoor manufacturing operations shall be permitted. All such operations must take place in fully enclosed buildings.
- e) Adequate landscaped areas including the provision of lawns, planting strips and other desirable vegetation shall be required.
- f) The City shall encourage the consideration of the natural environment as an essential component of the site plan. Special consideration should be given to surface drainage patterns and vegetation cover.
- g) All areas that are not landscaped or built upon shall be treated with asphalt, concrete or other permanent surface.
- h) Traffic generated by industrial uses shall be discouraged from penetrating designated Residential areas.
- i) Development of the RM Employment - Prestige Industrial area, recognizing that the area abuts residential lands, it may be required to undertake appropriate studies based upon the type of industrial use proposed to determine potential impacts and required mitigation measures and/or separation distances, such as but not limited to:
 - i) Adequate buffering is provided between the two uses by such means as adequate separation, landscaping, barriers (including noise attenuation barriers), and plantings;
 - ii) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and,
 - iii) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms, noise vibration and dust, and relationships to neighbouring buildings or uses are acceptable.

B1.8.8.3 RM Employment - Light Industrial

The RM Employment - Light Industrial area has been strategically located next to a woodland feature in order to achieve land use compatibility with residential neighbourhoods.

B1.8.8.3.1 Permitted Uses

The uses permitted within the RM Employment - Light Industrial designation, as identified on Schedule A-3 Land Use Plan, include workshops, warehousing, service shops, processing, manufacturing and assembling operations, communications and transportation facilities, research laboratory printing and/or publishing plants.

B1.8.8.3.2 Design Guidelines

- a) The open storage of goods, material or equipment shall be appropriately screened from view and not located in the front yard;

- b) Adequate off-street loading and unloading facilities shall be provided;
- c) Parking areas shall be located to the side and rear yard for employees and visitors. Parking for vehicles used in conjunction with the industrial operation shall be restricted to the side and rear yard. In cases where parking areas can be viewed from the roadway, they shall be screened with appropriate planting strips, berms fences and other physical separations;
- d) Adequate landscaped areas including the provision of lawns, planting strips and other desirable vegetation shall be required; and,
- e) Traffic generated by Industrial uses shall be discouraged from penetrating designated Residential areas.

B1.8.9 Natural Environment

B1.8.9.1 Description of Features

Located within the Blackhorse Community are a number of natural areas that are to be protected. These natural areas and associated buffer areas, which are designated Environmental Protection Two, as identified on Schedule A-3 Land Use Plan, include, but are not limited to:

- Fish habitat and adjacent riparian vegetation; and,
- Significant woodlands and treed hedgerows.

All lands designated Environmental Protection Two shall be subject to the policies of Section B3.3 of this Plan.

B1.8.10 RM Institutional Policies

B1.8.10.1 Purpose

Institutional facilities, such as schools and places of worship, will be required for the future inhabitants of the Neighbourhoods of Rolling Meadows area. The following policies shall guide the type and location of institutional facilities.

B1.8.10.2 School Sites

The School Board has identified the need for an elementary school site as a result of anticipated development within this Community. On this basis, Schedule A-3 has identified a 3.7 hectare Institutional site for school purposes is based upon the following locational principles:

- a) The lot size should be between 2.4 to 3.2 hectares;
- b) The site should centrally located;
- c) The minimum lot frontage 170 metres;
- d) The site should not be contiguous to commercial lands;

- e) The site should about a park complex or open space, if possible;
- f) The site should be removed from stormwater management facilities; and
- g) The site should be removed from major hydro corridors.

B1.8.10.3 Other Institutional Uses

Other institutional demands are expected to be accommodated:

- a) For large institutional uses requiring a lot size greater than 0.75 hectares they shall be located on RM Employment - Highway Commercial and RM Employment – Prestige Industrial designated lands; and
- b) For small institutional uses requiring a lot size less than 0.75 hectares they may be located on Residentially designated lands or within the designated RM Village Square Commercial area.

Establishment of institutional uses on lands designated Residential shall be by Zoning By-law Amendment and subject to the following:

- a) Have a maximum lot size of 0.75 hectare;
- b) Are located adjacent to the intersection of two roads, at least one of which is a collector road or neighbourhood collector;
- c) Does not negatively impact adjacent residential areas due to traffic and parking; and
- d) Adequacy of landscaping and buffering provisions.

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

The Neighbourhoods of Rolling Meadows Secondary Plan has designated, as identified on Schedule A-3 Land Use Plan, the existing Niagara Regional Detention Centre as Institutional.

B1.8.11 Open Space and Recreation Policies

The City of Thorold is desirous of developing a major recreational area and opportunities exist to achieve this within the Neighbourhoods of Rolling Meadows area. Also, it is a goal of the Municipality to continue to develop an integrated park system and trail system with linkages between as many parks and open space areas as possible.

B1.8.11.1 Parkland Requirements

To ensure that adequate parks are provided within the Blackhorse Community it is intended that approximately 11 hectares of parkland be established for recreational purposes. Between 6 to 8 hectares shall be used for community park purposes and 3 to 5 hectares for neighbourhood park purposes.

The community park, as illustrated on Schedule A-3, is located at the edge of the Neighbourhoods of Rolling Meadows thereby being centrally located and readily accessible to the majority of Thorold's residents. This community park has been strategically sized and located to:

- a) Provide appropriate exposure and accessibility at the cross roads of Provincial Highway 58 and the main north south collector;
- b) Accommodate opportunities for regulation-sized playing fields (lit and unlit), swimming pools, arenas, community centres, parking facilities, spray pads, small scale skateboarding, medium to large playgrounds, passive space, trails, and a picnic pavilion;
- c) Minimize opportunities for land use conflict due to lighting, parking, access, and parking by providing frontage on a major traffic route, reducing the amount of interface between residential and community park land uses and being at the edge of the residential community;
- d) Access future public transit opportunities; and,
- e) Connect with natural areas, open space areas and trail network.

B1.8.11.2 Parkland Location

The locations for the neighbourhood parks have not been illustrated on Schedule A-3. It is intended that the location, size and type of neighbourhood park will be determined through the plan of subdivision approval process and shall be based upon the following criteria:

- a) A range of neighbourhood parks and parkettes shall be provided throughout the community in order to contribute to the structure and identity of the various neighbourhoods;
- b) Neighbourhood parks and parkettes shall range in size from 0.3 hectares to 0.8 hectares and be centrally located to the neighbourhood within safe and convenient walking distance of the majority of neighbourhood residents;
- c) Neighbourhood parks and parkettes should have extensive street frontage for visibility and safety;
- d) Neighbourhood parks and parkettes should have a range of passive and active recreational elements based upon park size and setting; and
- e) Neighbourhood parks and parkettes should be integrated with school sites, open space areas and recreational trails whenever possible.

B1.8.11.3 Trails and Bikeways

The development of the Neighbourhood of Rolling Meadows provides opportunities to ensure that strategic linkages and interconnections are created from neighbourhood to neighbourhood and to the Regional Bikeway System.

Bicycle pathways and walkway systems in the form of side trail loops shall be integrated into the development and provide bicycle and pedestrian access throughout the neighbourhoods. It will include sidewalks and bicycle pathways integrated with the road system as well as a separate system forming part of the open space system and pedestrian corridor system.

As a condition of development the Municipality may require the dedication of land, the establishment of easements, and the construction of walkways and trailways in order to access park and open space areas and establish an appropriate linkage system throughout the community. The dedication of land or establishment of easements for this purpose shall not be considered a component of the required land dedication for park purposes pursuant to the Planning Act. Rather, the Municipality shall provide reimbursements for development charge credits negotiated through the development agreement for the purpose of land dedications, establishment of easements and the construction of walkways and trailways.

B1.8.12 Land Use Compatibility

It is a requirement of this Plan that appropriate measures be undertaken to attenuate the effects of noise, visual intrusion or other undesirable impacts of residential development adjacent to Highways 58 and 20, Thorold Townline Road and other environmentally incompatible land uses.

B1.8.12.1 Residential Development Adjacent to Provincial Highways and Regional Arterial Roads

Where residential development is proposed to be located adjacent to Highway 58 and 20 three alternative design considerations can be utilized to achieve environmental compatibility:

- a) Acoustical barriers such as berms or walls; or
- b) Minimum building setbacks of 65 metres from Highway 20 and 85 metres from Highway 58; or
- c) Single loaded window streets with the dwelling units facing the highway.

For residential development within 250 metres of Highway 58 and 20 and 100 metres of Thorold Townline Road the developer shall be required to prepare a detailed noise study. A noise feasibility study is required within 50 metres of a provincial highway in accordance with Provincial Guideline NPC-300. The noise study shall include recommendations regarding noise attenuation measures which are required in order to satisfy Provincial sound level objectives. Noise attenuation measures may include but shall not be limited to the following:

- a) Sound proofing measures and construction techniques;
- b) Warning clauses; and,
- c) Equipping the dwelling units with air conditioning or special ventilation.

B1.8.12.2 Residential Development Adjacent to Stationary Noise Sources and Industrial Facilities

Located within the Blackhorse Community are a number of existing uses which are stationary noise sources and may therefore impact sensitive receptors. A noise study is required for residential uses and noise sensitive land uses, such as a day care facility, institutional use, or hotel/motel, if these uses are to be located within:

- a) 300 metres of the commercial vehicle refuelling station; or,
- b) 70 metres of the natural gas metering facility.

The noise study shall include recommendations regarding noise attenuation measures which are required in order to satisfy Provincial sound level objectives.

When residential development is proposed adjacent to the natural gas metering facility a 20 metre separation distance is required measured from lot line to line.

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

- a) The utilization of window streets abutting the industrial area and the dwelling units having flanking yards;
- b) Sound proofing and construction techniques;
- c) Acoustical barriers such as berms or walls; and
- d) A forced air ventilation system with central air conditioning or some other form of mechanical ventilation.

B1.8.12.3 Aggregate Resource Protection Policies

The Ministry of Natural Resources and Forestry has identified lands east of Thorold Townline Road, north of the Hydro One corridor, as a potential bedrock resource area. Development applications within 500 metres of this potential bedrock resource area shall be reviewed having regard to this identified resource area and the need to demonstrate that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. Mitigation measures which shall be determined through appropriate studies prepared by the developer may be necessary and include but shall not be limited to the following:

- a) Building orientation;
- b) The utilization of window streets and dwelling units having flanking yards;
- c) Sound proofing and construction techniques;
- d) Increasing building setbacks or possibly the need for additional spatial separation; and
- e) Landscape treatments.

In order to determine the necessary mitigation, the developer when proceeding before a quarry application shall be required to prepare the following studies assuming that a proposed quarry will be located on the east side of Thorold Townline Road:

- a) Operational noise;
- b) Blasting;
- c) Traffic; and,
- d) Any other technical report considered appropriate by Council.

The 500 metre study area is identified on Schedule A-3.

It shall also be recognized that Thorold Townline Road is a Regional arterial road and is the likely aggregate haul route required to serve any future aggregate extraction operation to the east. Accordingly, all studies required by any policy of this Plan shall recognize that Thorold Townline Road is a future aggregate haul route. The haul route shall be restricted from the future extraction operation entrance southerly to Highway 20, a major arterial.

Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility.

B1.8.12.4 Residential Development Adjacent to Thorold Townline Road

When residential development is proposed to be located adjacent to the Townline Road and the easterly located agricultural lands in the City of Niagara Falls consideration shall be given to utilizing design elements of dwelling orientation, window streets, increased building setbacks, and landscape treatments to achieve land use compatibility.

B1.8.13 Servicing and Transportation

B1.8.13.1 General

- a) **All development within the Neighbourhoods of Rolling Meadows shall be developed with full municipal services in accordance with Municipal Policy.**
- b) **Extension of municipal services into the Neighbourhoods of Rolling will be required to service development.**
- c) **Easements to accommodate municipal services shall be granted as a condition of development approval.**
- d) **Easements to accommodate utilities shall be granted as a condition of development approval.**
- e) **The provision of a water distribution system, wastewater collection system, stormwater management facilities, road network, and other municipal services will be achieved with minimum costs to the City.**
- f) **In order to achieve the proper co-ordination of services and consistence in development standards, the orderly development of land by way of plan of subdivision and site plan will be required throughout the neighbourhood. Consents to sever land to create development blocks will only be permitted when it is determined to the satisfaction of the City that the severance of land will not prejudice or jeopardize the subsequent development of the balance of the lands.**

B1.8.13.2 Infrastructure Improvements

In order to accommodate development within the Neighbourhoods of Rolling Meadows, it will be necessary to address off-site upgrading or expansion of infrastructure such as:

- a) The extension of the Allanburg Road trunk sanitary sewer easterly to the Neighbourhoods of Rolling Meadows;
- b) The construction of a trunk sanitary sewer on Thorold Townline Road;
- c) The extension of the Allanburg Road trunk watermain easterly to the Neighbourhoods of Rolling Meadows;
- d) Signalization of, and upgrading of, collector road intersections with Highway 58 and 20; and OPA 59
- e) Upgrading of the Thorold Townline Road/Highway 20 intersection.

These off-site works will be coordinated and scheduled as municipal or regional capital projects using contributions from the development community according to the appropriate Development Charges By-law.

Required improvements for the signalization and upgrading of Highway 58 and 20 intersections will be the responsibility of the development community and/or the Province of Ontario.

In order to accommodate development within The Neighbourhoods of Rolling Meadows significant off-site and on-site infrastructure will be required as described in the following sub-section. Development will be phased based upon the provision of infrastructure, including the road network, and in accordance with the phasing policies of this Plan.

B1.8.13.3 Sanitary Sewer System

An internal gravity sanitary sewer system shall be constructed to serve the Neighbourhoods of Rolling Meadows area at the expense of the developers and to the satisfaction of the City.

Development of the Neighbourhoods of Rolling Meadows area will require storage facilities, such as combined sewer overflow (CSO) storage or high rate treatment (HRT) storage, or other means to mitigate peak wet weather flows in order to satisfy the Ministry of the Environment and Climate Change. All requisite works to accommodate development will be at the expense of the development community and/or through the Municipal and Regional Development Charges By-law.

B1.8.13.4 Water Distribution System

The Region, as part of its Master Servicing Plan for Niagara, is proposing the upgrading of the existing water distribution system. Particularly, the construction of a supply main from Niagara Falls along Lundy's Lane and Highway 20 and northerly along Allanburg Road to the existing Allanburg Road standpipe. A future extension northerly along the Thorold Townline Road is also proposed. These upgrades will facilitate the ultimate development of the Blackhorse Community.

Development of the Blackhorse Community will require the construction of a number of watermains of varying size in order to provide an appropriate potable water supply, including fire flows, to accommodate the demands of the Community. The principle trunk watermains shall be located along the east-west Uppers Lane connecting with the watermains on Allanburg Road and Thorold Townline Road, and central to the Community in a north-south alignment connecting in watermains on Highway 20 and Allanburg Road. Said works shall be designed in accordance with acceptable municipal standards.

B1.8.13.5 Stormwater Management

The preferred stormwater management strategy for the development is based upon the “Neighbourhoods of Rolling Meadows Subwatershed Study” and involves a number of stormwater management systems, with discharge into local watercourses. Storm discharge shall be adequately treated in accordance with Provincial standards. The stormwater management systems to be utilized involve:

- a) Stormwater management facilities designed in accordance with “wet extended detention pond” criteria;
- b) Storm sewers;
- c) Swale systems; and
- d) Watercourses.

B1.8.13.6 Design Principles

The design of the stormwater management facilities should be based upon the following general principles:

- a) The ecological function of providing flow to downstream fish habitat be maintained;
- b) The prevention of the continued contribution of silt, pesticides and herbicides to downstream fisheries resources;
- c) To mimic existing flow regimes; and
- d) To address water quantity and quality objectives, where required.

B1.8.14 Watercourse Rehabilitation

In order to protect water resources in the area stream management is required for identified fish habitat areas. The renaturalization of these watercourses should include, but not be limited to, the following:

- a) **Buffer zone;**
- b) **Meander length;**
- c) **Sediment transport regime;**
- d) **Biological function;**
- e) **Floor water level and hydraulic capacity; and**
- f) **Landscaping.**

B1.8.14.1 General Policies – Stormwater

- a) Development shall utilize modern stormwater management techniques to control the quantity and quality of run-off and control erosion and sedimentation during and after construction, in order to minimize adverse effects on water resources.
- b) The stormwater management facilities are proposed to be an integral component of site design and development. As a result, the facilities are to function as part of the open space system.
- c) Costs of providing stormwater management systems shall borne by the developer.
- d) The design of stormwater management systems and facilities shall, at a minimum, be designed in accordance with the Ministry of the Environment and Climate Change’s Stormwater Management Planning and Design Manual, March 2003.
- e) Detailed stormwater management, erosion and sediment control plans are required for each development phase.
- f) As part of the initial phases of development it may be necessary to utilize temporary stormwater management facilities. The temporary facilities are permitted by this Plan except for in areas designated Natural Environment.
- g) In order to achieve the optimum location and interrelationship with watercourses, parks and open space areas, modifications to facility/feature locations may occur without amendment to this Plan subject to the approval of the City, the Region and the Niagara Peninsula Conservation Authority.

B1.8.14.2 Road Network

Access to the development area is from the abutting Provincial Highway and Regional arterial road network. The road network within the development area is based on an interconnected and permeable modified grid pattern, as illustrated as Schedule “A3” Transportation Network Plan.

The Community will have a hierarchy of road types determined by adjacent land uses, location, planned function, capacity and speed. Schedule “A3” Transportation Network Plan identifies the collector road network which is based upon:

- a) A continuous east-west and north-south collector road system connecting with the Provincial Highway and Regional arterial road network; and
- b) A minor east-west and north-south neighbourhood collector road system connecting with the collector road system.

The local road system is intended to be flexible in terms of specific locations. The alignment of the road network may be modified to a reasonable degree, in the interest of achieving desirable and appropriate urban design and subdivision patterns.

Phasing will ensure that the road system will be developed in order to accommodate convenient vehicular circulation, to facilitate efficient transit service, and to provide access for the development of non-residential uses which service the residential areas.

In order to provide a transportation system that encourages travel by all modes (vehicular, transit, bicycle and pedestrian), the local road networks associated with plans of subdivision should allow for

interconnection with the collector and neighbourhood collector road system. This is to be achieved by using a grid or modified grid pattern which reduces the use of cul-de-sac providing more opportunities for local transit routing and both bicycle and pedestrian access throughout the communities.

Special design features, such as traffic circles and/or planted medians shall be considered at key intersections and along collector roads for aesthetic, environmental and/or traffic calming purposes.

This Plan has not identified preferred right-of-way widths and pavement widths as confirmation of utility locations, emergency access, streetscape design and on-street parking regulations is required.

Generally, to guide in the preparation of plans of subdivision the following shall apply:

- a) Local neighbourhood roads should have a right-of-width of 18 metres and a pavement width of 8.5 metres;
- b) Neighbourhood collector roads should have a right-of-way width of 20 metres, contain a bike lane and a pavement width of 9.0 metres;
- c) Collector roads should have a right-of-way width of 22 metres, contain a bike lane on either side of the travelled portion of the roadway and a pavement width of 11.0 metres; and
- d) Window streets should have a right-of-way width of 12 metres and a pavement width of 6.5 metres.

Final right-of-way and pavement width requirements and the provision of day-lighting triangles will be determined during the review of development applications.

To accommodate development and maintain an appropriate level of service on the external Regional and Provincial road network, the following improvements are required:

- a) Highway 58 and Allanburg Road - signalization and the provision of northbound and westbound right turn lanes;
- b) Highway 58 and the North-South Collector Road - signalization and the provision of a southbound left turn lane and a northbound right turn lane;
- c) Highway 20 and Thorold Townline Road - provision of a northbound left turn signal phase and westbound right turn lane;
- d) Highway 20 and the North-South Collector Road - signalization and the provision of a westbound left turn lane and an eastbound right turn lane; and
- e) Highway 20 and the North-South Neighbourhood Collector Roads - limit turning movements to right-in/right-out only.

Portions of the Blackhorse Community are located within the Ministry of Transportation Permit Control Area requiring Provincial review and approval of building/land use permits for:

- a) Development within 46 metres of Highway 20 and Highway 58 right-of-ways; and,
- b) Development within a 395 metre radius of a Highway 58 interchange.

B1.8.14.3 Public Transit Opportunities

The road network has been designed to accommodate opportunities for the provision of public transit particularly, along the collector and neighbourhood collector roads.

It is anticipated that the nature of the transit network will evolve over time as service demand dictates.

B1.8.14.4 Telecommunications and Utilities

To ensure that adequate utility networks are/or will be established to serve the anticipated development and that they can be phased in a way that is cost- effective and efficient.

Public and Private Utilities shall be:

- a) Permitted in all land use designations and shall be installed, where possible, within public road allowances or within appropriate easements;
- b) Encouraged, wherever possible, to coordinate and locate within an initial common trench to avoid unnecessary over digging and disruption of municipal rights of way; and
- c) Clustered or grouped where possible to minimize visual impact.

Both public and private utility providers will confirm whether they are able to provide the necessary infrastructure and services to support proposed development.

B1.8.14.5 Utility Corridors

Banding through the Blackhorse Community are a number of Hydro One distribution corridors and a TransCanada Pipeline. These corridors represent a significant land use and resource.

These existing utility corridors are permitted uses and adjacent development will be required to recognize the constraints associated with the utilities. Subject to approval from the appropriate authority, the utility corridor will also be used for open space purposes and as part of the pedestrian and bicycle trail system.

TransCanada Pipelines Limited operates a high pressure natural gas pipeline within the Neighbourhood of Rolling Meadows Secondary Plan area. Any development within 200 metres of TransCanada's facilities may affect the safety and integrity of the pipeline and will require consultation and clearance from TransCanada Pipelines.

TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has 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 being required to replace its

pipeline to comply with the Canadian Standards Association Code Z662. Therefore, the City shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.

All permanent structures and excavations shall be located at least 7 metres from the limits of TransCanada's right-of-way. Accessory structures abutting the right-of-way shall have a minimum setback of at least 3 metres from the limit of the right-of-way. A reduction in the 7.0 metre setback will only be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

B1.8.15 Implementation

B1.8.15.1 General Policies

This Community Plan shall be implemented by the powers conferred upon the Municipality by the Planning Act, the Municipal Act, the Development Charges Act, and other applicable statutes.

B1.8.15.2 Phasing

Development shall be phased to provide for the continuous, orderly extension of the community and to ensure the most efficient and economical use of existing and proposed infrastructure. The following phasing criteria shall be considered in the review of all development applications:

- a) The development contributes to, or can be appropriately integrated within the logical sequence of construction of all required sewer, water, stormwater and transportation facilities; and
- b) The development satisfies all requirements regarding the provision of parkland and other facilities.

B1.8.15.3 Conditions of Development

Notwithstanding any other provision of this Plan, prior to any new development, other than expansions of existing uses, receiving final approval in the Community Plan area the following conditions must be met.

- a) Full urban services and utilities are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- b) Any transportation facilities required to accommodate the development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- c) Storm drainage facilities approved by the municipality are committed to be in place and operative to or coincident with the occupancy and use of the land.
- d) An archaeological assessment of the land has been conducted 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.

- e) The municipality is satisfied that the cost sharing by the benefiting landowners towards the provision of transportation, wastewater, water, stormwater, and other identified infrastructure needs are secured in accordance with municipal and regional policies and the provisions of the Development Charges Act.

B1.8.15.4 Zoning By-law

The Neighbourhood of Rolling Meadows Secondary Plan shall be implemented through the enactment of implementing zoning by-laws in conformity with the provisions of the Official Plan and this Secondary Plan.

The City may designate a holding zone with the prefix “H” and specify the future uses of these lands that, at the present time, are considered premature or inappropriate for development for any one or more of the following reasons:

- a) Community services and facilities such as sanitary sewers, stormwater management facilities, water supply and public parks are insufficient to serve the proposed development;
- b) Transportation facilities are inadequate or inappropriate based on anticipated traffic;
- c) The number and location of access points to the site are inadequate and incapable of functioning safely and efficiently; and
- d) Where development is dependent upon other matters occurring first, such as the consolidation of land.

B1.8.15.5 Plans of Subdivision

The Plan area is subject to subdivision control and part lot control.

Only those plans of subdivision shall be recommended for approval which:

- a) Conform with the policies and designations of this Plan;
- b) Can be provided with adequate services and facilities as required by this Plan; and,
- c) Are not premature and are in the best interests of the City.

B1.8.15.6 Consents

Development shall generally take place by plan of subdivision. Consents shall only be permitted:

- a) For technical or legal reasons; or
- b) Where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of the land; or

- c) In case of part lot control.

B1.9 PORT ROBINSON WEST SECONDARY PLAN

B1.9.1 Introduction

The purpose of this section of the Official Plan is to provide policies for a comprehensively planned community that protects environmental features and the existing community; one that is principled on Smart Growth, recognizes and responds to the policy initiatives of the Region of Niagara, the Niagara Peninsula Conservation Authority and the Province of Ontario, while establishing a comfortable and attractive community with a full range of housing types, commercial and community facilities and substantial employment areas.

The Port Robinson West Secondary Plan has been prepared in accordance with the Official Plans of the City of Thorold and Region of Niagara. Unless otherwise specifically identified, all of the policies of the City of Thorold Official Plan apply to this Secondary Plan area. Where there is a conflict between the policies of this Secondary Plan and any other policies of this Official Plan, the policies of the City of Thorold Official Plan shall apply.

B1.9.2 Community Structure

All of the lands within the Port Robinson West Secondary Plan are considered “greenfield”. Lands within the “greenfield” category are subject to the Provincial minimum gross density requirement of 50 people and jobs per hectare combined.

Schedule A-5 – Neighbourhood Structure Plan identifies the planned community structure. The community structure is comprised of the following elements:

- a) New Residential Neighbourhoods – Residential Neighbourhoods are specifically identified. Each of these Neighbourhoods is planned to contribute to the overall housing mix and density targets of the community. Policies permit the introduction of neighbourhood-serving retail commercial and institutional land uses within each neighbourhood;
- b) The Existing Community – The lands identified as Existing Community represent the small neighbourhoods that evolved over time prior to 2006. It is characterized by an eclectic mix of single-detached residential dwelling units of various styles and ages.
- c) The Commercial Area – The Commercial Area is expected to develop as a mixed use community with a major retail centre and a full range of commercial uses, with potential for institutional uses and community facilities;
- d) The Employment Area – The Employment Area is expected to develop as a Business Park, including office uses, and light industrial uses. Industrial uses will generally be accommodated on sites internal to the identified Employment Area; and,
- e) The Greenlands System – The Greenlands system includes linked natural heritage features, public parks, trails and stormwater management facilities. This System provides the overall structure of the Plan, and articulates the locations of the other elements of the community structure.

In an effort to establish an appropriate land use distribution and development pattern, the approach taken to preparing this Secondary Plan has been to achieve the minimum gross density of 50 people and jobs per hectare overall across the entire Secondary Plan Area. The phasing of development is addressed to ensure the Plan meets the policies of Province and the Region.

B1.9.3 Objectives

B1.9.3.1 General Development Objectives

The following development objectives provide the framework for planning and development within the Port Robinson West Secondary Plan area by both the public and private sectors. The objectives will be implemented by the mechanisms set out in this Plan, including the implementing Zoning By-law and Site Plan Approvals. The development objectives of this Secondary Plan are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian and bicycle-friendly, and transit-supportive community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan area;
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between approximately 14,000 and 15,000 new residents and jobs combined; and,
- e) To require that the greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare over the entire Secondary Plan area.

B1.9.3.2 Distinctive Neighbourhood Character

To establish a distinctive neighbourhood community that is an aesthetically pleasing place to reside, the following policies shall apply:

- a) Ensure the majority of all residences are within a maximum 5-minute walk (400 metres) from a public park;
- b) Create a linked system of parks, open space corridors and natural environmental areas; and,
- c) Provide a variety of housing in terms of density, scale and design.

B1.9.3.3 Residential

The following general principles will apply to the development of residential housing in the secondary plan:

- a) To provide an adequate supply of housing in terms of housing mix, lot sizes and variation of densities in order to accommodate projected needs and to support transit by encouraging:
 - i) An appropriate mix of housing units shall be provided consisting of single and semi-detached dwelling units and multiple dwelling units; and,
 - ii) The provision of multiple units generally in the form of townhouse units and low rise apartment units.
- b) Residential areas will provide opportunities with respect to choice of housing, tenure and affordability will be achieved through subdivision designs which incorporate a mixture of housing types and varying lot configurations. Single-detached, semi-detached, townhouses and apartment buildings up to five storeys will be permitted in the residential neighbourhoods.
- c) Residential areas will provide a minimum 25 percent of all new residential development within the Port Robinson West Secondary Plan area that will meet the Provincial definition of affordable housing. Affordable housing may be achieved by:
 - i) Promoting higher density housing forms, where housing is more affordable due to reduced per unit land costs;
 - ii) Building smaller units, where housing is more affordable due to lower development costs;
 - iii) Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs;
 - iv) Waiving or reducing municipal permit fees, taxes and/or development fees; and,
 - v) Encouraging the development of second dwelling units.
- d) The City will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.
- e) Affordable housing will be encouraged to locate in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

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

B1.9.3.4 Schools

This plan contemplates the need for up to 3 elementary schools within the secondary plan. It is a policy of this plan that schools shall be centrally located to maximize pedestrian accessibility and where possible connected to City parkland and/or open space.

B1.9.3.5 Recreation

It is a policy of this Plan to ensure that an appropriate supply of parks and open space is provided for the residents of the Port Robinson West Community in accordance with standards of the Planning Act and the Official Plan and Parks and Recreation Master Plan. On this basis, it will be a minimum objective of the City to acquire at least 2 hectares of parkland per 1,000 population or 5 percent of the gross land area. This Plan also promotes a safe trail system which provides various connecting links between existing or planned open space areas, urban areas and existing or proposed trail systems throughout the Secondary Plan area.

B1.9.3.6 Environmental

In order to conserve and enhance the ecological and biological integrity of all significant natural heritage features, and their associated functions, the following principles shall apply:

- a) Provide adequate buffer areas between conflicting land uses to protect sensitive areas;
- b) Protect riparian habitat, wildlife and aquatic life and their associated habitats in all environmentally sensitive areas;
- c) Protect water quality of the various watercourses;
- d) Protect natural areas and identify two levels of natural heritage features;
- e) Promote passive recreation along buffer zones;
- f) Promote sustainable development;
- g) Preserve and protect ground and source water resources;
- h) Reduce or eliminate flooding damage to buildings, roadways, municipal infrastructure and structures located in or near drain corridors;
- i) Regulate the placement of buildings and structures next to flood susceptible areas; and,
- j) Prevent and control erosion and sedimentation.

B1.9.3.7 Economic

It is anticipated that this secondary plan will promote and encourage job opportunities for the residents of Thorold as well as Niagara Region in the following manner:

- a) Attracting new commercial development through the creation of an office, retail and service commercial area as an extension of the area in Welland and close to Highway 406 to stimulate tourism and encourage economic benefits.
- b) Attracting new industrial development through the future development the lands designated PRW Business Park and PRW Industrial, as identified on Schedule A-6.
- c) Providing a focus for commercial activities along Niagara Street and Merrittville Highway.
- d) Promoting light industry and providing adequate buffer areas adjacent to residential neighbourhoods or other areas of conflicting land use, through the following design considerations:
 - i) having regard for the Ministry of Environment, Conservation and Parks (MECP) Guidelines (Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses) when designating and zoning land uses and establishing buffers; and,
 - ii) strategically locating the commercial area along Merrittville Highway, between large industrial areas and residential development to assist in reducing land use conflicts.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.3.8 Abutting Agriculture Lands

To avoid and mitigate potential land use conflicts where proposed development abuts agricultural land in Specialty Crop and Agricultural designations (including in the City of Welland), measures to ensure compatibility will be implemented through the draft plan of subdivision and zoning approval processes.

All development proposals in the Port Robinson West Secondary Plan within "30" metres of Specialty Crop and Agricultural designations shall be reviewed within the context of the following policies to mitigate the potential for impacts on agricultural operations:

- a) Development proposals shall utilize design measures to mitigate conflicts between agricultural and non-agricultural uses. These measures may include such things as subdivision layout, site layout, the incorporation of existing natural features and man-made features to provide for separation and buffering between land uses, landscaping, grading, fencing, and screening.
- b) Development agreements to be registered on lands within the secondary plan area shall clearly identify that there are agricultural operations in the area and normal farm practices utilized by these operations may result in noise, odours, dust and other potential nuisances.

B1.9.3.9 Active Transportation

Active Transportation will be encouraged in the Port Robinson West Secondary Plan through the use of the following design considerations:

- a) Locating local convenience commercial areas within residential neighbourhoods;
- b) Creating a highly interconnected transportation system, including opportunities for pedestrians, cyclists, transit and vehicles;
- c) Designing roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
- d) Developing a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
- e) Providing a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- f) Provide a road pattern within the residential neighbourhoods that protects homes from non-residential traffic; and,
- g) Establishing a road pattern that links with other adjoining areas and road networks.

B1.9.3.10 Infrastructure

This secondary plan will require the extension of public water and sewer facilities to the Port Robinson West area in accordance with the Region's servicing strategy to ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks. The following additional policies shall apply to the development of infrastructure serving the Secondary Plan area:

- a) That all existing development currently utilizing private sewer and/or water services to be connected to municipal systems as they are provided;
- b) To ensure that stormwater management facilities are designed as special features and part of the overall Greenlands System;
- c) To require a program of stormwater management for all new development to adequately address water quality and quantity issues. Water quantity control, erosion control, quality control and design practices are to be applied in accordance with the MECP Stormwater Management Planning and Design Manual;
- d) To develop the Port Robinson West Community in an orderly and progressive manner in order to ensure that the provision of sewers, water, roads and other municipal services are achieved with minimum municipal expenditure; and,
- e) To ensure that benefitting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.3.11 Phasing

The following policies shall apply to the phasing of development within the secondary plan:

- a) To phase development in a logical and cost effective manner, without any undue financial burden on the existing taxpayers of the City of Thorold;
- b) To ensure that benefitting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development;
- c) Schedule A-5 identifies a Phase 1 Area that includes Neighbourhoods N1, N2 and N5, as well as some Employment/Commercial Areas. It is a policy of this Plan that the Area identified as Phase 1 shall be developed first, and shall be substantially built-out, to the satisfaction of the City prior to any development being initiated in any other part of this Plan;
- d) In addition to subsection c) above, no development shall be permitted on lands outside of the Phase 1 Area of this Plan, until such time as a Subwatershed Study has been completed to the satisfaction of the City, in consultation with the Conservation Authority and,
- e) Notwithstanding the other policies of this Section of this Secondary Plan, the City may consider the early development of lands outside of the identified Phase 1 area, subject to the following criteria:
 - i) the lands are designated PRW Business Park, and/or PRW Industrial;
 - ii) the lands abut the Highway 406 right-of-way;
 - iii) an appropriate level of environmental analysis has been carried out to the satisfaction of the City, in consultation with the NPCA and any other agency having jurisdiction;
 - iv) appropriate Master Servicing Studies have been completed and approved by the City and Region and cost sharing agreements executed to the satisfaction of the City; and,
 - v) an Official Plan Amendment has been approved that changes the Phase 1 boundary, and implements any appropriate, area-specific development policies.
- f) Notwithstanding other policies of this Secondary Plan, it is not anticipated that the Existing Community, identified as Neighbourhood 5 on Schedule A5 of this Plan, will remain static over time. While redevelopment of the Existing Community is not required for the City to accommodate anticipated greenfield growth to 2031 and achieve the associated target of 50 people and jobs per hectare; this Plan recognizes future redevelopment of this area may occur. Redevelopment of the Existing Community can only occur when full servicing has been provided. The

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

redevelopment may also require the consolidation of lots or portions of lots so it occurs in a comprehensive manner. Redevelopment may be permitted, through a Zoning By-law Amendment process, where it can be demonstrated that redevelopment generally conforms to the approved Neighbourhood Plan for Neighbourhood 5.

- g) Lands forming part of Neighbourhood 1 and all of Neighbourhood 5 located east of the railway tracks may require servicing through lands located south of this area. If the lands are to be developed prior to the extension of servicing, an alternative servicing plan may be required to the satisfaction of the City and the Region.

Notwithstanding the other policies of this Section of this Secondary Plan, or any policies requiring that new development be on full municipal services, the City may consider limited development or private services under the Temporary Use provisions in Section 39 of the Planning Act. All other policies and guidelines of this Secondary Plan shall continue to apply.

B1.9.3.12 Urban Boundary Adjustments

The delineation of the Urban Area Boundary is generally located along Singer's Drain. The boundary and associated setbacks will be refined through the Regional Official Plan Review process or through a Regional housekeeping amendment based on an updated Environmental Impact Study. The City will subsequently update its Official Plan and Secondary Plan. Development of the lands located within the refined Urban Area Boundary may be permitted without amendment to the Secondary Plan in accordance with the land use designation of the adjacent lands as identified on Schedule A6 of this Plan.

B1.9.4 Design Policies

B1.9.4.1 Urban Design Guidelines

This Plan includes Urban Design Guidelines, which are attached as Appendix C. The intent of the Urban Design Guidelines is to promote an appropriate built form and public realm within the Secondary Plan area. The Urban Design Guidelines function as an implementation tool for successive development and approval processes that are required to implement this Plan, particularly zoning, and Draft Plans of Subdivision/Condominium.

All development within the Secondary Plan area shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C. Adjustments and further refinements to the Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Urban Design Guidelines are achieved to the satisfaction of the City.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

B1.9.4.2 General Site Development Criteria

The City shall ensure that the following general site development criteria are implemented in all new development:

- a) Buildings shall be street-front oriented and provide direct street access for pedestrians;

- b) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, or, where possible internal/central to a site, preferably below grade. The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscaped islands is required;
- c) Residential driveway access will not be permitted on Arterial roads and Collector streets, unless there are no other alternatives;
- d) With the exception ground-oriented residential, all new development shall provide outdoor bicycle racks in a prominent location that is accessible to the public. Covered or secure indoor bicycle parking, and other end of trip facilities such as showers and change rooms, are also encouraged by the City;
- e) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment;
- f) The Zoning By-law will specify requirements for building setbacks, minimum landscaped areas, buffer strips, privacy screening and other appropriate measures to enhance the “greening” of the community which shall be applied in all new development;
- g) High quality landscape treatment shall be provided throughout the Secondary Plan Area;
- h) Building form and siting shall minimize the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
- i) Where a proposed non-residential use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses;
- j) Loading areas, and outdoor and fully enclosed refuse collection areas, shall be unobtrusive and screened and shall generally be located at the side or the rear of buildings;
- k) Rooftop equipment shall be unobtrusive, architecturally incorporated into the design of the building and/or screened from view;
- l) No open storage is permitted except as permitted under the Zoning By-law. Where open storage is permitted, it shall be unobtrusive and screened, and shall generally be located at the side or the rear of the building; and,
- m) Common vehicular access and internal circulation including service lanes connecting abutting properties and/or developments shall be provided wherever possible.
- n) High density development shall generally be adjacent to:

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- i) arterial roads and/or Collector streets;
- ii) retail and service commercial uses;
- iii) community facilities; and/or,
- iv) public open space areas.

B1.9.4.3 Crime Prevention Through Environmental Design (CPTED)

The City will promote building and site design that assist in the reduction of the incidence of crime through the implementation of Crime Prevention Through Environmental Design (CPTED) principles including natural surveillance, natural access control, territorial reinforcement and space assessment.

The City shall have regard for the principles of CPTED in their review of all development applications. The principles of CPTED are:

- a) natural surveillance;
- b) natural access control; and,
- c) natural territorial reinforcement.

B1.9.4.4 Sustainable Design/Green Building

All new development, with the exception of residential buildings containing less than 25 dwelling units, must be built to the following requirements for sustainability:

- a) LEED Silver, or equivalent alternative to the satisfaction of the City, prior to and including 2021; and,
- b) LEED Gold, or equivalent alternative to the satisfaction of the City, from 2022 up to and beyond 2031.

In addition to the above, all new development to be built to the following requirements for sustainability:

- a) Grade-related (up to 4 storeys) residential buildings achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
- b) Mid- and high-rise (4 storeys and greater) residential and non-residential buildings shall be designed to achieve 25 percent greater energy efficiency than the Model National Energy Code for Buildings.

B1.9.5 Phasing Policies

B1.9.5.1 Residential Neighbourhoods Phasing Policies

There are a total of 5 residential neighbourhoods identified on Schedule A-5 – Neighbourhood Structure Plan. These neighbourhoods are generally delineated on the basis of sub-watershed boundaries, or other physical plan components, and typically include at least one stormwater management facility. Neighbourhoods 1 and 2 and the existing Neighbourhood 5 and all other lands east of Highway 406 form part of the 'Phase 1 Lands' and shall be the first areas considered for development.

In total, the Secondary Plan area is expected to generate approximately 12,500 people and jobs. That development yield is further subdivided to represent approximately 8,500 people for the Residential areas, approximately 2,400 jobs for Employment areas and approximately 1,850 jobs for Commercial areas.

Overall, the 5 residential neighbourhoods are expected to achieve a gross density of 50 persons and jobs combined per hectare. In this regard, gross density is defined as the development yield divided by the gross land area. Gross land area is the total land area, less those lands designated Environmental Protection One or Environmental Protection Two on Schedule A-6 – Land Use Plan.

The expected development yield may be adjusted, subject to the final delineation of the Environmental Protection designations through the Environmental Impact Study process, without the need for a further Amendment to this Secondary Plan. However, any adjusted development yield shall not compromise the ability of achieving a minimum density requirement of 50 persons and jobs combined per gross hectare across all designated Greenfield Areas in the City of Thorold.

The City reserves the right to make modifications, without Amendment to the Official Plan, to the numerical development forecasts and targets identified above to ensure a logical progression of growth that:

- a) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
- b) Ensures the early development of public parkland components of the Plan;
- c) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services;
- d) Ensures that a full range and mix of housing types, including house forms that have the potential to be affordable, is developed in a timely manner; and,
- e) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the City.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

In order to achieve the minimum density targets of this Plan, the City will not approve any development application that compromises the ability of the City to achieve the expressed targets throughout the Port Robinson West Secondary Plan area.

As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposal contributes to the minimum gross density targets of this Plan. Proponents shall provide a population and

employment density table and/or plan that geographically distributes development forms/types, lot sizes and densities based on the objectives and policies of this Plan.

B1.9.5.2 Employment/Commercial Area Phasing Policies

The Employment/Commercial Area identified on Schedule A-5 – Neighbourhood Structure Plan are expected to generate a minimum of 1,850 jobs based on a minimum gross density of 50 persons and jobs combined per gross hectare. For the purpose of this policy, gross hectare is defined as the total land area of the Secondary Plan area, less those lands designated Environmental Protection One or Environmental Protection Two.

Once retail commercial Gross Leasable Floor Area in approved developments exceeds 20,000 square metres on lands within the identified Commercial Area, a Retail Commercial Market Impact Analysis shall be required to support additional retail commercial development.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

A required Retail Commercial Market Impact Analysis shall consider the supply of retail commercial space within the market area versus the demand for additional space vis a vis the growing local population, and/or ongoing commercial spending leakage to adjacent municipalities. A required Retail Commercial Market Impact Analysis shall be prepared by a qualified consultant to the satisfaction of the City, in consultation with the Region.

B1.9.6 Land Use Designations

B1.9.6.1 Introduction

Land use in the Secondary Plan is divided into eleven designations, as shown on Schedule A-6 – Land Use, with policies established for each category. The designations include:

a) The Residential Neighbourhoods

- i) Existing Community
- ii) PRW–Low Density Residential;
- iii) PRW–Medium Density Residential;
- iv) PRW–Medium/High Density Residential;

b) The Commercial Area

- v) PRW–Mixed Use Commercial;
- vi) PRW–Urban Commercial;

c) The Employment Area

- vii) PRW–Business Park;
- viii) PRW–Industrial

d) The Greenlands System

- ix) Environmental Protection One;
- x) Environmental Protection Two; and,
- xi) PRW–Open Space.

The boundaries of land use designations and/or the location symbols, as shown on Schedule A-6 – Land Use Plan, are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries and symbols may be permitted without the need for an Official Plan Amendment, provided the general intent of the Official Plan and this Secondary Plan are maintained. Similarly, adjustments may be made in the location of proposed streets provided the general intent of the Secondary Plan is maintained.

Where a Neighbourhood Master Plan has been endorsed by Council, development proponents shall demonstrate how the development meets the general intent of the Neighbourhood Plan through the implementing zoning bylaw amendment and draft plan of subdivision process. Any major deviations from the approved Neighbourhood Master Plan will require an Official Plan amendment. Modifications to, or relocations of portions of the road pattern and modifications to the natural areas will generally not be considered inconsistent with the approved Neighbourhood Plan, provided that the proposed implementing zoning by-law amendment and draft plan of subdivision conforms with the policies of the land use designations and Regional and Provincial density targets for Greenfield development.

B1.9.6.2 The Residential Neighbourhoods

It is the intent of the City to establish 5 Residential Neighbourhoods within the Port Robinson West Secondary Plan area, as identified on Schedule A-5 – Neighbourhood Structure. On those lands it is the intent of the City to promote the development of complete communities through an appropriate housing mix, access to neighbourhood retail and service commercial uses, and pedestrian-oriented street design. The five Neighbourhoods will be connected to the Greenlands System and achieve an overall minimum density of at least 50 persons and/or jobs combined per gross hectare within a safe, healthy and functional environment. The following general policies shall apply:

The residential policies specified in this section aim to guide the development of residential land shown on Schedule A-6 – Land Use Plan. The residential land shown represents the full build out of the Port Robinson West community.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Prior to the approval of any new development within any Neighbourhood identified on Schedule A-5 – Neighbourhood Structure Plan, a Neighbourhood Master Plan shall be prepared by the City and endorsed by Council as a non-statutory document. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A-5 – Neighbourhood Structure Plan, and shall include the following components:

- a) Road, Block and Land Use Plan - The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses and building heights and the function and design of the Neighbourhood transportation system and schools, community uses, parks and open space. This Plan will provide enough detail to ensure that the minimum overall density of 50 persons and jobs combined per gross hectare can be achieved and that the proposed development patterns can be adequately serviced by the transportation system. In addition, the Plan shall demonstrate that an appropriate mix of housing units can be accommodated, including single detached, semi-detached, townhouse and apartment dwellings and mixed use buildings, where appropriate;
- b) Streetscape and Open Space Plan - The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system and trails network, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify the linkages between proposed parks and parkettes;
- c) Urban Design and Architectural Control Guidelines - The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix C, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements and identify the approach to and integration of sustainable development and design standards of practice;
- d) Servicing Plan - The Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
- e) Environmental Impact Statement – An Environmental Impact Study (EIS), where required by the policies of the Official Plan. The required Environmental Impact Study shall include the contiguous lands of participating landowners. The EIS shall include provisions and recommendations for the protection and enhancement of the Natural Heritage System.
- f) A development phasing plan- A development phasing plan which will identify the anticipated timing and build-out of the Neighbourhood.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The Neighbourhood Master Plan shall form the basis of Draft Plans of Subdivision, implementing Zoning, and/or Site Plan Approvals. Prior to development in any Neighbourhood identified on Schedule A-5 – Neighbourhood Structure Plan, the City shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled. The City may consider combining neighbourhoods, as long as all of the policies of this Secondary Plan can be achieved.

Within the low density and medium density residential designations located at the intersection of Port Robinson Road and Kottmeier Road and along Kottmeier Road, increases in density and height may be considered, without an Amendment to this Plan, where it can be demonstrated that the increased density and/or height is compatible with the surrounding area, through a Zoning By-law Amendment Process. The City, in considering any increase in height and/or density may implement a height and/or Density Bonus By-law, utilizing the provisions of Section 37 of the Planning Act or through a Community Benefit Charge.

Development Applications for lands within the Secondary Plan area will be reviewed and assessed with respect to compatibility. For the purpose of this assessment, the definition of compatible development shall be as follows:

Compatible development is development that is not necessarily the same as, or even similar to existing development in the vicinity. It is development that contributes positively to the existing community character, without causing any undue, adverse impacts on adjacent properties.

Appropriate development impact mitigation measures may include, but are not limited to the following:

- a) Lot sizes, scale of development and intensity of use will be considered when integrating new and existing development;
- b) Lands located near the urban boundary shall be restricted to lower densities in order to minimize potential conflicts with agricultural lands; and,
- c) Every effort will be made to protect residential development from the impact of noise, dust, odour, heavy traffic and other nuisances which may be generated from incompatible land uses located within the Secondary Plan Area. In this regard the following shall apply:
 - i. Residential development shall be adequately separated from existing or proposed commercial development;
 - ii. Residential development shall be adequately separated from existing or proposed industrial development in accordance with the D-6 Provincial Guidelines; and,
 - iii. Residential development shall be separated from any identified constraint areas in accordance with the policies of the Environmental Conservation Section.

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

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

To enhance the attractiveness of the Port Robinson West Community and its surroundings by taking advantage of unique natural characteristics.

- a) Residential shall be appropriately integrated into the neighbourhood and should generally be located as identified on Schedule A6- Land Use Plan;

- b) Locate housing types to enhance the physical and living environments of the community. This will especially be the case for multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single detached dwelling;
- c) Design subdivision and development proposals in such a manner to achieve a variety of visual effects which may be created by a curved road pattern, existing vegetation and the provision of landscaped areas as an integral part of all development;
- d) Energy conservation measures shall be incorporated in the design of subdivisions through effective use of natural vegetation, the design of road patterns and the orientation of buildings to take advantage of sun exposure;
- e) Subdivision designs will be encouraged to optimize the use of open spaces by providing linkages throughout the community; and,
- f) To develop a pedestrian scale community of buildings to encourage walking and decreasing the reliance on the automobile.

B1.9.6.2.1 PRW–Low Density Residential

B1.9.6.2.1.1 Permitted Uses

The following uses are permitted within the PRW–Low Density Residential designation:

- a) Single detached, semi-detached, and townhouse dwelling units;
- b) Second dwelling units;
- c) Accessory buildings and structures related to the primary residential dwelling unit;
- d) Home occupations;
- e) Places of worship;
- f) Private home day cares;
- g) Elementary and Secondary Schools;
- h) Convenience retail and service commercial;
- i) Parks, parkettes and open space linkages; and,
- j) Public uses and public and private utilities.

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

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Low Density Residential designation. The full range of uses may not be permitted on every property within the PRW- Low Density Residential area.

B1.9.6.2.1.2 Development Policies

The following development policies shall apply to the PRW-Low Density Residential designation:

- a) Densities shall range from a minimum of 15 units per net hectare up to a maximum of 40 units per net hectare;
- b) The maximum building height for any building within the PRW–Low Density Residential designation shall be 3 storeys;
- c) The City shall encourage the use of rear lanes within the PRW–Low Density Residential designation;
- d) Elementary and Secondary School sites are permitted in the PRW–Low Density Residential areas as shown symbolically on Schedule A-6 – Land Use Plan, subject to the criteria in Section B1.10.6.10:
- e) Places of worship and private home day cares shall only be permitted within the PRW–Low Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) Have a minimum lot size of 0.75 of a hectare;
 - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) Are located near the intersection of two public roads, at least one of which is a Collector main street.

B1.9.6.2.2 PRW–Medium Density Residential

B1.9.6.2.2.1 Permitted Uses

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

The following uses are permitted within the PRW–Medium Density Residential designation:

- a) All forms of townhouse units;
- b) Small scale apartment buildings;
- c) Second dwelling units;
- d) Live/work units;
- e) Long-term care facilities;
- f) Accessory buildings and structures related to the primary residential dwelling unit;
- g) Home occupations;

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

- h) Places of worship;
- i) Private home day cares;
- j) Elementary and secondary schools;
- k) Community facilities;
- l) Parks, parkettes and open space linkages; and,
- m) Public uses and public and private utilities.

In addition to the permitted uses identified above, single and semi-detached dwellings are permitted as part of a development application which includes townhouse dwellings or small scale apartment buildings, as long as the overall density achieved on the site is within the permitted range of the Medium Density Residential designation. The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Medium Density Residential designation.

B1.9.6.2.2.2 Development Policies

The following development policies shall apply to the PRW-Medium Density Residential designation:

- a) Densities shall range from a minimum of 40 units per net residential hectare to a maximum of 75 units per net residential hectare.
- b) The maximum building height for any building within the PRW–Medium Density Residential designation shall be 5 storeys or 17 metres, whichever is less, and may include a 4 metre minimum height requirement on the first floor to accommodate live/work units.
- c) The City shall encourage the use of rear lanes within the PRW–Medium Density Residential designation.
- d) Places of worship and private home day cares shall only be permitted within the PRW–Medium Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:
 - i) have a minimum lot size of 0.75 of a hectare;
 - ii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) are located near the intersection of two public roads, at least one of which is a Collector main street.
- e) Convenience retail and service commercial uses shall only be permitted within the PRW–Medium Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

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

- i) are limited in size to 150 square metres per business;
 - ii) include no more than 3 businesses on a lot;
 - iii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iv) are located at the intersection of two public roads, at least one of which is a Collector main street.
- f) Where a convenience and/or service commercial uses are to be provided, they should be designed in such a manner which maximizes the accessibility and convenience for local residents, including pedestrian linkages.
- g) Development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector main street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a Local Road, subject to confirmation of the technical requirements by the City.

B1.9.6.2.3 PRW–Medium/High Density Residential

B1.9.6.2.3.1 Permitted Uses

The following uses are permitted within the PRW–Medium/High Density Residential designation:

- a) Apartment buildings and townhouses;
- b) Long-term care facilities;
- c) Accessory buildings and structures related to the primary residential dwelling unit;
- d) Live/work units;
- e) Places of worship;
- f) Private home day cares;
- g) Elementary and secondary schools;
- h) Community facilities;
- i) Convenience retail and service commercial uses;
- j) Parks, parkettes and open space linkages; and,
- k) Public uses and public and private utilities.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

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

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Medium/High Density Residential designation.

B1.9.6.2.3.2 Development Policies

The following development policies apply to the PRW-Medium/High Density Residential designation.

a) Densities shall range from a minimum of 40 units per net hectare to a maximum of 160 units per net hectare.

b) The minimum building height for any building shall be 3 storeys.

The maximum building height for any building within the PRW–Medium/High Density Residential designation shall be 10 storeys. The height of the first floor of all buildings within the PRW–Medium/High Density Residential designation may be a minimum of 4 metres to accommodate live/work units.

c) The City shall encourage the use of rear lanes within the PRW–Medium/High Density Residential designation.

d) Places of worship and private home day cares shall only be permitted within the PRW–Medium/High Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:

- i) have a minimum lot size of 0.75 of a hectare;
- ii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
- iii) are located near the intersection of two public roads, at least one of which is a Collector main street.

e) Convenience retail and service commercial uses shall only be permitted within the PRW–Medium/High Density Residential designation through a Site Specific Zoning By-law Amendment process, provided that they:

- i) are limited in size to 150 square metres per business;
- ii) include no more than 3 businesses on a lot;
- iii) are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
- iv) are located at the intersection of two public roads, at least one of which is a Collector main street.

f) Where a convenience retail and/or service commercial uses are to be provided, they should be designed in such a manner which maximizes the accessibility and convenience for local residents, including pedestrian linkages.

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

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- g) Where buildings are proposed within the PRW–Medium/High Density Residential that abut any other lower density residential designation, the higher density development shall be designed to ensure development compatibility such that the amenity of the lower density residential area is maintained or protected. Site design considerations may include:
 - i) Increased setbacks;
 - ii) Sensitive building siting;
 - iii) Provision of landscaped buffers;
 - iv) Angular planes or other mechanisms that control the scale of development including shadow studies;
 - v) The requirement for structured parking and/or the provision of parking areas that do not dominate the site physically and visually;
 - vi) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and,
 - vii) The location, pattern, and style of loading bays, and refuse containers.

B1.9.6.2.4 Non Residential Supporting Land Uses

The City may permit limited non-residential land uses, including convenience retail and service commercial uses, personal service uses, medical and dental clinics, and retail uses that are small in scale and function to serve the local community and support the development of complete communities within the PRW- Medium Density Residential and PRW- Medium/ High Density Residential designations, subject to a Commercial Needs Assessment as part of a Zoning By-law Amendment process, where it can be demonstrated that the following criteria are met:

- a) Retail use(s) shall not cumulatively exceed 500 square metres on a site;
- b) The proposed use(s) and development is compatible with adjacent land uses; and,
- c) The site is located at the intersection of two public roads, at least one of which is a Collector Main Street or Arterial Street.

B1.9.6.3 Commercial Area

The Port Robinson West Community will generate increased demands for a range of commercial uses. The primary types of commercial facilities, which will be required to serve new residents in the Port Robinson West Community, will largely be of a neighbourhood commercial and service commercial nature. Other, larger scale commercial facilities will also be required to serve both a City-wide and Regional function.

Within the Commercial Area identified on Schedule A-6 – Land Use Plan, the following two land use designations have been established:

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- a) PRW–Mixed Use Commercial; and,
- b) PRW–Urban Commercial.

On those lands, it is the intent of the City to promote a variety of larger scale retail commercial facilities, office and institutional uses, residential uses and community uses in a form that mixes those uses within buildings and on the site. Stand-alone and mixed use buildings will be both permitted.

It is also the intent of the City to:

- a) Ensure a vibrant, inviting and appealing atmosphere on these lands that will attract residents and new businesses, encourage walking and cycling and resonate with visitors a positive image of the City of Thorold;
- b) Facilitate the development of a major new shopping destination;
- c) Ensure that development within the Commercial Area is comprehensively planned to ensure that the impacts of servicing, access, loading and parking can be adequately addressed;
- d) Ensure that the required minimum density of 50 persons and jobs combined per gross hectare is achieved within the Commercial Area; and,
- e) Ensure that leading-edge telecommunication services are in place, where feasible, through discussions with telecommunications providers to attract knowledge-based industries and support the technological advancement and growth of existing businesses.

B1.9.6.3.1 General Policies

Within the Commercial Area adjacent to Niagara Street a Site Master Plan shall be prepared for each of the two land use designations. The Site Master Plan shall be prepared by the development proponents, to the satisfaction of the City. The Site Master Plan shall include the following components:

- a) Road, Block and Land Use Plan - the Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses, building foot prints, parking and loading areas, and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the designations has been achieved;
- b) Streetscape and Open Space Plan - the Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify linkages between proposed parks and parkettes;

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- c) Urban Design and Architectural Control Guidelines - the Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix C, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
- d) Servicing Plan - the Servicing Plan shall include, but shall not be limited to, the details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
- e) Environmental Impact Statement – an Environmental Impact Statement where required by the policies of the Official Plan.

In order to improve the economic viability of commercial centres, consolidation of properties is encouraged to ensure functionally obsolete structures are renovated or removed and a more efficient and intensive utilization of land is achieved.

Development and redevelopment shall be oriented towards the street in the form of plazas and multi-unit buildings to ensure orderly development, which is integrated with adjacent properties, and achieves economic stability. Single use buildings will only be allowed when developed on a comprehensive scale, where no land use conflicts would occur or where an expansion of an existing single use would allow for improved design and functions of the site such that it is integrated with adjacent development.

Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking for automobiles and bicycles and loading facilities are provided on the site;
- b) Buildings located at the entrance points to the Port Robinson West Urban Area or at the intersection of any Collector main street are designed to provide or maintain a desirable gateway to the community;
- c) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
- d) Outdoor storage areas if/where permitted, are substantially screened from view from passing traffic; and,
- e) All options respecting shared access from the road are reviewed and implemented, if feasible.

Based on the mixed use nature of the Commercial Area, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed use development forms and may be subject to a Parking Impact Analysis and the City's Comprehensive Zoning By-law.

B1.9.6.3.2 PRW–Mixed Use Commercial

B1.9.6.3.2.1 Permitted Uses

- a) Buildings within the PRW–Mixed Use Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings.

High activity uses that animate the streetscape and encourage foot traffic, such as retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related façade.

Office and other appropriate employment uses shall be encouraged above grade in mixed use buildings located throughout the PRW–Mixed Use Commercial designation, and in single-use buildings that are located off Arterial or Collector Road frontages.

- b) The following uses/mixture of uses are permitted within the PRW–Mixed Use Commercial designation:

- i) Commercial, professional and/or government offices;
- ii) Research and data processing facilities;
- iii) Hotels and tourist accommodations;
- iv) Conference centres;
- v) Cultural, recreational and entertainment uses;
- vi) Public and private institutional uses;
- vii) Live-work units;
- viii) Townhouses and apartment buildings;
- ix) Second dwelling units;
- x) Long-term care facilities;
- xi) Private home day cares;
- xii) Parking facilities at-grade, in structure, and/or underground parking;
- xiii) Cycling facilities including parking, storage and change rooms/showers etc.;
- xiv) Parks and parkettes; and,

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

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

- xv) Public uses and public and private utilities.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Mixed Use Commercial designation.

B1.9.6.3.2.2 Development Policies

It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities – whether the overall density, or individual site densities - will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated PRW–Mixed Use Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare.

Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare.

The minimum building height for any building within the PRW–Mixed Use Commercial designation shall be 2 storeys, or 6.0 metres, whichever is greater. The maximum building height for any building within the PRW–Mixed Use Commercial designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor height of any live-work unit, or any non-residential building, shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the City to facilitate single-storey residential units that are part of a senior citizens housing complex.

The maximum height of any new development may be increased through the Height Bonus provisions provided under Section 37 of the Planning Act or through a Community Benefit Charge, subject to an impact study acceptable to Council.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

Development within the PRW–Mixed Use Commercial designation forming part of the Phase 1 Lands that exceeds 5,000 square metres of gross leasable commercial area shall only proceed on the basis of a Site Master Plan, which shall form the basis of an implementing Official Plan Amendment and Zoning By-law Amendment, followed by Site Plan Approval.

B1.9.6.3.3 PRW–Urban Commercial

B1.9.6.3.3.1 Permitted Uses

Buildings within the PRW–Urban Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, like retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and other appropriate employment uses shall be encouraged above grade in mixed use buildings located throughout the PRW–Urban Commercial designation, and in single-use buildings that are located off Arterial or Collector Road frontages.

The following uses are permitted within the PRW–Urban Commercial designation:

- a) Commercial, professional and/or government offices;
- b) Research and data processing facilities;
- c) Space extensive retail uses such as:
 - automotive related products;
 - large and bulky goods such as furniture and appliances;
 - home improvement materials;
 - supermarkets;
 - hardware; and,
 - nursery or garden supply products;
- d) Hotels and tourist accommodations;
- e) Conference centres;
- f) Cultural, recreational and entertainment uses;
- g) Retail uses and restaurants;
- h) Residential uses provided in combination with a permitted commercial use, either in the same building or on the same site
- i) Public and private institutional uses;
- j) Parking facilities at-grade, in structure, and/or underground parking;
- k) Cycling facilities including parking, storage and change rooms/showers;
- l) Parks and parkettes; and,
- m) Public uses and public and private utilities.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Urban Commercial designation.

B1.9.6.3.3.2 Development Policies

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities – whether the overall density, or individual site densities – will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated PRW–Urban Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare. Residential development shall be developed at densities ranging from a minimum 35 units per hectare, up to 160 units per hectare.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- b) The minimum building height for any building within the PRW–Urban Commercial designation is encouraged to be 2 storeys. The maximum building height for any building within the PRW–Urban Commercial designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. The maximum height of any new development may be increased through the Height Bonus provisions provided under Section 37 of the Planning Act, or through a Community Benefit Charge, subject to an impact study acceptable to Council.
- c) Development within the PRW–Urban Commercial designation that forms part of the Phase 2 Lands” following the phrase ‘PRW- Urban Commercial designation shall only proceed on the basis of a Site Master Plan which shall form the basis of an implementing Zoning By-law Amendment, followed by Site Plan Approval.

B1.9.6.4 Employment Area

- a) The Employment Area identified on Schedule A-6 – Land Use Plan represents existing and/or planned employment facilities such as the areas east of Highway 406 and the areas north of Merritt Road west of Highway 406. The Port Robinson West Secondary Plan promotes the further development of this Employment Area.
- b) The Employment Area identified on Schedule A-6 – Land Use Plan includes the following two designations:
 - i) PRW–Business Park; and,
 - ii) PRW–Industrial

B1.9.6.4.1 PRW – Business Park

B1.9.6.4.1.1 Permitted Uses

The following uses are permitted within the PRW–Business Park designation:

- a) Commercial, professional and/or government offices;
- b) Research and data processing facilities;
- c) Private home day cares;
- d) Parking facilities at-grade and/or in structure;
- e) Accessory retail and service commercial uses intended to serve the local employment uses.
- f) Cycling facilities including parking, storage and change rooms/showers etc.;
- g) Parks and parkettes; and,
- h) Public uses and public and private utilities;

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

The implementing By-law shall establish minimum lot sizes, building setbacks, and yard requirements, and may further refine the list of permitted and/or prohibited land uses within the PRW – Business Park designation. The minimum building height shall be 2 storeys, and the maximum building height shall be 12 storeys.

B1.9.6.4.2 PRW–Industrial

B1.9.6.4.2.1 Permitted Uses

The following uses are permitted within the PRW–Industrial designation:

- a) Manufacturing;
- b) Processing;
- c) Assembling;
- d) Fabricating;
- e) Servicing;
- f) Storage of good and raw materials;
- g) Warehousing and wholesaling; and,
- h) Service sector industries including transportation.

In addition, research and development facilities, business and government services, office and limited distribution services, product showrooms and display centres shall be permitted. Uses that are incidental or ancillary to industrial operations such as a retail and wholesale divisions operated as a subsidiary function of any industry may be permitted in the Industrial Area.

The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the PRW–Industrial designation.

B1.9.6.4.2.2 Development Policies

Industrial uses will ideally be arranged in a gradation with the lighter, more prestige type industries being located contiguous to residential, institutional, recreational or other similar uses. The heavier type of industries shall be directed to the interior of the industrial area where they least affect the amenity of the area.

Wherever industries abut residential, institutional, recreational or other similar uses adequate buffering will be required by measures such as landscaping, plantings, fencing and physical separations in order to minimize the effects of the industrial activity including visual appearance.

Industrial areas shall be developed in accordance with the following design principles:

- a) The provision of landscaped areas and accompanying landscaping shall form as integral part of all industrial developments. Landscaping and tree plantings shall be provided to improve the streetscape, to function as a screening and buffering device between industrial and other adjacent uses, and for aesthetic and resting purposes;
- b) Open storage of goods and materials shall only be permitted in accordance with the provisions of the City's Zoning By-law;
- c) Loading and unloading areas shall be provided off-street and in the rear or side yard whenever possible; and
- d) Adequate off-street parking facilities shall be provided in accordance with the provisions of the City's Zoning By-law; ingress and egress to such parking areas shall be provided to minimize potential conflict with vehicular and pedestrian traffic.

B1.9.6.5 The Greenlands System

The Greenlands System is comprised of lands designated Environmental Protection One, Environmental Protection Two, and PRW – Open Space as identified on Schedule A-6 – Land Use Plan. It is the intent of the City to establish a linked greenlands system that also acts as a fundamental element of the urban structure of the Port Robinson West Community.

In the development of the Port Robinson West Community, every effort will be made to ensure that sufficient lands are provided in appropriate locations for parks, schools and other facilities to meet neighbourhood and community needs. Parks will be located in such a manner which will provide all residents with convenient accessible recreation and education opportunities. Other facilities not shown on the concept plan should be directed to accessible locations on major roadways.

The inclusion of all the associated elements and related activities into an interconnected Greenlands System will protect and enhance natural heritage features and their associated functions and expand the recreational opportunities available to all residents of the Port Robinson West Community. In addition to these designations, Stormwater Management Facilities will become part of the overall Greenlands System, although they are not shown on the Schedules to this Plan.

The policy framework for the Environmental Protection One, Environmental Protection Two designations is found in Sections B3.2 and B3.3 of the Official Plan. Reference mapping of known natural heritage features is also provided on Schedule B of the Official Plan.

B1.9.6.6 PRW–Open Space

The policies applicable to the lands designated PRW – Open Space and Parks on Schedule A-6 – Land Use Plan are found in Section B1.6 of the Official Plan. In addition to the policies of Section B1.6, the following policies apply within the Port Robinson West Secondary Plan Area:

- a) Public Parkland will be obtained through the parkland dedication provisions of the Planning Act or through a Community Benefits Charge and will be distributed throughout the neighbourhood within a 5-minute walking distance of the majority of residents;
- b) Public Parks will generally be about 2 hectares in size and will be designated predominantly for active recreation;
- c) Where possible, Public Parks should form part of the broader Greenlands System comprised of watercourses, stormwater management facilities, hydro corridors, protected woodlands and school grounds;
- d) Watercourses and stormwater management retention areas will not be included in the parkland dedication provision of the Planning Act which apply to new subdivision developments; and,
- e) Public Parks should be widely distributed throughout the Secondary Plan Area to ensure easy access and multiple opportunities for rest, relaxation and visual interest. It is understood that some parkettes will cater to primarily a local resident population, while others will have a broader range of users and activities.
- f) The location, size and configuration of parks and open space identified on Schedule A6- PRW Land Use Plan is approximate and shall be more precisely delineated through a Neighbourhood Master Plan process.
- g) The lands designated as PRW - Open Space located on Part of the Broken Front Township Lots 215, 222, 223 and include part of the Road Allowance between the Broken Front Township, Lots 215 And 222 and are generally south of Neighbourhood 2 and adjacent to the municipal boundary of the City of Welland. These lands are an extension of the City of Welland's Recreational Waterway area and form part of the City of Welland's Northern Reach development area. The future development of these lands shall be in accordance with the following policies:

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

- i) Low density residential uses may be permitted in accordance with Sections B.1.9.6.2.1 of the PRW Secondary Plan.
- ii) A comprehensive master plan shall be submitted with a Zoning By-law amendment and Draft Plan of Subdivision application for the lands that demonstrates how the Northern Reach lands in Welland and Thorold form a complete neighbourhood community and addresses land uses, servicing and infrastructure, including access and transportation requirements and the integration with the City of Welland's Northern Reach development area. The comprehensive master plan shall incorporate an open space component that provides for public parks and multi-use trails. The neighbourhood master plan shall be accompanied by development and design principles to guide the future development of the lands.

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- iii) The comprehensive master plan shall be reviewed and implemented through the Zoning By-law amendment and Draft Plan of Subdivision applications for the lands.

B1.9.6.6.1 Public Parks in the Residential Neighbourhoods

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

The following policies apply to the establishment of Public Parks throughout the Residential Neighbourhoods:

- a) A Public Park shall have substantial frontage on the abutting sidewalk and shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C;
- b) Public Parks shall be designed to reinforce a high quality formalized relationship with its adjacent building use, streetscape and/or component of the Greenlands System; and,
- c) Landscape elements and features within the Public Parks shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.

Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this plan be construed as implying that these areas are free and open to the general public. In this regard, when an application is made requesting a change of land use for such lands and the Municipality or other public agency does not wish to purchase the lands in order to maintain the open Space, due consideration shall be given by Council as to the most desirable use.

B1.9.6.7 Environmental and Ground Water Management Policies

The policies related to the environmental and ground water management within the Port Robinson West Secondary Plan area are found in Section C of the Official Plan.

B1.9.6.8 Water and Sewer Servicing Strategy

The policies applicable to the provision of municipal water and sewer services within the Port Robinson West Secondary Plan area are found in Section D1 of the Official Plan.

B1.9.6.9 Stormwater Management

The policies applicable to Stormwater Management are found in Section C5 of the Official Plan. In addition to those policies, the following policies apply within the Port Robinson West Secondary Plan area:

- a) Stormwater management facilities shall be permitted in all land use designations within the Port Robinson West Secondary Plan area, except for the Environmental Protection One designation.
- b) Stormwater management facilities may be permitted in an Environmental Protection Two designation without the need for a further Amendment to this Plan,

subject to the policy direction provided in this Plan, including the preparation of an Environmental Impact Study, prepared to the satisfaction of the City in consultation with the Niagara Peninsula Conservation Authority and Niagara Region.

- c) Stormwater management facilities will be key features within the community contributing to the appearance and ambience of the neighbourhood, while achieving functional objectives related to flow moderation and water quality.
- d) Stormwater management facilities will be designed to blend with the natural landscape. Geometric forms and standard slope gradients will be avoided in favour of organic shapes and land form grading designed to replicate natural land forms in the area. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone.
- e) Stormwater management facilities will not be fenced, but rather will be designed as passive recreational facilities with trails, overlooks and interpretive signage to ensure facilities are an integral part of the Port Robinson West Greenlands System.
- f) Stormwater management facilities shall be designed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

B1.9.6.10 Schools

It is the intent of the Port Robinson West Secondary Plan that existing or planned elementary school sites be subject to the following policies:

- a) Elementary school site locations are identified symbolically on Schedule A-6 – Land Use Plan as Elementary School;
- b) The City will consult with school boards to determine the need for additional school(s) through the review of development applications;
- c) The proposed site locations and configurations identified on Schedule A-6 – Land Use Plan, may be modified or relocated by the school boards in cooperation with the City without amendment to this Secondary Plan;
- d) The proposed school site locations shall be finalized by the purchasing School Boards in consultation with the City, subject to the following:
 - i) Encourage sharing of community facilities, parks and/or open space;
 - ii) Adequate frontage along a Collector Road connected by sidewalks;
 - iii) Should not be located on or in proximity to hazardous lands or facilities;
 - iv) Where appropriate, schools shall be located on sites adjacent to, or in proximity to existing and/or proposed municipal parks;

Note: As modified by the City of Thorold, September 1, 2020, through OPA 10, By-law No. 118-2020

- v) Where appropriate, and subject to the approval of the City, lay-by lanes may be provided within the design of any Collector Road abutting a school site;
 - vi) Safe and convenient access routes shall be planned between the school and surrounding residential areas; and,
 - vii) Shared use facilities for joint schools and for joint school and recreation facilities shall be permitted. Shared facilities with other compatible uses may also be considered.
 - viii) School sites shall be located along collector roadways to provide good vehicular and bus accessibility; and,
 - ix) Open Space linkages to school sites will be encouraged for pedestrian safety and accessibility.
- e) The school sites, and their locations are considered flexible in their configuration and size attributes. The School Boards may consider joint school/park arrangements, subject to the satisfaction of the City. Where school/park arrangements are appropriate, school sites may be smaller.

B1.9.6.11 Transportation

It is the intent of this Secondary Plan to promote active transportation and accessibility as articulated in Section D2 of the Official Plan. The most significant improvements to the transportation system in Port Robinson West is the widening of Highway 406 to four lanes, the implementation of a full interchange for Merritt Road and a flyover for Port Robinson Road. The final design for this provincial infrastructure is now in place and construction is anticipated to be complete by 2015.

B1.9.6.11.1 Road Hierarchy

A north-south Regional Road (Niagara Street/Merrittville Highway) provides arterial access to Port Robinson West. Merritt Road from Highway 406 westward to Niagara Street provides excellent east-west access. These roads are identified on Schedule D-1 – PRW Active Transportation Plan. The right-of-way width for these roads is established in the Regional Official Plan.

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

Port Robinson Road and the extension of Merritt Road west of Cataract Road are existing and proposed arterials to provide enhanced east-west travel in the community. Kottmeier Road from Port Robinson Road to Merritt Road provides a north-south link. All of these roads require a right-of-way of 26 metres. These roads are identified on Schedule D-1 – PRW Active Transportation Plan.

Cataract Road, Kottmeier Road and Egarter Road have been identified as collector roads on Schedule D-1 – PRW Active Transportation Plan. In addition, new roads have been identified as collector roads to provide connectivity and circulation. Right-of-way widths for these roads are established at 23 metres.

All other roads that exist or will be developed in future are to be built as local roads. Their pattern will be identified as development proceeds and plans of subdivision are designed. Right-of-ways for these roads will be a minimum of 16 metres and a maximum of 20 metres. Key local roads are symbolically identified on Schedule D-1 – PRW Active Transportation Plan to provide guidance for future development.

B1.9.6.11.2 Future Option

A Future Option Collector Road has been identified on the Active Transportation Plan to provide a collector connection between Rice Road and Cataract Road along an existing road allowance of Merritt Road. This link will improve transportation access from Pelham to Highway 406. The link needs to be studied through a Municipal Class Environmental Assessment process to ensure that this location is appropriate when compared to other possible road links. The current road allowance passes through a wetland and fish habitat, and consequently, decisions on its location and construction activities need to be sensitive to these natural heritage features.

B1.9.6.11.3 Additional Policies

Additional policies applicable to the provision of transportation services within the Port Robinson West Secondary Plan area are found in Section D2 of the Official Plan.

All roads within the Port Robinson West Secondary Plan area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

B1.9.6.12 Utilities

Council shall promote utilities to be planned for and installed in initial common trenches, where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption; and,

Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. Council will encourage utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc, when determining appropriate locations for large utility equipment and utility cluster sites.

B1.9.6.13 Heritage and Archaeological Resources

The policies applicable to the heritage and archaeological resources within the Port Robinson West Secondary Plan area are found in Section D3 of the Official Plan.

B1.9.6.14 Subdivision of Land

The policies applicable to the subdivision of land within the Port Robinson West Secondary Plan area are found in Section D4 of the Official Plan.

B1.9.6.15 Plan Implementation and Administration

The policies applicable to plan implementation and administration within the Port Robinson West Secondary Plan area are found in Section E1 of the Official Plan.

B1.10 BROCK BUSINESS PARK AREA SECONDARY PLAN

B1.10.1 Introduction

The purpose of this section of the Official Plan is to provide policies for the Brock Business Park Area. The vision for the Brock Business Park Area Secondary Plan is as an attractive, dynamic, high quality mixed use area that is home to some of the City's premier employers. The area will integrate a collection of live-work activities, which help to support innovation and business incubation associated with Brock University. The areas campus-like setting along with the attractive and accessible public spaces and streetscapes provide a unique sense of place making it one of the most innovative and interesting mixed use areas within the Region.

B1.10.2 Objectives

The Brock Business Park Area shall be guided by the following objectives:

- a) Promote economic development and provide basic amenities which support revitalization and investment.
- b) Support and enhance the employment function for the Brock Business Park Area
- c) Provide a framework for mixed-use development and redevelopment.
- d) Provide a range of housing opportunities that support Brock University.
- e) Maintain and enhance the campus-like setting.
- f) Balance the needs of all users within the Brock Business Park Area.
- g) Make best use of existing and planned infrastructure.
- h) Provide opportunities for transit supportive development.
- i) Promote sustainable development and redevelopment throughout the Brock Business Park Area.
- j) Improve pedestrian safety & connectivity within the Brock Business Park Area.
- k) Encourage a high standard of site and building design, landscaping and streetscape through urban design standards.

B1.10.3 Land Use Designations

The land use designations for the Brock Business Park Area are illustrated on Schedule A-1 and are organized around four major land use designations:

- a) Mixed use area (BBP Mixed Use);
- b) Employment area (BBP Business Park);

- c) Residential (BBP Residential);
- d) Environmental Protection 1 & Environmental Protection 2 areas.
- e) This mix is meant to facilitate clustering of business and economic activities in a campus style setting, whereby uses benefit from proximity/co-location.

B1.10.4 BBP Mixed Use

Mixed use areas are intended to provide a location for a range of complementary uses that are dynamic, vibrant and have a high degree of integration, such as business incubators and certain types of research and development facilities. This designation is also intended to recognize a number of existing uses and also provides a framework for future redevelopment and intensification.

B1.10.4.1 Permitted Uses

Uses are encouraged to be mixed within a single building, whereby ground-level uses including commercial uses and upper stories accommodate complementary uses – such as residential or office activities. Expansions to existing stand-alone buildings are permitted. Permitted uses within the Mixed Use designation include:

- a) Office uses;
- b) Commercial uses;
- c) Medium and High density residential uses;
- d) Hospitality uses;
- e) Research and development uses;
- f) Large scale institutional uses related to Brock University
- g) Existing Institutional uses

B1.10.4.1.1 Permitted Secondary Uses

- a) Small scale institutional uses which are complementary and supportive to the overall planned function of the Park, such as day-cares, etc.

B1.10.4.2 Scale

The maximum building height for buildings within the mixed use area is six stories. The minimum height for new development is three stories.

B1.10.4.3 Commercial Uses

Commercial uses permitted within the Mixed Use designation are limited to those activities which serve the employees and residents of the Brock Park and should include, but are

not limited to, cafes, restaurants, banks, food stores and a range of personal services, such as fitness clubs, pharmacies, hair salons and convenience stores.

Large scale, destination retail commercial activities, such as “big box”, highway commercial activities, such as auto repair and auto sales businesses and night-clubs are not permitted.

To facilitate a pedestrian friendly environment, and discourage idling of automobiles, drive-throughs shall not be permitted within the Mixed Use designation as they are intended to be located in other commercial designations elsewhere in the City.

B1.10.4.4 Maximum Thresholds for New Residential Development

Where new residential uses are proposed within a mixed use designation, the ground floor areas of buildings which front onto a street and/or public square shall be comprised of non-residential uses, such as commercial or employment uses. The intent of this policy is to ensure that new development which is located in highly visible areas contributes to a vibrant and dynamic street environment and also helps to support a balance between residential and non-residential uses.

New additional residential uses that are proposed within the mixed use designation will require a market study to confirm market demand for the proposed activity.

B1.10.4.5 Land Use Compatibility

To ensure land use compatibility, all new sensitive land uses which are within 70 metres of an existing employment use shall be required to complete a land use compatibility assessment. The assessment shall examine potential issues and prescribe appropriate mitigation measures, including but not limited to appropriate building setbacks, landscaping treatments and other measures. Minimum setbacks between employment and non-employment uses are 20 metres, which can be reduced depending on the outcomes of site specific assessments and prescribed mitigation measures. The above-noted policy also applies to any development within 70 metres of the Niagara Region’s Environmental Laboratory which is located on Schmon Parkway.

B1.10.5 BBP Employment

The BBP Employment designation is intended to provide a location for stand-alone, stable employment uses which are distinct from the more dynamic formats located in the BBP Mixed Use designation. The BBP Employment Area designation will ensure that the original employment function of the Brock Park is maintained over the longer term (for a portion of the Park), allowing for the potential to capitalize on unique employment opportunities.

B1.10.5.1 Permitted Uses

Permitted uses within the Employment Area designation include office, research and development, laboratories and other knowledge-based businesses. A limited range of light manufacturing and assembly uses are also permitted, whereby the activity has no adverse impacts on any adjacent or nearby sensitive uses. No outdoor storage is permitted. New institutional uses are not permitted, except those uses which are ancillary or associated

with a proposed or existing development (such as a day care which is part of a larger office development).

B1.10.5.2 Scale

The maximum height for buildings within the Employment Area designation is four stories. Buildings which are immediately adjacent to Gateway Improvement Areas (see Schedule 3) are permitted up to six stories. The minimum height for new development is one storey, except for redevelopment in Gateway Areas where the minimum height is three stories.

B1.10.5.3 Special Policy Area

The purpose of the Special Policy Area designation is to provide guidance for future decision-making related to the lands at the south end of the Brock Business Park Area. The following policies apply to the lands designated as “Special Policy Area” on Schedule A-7.

B1.10.5.3.1 Land Use Policies

Refer to the applicable polices in Sections B1.10.5, B1.10.6, B3.2 and B3.3 for the policies and permissions associated with the lands designated as BBP Employment Area, BBP Residential Area and Environmental Protection 1 and Environmental Protection 2 within the Special Policy Area. The policies of these Sections shall continue to apply to the lands within the Special Policy Area until it can be demonstrated through further study that there is justification for any non-employment uses.

The justification for the conversion shall be based on the outcomes of the following additional studies as follows

a) Residential Market Demand Study

The study needs to consider long term demand and supply for new residential uses within the context of city-wide needs and area specific needs (up to a maximum of 20 years). The study should also include analysis of Thorold’s unique housing needs, considering the relationship between Brock University and the City of Thorold. Further, demonstration that additional non-employment uses will not adversely affect the overall viability of the employment area including land use compatibility and an assessment of the impact to existing employment uses and to overall employment growth potential.

b) Commercial Market Study

The study needs to consider long term demand and supply for new commercial uses within the context of neighbourhood needs (i.e. Brock Business Park Area and environs).

c) Planning Justification Report

The report will discuss how the criteria for employment land conversion identified in the Growth Plan for the Greater Golden Horseshoe Section 2.2.6 5. a)-f) has or

has not been satisfied. The report will also address land use compatibility issues (i.e. the Ministry of the Environment and Climate Change D-series guidelines, noise, air quality, etc.).

d) Urban Design Compatibility Study

The study must consider urban design needs including public and private realm improvements associated with the proposed development. Further, the study should identify need and location of pedestrian connections and infrastructure.

e) Municipal Servicing Study

The study needs to identify servicing demands for water, sanitary and stormwater, as well as identify the cost of servicing upgrades for proposed development. The study should also consider the impacts of any proposal on local and Regional services and identify any special measures required to satisfy flood-proofing.

f) Environmental Impact Study

Refer to Niagara Region's guidelines for preparing Environmental Impact Studies.

g) Transportation Impact study

The Transportation Impact Study must assess and confirm potential impacts to all modes of transportation on road networks and identify any potential improvements to the transportation network.

h) Record of Site Condition

Required for any properties proposed for residential use in accordance with the Environmental Protection Act, as amended.

i) Archaeological Assessment

The assessment should determine whether the site contains significant archaeological resources or areas of archaeological potential and recommend appropriate conservation methods to satisfy that all archaeological resource concerns have met licensing and resource conservation requirements.

j) Noise Study

The study should identify any potential impacts from nearby transportation or stationary noise sources and determine potential mitigation that may be required

k) Other studies

Any other studies required as part of the pre-consultation process

B1.10.5.3.2 Implementation

The City may adopt an Official Plan Amendment to change employment land uses to mixed use land uses within the Special Policy Area, provided that:

- a) The proposed amendment addresses the tests for conversion as outlined in the Growth Plan for the Greater Golden Horseshoe, as amended being:
 - i) There is a need for the conversion
 - ii) The municipality will meet the employment forecasts allocated to the municipality
 - iii) The conversion will not adversely affect the overall viability of the employment area and achievement of the intensification target, density targets and other policies
 - iv) There is existing or planned infrastructure to accommodate the proposed conversion
 - v) The lands are not required over the long term for employment purposes for with they are designated
 - vi) Cross-jurisdictional issues have been considered
- b) Lands with highway frontage and/or visibility on the 406, which are currently designated as Employment, are maintained as employment areas
- c) All of the above-noted studies are completed to the satisfaction of the City, Region and relevant agencies
- d) The amendment and proposed application align with all other relevant policies of the Brock Business Park Area Secondary Plan, such as, but not limited to, the urban design, transportation and infrastructure policies of the plan, as well as the City's Official Plan
- e) The amendment conforms to Provincial and Regional policies

Note: As modified by the City of Thorold, September 20, 2018, through OPA 04, By-law No. 27-2018

B1.10.5.4 Special Policy Area 2 – 3401 Schmon Parkway

The lands designated as “Special Policy Area 11” on Schedule “A-7” shall be governed by the “BBP Employment” policies.

Notwithstanding Section 2.3.3 Employment Areas, non-residential *Institutional* uses associated with a Post-Secondary institution shall be permitted.

B1.10.6 BBP Residential

The BBP Residential designation is intended to recognize the approved permissions for Part Lots 37, 38 and 39 located at the southern limits of the Plan Area. These lands have historically not been considered to be part of the Brock Business Park Area.

B1.10.6.1 Permitted Uses

On the lands located in Part Lots 37, 38 and 39, residential uses are permitted, including single detached, semi-detached, townhouse and low-rise apartment dwellings.

B1.10.6.2 Scale

The maximum height for new development is four stories. The minimum height is one storey.

B1.10.7 Environmental Protection Areas

The Environmental Protection One (EP1) and Environmental Protection Two (EP2) are intended to recognize the limits of lands which have significant environmental features and functions. The EP1 limits are associated with a Provincially Significant Wetland and the EP2 limits are associated with a Significant Woodlot.

The limits of these areas have been delineated based on mapping provided by the Region of Niagara and the Niagara Peninsula Conservation Authority.

The policy framework for the Environmental Protection One and Environmental Protection Two designation is found in Sections B3.2 and B3.3 of the Official Plan. Reference mapping of known natural heritage features is also provided on Schedule B of the Official Plan.

B1.10.8 Urban Design

The recommended urban design plan for the Brock Business Park Area is illustrated on Schedule D3.

B1.10.8.1 Gateways

Gateways are intended to function as formal entranceways into Brock Business Park Area and should create a strong sense of place and arrival.

B1.10.8.1.1 Location of Gateway Areas

There are three main Gateway Areas in the Brock Business Park Area:

- Schmon Parkway & Sir Isaac Brock Way (north)
- Schmon Parkway & Merrittville Highway (south)
- Merrittville Highway & Sir Isaac Brock Way (north)

B1.10.8.1.2 Urban Design Elements

Gateway areas should be designed to include a range of elements, including but not limited to:

- Intensive planting and landscaping that uses a mixture of native and ornamental species and, where possible, incorporate other natural elements, such as stone;
- Seasonal floral displays;
- Enhanced streetscaping, including but not limited to street furniture, decorative paving and other treatments which help to enhance the attractiveness of the street area;
- Public art;
- Lighting; and,
- Flags, banners and signage.

B1.10.8.1.3 Adjacent Development

Where possible, gateways should be designed to consider the broader context of the area, which includes Brock University and lands on the north side of Sir Isaac Brock Way in the City of St. Catharines. Where new development or redevelopment is planned near a Gateway Area, the proposed development/redevelopment should be designed in a manner which complements the function of the Gateway Area, through:

- Architectural detailing;
- Use of colour and materials;
- External site landscaping and lighting; and
- Building heights, massing and scale.

B1.10.8.2 Streetscape Improvement Areas

Streetscape improvement areas are intended to provide direction for future streetscape works. Two general types of streetscaping improvements are proposed for the Brock Business Park Area:

- Major Streetscaping Improvements;
- Minor Streetscaping Improvements

B1.10.8.2.1 Major Streetscape Improvement Area

The Major Streetscape Improvement Area is proposed for Sir Isaac Brock Way. As the main entranceway into the broader district (which includes Brock University, the Secondary

Plan area and the lands within the City of St. Catharines), Sir Isaac Brock Way provides a unique opportunity to establish a strong visual and functional profile. Accordingly, the designation of this corridor as a Major Streetscaping Area is intended to enhance the attractiveness of the exterior limits of the Brock Business Park Area (and the overall entranceway to Brock University) on both sides of Sir Isaac Brock Way and address opportunities for cross-jurisdictional collaboration. Major Streetscaping elements should include, but are not limited to:

- Shade tree plantings on both sides of the street;
- Gateway improvements at the two major intersections (see B1.10.8.1.1);
- Consistent landscaping treatments on both sides of the street;
- Improved active transportation infrastructure, including continuous sidewalks on both sides of the street;
- Street furniture such as benches/seating and improved/upgraded transit shelters; and,
- Signage and way-finding cues.

The City also encourages the Province to consider active transportation improvements on the Sir Isaac Brock Way/Highway 406 overpass which will improve network connectivity and safety. Improvements should consider both cyclists and pedestrians.

B1.10.8.2.2 Minor Streetscape Improvement Areas

Minor Streetscape Improvement Areas are proposed for portions of Schmon Parkway, Merrittville Highway and any new local roads. Minor streetscaping elements should include, but are not limited to:

- Active transportation infrastructure, such as shared lane markings (painted bike iconography for shared spaces), bike parking, painted/textured crosswalks and lighting;
- Consistent tree plantings on both sides of the street;
- Where possible, continuous sidewalks on both sides of the street; and,
- Enhanced lighting and street furniture which builds upon the campus themes.

A sample of minor streetscape improvements are shown below in Figure 1.1 (provided for illustrative purposes).

Figure 1.0 – Minor Streetscape Improvements: Before



Figure 1.1 – Minor Streetscape Improvements: After



B1.10.8.3 Linear Park and Connectivity

The linear park illustrated on Schedule D3 is intended to fulfil two functions:

- Improve pedestrian safety;
- Provide improved internal pedestrian connectivity within the Park and to Brock University; and,
- Provide a formal location for leisure and recreational space.

B1.10.8.3.1 Location of the Linear Park

The location illustrated on Schedule 3 illustrates the general alignment of the Linear Park. The actual alignment may alter slightly than the one presented, provided the connection is at least 10 metres wide and includes the design elements outlined below.

B1.10.8.3.2 Design Elements

The Linear Park should be designed to include the following key elements, which are to be accommodated with the 10 metre right of way:

- Occasional locations for sitting and gathering (both large and smaller seating areas)
- Adjacent natural landscaped area, including trees, shrubs, grasses, etc;
- A multi-use pathway and active transportation infrastructure;
- Public art; and,
- Lighting.

Four sample cross sections are provided for illustration purposes and show how the various elements could be organized. The City will work collaboratively with associated landowners to undertake a detailed design of the linear park.

Figure 2.0 – Photographic Example of Linear Park Concept

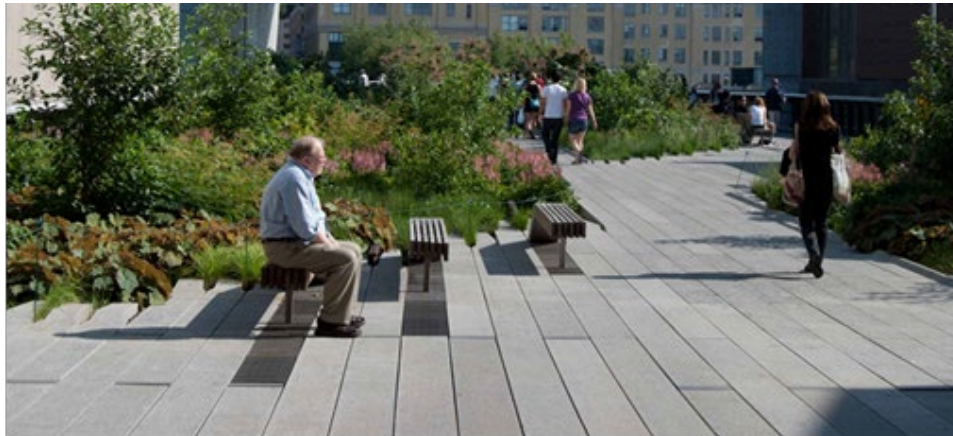


Figure 2.1 – Linear Park Concept, Small Seating and Gathering Area

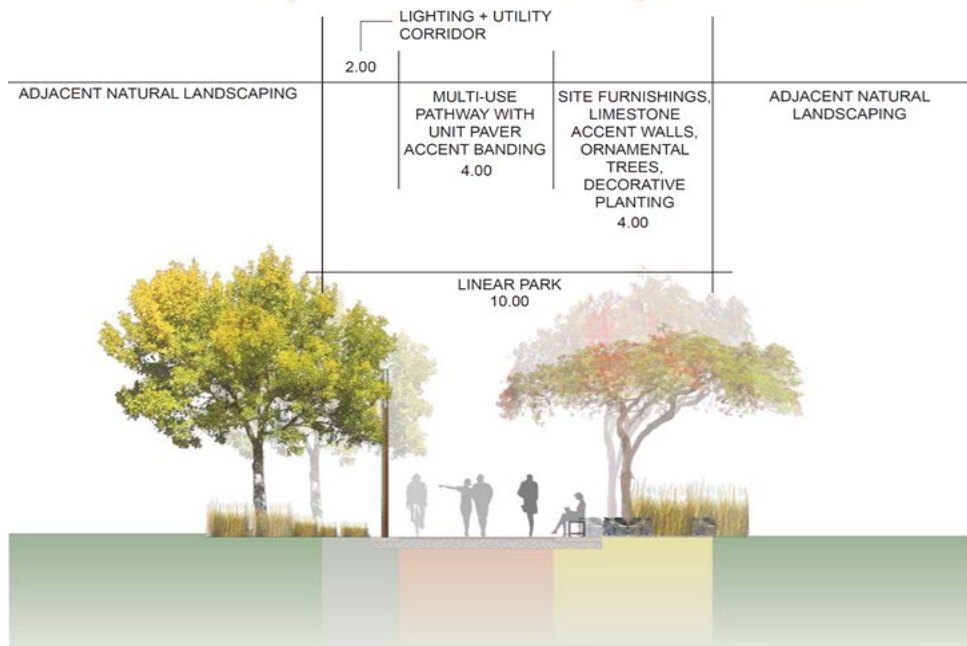
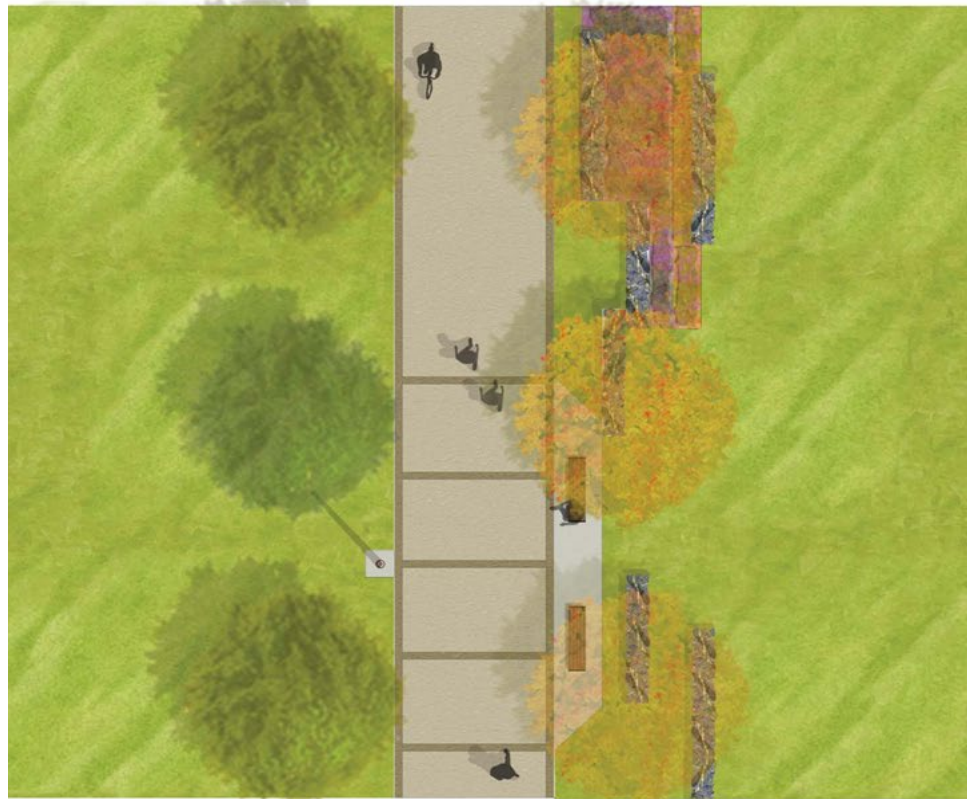
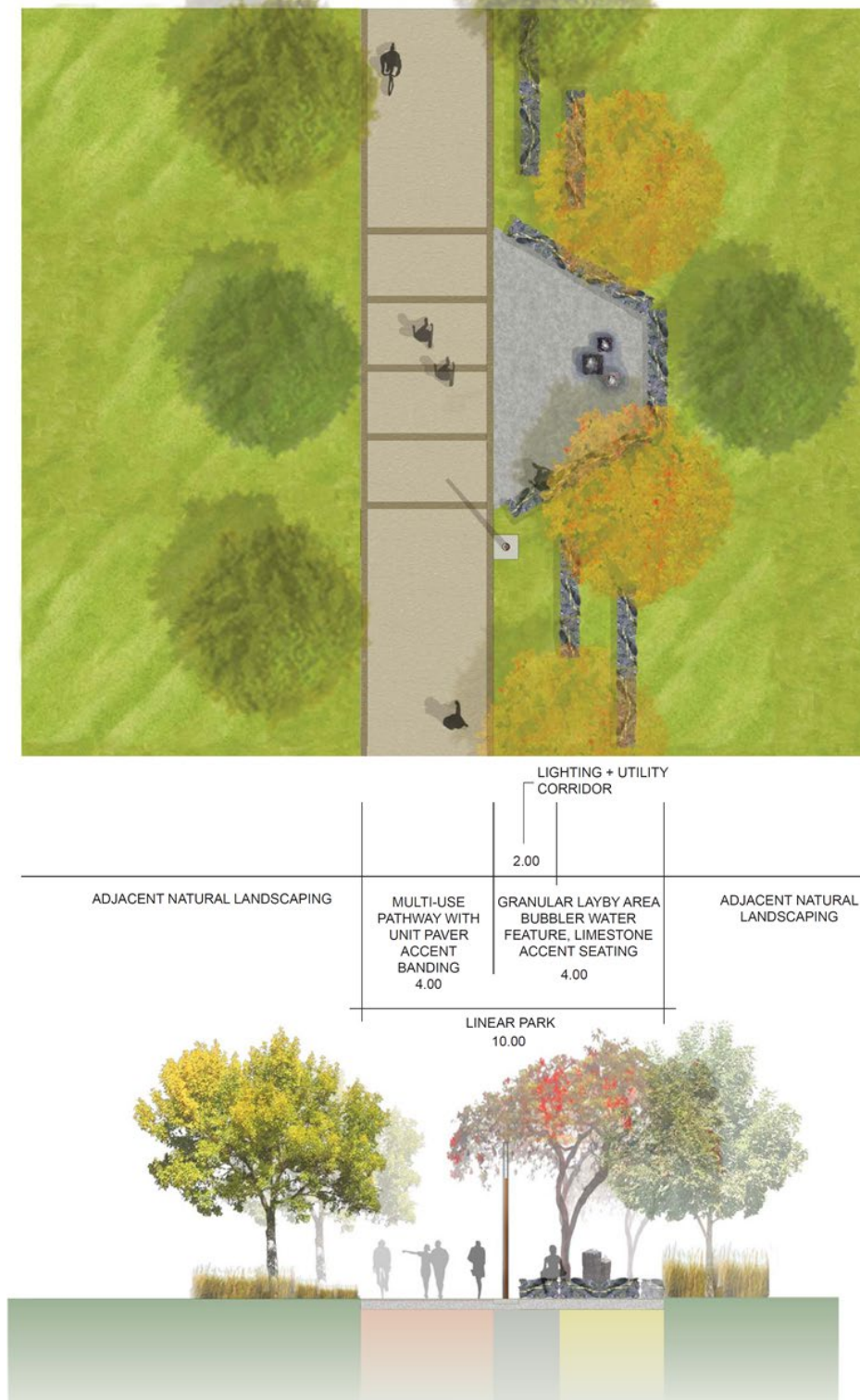


Figure 2.2 – Linear Park Concept, Large Seating and Gathering Area



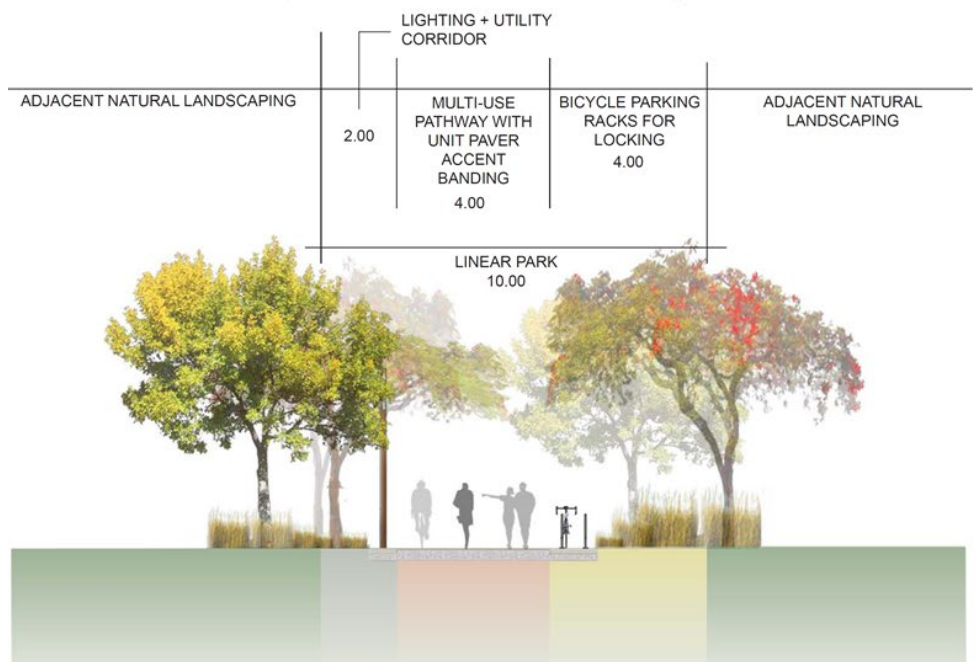
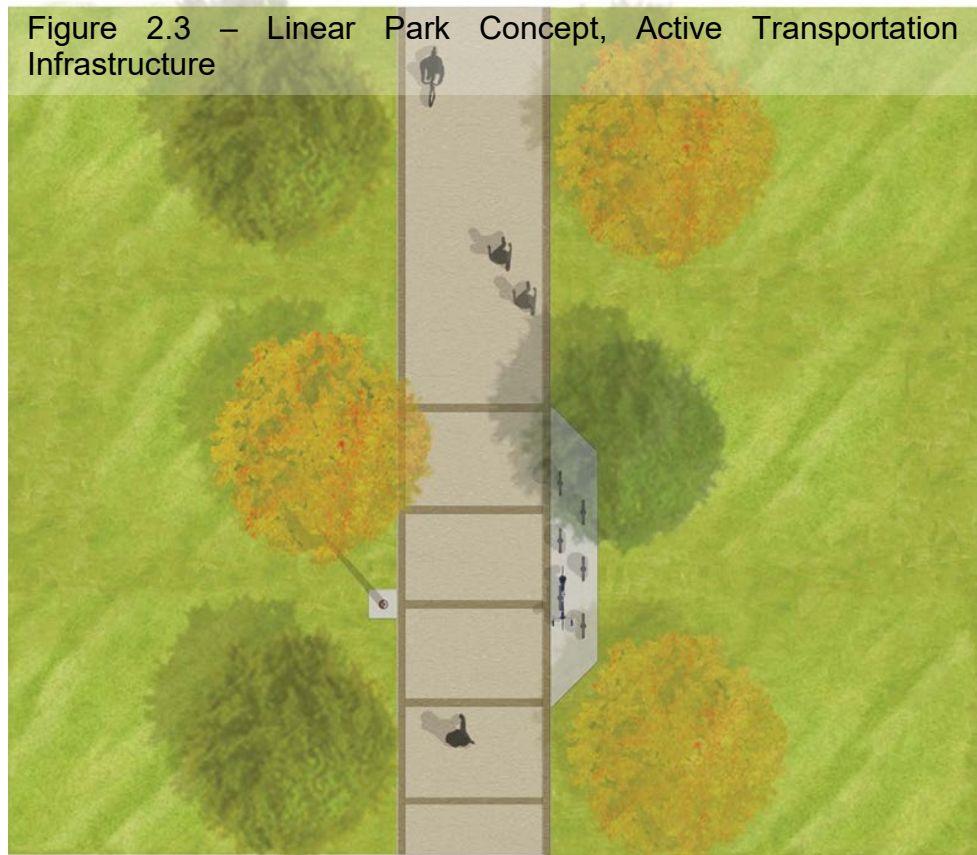
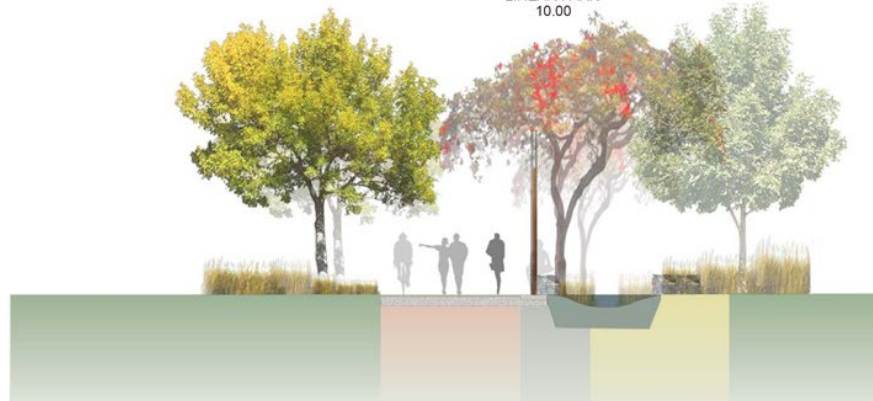
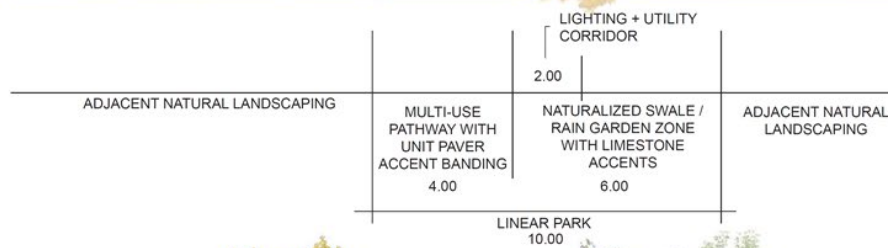
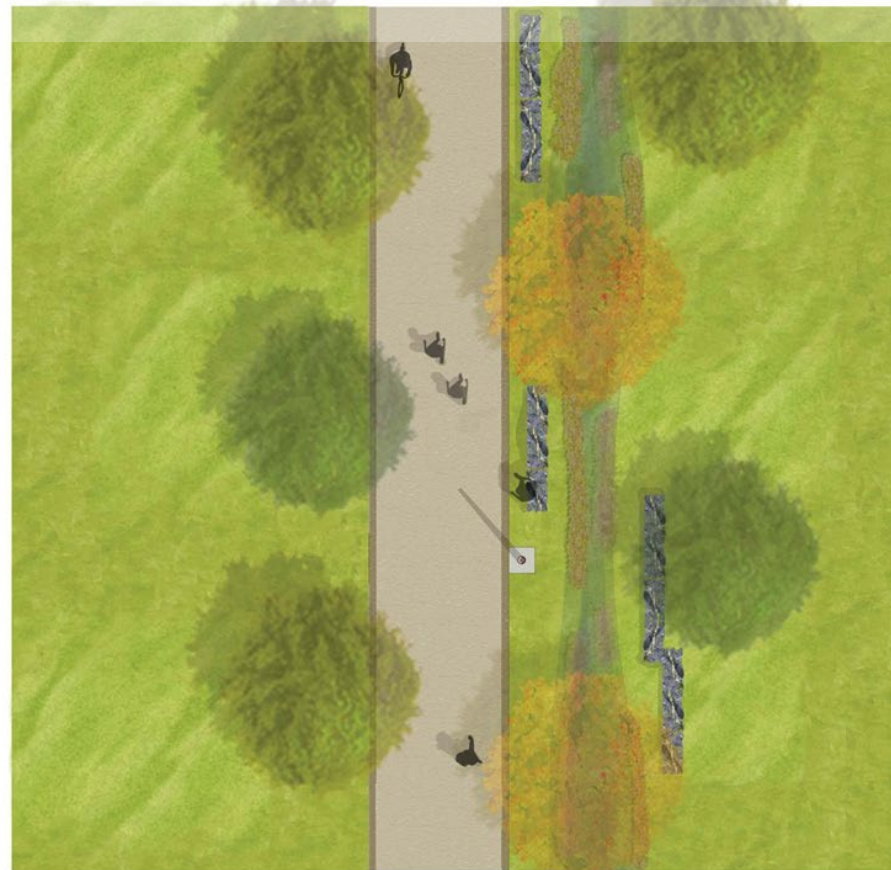


Figure 2.4 – Linear Park Concept, Public Art



B1.10.8.4 Private Realm Urban Design Guidelines

The private realm urban design guidelines are intended to:

- Provide flexibility for site development; and
- Ensure a consistent treatment of the overall campus theme through architecture and landscaping.

B1.10.8.4.1 Mixed Use Areas

Within Mixed-Use areas, new buildings shall be street-oriented, with parking located at the side or rear of the lot. The building façade should cover a minimum of 60% of the frontage, to ensure that adequate space for access and side-yard landscaping treatments are provided. Street-oriented buildings should be activated with a range of elements, including generous space for pedestrians, shade trees, seating and other elements which enhance the pedestrian realm.

B1.10.8.4.2 Employment Areas

Generally, new buildings should be set-back from the street-edge and include a generous landscaped strip separating the building from the sidewalk. The majority of parking should be located at the side or rear of the building(s). A small amount of parking (10% of the total number of spaces) may be provided in the front, provided that the landscaped treatments provide sufficient buffering and screening from the street. Where parking space is provided at the front, enhancements to the private landscaped area are to be provided to animate the street interface area, including space for seating, water features, public art, enhanced landscaping, etc.

B1.10.8.4.3 Building Facades

Building facades which front onto the street should have a high degree of glazing, with primary access from the front of the building.

B1.10.8.4.4 Building Materials & Architectural Styles

Development and redevelopment within the Brock Park should feature a variety of architectural styles - from traditional, to modern and post-modern. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including, but not limited to:

- Limestone and masonry
- Red brick
- High degree of glazing
- Other natural elements

The use of corrugated steel as a finishing material should be avoided. Buildings should also avoid the use of dark, non-reflective surfaces for roofs (to reduce potential for urban heat island effect).

B1.10.8.4.5 Blank Facades

Visible components of buildings should be treated with a high degree of design. Blank facades which front onto a public street, private laneway or are visible from a Highway are not permitted.

B1.10.8.4.6 Building Rooftops

Rooftop mechanical systems should be incorporated into the overall building's architecture and should be screened from view. Planted or green roofs are encouraged.

B1.10.8.4.7 Building Landscaping

Landscaped areas should use a variety of local elements, including native trees, shrubs, grasses, flowers, stones and other materials. Landscaped areas should also include a mixture of formal and informal seating areas for employees, visitors and residents (as the case may be). Seating areas should be shaded and include lighting (where appropriate).

B1.10.8.4.8 Green Building & Site Layout Elements

Buildings are encouraged to promote sustainable design practices and should include a variety of "green" building elements, including but not limited to:

- Green roofs and green/planted walls;
- Community gardens (as appropriate);
- Energy efficient thermal and energy systems, such as metering, passive and active solar gain, etc.;
- Potable water conservation techniques such as efficient fixtures, water reuse systems (e.g. irrigation), metering, etc.; and,
- Other elements derived from best practices or LEED certified program.

B1.10.8.4.9 Exterior Building Lighting

Landscape and exterior building lighting should be used to highlight architectural accents and to also illuminate linkages. Accent lighting should be designed to avoid any unnecessary spill-over.

B1.10.8.4.10 Landscape Buffers

Areas adjacent to internal paths or the Linear Park should include a 3 metre landscape zone to ensure a smooth transition between public and private realm. Where appropriate and required, enhanced landscaped buffer areas which are beyond the 3 metres may be

required to provide for transition between different types of land uses. Landscape Buffer Areas identified on Schedule 3 which are located between the Mixed Use areas and Employment Areas shall include enhanced landscaping treatments.

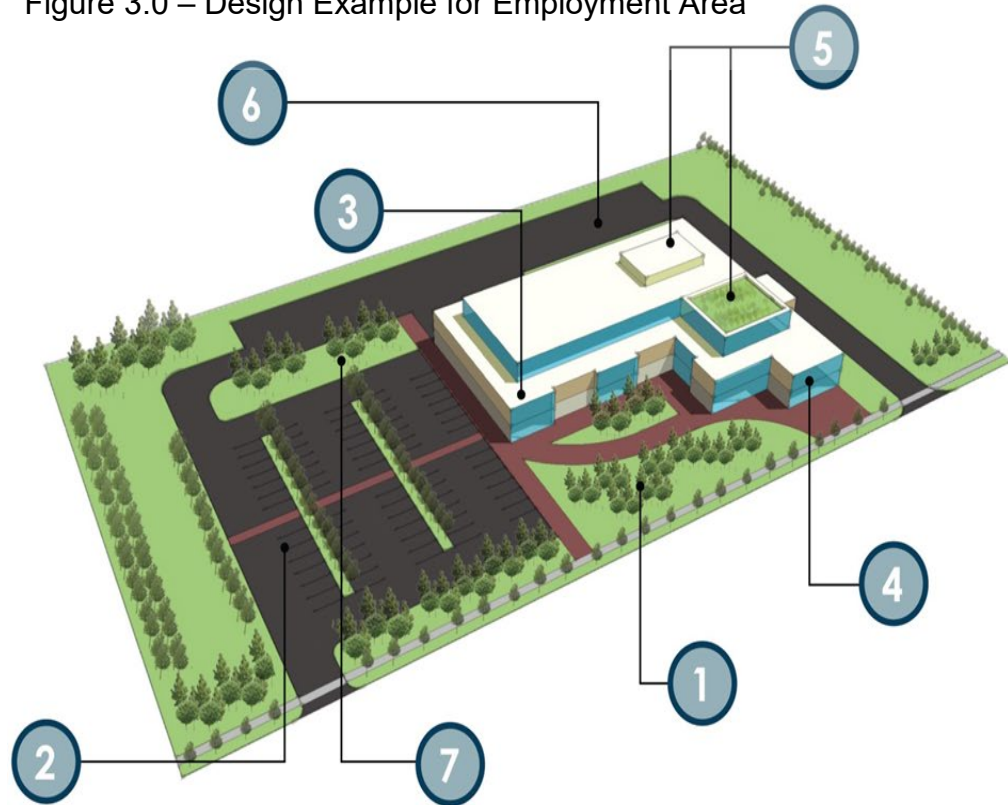
B1.10.8.4.11 Parking Areas

Parking areas should be safe, well lit, and include clear paths for pedestrians. Parking areas should also be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site. Landscaped areas should include trees, shrubs and, where appropriate, bio-swales and permeable surfaces. Barrier free parking should be located as close to the main entrance as possible. Where parking structures are provided, the architectural detailing should be attractive and consistent with the overall site design. Inter-connected parking areas and shared parking areas are also encouraged (where appropriate and feasible).

B1.10.8.4.12 Loading and Outdoor Storage

No outdoor storage of raw materials or finished products is permitted. Loading and garbage enclosures should be located at the rear of the building. Garbage enclosures should also be screened with landscaping.

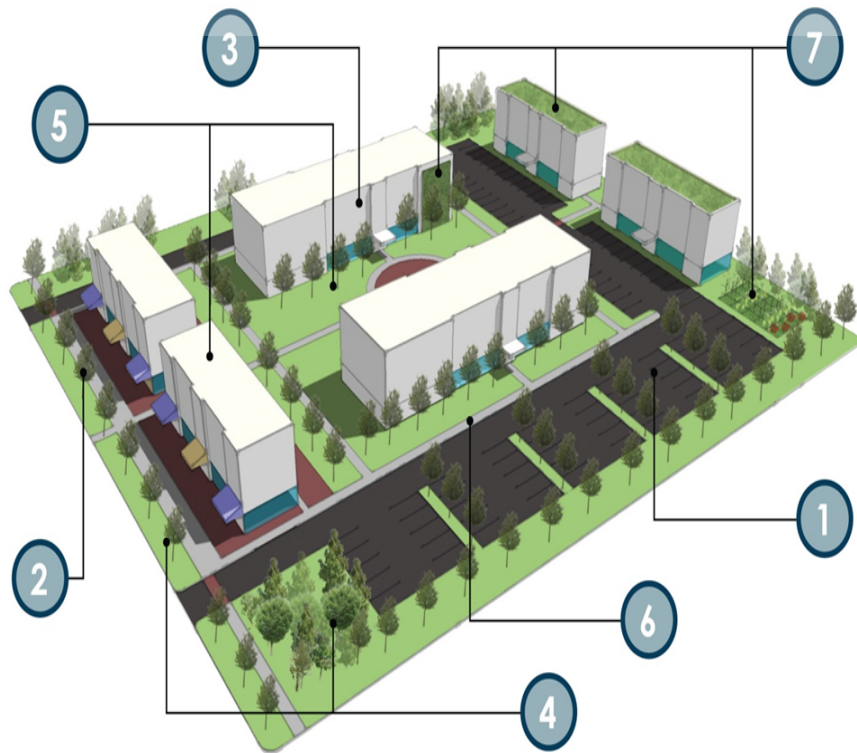
Figure 3.0 – Design Example for Employment Area



LEGEND

1. New buildings should be set back from the street-edge and include a landscaped strip separating the building from the sidewalk.
2. Majority of the parking should be located at the side or rear of the building(s).
3. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including but are not limited to: limestone & masonry, red brick, high degree of glazing and, other natural elements.
4. Visible components of buildings should be treated with a high degree of design. Blank façades which front onto a public street, private laneway or are visible from a Highway are not permitted.
5. Rooftop mechanical systems should be incorporated into the overall building's architecture and should be screened from view. Planted or green roofs are encouraged.
6. Loading and outdoor storage to be located in the rear, and be screened from street views.
7. Parking areas should be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site.

Figure 3.1 – Design Example of Mixed Use Area



LEGEND

1. Majority of the parking should be located at the side or rear of the building(s).
2. Landscaped treatments should provide sufficient buffering and screening from the street. Wide sidewalk and promenade allow for enhanced pedestrian activity and opportunities for business to utilize the space.
3. Buildings should attempt to incorporate materials which help to reinforce the campus theme, including but are not limited to: limestone & masonry, red brick, high degree of glazing and, other natural elements.
4. Landscaped areas should be designed to reinforce the campus setting and use a variety of local elements, including native trees, shrubs, grasses, flowers, stones and other materials.
5. Amenity areas should also include a mixture of formal and informal seating areas for employees, visitors and residents (as the case may be). Seating areas should be shaded and include lighting (where appropriate).
6. Parking areas should be safe, well lit, and include clear paths for pedestrians. They should also be designed to reduce their environmental footprint and include landscaping around the periphery and the interior of the site. Treatments could include: trees, shrubs and where appropriate bio-swales and permeable surfaces.
7. Buildings are encouraged to promote sustainable design practices and could include a variety of “green” building elements including but not limited to: green roofs/walls; community gardens; energy efficient thermal and energy systems; potable water conservation techniques; and, other elements derived from best practices or LEED certified program.

B1.10.8.5 Accessibility
Alignment of Public Spaces with Accessibility for Ontarians with Disabilities Act (AODA)

All new public spaces (as defined in the AODA) shall be designed and constructed to meet Ontario's Design of Public Spaces Standards (Accessibility Standards for the Built Environment, Part IV.1 of Ontario Regulation 191/11). All applicable aspects of the AODA should be met.

B1.10.9 Transportation and Infrastructure

B1.10.9.1 Transportation

The proposed transportation network for the Brock Business Park Area is designed to accommodate all modes of transportation, including automobiles, transit, cycling and pedestrians.

Proposed Improvements & Enhancements to Transportation Network

The existing road infrastructure, along with proposed improvements for Sir Isaac Brock Way are expected to be sufficient to accommodate the proposed land use plan within the existing built-up area of the Park. As the Park matures and approaches build-out, improvements to the active transportation network should include, but are not limited to:

- Completion of a continuous sidewalk network along Schmon Parkway, Sir Isaac Brock Way and Merrittville Highway
- Cycling infrastructure to promote improved internal circulation and external connectivity; and,
- Increased transit services in-line with development pattern and user needs (along with transit supportive infrastructure such as bus shelters, lay-bys, etc.).

B1.10.9.1.1 Transit Supportive Development

The proposed land use plan promotes infilling and intensification at a scale which would support increased transit ridership throughout the Brock Business Park Area.

B1.10.9.1.2 Complete Streets

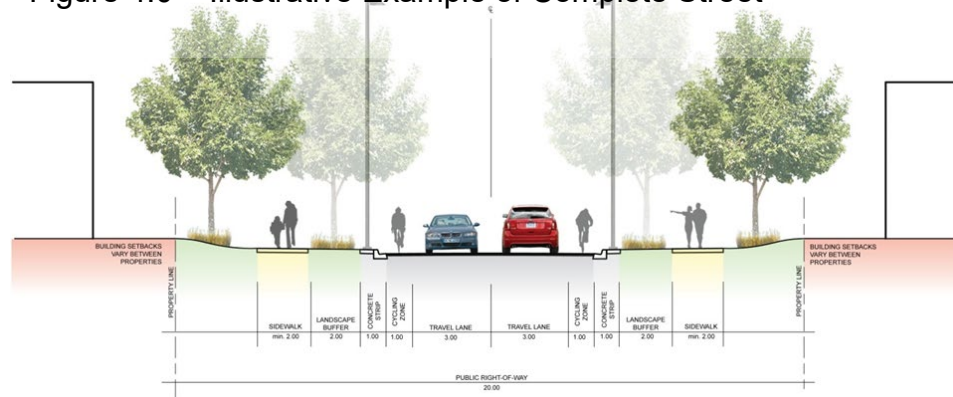
The urban design improvements presented in this Plan are intended to support complete streets and are targeted to areas which are deficient, namely pedestrian and cycling infrastructure. The expectation is that a complete streets approach will be undertaken for the Major and Minor Streetscape improvement areas depicted on Schedule D-2.

All new streetscape and road improvements will be designed and constructed to:

- Accommodate safe and accessible spaces for all users;
- Be context-sensitive, considering the road function (speed, traffic, capacity, etc.) for all modes (automobiles, pedestrians, cycling and transit); and,

- Enhance the overall attractiveness of the Brock Business Park Area.

Figure 4.0 – Illustrative Example of Complete Street



B1.10.9.2 Infrastructure

B1.10.9.2.1 Sanitary Sewer

The sanitary sewer system needs to be upgraded to allow for future and potentially intensified development in the Brock Business Park Area. The system downstream of the Highway 406 crossing, in the Confederation Heights development must be up-sized, as well as the crossing under Highway 406. A number of sections of sanitary sewer within the Brock Business Park Area also require up sizing.

The anticipated infrastructure required to service the redevelopment of the Brock Park is illustrated on Schedule D-3.

The Confederation Heights pumping station is expected to require upgrading to handle the increased flows associated with intensification within the Brock Business Park Area. Improvements are currently underway for the Confederation Heights Sewage Pumping Station with an upgrade to the forcemain to support the future projected flow from the land uses proposed in the Brock Business Park Area Secondary Plan and the growth portion of this project will be a Regional Development Charge item.

Water conservation and other sustainable design considerations should be included as part of development criteria for any future developments to reduce the increase in flows to the Brock Business Park Area sanitary sewer infrastructure.

Any proposed development on Decew Road or south of the existing business park needs to be reviewed with respect to the ability to service the proposed development by the construction of new infrastructure. A review of existing topography is needed to confirm if pumping of the sanitary sewage is required.

B1.10.9.2.2 Water Supply

A 900mm trunk water main exists on Sir Isaac Brock Way adjacent to the business park and upgrades to Regional infrastructure are not expected associated with intensification in the business park. Following the determination of future water demand associated with

planned intensification in the business park, confirmation of available capacity with the existing Regional water infrastructure should be undertaken.

Based on infrastructure records that were available that do not show a connection from the water main on Merrittville Highway to Sir Isaac Brock Way, it is recommended that the existing water main stub on Merrittville Highway south of Sir Isaac Brock Way be extended and connected to the existing water main at the intersection of Merrittville Highway and Sir Isaac Brock Way.

Hydrant flow testing should be undertaken in the park to confirm the availability of fire flows once the business park revised planning densities have been confirmed.

B1.10.9.2.3 Storm Water

Storm water management design criteria for storm water quality should be reviewed and / or developed for new development.

The proposed area of impermeability needs to be reviewed with the proposed development plan. If the area of impermeability increases with the proposed plan, then, storm sewer sizing will need to be reviewed and a storm water servicing plan developed for the business park.

Redevelopment or development of vacant and existing lots will need to produce a storm water management plan which may include on site storage to address any increased storm flows to the existing storm sewer system.

Any proposed development on Decew Road or south of the existing business park needs to be reviewed with respect to the ability to service the proposed development for storm water by the construction of new infrastructure. A review of existing topography is needed to confirm available outlets that may not be the storm sewers in the existing business park. Existing drainage channels and road side ditches would be included in this review.

B1.10.10 Implementation

B1.10.10.1 Financing Improvements

The City has identified capital planning requirements for the proposed improvements for the Brock Business Park Area. The capital requirements have been used to finalize the Brock Business Park Area Financial Strategy, which will be implemented upon adoption of the Secondary Plan.

The financial strategy considers:

- Cost-sharing opportunities for the implementing improvements;
- The eligibility of proposed improvements as potential “growth-related” projects which can be incorporated in the City’s Development Charges program;
- Opportunities to leverage provincial and federal funding programs to implement sustainable design practices;

- Opportunities to harmonize the City's Gateway Community Improvement Plan with the Brock Park Secondary Plan; and,
- The timing and potential phasing for proposed improvements.
- Exploring other potential funding approaches through Part 12 of the Municipal Act

B1.10.10.2 Urban Design Plan Implementation

Major and Minor Streetscaping improvements along Sir Isaac Brock Way and Merrittville Highway are the responsibility of the Niagara Region. Minor Streetscaping improvements along Schmon Parkway are the responsibility of the City of Thorold.

The Linear Park will be prepared and executed as a joint exercise led by the City of Thorold, with collaboration from private landowners and the Niagara Region. The Linear Park lands are to be conveyed to the City and the City will maintain the linear park upon completion of construction.

Gateway improvements within the public realm are the responsibility of the City of Thorold and the Niagara Region (depending on location of features). Gateway improvements within the private realm will be addressed through site plan control when development/re-development is occurring.

B1.10.10.3 Other Supporting Studies

Other supporting studies may be requested in support of individual development applications within the Brock Business Park Area. Supporting studies may include, but are not limited to the following areas:

- Transportation and active transportation;
- Land Use compatibility;
- Natural environment;
- Urban design;
- Land use planning;
- Infrastructure; and,
- Market and economics.

B1.10.10.4 Zoning

The City will update its zoning by law to align the zoning regulations within the Brock Business Park Area with the policies of the Secondary Plan. The City should also consider the use of a Holding designation to address any interim issues.

B1.10.10.5 Site Plan Control

The urban design guidelines are intended to be flexible and should be implemented through site plan control.

B1.10.10.6 Coordination with Brock University & City of St. Catharines

The City will continue to work closely with Brock University as it prepares a new Campus-wide Master Plan to ensure alignment between the Brock Business Park Area Secondary Plan and the new Campus Master Plan.

The City of Thorold will also work closely with the City of St. Catharines to ensure consistent policy direction between both Cities' plans.

The City of Thorold supports opportunities for more comprehensive and collaborative district-wide planning effort of the broader area (Brock Park, Brock University and the lands around the Hotel Dieu Shaver), including opportunities for:

- Linking active transportation networks;
- Improving way-finding, lighting and pedestrian safety; and,
- Integrated long range transportation and infrastructure planning.

B1.10.10.7 Coordination with Niagara Region

The Region of Niagara is undertaking a district planning exercise. The district planning exercise will examine the broader geographic area, including the Brock Business Park area, Brock Campus and other lands in St. Catharines. The City supports the Region's district planning initiative and it is understood that this Secondary Plan provides direction for managing change within the Brock Business Park Area. The policies of this Plan should be used as a foundation element within the Region's district plan. The City will continue to work with the Region in the development of the District Plan and will consider necessary modifications to this Secondary Plan, upon completion of the Niagara Region's district planning exercise.

The City also encourages the Region to also consider leveraging ongoing and future environmental assessment (EA) projects to implement the transportation and urban design objectives of this plan (along with the specific environmental assessment requirements as per the Ministry of the Environment and Climate Change Class EA process). The City further encourages the Region to prepare a Site Plan for the Regional Headquarters site to address opportunities for intensification, infilling, active transportation and urban design improvements.

B1.10.10.8 Gateway Economic Zone & Centre Community Improvement Plan

Applicants considering new employment development within the Brock Business Park Area should consider opportunities for accessing development incentives available under the City's Gateway Economic Zone & Centre Community Improvement Plan and Niagara Region Economic Gateway Development Incentives. Currently, the City has no incentives in place. Additional information is available through the City of Thorold and Niagara Region with respect to Regional incentives, such as Development Charge Rebate

Program, for industrial uses that qualify for a rebate under the Industrial Employment Land Development programs.

B1.10.10.9 Additional Tools

Upon adoption and approval of the Secondary Plan, the City will consider the need for additional implementation tools, including but not limited to:

- A development permit program;
- Comprehensive urban design guidelines for the area;
- The use of the Environmental Assessment process as a means of addressing and implementing urban design and active transportation solutions for Sir Isaac Brock Way (and other areas where appropriate);
- Where a development permit system is not undertaken, the City will also consider opportunities for the use of Section 37 of the Planning Act (“bonusing” and community benefits) as a means of implementing the various Park-wide public improvements recommended in the Secondary Plan, such as:
 - Enhancements to planned active transportation network;
 - Enhancement to planned transit infrastructure;
 - Enhancements to gateway areas, including signage, public art and landscaping;
 - Other community or public benefits deemed appropriate by the City; and,
- A business incubator/research and development sector feasibility study should be conducted in cooperation with Brock University and the Niagara Region.

B1.10.10.10 Monitoring

The City will monitor the progress and implementation of the Brock Business Park Area Secondary Plan and make periodic updates to the Plan as required. At a minimum, the Secondary Plan will be reviewed as part of the City’s regular Official Plan review cycle.

B1.11 GREENFIELD OVERLAY

Lands designated Greenfield Overlay are lands within urban areas that are located outside of the built boundary. Development occurring within the Greenfield Overlay designation shall be planned to achieve a minimum of 50 residents and jobs combined per hectare. In establishing an appropriate overall density for land located in a Greenfield area, the following features, which may be designated Environmental Protection One or Environmental Protection Two in this Plan, may be excluded from the density analysis and determination:

- a) wetlands;
- b) significant woodlands;
- c) significant valley lands;
- d) areas of natural and scientific interest;
- e) habitat of endangered species and threatened species;
- f) publically owned conservation lands;
- g) significant wildlife habitat;
- h) fish habitat; and,
- i) floodplain areas.

The following policies have been provided to describe the location of Greenfield Overlay areas in the Urban Living Area and provide guidance with respect to other policies in this Plan that may affect lands within the Greenfield Overlay. The following policies also provide a strategy for the future development of Greenfield Areas in the City by describing these areas as being either “high priority” or “low priority” areas for development. Lands characterized in the following policies as “high priority” are lands that the City views as being essential to the City’s Settlement Area Strategy and as such, are anticipated to accommodate new development within the first 10 years that this Plan is in effect. Lands described as “low priority” are lands that are characterized by servicing or environmental constraints and are not anticipated to be considered for development until the latter tenure of this Official Plan.

B1.11.1 The Neighbourhoods of Rolling Meadows Secondary Plan

The Neighbourhoods of Rolling Meadows Secondary Plan area was originally approved by the Region of Niagara in 2000 and was the subject of an Official Plan Amendment update in 2007 so that future development of the Plan conformed with the Growth Plan for the Greater Golden Horseshoe. The Planning Area is a high priority future development area in the City and contains the majority of the City’s total Greenfield Area, which is shown on Schedule A-3 as *Greenfield Overlay*.

B1.11.2 Port Robinson West Secondary Plan

The Port Robinson West Secondary Plan is shown on Schedule A6. The entire Port Robinson West Secondary Plan has been identified as a Greenfield Area. This Secondary Plan has been integrated with this Official Plan and the Phase 1 development area will provide a range of housing opportunities to accommodate new growth in the City.

B1.11.3 Brock University

Approximately 22 hectares of land owned by Brock University, located south of St. David's Road and west of the City's Prestige Industrial Park has been designated as a Greenfield Area. These lands are currently used for parking and recreational uses and the majority of these lands are designated Institutional and are considered to be a low priority area for new development.

B1.11.4 Thorold South – Lands South-West of Lundy's Lane and Allanport Road

There are five areas located east of the Welland Canal (Thorold South), shown on Schedule A-2 designated as Greenfield Areas. The most significant of these areas is located south of Lundy's Lane and west of Allanport Road together with another area that is proximate to Centre Street. This area is comprised of a mix of residential, industrial and commercial uses, but is constrained due to servicing issues. The other Greenfield Areas about Highway 58 and generally capture open space lands with a small portion designated for residential uses. Collectively these areas represent low priority future development areas due to servicing constraints.

B1.11.5 Other Greenfield Overlay Lands in Thorold

There are two other areas located within a *Greenfield Overlay* designation in Thorold which are considered to be low priority areas for development given the nature of current land use on or adjacent to these parcels. These lands are located north of Decew Road.

B1.11.6 Implementation

The implementation of minimum housing densities of about 20 units per hectare will be achieved through the use of zoning permissions that target higher density or mixed use housing types and the establishment of minimum housing densities through the City's Comprehensive Zoning By-law.

Where the following features, which may be located within the *Environmental Protection One* and *Environmental Protection Two* designations in this Plan are located within the *Greenfield Overlay* designation, the spatial area of such features shall be excluded from the calculation of lands used to determine housing density.

- a) Wetlands;
- b) Significant woodlands;
- c) Significant valley lands;
- d) Areas of natural and scientific interest;
- e) Habitat of endangered species and threatened species;

- f) Publically owned conservation lands;
- g) Significant wildlife habitat;
- h) Fish Habitat; and,
- i) Floodplain areas.

B1.12 REGENERATION OVERLAY

B1.12.1 Purpose

The purpose of the *Regeneration Overlay designation* is to identify lands in the City that have good potential for redevelopment that may provide opportunities for the establishment of more compatible land use within the existing built-up area.

B1.12.2 Intent

The intent of the *Regeneration Overlay* destination is to encourage reuse and redevelopment of a mix of housing types in an effort to provide more affordable housing in the City that is accessible to services and business in and in proximity to the Downtown area.

B1.12.3 Permitted Uses

Permitted uses in the *Regeneration Overlay designation* include:

- a) A mix of single, semi-detached and town house dwellings and apartment buildings;
- b) Long-term care facilities;
- c) Live-work units or studio apartments;
- d) Public or private schools;
- e) Institutional uses;
- f) Parks, open space and recreational uses;
- g) Private home day cares; and,
- h) Home occupations in detached, semi-detached, duplex, triplex, fourplex and private road development dwellings..

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

B1.12.4 Development Policies

Applications for new development shall be subject to a Zoning By-law Amendment. In considering proposals for residential and mixed-use proposal in the *Regeneration Overlay* designation, the following policies shall apply:

- a) A minimum of 50% of the proposed residential unit type will be affordable in accordance with the Provincial Policy Statement;
- b) A comprehensive servicing plan shall be provided demonstrating how stormwater will be managed and identifying the location of all requisite utilities and installations;
- c) Where the subject lands were the site of an industrial use, the proponent shall be required to demonstrate that the site has been assessed and if necessary,

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

remediated in accordance with the requirements of O.Reg. 153/04 as amended. The proponent shall have a Record of Site Condition prepared by a qualified professional prior to the issuance of any final approval;

- d) The proposed building and landscaping plan shall be required to provide for suitable landscaping treatments and a building design and façade that is accommodating to the pedestrian and active forms of transportation; and,
- e) Maintenance, storage and parking areas shall be screened and shall not dominate the view from any public street or existing dwelling.

B1.12.5 Site Plan Control

All new development within the *Regeneration Overlay* designation may be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B1.12.6 Implementing Zoning By-law

All lands located within the *Regeneration Overlay* designation shall be placed in a Zone that reflects only existing uses in the Implementing Zoning By-law. Where such lands are absent an existing use or are vacant, the Zoning By-law shall place such lands in a Development Holding Zone.

B2 RURAL AREA DESIGNATIONS

B2.1 AGRICULTURAL

B2.1.1 Purpose

The purpose of the *Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture and support the economic viability of agricultural land and business. Lands within the Agricultural designation shall be protected in the following order of priority: Canada Land Inventory class 1, 2 and 3 lands, followed by any associated class 4 through 7 lands.

B2.1.2 Permitted Uses

The principal use of land in the *Agricultural* designation shall be agricultural uses. However, in the interest of supporting agri-business through farm diversification, this Plan identifies other uses that are considered to be agriculture-related and/or on-farm diversified uses on the basis that such uses assist in retaining or adding value to agricultural products and commodities or promote agri-tourism. These additional permitted uses include:

- b) Single detached dwellings accessory to a farm business or on a vacant lot of record;
- c) Accessory residential uses on farm properties subject to Section B2.1.3.5 and B2.1.3.6 of this Plan;
- d) Bed and breakfast establishments subject to Section B2.1.3.7 of this Plan;
- e) Home occupations and home industries subject to Section B2.1.3.8 of this Plan;
- f) Large animal veterinary clinics accessory to an agricultural use;
- g) Forestry and other resource management uses;
- h) Retail commercial uses on farm properties subject to Section B2.1.3.9 of this Plan;
- i) Passive recreational uses, such as walking trails and on lands owned by a public authority;
- j) Farm-related exhibitions and tourism establishments subject to Section B2.1.3.10 of this Plan;
- k) Temporary wayside pits and quarries and portable asphalt and concrete plants for all public authority contracts in the area.

All uses in the *Agricultural* designation shall be designed, located and managed to not detract from the primary role of the agricultural area as set out in Section B2.1.1 of this Plan.

The placement of a trailer or mobile home, as defined in the Implementing Zoning By-law, on a lot is not permitted, unless the mobile home is being used to accommodate farm help in accordance with Section B2.1.3.5 of this Plan.

B2.1.3 Development Policies

B2.1.3.1 The Creation of New Lots

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the City and direct the majority of new residential growth to settlement areas or existing vacant building lots, the creation of one new lot from a parcel may be permitted if:

- a) The lot to be severed to create a farm and both the severed and retained parcels are 40 hectares or more; or,
- b) The lot is necessary to accommodate a residence surplus to a farm operation resulting from a farm consolidation in accordance with Section B2.1.3.4.

The creation or acquisition of a lot by a public authority will not be considered as a previous severance providing this does not result in another remnant lot.

B2.1.3.2 Separation of Existing Uses

Consent may be permitted to separate agriculture-related uses which are legal and pre-date the approval of this Official Plan. Where the intent is to separate an existing agriculture-related use from a vacant agricultural parcel, the parcel size of the new lot associated with the agriculture-related use must be limited to the minimum lot area needed to accommodate the use (including sewage and water system appropriate for such a use). The remnant agricultural parcel must be zoned in such a manner to prevent any future residential development and where possible must have a minimum lot area of 40 hectares. The existing use shall also:

- a) be a farm-related commercial or industrial use directly related to farm operations in the area;
- b) support agriculture;
- c) benefit from being in close proximity to farm operations;
- d) provide direct products and/or services to farm operations as a primary activity; and,
- e) be compatible with surrounding agricultural operations.

In reviewing applications to sever agriculture-related uses, Council shall be satisfied the existing use poses no traffic, servicing and compatibility issues and may require the submission of technical reports or plans to address any potential issues.

B2.1.3.3 Other Types of Consents

Consents may be granted for legal or technical reasons, or to provide for minor lot line adjustments or correct lot boundaries provided such consents do not result in the creation of a new lot. Consents to sever land may also be considered for infrastructure where there is a public interest to sever land for such infrastructure instead of an easement or legal right-of-way.

B2.1.3.4 Farm Consolidations

It is acknowledged that the consolidation of farms into larger and more efficient operations is a reality in the Regional and Provincial agricultural economy. In this regard, the consolidation of two or more abutting or adjacent farm parcels or a boundary adjustment that increases the size of a farm parcel is permitted provided no new lot is created and provided the benefitting parcel captures the majority of arable farmland.

Residences that are surplus to a farm operation as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a residence surplus to a farm operation should provide for a maximum lot area of 0.4 hectares. If deemed necessary to accommodate private water and sewage services, a larger lot size, not exceeding the minimum size required to accommodate the residential use and the private services, will be considered. In addition it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

B2.1.3.5 Accessory Farm Help House

The establishment of a trailer or mobile home shall be permitted submitted to the following:

- a) Is required for farm help;
- b) Is located within the same cluster of farm buildings;
- c) Is provided with sewage and water services as required by the Niagara Region's Planning and Development Services Department; and,
- d) Is smaller than and located in the rear yard of the primary dwelling.

B2.1.3.6 Second Dwelling Units

The establishment of a second dwelling unit within an existing detached dwelling or within an ancillary building or structure shall be permitted subject to the following:

- a) The second dwelling unit in compliant with requirements of the Ontario Building Code;
- b) The second dwelling unit is capable of being sustained by the existing water supply and septic service located on the lot; and,
- c) The second dwelling unit is compliant with the provisions set out in the City's Zoning By-law.

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

Council may require that the development of a second dwelling unit on a farm property be subject to Site Plan Control. In no case, shall any second dwelling unit within an ancillary building or structure

established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

B2.1.3.7 Bed and Breakfast Establishments

New bed and breakfast establishments are permitted in a single detached dwelling in the Agricultural designation, subject to the following guidelines, which may be implemented in the City's Comprehensive Zoning By-law:

- a) The use is clearly secondary to the primary use of the dwelling as a residence;
- b) The bed and breakfast establishment must be the principal residence of the owner and operator;
- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) No more than three bedrooms are available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) The signage advertising the use is to be designed and located in accordance with the City's Bed and Breakfast Licensing By-law.

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

B2.1.3.8 Home Occupations and Home Industries

The City recognizes that the nature of farming is changing and that additional value-added activities, such as home occupations and home industries, can be carried out in the Agricultural designation and not have an adverse impact on agricultural uses.

Home occupations are typically professional work activities that are carried on within the residential dwelling that typically do not involve the retail sale of goods and services. In addition, home occupations do not utilize more than 25% of the gross floor area of the dwelling and do not change the residential character of the dwelling. Such uses will be permitted as-of-right in the Zoning By-law, subject to regulations.

Home industries are small-scale industrial uses that are accessory to agricultural uses and/or a single detached dwelling and may be located in an attached or detached accessory building. Such uses are encouraged to support Regional agri-business and/or tourism. These uses shall not detract from the primary use of the property for agricultural or residential purposes.

Home industries may include welding, carpentry or machine shops, or other agriculture-related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sale of products produced in the home industry is also permitted.

The repair, storage or sale of motor vehicles and machinery is not considered to be a home industry, but may be permitted subject to a zoning by-law amendment that restricts the scale of the use.

The development of a new home industry may be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B2.1.3.9 Retail Commercial Uses on Farm Properties

The development of accessory retail commercial uses on farm properties is permitted subject to the following criteria:

- a) The use is clearly associated with and located on a farm property;
- b) The retail component has a floor area of no more than 50 square metres (538 square feet); and,
- c) That a minimum 50% of the total floor area of the retail component be dedicated to the sale of products produced or manufactured on the farm property.

The development of a new commercial use on a farm property shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

B2.1.3.10 Agriculture- Related and Agri-tourism Uses

Given the location of the City, Council supports the development of uses that promote the vitality of the agricultural community and agri-business. On this basis, one-time or annual events such as auction sales, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions that focus on agricultural education, awareness and promotion are permitted in the *Agricultural* designation. Such uses shall be small-scale, agriculture-related and encouraged to locate in existing farm buildings wherever possible.

Where facilities of this nature are proposed on a year-round basis, such uses shall be subject to a Zoning By-law Amendment and prior to approving such an Amendment, Council shall be satisfied that the proposed use is directly related to agriculture, or is an on-farm diversified use, is of a small scale and conforms with other applicable policies of this Plan.

B2.1.3.11 Non-Agricultural Uses in the Agriculture Designation

Non-agricultural uses are not permitted within the Agricultural designation as such uses can have adverse impacts on both agricultural and natural resources. Where non-agricultural uses are proposed within the Agricultural designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Official Plan Amendment subject to the following criteria:

- a) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community within the planning horizon provided for in this Plan;

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

- b) There are no reasonable alternatives to accommodate the proposed use in urban areas and rural areas;
- c) There are no reasonable alternative locations to accommodate the proposed land use on land within the Agricultural designation with lower priority for protection;
- d) Consideration that the proposed non-agricultural use is compatible with and will not impact the normal operation of surrounding agricultural uses;
- e) Conformity with policies contained in Section B3 Natural Heritage Designations, Part C Environment and Ground Water Management Policies and Section B2.6 Aggregate Extraction Area;
- f) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and,
- g) Compliance with other policies contained in the City's Official Plan.

B2.1.3.12 Greenhouses

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) Greater than 50,000 litres of water per day will be required to sustain the greenhouse or hoopouse.

Any proposal to develop a greenhouse or hoopouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

B2.1.4 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.1.5 Implementing Zoning By-law

All lands in the Agricultural designation shall be placed in an appropriate Agricultural Zone in the Implementing Zoning By-law.

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

B2.2 SPECIALTY CROP

B2.2.1 Purpose

The purpose of the *Specialty Crop* designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. It is the intent of this Plan to support the viability of agricultural land and the existing and proposed agricultural businesses in the *Specialty Crop* designation. Lands within the Specialty Crop designation shall receive the highest priority of protection.

B2.2.2 Permitted Uses

The principle use of land in the *Specialty Crop* designation shall be for production of a full range of specialty crops that are capable of being grown in Niagara Region.

Permitted uses in the *Specialty Crop* designation include:

- a) Agricultural uses;
- b) Single detached dwellings;
- c) Accessory residential uses on farm properties;
- d) Bed and breakfast establishments; in accordance with Section B2.1.3.7;
- e) Home occupations and home industries in accordance with Section B2.1.3.8;
- f) Mineral aggregate operations in accordance with Section B2.6.4;
- g) Forestry and other resource management uses;
- h) Retail commercial uses in accordance with Section B2.1.3.9; and,
- i) Agriculture-related and Agri-tourism uses in accordance with Section B2.1.3.10.

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

B2.2.3 Non-Agricultural Uses in the Specialty Crop Designation

Non-agricultural uses should not be located in the *Specialty Crop* designation, except in accordance with the Greenbelt Plan or any amendment made thereto. Should a non-agricultural use be permitted, impacts from the use on surrounding agricultural operations and lands should be mitigated to the extent possible.

B2.2.4 Consents

The creation of new lots in the *Specialty Crop* designation is generally not permitted. Applications for consent may be considered by the Committee of Adjustment only in the following circumstances:

- a) The application will facilitate the conveyance of lands for natural heritage conservation to a public body or non-profit entity provided the land to be conveyed does not create a separate lot that could be used for residential purposes;
- b) The application facilitates a lot addition, boundary adjustment, mortgage discharge or validation of title provided such application is minor in nature and will not create a separate lot for a residential dwelling and will not fragment any key natural heritage or hydrological feature;
- c) The application will result in the creation of a new parcel that is intended for and capable of sustaining agricultural use. In order to fulfil this intent, the severed and retained lots shall each have a minimum area of 16.2 hectares (40 acres); or
- d) The application will result in the severance of a residence surplus to a farm operation as a result of a farm consolidation. In such cases the retained parcel shall be rezoned to prohibit future residential uses in perpetuity and the surplus dwelling shall have been in existence prior to December 16, 2004.

B2.2.5 Expansion of Existing Uses

Uses which are not permitted in the *Specialty Crop* designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a) The expansion does not require the provision or extension of a municipal water or sewer system; and,
- b) The proposed expansion is consistent with the existing use policies contained in the Natural Heritage policies of this Plan.

Where the proposed expansion is located within lands regulated by the NPCA, which includes watercourses, valleys, floodplains and wetlands, a permit may also be required from the NPCA.

B2.2.6 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.2.7 Greenhouses

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) Greater than 10,000 litres of water per day will be required to sustain the greenhouse or hoophouse.

Any proposal to develop a greenhouse or hoophouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

B2.2.8 Implementing Zoning By-law

All lands in the Specialty Crop designation shall be placed in a Specialty Crop Zone in the Implementing Zoning By-law.

B2.2.9 Exceptions

B2.2.9.1 Pleasantview Memorial Gardens

Notwithstanding the permitted uses and policies of Section B2.2, the expansion of Pleasantview Memorial Gardens and accessory uses are permitted on the lands along the north side of Regional Road 20 and east side of Regional Road 50 (Merrittville Highway) subject to the following:

- a) Watercourse crossing/works shall be permitted within the Environmental Zone, subject to the approval of the NPCA and the City;
- b) Prior to the relocation of a watercourse, or the construction of any crossing or works, requisite permits shall be obtained from the NPCA and a copy provided to the City;
- c) A buffer shall be established along the relocated watercourse, and such buffer shall be placed in an Environmental Zone; and,
- d) A Site Plan Agreement shall be executed between the City and the Cemetery.

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

B2.3 RURAL

B2.3.1 Purpose

The purpose of the *Rural* designation is to identify those lands which the Regional Official Plan have determined do not form part of a prime agricultural area and are suitable to accommodate other rural land uses.

B2.3.2 Permitted Uses

- a) Agricultural uses;
- b) Single detached dwellings on existing lots;
- c) Bed and breakfast establishments subject to the provisions of Section B2.1.3.7;
- d) Home occupations and home industries subject to the provisions of Section B2.1.3.8;
- e) Accessory residential uses on farm properties subject to Section B2.1.2.3.5 and B2.1.3.6;
- f) Large animal veterinary clinics;
- g) Commercial dog kennels subject to Section B2.3.3.2;
- h) Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- i) Forestry and resource management uses;
- j) Small-scale public uses;
- k) Greenhouses and hoopouses subject to the Section B2.1.3.12;
- l) Commercial uses on farm properties subject to Section B2.1.3.9 of this Plan; and,
- m) Temporary wayside pits and quarries and portable asphalt and concrete plants for all public authority contracts in the area.

B2.3.3 Development Policies

B2.3.3.1 The Creation of New Lots for Residential Purposes

Given the very limited land area located within the *Rural* designation in this Official Plan, this Plan shall not permit residential plans of subdivision in the *Rural* designation. Furthermore, this Plan does not encourage additional lot creation in the *Rural* designation for the purpose of accommodating rural residential uses, however, the creation of new lots may be considered by Council where the following criteria can be addressed:

- a) The severed and retained lots have lot frontages of at least 46 metres and lot areas of at least 1.0 hectare;
- b) The proposed new lot is capable of accommodating alternate rural land uses as permitted in section B2.3.2;
- c) The proposed lot can be serviced with a private well and septic system in accordance with regional health requirements and/or Part 8 of the Building Code Act;
- d) The proposed use of the new lot will be compatible with existing adjacent land uses; and,
- e) Where the proposed lot abuts or forms part of a natural heritage feature identified by this plan, the applicable natural heritage policies applicable to the feature shall be addressed prior to any approval.

B2.3.3.2 Commercial Dog Kennels

Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:

- a) The size of the proposed dog kennel is appropriate for the area;
- b) The building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) The use is located at least 1,000 metres from lands within an *Urban Area* designations;
- d) The noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) An appropriate animal waste management plan is put in place; and,
- f) An undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

B2.3.4 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae. The Minimum Distance Separation Formulae shall be implemented through provisions in the Comprehensive Zoning By-law.

B2.3.5 Implementing Zoning By-law

All lands in the *Rural* designation shall be placed in a Rural Zone in the implementing zoning by-law, where existing non-residential uses have been established and conform with this Plan.

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

B2.4 RURAL INDUSTRIAL

B2.4.1 Purpose

The purpose of the *Rural Industrial* designation is to identify lands in the City that are suitable to accommodate a range of rural industrial uses that do not require full municipal services.

B2.4.2 Permitted Uses

Permitted uses on lands designated *Rural Industrial* include:

- a) Manufacturing;
- b) Assembly;
- c) Processing;
- d) Fabrication;
- e) Industrial storage, warehousing, and personal storage uses;
- f) Contractor's yards and construction uses;
- g) Research establishments;
- h) Commercial recreation uses;
- i) Veterinary clinics;
- j) Recycling facilities;
- k) Transportation and truck depot and inter-modal shipping areas;
- l) Wholesaling establishments;
- m) Licensed marijuana production facilities;
- n) Greenhouses and hoopouses, subject to Section B2.1.3.12;
- o) Commercial bulk fuel storage and sales;
- p) Public utilities and maintenance yards; and,
- q) Existing dwellings and minor expansions thereto.

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

Accessory retail uses are also permitted, provided they occupy only a limited amount of the gross floor area and are accessory and incidental to the industrial use. Accessory residential uses are discouraged but may be permitted subject to a Zoning By-law Amendment.

B2.4.3 Dry Industrial Uses

Uses permitted in the Dry Industrial designation are to be developed on private water and sewer services and are therefore anticipated to be uses which do not generate large volumes of wastewater. Where any use is proposed to generate greater than 10,000 litres per day of wastewater, such a use shall obtain an Environmental Compliance Approval from the Ministry of the Environment and Climate Change.

B2.4.4 Site Plan Policies

All new uses **shall** be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Stormwater can be controlled in accordance with City and NPCA standards;
- b) Adequate parking and loading facilities are provided on the site;
- c) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- d) The proposed buildings or structures on sites with limited vegetation shall incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view from passing traffic;
- f) Ingress and egress to the site is compliant with City or Regional specifications;
- g) The proposed use can be serviced with an appropriate water supply and means of sewage disposal; and,
- h) Where a lot boundary of a proposed use abuts or is in proximity to a lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features may be required to ensure that there is adequate acoustical barrier and screening between the uses.

As part of the review of an application in accordance with this Section, the Region will be circulated and requested to provide comments on and/or confirmation of items (f) and (g).

B2.4.5 Conversion of Lands in the Rural Industrial Designation to Other Uses

Lands located within the *Rural Industrial* designation shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the City and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The City will meet the employment forecasts articulated in the settlement area strategy outlined at the beginning of this plan;

- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this plan;
- d) There is existing or planned infrastructure to accommodate the proposed use;
- e) The lands are not required over the long term for employment purposes for which they are designated;
- f) Cross-jurisdictional issues have been considered; and,
- g) The conversion will result in or support the remediation of a brownfield site.

B2.4.6 Lot Creation

The creation of one new lot from an existing lot within the *Rural Industrial* designation may be permitted where the intent is to establish a new industrial use subject to the following policies:

- a) The severed and retained lots have lot frontages of at least 46 metres and lot areas of at least 1.0 hectare;
- b) The retained lot is currently occupied by an existing industrial use;
- c) The severed and retained lot can be serviced with a private well and septic system in accordance with Regional Health requirements and/or Part 8 of the Building Code Act;
- d) New industrial uses will be subject to site plan control;
- e) The severed and retained lot(s) lot will be compatible with existing adjacent land uses; and,
- f) Where the proposed lot abuts or forms part of a natural heritage feature identified by this Plan, the applicable natural heritage policies applicable to the feature shall be addressed prior to any approval.

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

B2.4.7 Intensification

The City encourages intensification and/or the redevelopment of under-utilized lands located within the *Rural Industrial* designation for new employment uses through building expansion, conversion or reuse of existing buildings and infilling.

B2.4.8 Implementing Zoning By-law

All lands within the Rural Industrial designation shall be placed in appropriate Industrial Zones in the Implementing Zoning By-law.

B2.5 PORT ROBINSON EAST SPECIAL POLICY

B2.5.1 Purpose

The purpose of the *Port Robinson East Special Policy* designation is to recognize Port Robinson East as a historic and stable rural community, which is not a focus area for future growth in the City. All lands subject to the *Port Robinson East Special Policy* designation are shown on Schedule A-4 to this Official Plan.

B2.5.2 Permitted Uses

Permitted uses in the *Port Robinson East Special Policy* designation include:

- a) Residential uses;
- b) Commercial uses that serve the needs of the community and the surrounding rural area;
- c) Service commercial uses;
- d) Small scale institutional uses;
- e) Accommodation facilities such as inns and bed and breakfast establishments;
- f) Public uses and parks; and,
- g) Home occupations.

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

B2.5.3 Development Policies

B2.5.3.1 Preferred Means of Lot Creation

Future development in Port Robinson East will be limited to infilling of lots that will support land use that respects the existing character and built form of Port Robinson. New lots within the *Port Robinson East Special Policy* designation shall abut an assumed public road and should maintain a minimum lot area and frontage that is comparable to adjacent residential lots.

B2.5.3.2 Preferred Means of Servicing

All development in the *Port Robinson East Special Policy* designation shall be serviced by municipal water and sanitary services.

B2.5.3.3 New Non-Residential Uses

New non-residential uses may be permitted in the *Port Robinson East Special Policy* designation subject to an amendment to the implementing Zoning By-law. Such uses shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit any of the uses listed in Section B2.5.2 (Permitted Uses), Council shall be satisfied that:

- a) The proposed use is compatible with the character of the community and specifically adjacent uses;
- b) The use has frontage and safe ingress and egress onto a public road that is compliant with City or Region specifications;
- c) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- d) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- e) Adequate parking and loading facilities and landscaping can be provided on the site;
- f) Where the proposed use is industrial in nature the City will have regard for the Ministry of the Environment and Climate Change's D-6 Series Guidelines for Separation, and,
- g) Where the lot boundary of a proposed use abuts or is in proximity to the lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses.

B2.5.4 Implementing Zoning By-law

All lands that are used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law. Lands that are used for non-residential uses shall be placed in appropriate zones that recognize the use.

B2.5.5 Exceptions

B2.5.5.1 Biggar Road, Part of Lot 17, Concession 1, Part 10

Lands located in Part of Lot 17, Concession 1, legally described as Part 10, RP 59R-10204, may be utilized for one single detached dwelling subject to the following:

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

- a) Completion of a scoped EIS assessing impacts on the significant woodlot;
- b) Completion of a Record of Site Condition in accordance with the Environmental Protection Act; and,
- c) Completion of a noise/vibration study.

The above-mentioned studies shall be submitted as part of a complete application.

B2.6 AGGREGATE EXTRACTION AREA

B2.6.1 Purpose

The purpose of the *Aggregate Extraction Area* designation is to establish a land use designation for aggregate extraction in consideration of the following goals:

- a) Support the province's goal of protecting mineral aggregate resource supplies for the long term;
- b) protect and manage the City's mineral aggregate resources;
- c) provide for the rehabilitation of mineral aggregate operations;
- d) ensure lands use compatibility issues can be addressed;
- e) minimize the impact of mineral aggregate related traffic on the community;
- f) provide policies intended to direct applicant's and facilitate fair evaluation; and,
- g) facilitate orderly extraction.

B2.6.2 Permitted Uses

The primary use of land within the Aggregate Extraction Area designation will be mineral aggregate operations which may include refining, processing, and blending raw aggregate materials and may also utilize recycled aggregate material in conjunction with processing activities in order to produce semi-finished or finished goods. Rehabilitation of mineral aggregate operations as required under the *Aggregate Resources Act*, or successor thereto will be in accordance with the rehabilitation policies of this Plan, as applicable. Existing uses and uses in accordance with the land use designation for the lands that are identified as Mineral Aggregate Resource Area are permitted.

B2.6.3 Development Policies

B2.6.3.1 Location

There are currently no lands in the City of Thorold that have been designated Aggregate Extraction Area.

Furthermore, there is no Regional or Provincial resource or data that confirms the location of primary or secondary mineral aggregate resources in the City. Any proposal to designate lands within the Aggregate Extraction Area designation or to identify resource information shall be require an amendment to this Plan. The policies contained in this section of the Plan are intended to provide guidance with respect to the information that is necessary to apply for an amendment to designate lands Aggregate Extraction Area.

B2.6.3.2 Land Use Compatibility

Mineral aggregate operations shall be protected from development that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Existing mineral aggregate operations shall

be permitted to continue without the need for an Official Plan Amendment, Zoning By-law Amendment, or Development Permit under the *Planning Act*. Where *Planning Act* approvals are required for development within 300 metres of a mineral aggregate operation, the City shall require a Mineral Aggregate Resource Study to demonstrate land use compatibility, including appropriate setbacks and buffer distances.

B2.6.3.3 Applications for Planning Act Approvals to Permit New Operations

The establishment of a new or an expansion to an existing mineral aggregate operation shall require an amendment to this Plan and to the Regional Official Plan. An application to amend the Official Plan shall require the submission of the following supporting material, subject to pre-consultation discussions in accordance with Section E3.1 of this Plan which may clarify scope or refine the required supporting material:

- a) A completed application for a Regional Official Plan Amendment, in accordance with the Region's Policy Plan Amendment Fee Schedule (as amended from time to time), and all necessary supporting documents, reports as required;
- b) A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
- c) An application to amend the City's Zoning By-law and all the necessary supporting documents and reports;
- d) The provision of a detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereto; as listed in B2.6.3.3 (e) (xi); and,
- e) The applicant will pre-consult with the City of Thorold, Region of Niagara, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, and Ministry of Natural Resources and Forestry, as well as any others specified by the City of Thorold, to establish the supporting documents and reports. Through pre-consultation with the City of Thorold, Region of Niagara, Niagara Peninsula Conservation Authority, the required supporting material may be scoped or refined. Such documents and reports shall be completed by a qualified individual based on clear, reasonable and attainable standard and guidelines, and will be consistent with the reporting standards under the Aggregate Resources Act where appropriate. This may include, but may be not be limited to the following:
 - i) Planning Justification Report addressing and summarizing conformity matters required under the City's Official Plan, the Region of Niagara Policy Plan, and Provincial policy;
 - ii) Traffic and Haul Route Impact Study demonstrating that any additional traffic and/or road improvements will not have unacceptable impacts on the safe, efficient use and planned function of the road network or adjacent land uses, cultural landscapes, or environmentally sensitive features;
 - iii) The Planning Justification will include consideration of social impacts based on predictable, measurable, significant, objective effects on people

caused by factors such as, without limitation, noise, dust, traffic levels and vibration. The assessment will be informed by other studies as required under this Plan and be based on Provincial standards, regulations and guidelines. The assessment will consider and identify methods of addressing the anticipated impacts in the area affected by the extractive operation.

- iv) Heritage Impact Assessment in accordance with Section D3;
- v) Water Resources Study which will include surface water impacts, ground water impacts, surface/ground water interaction impacts, and impacts on adjoining private wells;
- vi) Noise and Vibration Study;
- vii) Assessment of potential impacts to air quality and recommended measures to minimize such impacts;
- viii) Public Consultation Strategy;
- ix) Comprehensive summary of monitoring requirements recommended in any of the above-mentioned studies addressing purpose, timing, frequency, responsible party or agency and reporting requirements;
- x) Agricultural Impact Assessment demonstrating that impacts associated with the aggregate extraction operation on surrounding agricultural operations and lands have been assessed, minimized, and will be mitigated to the extent feasible;
- xi) Detailed Site Development Plan(s) including a Progressive Rehabilitation Plan prepared to Aggregate Resources Act standards, which will include:
 - The location, topography, contours, dimensions and acreage of the property proposed for an mineral aggregate operation, as well as the extent of adjacent property which may be intended for future mineral aggregate operations;
 - The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for mineral aggregate operation;
 - The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
 - The location, quality and estimated quantity of mineral aggregate resources;
 - Existing and anticipated final grades of excavation and excavation setbacks within the site;

- Surface water diversion, storage and drainage provisions;
- All entrances, exits and proposed routes to be used by associated transport;
- Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the land after the extractive operations have ceased; and,
- Other information as determined through pre-consultation discussions.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

B2.6.3.4 Criteria for Approval

In considering an application for an amendment pursuant to the foregoing Policy B2.6.3.3, the following will be evaluated based on submitted studies:

- a) Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
- b) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
- c) Potential impacts on the quality and quantity of surface and ground water systems;
- d) Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;
- e) Potential impacts on the transportation system which will require trucks routes and points of site access to be established;
- f) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
- g) If applicable, the capability of the land for agricultural uses;
- h) Proposed progressive rehabilitation plan; and
- i) Other matters as the City deems necessary.

B2.6.3.5 Applications in the Agricultural Designation

New or expanding aggregate operations located in the Agricultural designation as an interim use shall only be permitted provided the site will be progressively rehabilitated to

an agricultural condition so that substantially the same area and average soil capability for agriculture is restored. Complete agricultural rehabilitation shall not be required if:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 lands, resources on lands identified as Greenfield Area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1,2 and 3 lands; and,
- c) Agricultural rehabilitation in remaining areas will be maximized.

B2.6.3.6 Progressive Rehabilitation

Outside prime agricultural areas or where agricultural rehabilitation is not required, the City will require progressive rehabilitation of pits and quarries to an appropriate after use that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses. The City will require the completion of a Progressive Rehabilitation Plan which will determine how the rehabilitation will be completed sequentially, within a reasonable time and in accordance with the Aggregate Resources Act, and any other regulations or applicable plans.

In natural heritage features, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Official Plan, and the appropriate watershed/sub-watershed study.

Where such resources exist, the City will promote and encourage rehabilitation of mineral aggregate operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of significant cultural or heritage features where practical.

B2.6.3.7 Mineral Aggregate Resource Conservation

Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

Within Niagara Escarpment Plan Areas, recycling and reprocessing uses are permitted as incidental and subordinate uses to mineral aggregate operations, but shall be discontinued following the completion of on-site extraction activities in accordance with O. Reg. 828/90, subsection 19.1.

B2.6.4 Aggregate Extraction in the Specialty Crop Designation

In addition to the policies contained in B2.6.3, the following policies apply to new or expanding aggregate operations in the *Specialty Crop* designation.

A new mineral aggregate operation or the expansion of an existing operation shall only be permitted in the *Specialty Crop* designation where the applicant demonstrates the following:

- a) **The physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and allow for the microclimate for which the site and the surrounding area may be dependent for specialty crop production to be maintained; or,**
- b) **If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and will not allow for the microclimate on which the site and the surrounding area may be dependent for specialty crop production to be maintained, the applicant shall consider alternative locations; and,**
- c) **Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial high-quality aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area will be maximized as a first priority to allow production of specialty crops.**

B2.6.4.1 Rehabilitation in the Specialty Crop Designation

Rehabilitation as identified in B2.6.4 (a) to (c) is required to support the production of specialty crops, as appropriate. The following policies respecting rehabilitation of mineral aggregate operation sites in the *Specialty Crop* designation shall also apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
- b) If there are lands within the *Environmental Protection Three* designation on the site, or if such features existed on the site at the time of application:
 - i) The health, diversity and size of these key natural heritage features and key hydrologic features will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and,
 - ii) Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of this policy; and,
- d) Final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.

B2.6.4.2 New Mineral Aggregate Operations or Expansions to Existing Operations on Lands in the Greenbelt Natural Heritage Overlay

Where a new mineral aggregate operation or an expansion to an existing operation is proposed in lands within the *Greenbelt Natural Heritage Overlay*, the policies in Section B3.5 applicable to aggregate operations will apply.

B2.6.5 Implementing Zoning By-law

The Implementing Zoning By-law shall place all licensed aggregate operations in a zone that permits quarries and sand and gravel extraction operations. The Implementing Zoning By-law may contain setbacks for extraction operations from adjoining properties designated for residential use by this Plan, municipal rights-of-way and property boundaries.

Wayside pits and quarries and portable asphalt and concrete plants used for public authority contracts shall be permitted in all land use designations without the need for *Planning Act* approvals except in those areas of existing development or in environmental areas. The City shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

B2.7 RURAL HIGHWAY COMMERCIAL

B2.7.1 Purpose

The purpose of the *Rural Highway Commercial* designation is to recognize existing commercial lands primarily located along Regional Road 20 and provide policy to ensure future expansion and redevelopment of this area is orderly and safe. It is the intent of this Plan that development within the *Highway Commercial* designation be comprehensively planned to ensure that servicing and access can be adequately addressed. In this regard the establishment of new uses within the *Rural Highway Commercial* designation shall be planned in conjunction with other existing and proposed uses to minimize direct access onto Highway 20.

B2.7.2 Permitted Uses

Uses that cannot be adequately located within the urban areas due to size and/or land use compatibility are permitted on lands designated *Rural Highway Commercial* include:

- a) Vehicle service and sales, including recreational vehicles and boats;
- b) Equipment sales and services;
- c) Contractor's shops;
- d) Building material sales and services;
- e) Rental shops;
- f) Warehousing and cold storage;
- g) Wineries;
- h) Wholesale establishments;
- i) Fuel sales and convenience stores;
- j) Public and private recreational uses;
- k) Personal warehousing and storage;
- l) Restaurants including drive-throughs;
- m) Places of amusement and recreation;
- n) Farm markets;
- o) Veterinary clinics;
- p) Garden centres;
- q) Antiques shops, shows and sales;

- r) Auction sales and liquidation; and,
- s) Financial Institutions.

B2.7.3 Development and Design Policies

New uses may be subject to an amendment to the Implementing Zoning By-law and will be subject to Site Plan Control. Any redevelopment of existing uses which would involve an expansion to the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

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

- a) A private water and septic system capable of complying with Niagara Region Public Works requirements can be provided on-site;
- b) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
- c) Outdoor storage areas are substantially screened from view from passing traffic;
- d) All options respecting shared access from the road are reviewed and implemented , if feasible;
- e) Parking and loading areas are suitable for the use and are oriented to the rear or side of the lot so the primary building can be brought closer to the road;
- f) Where a proposed use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses; and,
- g) Natural heritage impacts have been assessed and addressed in the manner required in Sections B and C of the Plan.

B2.7.4 Market Impact Study

A Market Impact Study shall be required for any rural highway commercial developments/redevelopments and expansions exceeding 186 m² in total floor area. The Market Impact Study shall identify the primary trade area and address such items as:

- a) The need for the proposed use;
- b) The location, size and scale of the proposed development;
- c) The potential market impacts on existing and planned commercial areas;
- d) The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use;
- e) Compatibility;

- f) Negative effects on natural features; and,
- g) The adequacy of the private water and wastewater services.

Where the trade area for a market study extends beyond the boundary of the municipality, the City shall consult with the Region of Niagara and all affected municipalities. All market impact studies will be evaluated by the City on the basis of a peer review to be undertaken at the applicant's expense.

B2.7.5 Implementing Zoning By-law

All lands within the *Rural Highway Commercial* designation shall be placed in an appropriate Commercial Zone in the Implementing Zoning By-law.

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

B3 NATURAL HERITAGE DESIGNATIONS

The Environmental Protection designations contained in this Plan are intended to comprise and reflect the natural heritage system in the City. The following designations address the natural heritage policies of the Provincial Policy Statement, Niagara Escarpment Plan, Greenbelt Plan and the Regional Official Plan:

- a) Niagara Escarpment Plan – refer to Section B3.1;
- b) Environmental Protection One (Regional Environmental Protection Area) – refer to Section B3.2 for the applicable policies for this designation;
- c) Environmental Protection Two (Regional Environmental Conservation Area – refer to Section B3.3 for the applicable policies of this designation; and,
- d) Environmental Protection Three (Greenbelt Plan Key Natural Heritage and Key Hydrological Features) – refer to Section B3.4 for the policies applicable to this designation.

B3.1 NIAGARA ESCARPMENT PLAN AREA

The Niagara Escarpment is a prominent and environmentally significant landform in the City of Thorold and covers approximately 20% of the City's total land mass.

According to the Niagara Escarpment Plan, "*[the Niagara Escarpment] is the source of some of southern Ontario's prime rivers and streams and one of the province's principal outdoor recreation areas.*" On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man and Biosphere (MAB) program approved the designation of the Niagara Escarpment as a Biosphere Reserve.

It is the intent of this Plan to align with the policies of the Niagara Escarpment Plan (NEP). In the event of any conflict between the NEP and this Plan, the policies and intent of the NEP shall prevail. On this basis, this section of the Plan identifies the following designations that apply to the Niagara Escarpment in the City:

- *Escarpment Natural Area;*
- *Escarpment Protection Area;*
- *Escarpment Rural Area;*and,
- *Mineral Resource Extraction Area.*

The NEP shall be consulted to determine the exact location of each designation and to determine the policies applicable to these designations. The policies of Section B2.2.4 shall form the basis of municipal comments and planning opinion. .

B3.2 ENVIRONMENTAL PROTECTION ONE

B3.2.1 Purpose

The purpose of the *Environmental Protection One* designation is to protect and enhance the ecological integrity of natural heritage features identified as “Core Natural Heritage Area – Environmental Protection Areas (EPA)” by the Regional Official Plan.

B3.2.2 Components of the Environmental Protection One Designation

The *Environmental Protection One* designation contains natural heritage features and functions of special importance to the character of the City and the Region of Niagara. These areas are significant because of their size, location, outstanding quality, or ecological functions. They contribute to the health of the broader landscape and may contain features of local, provincial or even national significance.

The *Environmental Protection One* designation is intended to identify significant natural heritage features outside of the Greenbelt Plan including Provincially Significant Wetlands (PSW). The *Environmental Protection One* designation also includes Provincially Significant Life Science Areas of Natural and Scientific Interest (ANSI) and the habitat of endangered species and threatened species inside and outside of the Greenbelt Plan, but not within the Natural Heritage System of the Greenbelt Plan.

The status and boundaries of the features identified in this Policy may change as new information becomes available and consultation with the Province prior to development is recommended. Additional significant natural areas may be identified through comprehensive planning or a development application process. Those new features shall be evaluated for significance and appropriate policies applied, accordingly.

Lands designated *Environmental Protection One* are shown on the A-series schedules to this Plan. The individual components of the *Environmental Protection One* designation are shown on Schedule B to this Plan. The source of the natural feature data originated from the Ministry of Natural Resources and Forestry through Land Information Ontario (LIO).

Mapping of the habitat of endangered species and threatened species is not specifically identified on the Schedules to this Plan. Habitat of endangered species and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies of this Section of the Plan.

B3.2.3 Permitted Uses

Permitted uses on lands designated *Environmental Protection One* are limited to the following:

- a) Forest, fish and wildlife management uses,
- b) Conservation, flood control projects and agricultural drains where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; and,

- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features, and,
- d) Mineral aggregate operations may be permitted within a Provincially Significant Life Science ANSI subject to demonstrating no negative impact to the feature or its ecological functions and also subject to Section B2.6 of this Plan.

B3.2.4 Policies Applicable to the Environmental Protection One Designation

B3.2.4.1 General Conditions for Development and Site Alteration

Given the sensitive nature of features within the *Environmental Protection One* designation, applications for new development and site alteration in this designation are anticipated to be very limited. However, where development of uses listed in Section B3.2.3 is proposed, the proponent shall prepare an Environmental Impact Study (EIS) in accordance with Section C6 of this plan, which will be subject to the review and approval of the appropriate approval authority. Nothing in this Section is intended to limit the ability of agricultural uses to continue on lands that are designated *Environmental Protection One*.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection One* designation, efforts should be made to identify and create, maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, and/or *Environmental Protection Three*.

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

B3.2.4.2 Earth Science Areas of Natural and Scientific Interest (ANSI)

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI. Where an amendment to the City's planning documents, or a major development is proposed within an Earth Science ANSI, adequate information shall be submitted with the application respecting:

- i) Site topography, significant geological features and stratigraphic exposures; and,
- ii) Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.

Linear public utilities and infrastructure may be permitted within an Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid, or minimize, negative impacts.

B3.2.4.3 Existing Uses in the Environmental Protection One Designation

Existing, legal uses located within the *Environmental Protection One* designation shall be recognized as legal non-conforming uses in this Plan or as exceptions in the City's Comprehensive Zoning By-law, however, such uses may not be physically expanded or enlarged.

B3.2.4.4 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres (393.7 feet) from the boundary of a Provincially Significant Wetland (PSW);
- 50 metres (164 feet) from the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI); and,
- 50 metres (164 feet) from the habitat of endangered species and threatened species.

No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that, there will be no negative impact on the feature or its ecological functions. The EIS shall be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan. In conjunction with the pre-consultation and/or review of a proposal for development or site alteration within the *Environmental Protection One* designation the NPCA shall confirm if a permit under O. Reg. 155/06 is required.

B3.2.4.5 Lot Creation

Where lot creation is proposed in a parcel comprised of lands designated *Environmental Protection One*, the severed lot(s) shall not be comprised of any land in the *Environmental Protection One* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned or identified through a Site Plan Agreement to protect ecological functions and natural features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempted from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands of a feature in the *Environmental Protection One* designation, the requirement for an EIS may be waived if Council and the Region in consultation with the NPCA and in accordance with the Region's EIS Guidelines are satisfied that standard mitigation measures can avoid negative impacts on the key natural heritage features and key hydrologic functions.

B3.2.4.6 Infrastructure

New or expanding infrastructure is not permitted in the *Environmental Protection One* designation with the exception of linear infrastructure constructed by a public authority or agency through an Environmental Assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the feature or its related functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these elements may be established within the *Environmental Protection One* designation as per the *Ontario Drainage Act* R.S.O. 1990, Chapter D 17, and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

B3.2.4.7 Other Areas Identified Through a Planning Process

There may be areas in the City where a planning approval process identifies a currently non-designated natural heritage feature that meets the criteria of the Environmental Protection One designation that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be incorporated within the Official Plan through the Secondary Plan process or by separate Official Plan Amendment, and shall be subject to the policies of this Plan. The City may request an EIS or site screening at the time of a development application to determine if there are any natural heritage features or hazards that may not be reflected in the municipality's schedule mapping.

Minor refinements to the extent of the Environmental Protection One designation shall not require an Amendment to this Plan, provided such refinements are undertaken in consultation with the Ministry of Natural Resources and Forestry (MNRF), where such refinements affect Provincially Significant Wetlands, Provincially Significant Life Science ANSI's or the habitat of endangered species and threatened species.

B3.2.4.8 Use of Lands in Private Ownership

Where any land within the *Environmental Protection One* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.2.4.9 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support and/or facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection One* designation will be purchased by the City or any other public agency.

The use of conservation easements held by public agencies or not-for-profit corporations will be considered by the City to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection One* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.2.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection One* designation were derived from mapping provided by the Region of Niagara and are shown on Schedule A to this Plan. Lands within the *Environmental Protection One* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection One* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

Some of the policies in this Section that apply to adjacent lands are discretionary and in most cases the ability to alter or development land is dependent upon the completion of an EIS. Where this is the case, adjacent lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with future development subject to the fulfilment of specified technical requirements, which may include the issuance of a permit under O. Reg. 155/06 from the NPCA. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by a By-law prepared in accordance with the policies of this Plan.

B3.3 ENVIRONMENTAL PROTECTION TWO

B3.3.1 Purpose

The purpose of the *Environmental Protection Two* designation is to recognize and maintain other natural heritage features not included in the *Environmental Protection One* designation. Features within the *Environmental Protection Two* designation represent Environmental Conservation Areas under the Core Natural Heritage Areas of the Regional Official Plan.

B3.3.2 Components of the Environmental Protection Two Designation

The following is a listing of those natural heritage features that comprise the *Environmental Protection Two* designation:

- a) **Locally significant wetlands located outside of the Greenbelt Plan;**
- b) **Significant habitat of special concern species;**
- c) **Significant woodlands;**
- d) **Significant valley lands;**
- e) **Regionally significant Life Science Areas of Natural and Scientific Interest (ANSI);**
- f) **Savannahs and tall grass prairies;**
- g) **Alvars;**
- h) **Significant wildlife habitat; and,**
- i) **Publicly owned conservation lands.**

B3.3.3 Permitted Uses

B3.3.3.1 Principal Land Uses

The principal uses of land in the *Environmental Protection Two* designation shall be:

- a) Forest, fish and wildlife management uses;
- b) Conservation and flood control projects where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; and,
- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or the natural heritage features or on the ecological functions of such features.

Nothing in this Section is intended to limit the ability of agricultural uses to continue on lands that are designated *Environmental Protection Two*.

B3.3.3.2 Additional Uses

The following additional uses may be permitted in the *Environmental Protection Two* designation in accordance with the provisions of Section B3.3.4. These uses include:

- i) Accessory residential uses on farm properties;
- ii) Agriculture-related uses;

- iii) Agricultural uses;
- iv) On-farm diversified uses
- v) Bed and breakfast establishments;
- vi) Home occupations;
- vii) Single detached dwellings on an existing lot of record; and,
- viii) Development and land use similar to and compatible with existing adjacent or proposed land use in accordance with Section B3.3.4.1.

B3.3.4 Policies Applicable to the Environmental Protection Two Designation

B3.3.4.1 General Conditions for New Development

New development and site alteration may be permitted in the *Environmental Protection Two* designation provided it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impact to the natural heritage feature or its ecological functions. An Environmental Impact Study submitted in accordance with this section of the Plan shall be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. Where a proposal addresses the requirement of no negative impact, the adjacent official plan designation will apply and a Zoning By-law Amendment will be required to identify those lands where site alteration and development will be permitted.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection Two* designation, efforts should be made, to maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, or *Environmental Protection Three*.

In addition, where development or site alteration is proposed, a Tree Preservation Plan shall be required to provide recommendations with respect to the protection or enhancement of existing trees. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and implementation of the plan should be authorized and monitored by a member of the Ontario Professional Forestry Association.

B3.3.4.2 Earth Science Areas of Natural and Scientific Interest (ANSI)

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI. Where an amendment to the City's planning documents, or a major development is proposed within an Earth Science ANSI, adequate information shall be submitted with the application respecting:

- i) Site topography, significant geological features and stratigraphic exposures; and,
- ii) Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.

Linear public utilities and infrastructure may be permitted within an Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid, or minimize, negative impacts.

B3.3.4.3 Existing Uses in the Environmental Protection Two Designation

An expansion to an existing use located within an Environmental Protection Two Designation may be permitted if it will have no negative impact on the natural heritage feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Study in accordance with Section C6 of this Plan.

B3.3.4.4 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within 50 metres of land designated *Environmental Protection Two*.

Development and site alteration may be permitted without an Official Plan Amendment on adjacent lands, subject to the completion of an Environmental Impact Study (EIS). The EIS will be required to demonstrate that there will be no negative impact on the natural heritage feature or its ecological function. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan.

B3.3.4.5 Existing Lots

A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part on lands designated *Environmental Protection Two* if they are sited, designed, and constructed to minimize negative impacts on the natural features and ecological functions of the subject lands and provided such site alteration or development has addressed NPCA regulations to allow the issuance of a permit under O. Reg. 155/06.

B3.3.4.6 Lot Creation

Where lot creation is proposed in the *Environmental Protection Two* designation, the new lot(s) shall not be comprised of any land in the *Environmental Protection Two* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned to protect ecological functions and natural heritage features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempt from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands to lands designated *Environmental Protection Two*, the requirement for an EIS may be waived if Council and the Region in consultation with the NPCA are satisfied that standard mitigation measures can avoid negative impacts on the natural heritage feature and its ecological functions.

In conjunction with the pre-consultation and processing of any application, the City will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

B3.3.4.7 Infrastructure

New or expanding infrastructure is not permitted in the *Environmental Protection Two* designation with the exception of linear infrastructure constructed by a public authority or agency through an Environmental Assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the natural heritage feature or its related ecological functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these installations may be established within the *Environmental Protection Two* designation as per the Ontario Drainage Act R.S.O. 1990 Chapter D.17 and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

B3.3.4.8 Mineral Aggregate Operations

Where a mineral aggregate operation is proposed in lands located within the *Environmental Protection Two* designation, an Official Plan Amendment and Zoning By-law Amendment shall be required and shall be supported by an EIS prepared in accordance with Section C6. In addition to the requirements of Section C6, the EIS shall also specifically consider:

- a) Whether connectivity among natural heritage and hydrological features will be maintained or enhanced, before, during and after mineral aggregate extraction;
- b) Whether hydrologic features and functions will be maintained or enhanced, before, during and after mineral aggregate extraction; and,
- c) How *Environmental Protection Two* features and their ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in the particular setting or ecodistrict of the feature or features to be impacted.

B3.3.4.9 Other Areas Identified Through a Planning Process

There may be areas in the City where a detailed planning approval process identifies a non-designated natural heritage feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be added to the Official Plan by amendment or in conjunction with the planning process that realized the feature.

B3.3.4.10 Use of Lands in Private Ownership

Where any land within the *Environmental Protection Two* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.3.4.11 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would facilitate/support the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Two* designation will be purchased by the City or any other public agency.

The use of conservation easements by public agencies or not-for-profit corporations will be considered by the City to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Two* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.3.4.12 Significant Woodlands

It is noted that while the *Environmental Protection Two* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Two* designation. When a field assessment of these features has been completed to the satisfaction of the City, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Two* designation through an Official Plan Review or by a special amendment. In the interim, when development or site alteration is proposed within 120 metres of a Wooded Area identified on Schedule B, an assessment may be required to determine if the feature is significant in accordance with Regional policy. This assessment will be completed to the satisfaction of the City, Region and NPCA.

B3.3.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection Two* designation were derived from mapping provided by the Region of Niagara and shown on Schedule A to this Plan. Lands within the *Environmental Protection Two* designation will be placed in appropriate environmental zones in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection Two* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an EIS. Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.4 ENVIRONMENTAL PROTECTION THREE

B3.4.1 Purpose

The purpose of the *Environmental Protection Three* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies to key natural heritage features located in the Greenbelt Natural Heritage System and key hydrologic features anywhere within the Protected Countryside.

B3.4.2 Components of the Environmental Protection Three Designation

B3.4.2.1 Key Natural Heritage Features in the Natural Heritage System

- Habitat of endangered species and threatened species, and special concern species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat;
- Sand barrens, savannahs and tallgrass prairies; and,
- Alvars.

B3.4.2.2 Key Hydrologic Features Located Anywhere within the Protected Countryside of the Greenbelt Plan

- Permanent and intermittent streams;
- Lakes and their littoral zones;
- Seepage areas and springs; and,
- Wetlands.

B3.4.2.3 Location of Key Natural Heritage and Key Hydrologic Features

Schedule B identifies a wide range of key natural heritage and key hydrologic features. This mapping represents the most current information that was available at the time this Official Plan was prepared.

It is anticipated that there are features listed in Section B3.4.2.1 and B3.4.2.2 that have not been identified on Schedule B to this Plan. This being the case, it will be a priority at the time of an Official Plan Review to specifically review environmental feature data prepared by the Region, the NPCA or any Provincial Ministry to ensure the information contained in this Plan is up-to-date.

It is also noted that while the *Environmental Protection Three* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Three* designation. When a field assessment of these features has been completed to the satisfaction of the City, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Three* designation through an Official Plan Review or by a special amendment.

When development or site alteration is proposed within 120 metres of a Wooded Area identified on Schedule B within the Greenbelt Natural Heritage Overlay, an assessment will be required to determine if the feature is significant in accordance with the Greenbelt Plan. This assessment will be completed to the satisfaction of the City, Region and NPCA.

In addition, the City will require a proponent of a development application to assess or confirm the boundaries of key hydrologic features on-site or within 120 metres of the proponent’s lot in cases where Schedule B identifies a hydrological feature or where such a feature has been confirmed by a field assessment. Should a key hydrologic feature be confirmed, the policies of this Section with respect to impact assessment shall apply.

B3.4.3 Permitted Uses

B3.4.3.1 Principal Land Uses

The principal uses of land in the *Environmental Protection Three* designation shall be:

- a) **Forest, fish and wildlife management;**
 - b) **Conservation and flood control or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;**
 - c) **Linear infrastructure subject to the policies of this Plan;**
 - d) **Mineral aggregate operations and wayside pits and quarries proposed in the *Environmental Protection Three* designation may be provided such uses are consistent with the policies of the Provincial Policy Statement except as provided by the *Specialty Crop* rehabilitation policies and the *Greenbelt Natural Heritage Overlay* policies; and,**
 - e) **Small scale passive recreational uses, subject to the policies of this Plan.**
- Nothing in this section is intended to limit the ability of existing agricultural uses to continue on lands that are designated *Environmental Protection Three*.

B3.4.4 General Policies

B3.4.4.1 Policies for New Development

In accordance with the policies of the Greenbelt Plan (2005), new development and/or site alteration is not anticipated within the *Environmental Protection Three* designation as this designation is intended to represent the most significant concentration of sensitive environmental land in the Greenbelt. In accordance with the Greenbelt Plan and Regional Official Plan, no new development or site alteration shall be permitted within lands designated *Environmental Protection Three*, including any associated vegetation protection zone, with the exception of uses specified in Section B3.4.3.

Any proposal for development or site alteration on lands within 120 metres of any feature located within the *Environmental Protection Three* designation shall prepare an Environmental Impact Study (EIS), the primary purpose of which is to identify a self-sustaining vegetation protection zone. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan.

The vegetation protection zone shall be determined in conjunction with a planning approval, however in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum width of the vegetation protection zone shall be 30 metres.

Any vegetation protection zone developed in accordance with this Section should be sufficient to protect features as identified in the *Environmental Protection Three* designation and the related function(s) of the feature during and subsequent to site alteration or development. Vegetation protection zones shall also be designed to exist over the long term in a natural self-sustaining manner. Vegetation protection zones may also be zoned or recognized in Site Plan Agreements or Development Permits to protect their natural features and ecological functions.

New agricultural buildings and structures, agriculture-related buildings and structures or on-farm diversified uses are permitted in the adjacent lands to a feature in the *Environmental Protection Three* designation provided such buildings or structures maintain a minimum 30 metre vegetation protection zone. However, if the lands are used for agricultural purposes at the time of construction, such development may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrological features and functions.

B3.4.4.2 Use of Vacant Lots for Residential Use

Where a vacant lot exists in the *Environmental Protection Three* designation, such lot may be used for a single residential dwelling provided the lot was zoned to permit a single residential dwelling use on December 16, 2004, the date the *Greenbelt Plan (2005)* came into effect and a permit has been issued by the NPCA in accordance with Ontario Regulation 155/06 or its predecessor if a permit is required.

B3.4.4.3 Expansion of Buildings or Structures

The expansion of agricultural buildings or structures and residential dwellings may be permitted on lands in the *Environmental Protection Three* designation provided the existing buildings or the proposed expansion does not occur in a Provincially Significant Wetland (PSW) or Life Science ANSI, or the habitat of endangered

species and threatened species. Where such development is proposed, the proponent shall demonstrate through an application for a zoning by-law amendment, that there is no reasonable alternative, that negative impacts on the natural feature and ecological functions have been minimized, and that the expansion is directed away from the feature as much as possible.

Any application to expand an existing building shall be subject to an application to the Committee of Adjustment to expand a legal non-conforming use or a Development Permit. In conjunction with the pre-consultation and processing of any application, the City will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

B3.4.4.4 Other Areas Identified Through a Planning Process

There may be areas in the City where a detailed planning approval process may identify a key natural heritage feature or key hydrological feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be added to the Official Plan by amendment.

B3.4.4.5 Use of Lands in Private Ownership

Where any land within the *Environmental Protection Three* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.4.4.6 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Three* designation will be purchased by the City or any other public agency.

The use of conservation easements by public agencies and not-for-profit corporations will be considered by the City to implement the policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Three* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.4.5 Zoning By-law Implementation

The boundaries of the *Environmental Protection Three* designation were derived from mapping provided by the Region of Niagara and the Province of Ontario through the Greenbelt Plan (2005). Lands within the *Environmental Protection Three* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection Three* designation in

relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.5 GREENBELT NATURAL HERITAGE OVERLAY

B3.5.1 Purpose

The purpose of the *Greenbelt Natural Heritage Overlay* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies in the City of Thorold.

B3.5.2 Location

The *Greenbelt Natural Heritage Overlay* designation applies to all lands designated as *Natural Heritage System* on Schedule ‘4’ of the *Greenbelt Plan (2005)*, and on Schedule ‘A’ to this Official Plan with the exception of key natural heritage features and key hydrologic features, which have been placed in the *Environmental Protection Three* designation.

B3.5.3 Permitted Uses

B3.5.3.1 Principal Land Uses

Permitted uses within the *Greenbelt Natural Heritage Overlay* shall be those of the underlying land use designation. The *Greenbelt Natural Heritage Overlay* designation intends to add moderate environmental policies to such lands in the interest of protecting linkages between key natural heritage features and hydrologic features.

Where the *Greenbelt Natural Heritage Overlay* designation applies, the provisions of the underlying designation shall also apply, unless there is a policy conflict between the two land use designations in which case the provisions of the more restrictive designation shall apply.

B3.5.4 General Policies

B3.5.4.1 Policies for New Development

Development and site alteration may occur within the *Greenbelt Natural Heritage Overlay* designation provided that an Environmental Impact Study (EIS) is prepared in accordance with Section C6 of this Plan. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. In addition to the requirements of Section C6, such an EIS will also demonstrate that:

- a) There will be no negative effects on key natural features or key hydrologic features or their functions within the *Greenbelt Natural Overlay*;
- b) Connectivity between key natural heritage features and key hydrologic features is maintained, or where possible, enhanced to allow the natural migration and movement of native plants and animals across the landscape. Furthermore, connectivity along the system and between key natural heritage features or key hydrologic features located within 240 metres of each other shall be maintained or enhanced;
- c) The removal of other natural features not identified in Section B3.4.2 should be avoided and such features should be incorporated into the planning and design of the proposed development, where possible;

- d) Buildings or structures do not occupy more than 25% of the total developable area and are compatible with the surrounding natural environmental features;
- e) The disturbed area of any site does not exceed 25%, and the impervious surface does not exceed 10%, of the total developable area, except for recreational uses and mineral aggregate operations;
- f) Notwithstanding (e), the maximum disturbed area for golf courses shall not exceed 40% of the site; and,
- g) At least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, except for mineral aggregate operations.

Where major development is approved, a Tree Preservation Plan shall be required demonstrating the maintenance or enhancement of the remaining natural features on site. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and its implementation shall be monitored by a member of the Ontario Professional Forestry Association.

B3.5.4.2 New or Expanding Agricultural Uses

The policies of Section B3.5.4.1 shall not apply to new or expanding agricultural buildings and structures, agriculture-related buildings and structures or on-farm diversified uses but such development and site alteration is subject to Section B3.4.4.1.

B3.5.4.3 New Mineral Aggregate Operations

The establishment of new mineral aggregate operations, and wayside pits and quarries, together with any ancillary uses may be permitted within the *Greenbelt Natural Heritage Overlay* designation provided the operation is not proposed within:

- a) Provincially Significant Wetlands (PSW);
- b) Habitat of endangered species and threatened species; and,
- c) Significant woodlands, unless the woodland constitutes a young plantation or early successional habitat as defined by the Ministry of Natural Resources and Forestry.

Where the establishment of a new mineral aggregate operation, wayside pit and quarry, together with any ancillary or accessory use is proposed within the *Greenbelt Natural Heritage Overlay* designation, including within other key natural heritage features and key hydrological features not identified in a), b) or c) above, and any vegetation protection zone associated with such other feature as per the Greenbelt Plan, the following matters shall be addressed in conjunction with an application for Official Plan and Zoning By-law Amendment:

- i) The proponent shall prepare a Hydrogeological Assessment to demonstrate how the Water Resource System will be protected or enhanced;

- ii) The health, diversity and size of key natural heritage features and key hydrologic features on-site will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health;
- iii) Any permitted extraction of mineral aggregate that occurs in a key natural heritage feature or key hydrological feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;
- iv) Aquatic areas remaining after extraction are to be rehabilitated and shall be representative of the natural ecosystem with the particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of ii) and iii) above;
- v) Rehabilitation will be implemented so that the connectivity of key natural heritage features and key hydrologic features on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved;
- vi) The proponent shall demonstrate how connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates; and,
- vii) In the event habitat is lost from the site, the EIS shall establish how habitat will be immediately replaced on the site or on adjacent lands.

In the case of applications under the Aggregate Resources Act for a wayside pit or quarry, the above criteria vi) and viii) shall not apply.

B3.5.4.4 Expansion of Existing Mineral Aggregate Operations

The expansion of existing mineral aggregate operations may be permitted within the *Greenbelt Natural Heritage Overlay* including key natural heritage and key hydrologic features and any associated vegetation protection zones provided such expansion is consistent with the Provincial Policy Statement (2005) and the relevant policies of the Greenbelt Plan.

B3.5.4.5 Rehabilitation of Mineral Aggregate Operations

Subject to Section B2.6.3.5, the following additional policies concerning rehabilitation may apply to mineral aggregate operations in the *Greenbelt Natural Heritage Overlay* designation, except in areas where Specialty Crop is the underlying designation, section B2.6.4 applies:

- a) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict;
- b) Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and,

- c) Rehabilitation will be implemented so that the connectivity features within the *Environmental Protection Three* designation on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved.

B3.5.4.6 Use of Vacant Lots for Residential Use

Where a vacant lot exists in the *Greenbelt Natural Heritage Overlay* designation, such lot may be used for residential use provided the lot was zoned to permit residential use on the date the *Greenbelt Plan (2005)* came into effect and provided that site alteration and development occurs in accordance with the policies of this Section. Where such vacant lot is located in or adjacent to lands regulated by the NPCA, a permit under O. Reg. 155/06 may also be required prior to site alteration or development.

Where the policies of the underlying land use designation permit lot creation, the requirement for an Environmental Impact Study (EIS) may be waived if Council, the Region and the NPCA are satisfied that mitigation measures can be implemented to avoid or minimize negative impacts on key natural heritage features and functions or key hydrologic features and functions.

B3.5.4.7 Infrastructure

New or expanding public infrastructure should avoid the *Greenbelt Natural Heritage Overlay* designation where possible.

Where it has been established that there is no reasonable alternative, new or expanding infrastructure shall be permitted to cross or encroach into such areas. In such cases, planning, design, and construction practices shall minimize negative impacts and disturbance on the features and related functions and, where reasonable, maintain or improve connectivity among such features.

For infrastructure serving the agricultural sector, such works and installations may be established within fish habitat or key natural heritage or key hydrologic features provided all reasonable efforts are made to keep such infrastructure out of such features and provided an appropriate permit under O. Reg. 155/06 has been issued by the NPCA in cases where site alteration or development is proposed in or adjacent to lands regulated by Ontario Regulation 155/06.

B3.5.4.8 Use of Lands in Private Ownership

Where any land within the *Greenbelt Natural Heritage Overlay* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B3.5.4.9 Transfer of Environmental Lands into Public Ownership

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support/facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Greenbelt Natural Heritage Overlay* designation will be purchased by the City or any other public agency.

The use of conservation easements should be considered by the City to implement the policies of this Plan. Council shall consider every opportunity to obtain the dedication of lands within the *Greenbelt Natural Heritage Overlay* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

B3.5.5 Zoning By-law Implementation

The boundaries of the *Greenbelt Natural Heritage Overlay* designation are delineated on Schedule A. Where boundaries illustrated on Schedule '4' of the Greenbelt Plan (2005) and Schedule A of this Plan do not coincide, every effort should be made to refine the boundaries with greater precision in the Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Greenbelt Natural Heritage Overlay* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

B3.6 FLOODPLAIN

B3.6.1 Purpose

To identify lands regulated by the NPCA as being prone to flooding and to protect public safety by restricting land use and development within the floodplain.

B3.6.2 Permitted Uses

- a) Reconstruction or minor additions to existing structures in accordance with Section B3.6.4;
- b) Additions or extensions, including new structures, to existing primary agricultural operations which are not likely to incur significant flood damages, impede flows, reduce flood storage, or cause pollution to a watercourse, as a result of a flooding event;
- c) Open space uses, public and private recreational areas (including boat docks and marina facilities), excluding buildings;
- d) In-ground swimming pools provided:
 - i) Adequate hydrostatic pressure relief is incorporated into the design; and,
 - ii) Excavated material is removed from the site;
- e) Parking lots provided:
 - i) The flood depths under a regulatory flood event do not exceed 0.3 metres (1.0 foot) (based on the technical criteria developed through the “MNRF Natural Hazards Technical Guide, 2002”); and,
 - ii) The depth criteria, noted in item (i) above, is not achieved through the placement of fill material;
- f) Material and equipment storage provided that:
 - i) They are properly anchored to prevent flotation;
 - ii) They are not subject to major damage by flooding;
 - iii) They are not of a polluting nature; and,
 - iv) Flood flows or flood water storage are not impeded;
- g) Railroads, streets, bridges, public services, and pipelines for transmission and distribution of water, gas, oil and electricity, provided that the approved engineering designs recognize and, where necessary, address the flooding potential at the site;
- h) Uses, excluding structures, not likely to incur or create damage from floodwaters;

- i) Any development which by nature must locate within the floodway, including flood or erosion control works; and,
- j) Any area identified as a Special Policy Area by the Minister of Natural Resources and Forestry and Minister of Municipal Affairs and Housing in accordance with Section 3.1.4 (a) of the Provincial Policy Statement (2014).
- k) Notwithstanding the above uses, the following uses shall not be permitted to locate within the Floodplain identified on the schedules to this Plan:
 - i) **an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;**
 - ii) **an essential emergency service such as that provided by fire, police and ambulance stations as well as electrical substations; and,**
 - iii) **uses associated with the disposal, manufacture, treatment or storage of hazardous substances.**

B3.6.3 One Zone Approach

The NPCA implements a one zone approach to floodplain management. Under the one zone approach, the regulatory floodplain shall be defined as follows:

- a) Where 100 year flood information is available - the 100 year flood;
- b) Where Regional flood information is available and the 100 year flood information is not available - the Regional flood. Under this clause, however, the landowner will have the option of the determining, at the landowner's expense, the limits of the 100 year flood; and,
- c) Where no floodplain information is available and the NPCA has a flooding concern, the landowner will be requested to determine the limits of the 100 year flood.

Under the one zone approach, construction activities are limited/restricted within the regulatory floodplain. Permitted development may include reconstruction or minor additions to existing structures as well as extensions to existing agricultural operations, provided certain technical requirements of the NPCA can be achieved. Other uses, such as open space, or others which are not likely to incur or create damage to other properties from floodwaters, or cause a threat to public safety, or are not of a polluting nature may be permitted within the floodplain. Examples of uses or structures that would create adverse impacts in the floodplains or our riverine systems include, but are not limited to, new buildings, above-ground swimming pools, septic tile fields and tanks, as well as manure storage and handling facilities.

B3.6.4 Existing Buildings in the Floodplain

- a) Any building, which is located in the floodplain or that has been destroyed for reasons other than flooding, may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the floodplain, as determined by the NPCA. All of the following criteria must be achieved through the reconstruction proposal:

- i) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources and Forestry Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
 - ii) The building will be built on the existing foundation area and will not exceed the original flood area (ground floor area) of the previous structure;
 - iii) Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
 - iv) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the reconstruction.
- b) Minor additions to existing buildings in the floodplain may be permitted provided that:
- i) They are of a peripheral nature (such as decks, patios, open porches); and, they are properly anchored to prevent flotation; they are not subject to major damage by flooding; and, flood flows and flood water storage are not impeded; or,
 - ii) They meet all of the following criteria:
 - a) Any addition to the ground floor area of an existing building shall not exceed 20% of the original ground floor area or 300 square feet, whichever is the lesser. Subsequent requests for additions which will result in the cumulative exceedance of 20% of the original floor area or 300 square feet, whichever is the lesser, will not be considered under this section. Proposed additions greater than that noted above will be regarded as ‘major’ additions and are not permitted.
 - b) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources and Forestry Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
 - c) Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
 - d) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition.

B3.6.5 Role of the Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) is the primary agency responsible for assessing and permitting development within the *Floodplain* designation and on all hazardous lands and hazardous sites duly regulated under the Conservation Authorities Act and its appurtenant regulations. Where planning approvals or building permits are required to facilitate development on lands regulated by the NPCA, such approvals and permits will be dependent on clearance from the NPCA.

B3.6.6 Implementation

All lands located in a *Floodplain* designation will be placed in a Hazard Land Zone which restricts land use in accordance with the policies of this Plan.

B3.7 NATURAL RECOVERY AREA POLICIES

B3.7.1 Purpose

Note: As modified by the City of Thorold, September 1, 2020 through OPA 10, By-law No. 118-2020

The City acknowledges the presence of contaminants in the sediments of the lake beds of Marlatt's Pond and Lake Gibson and supports the management and remediation of contaminated sediments through natural recovery. OPG, in concert with the MECP, are establishing a Monitored Natural Recovery Program, which will facilitate cleaner upstream sediments covering the contaminated sediments present in the Marlatt's Pond/Lake Gibson lakebed and improve water quality and overall ecological health. The Natural Recovery Overlay designation is intended to identify the area associated with the Monitored Natural Recovery Program and to provide additional protections to the aforementioned water bodies, as they constitute important water resources for the City and the Region.

B3.7.2 Location

The Natural Recovery Area policies apply to lands that are adjacent to or that drain into Marlatt's Pond and Lake Gibson.

B3.7.3 Permitted Uses

Permitted uses within the Natural Recovery Area designation shall be the uses permitted in the underlying land use designations.

B3.7.4 Policies Applicable to the Natural Recovery Area

The following policies provide direction for future land use change occurring on lands within the Natural Recovery Area.

B3.7.4.1 General Conditions for New Development and Site Alteration

Future development or site alteration of lands and/or capital works adjacent to and that drain into Marlatt's Pond and/or Lake Gibson shall accommodate, design and provide technical studies/information mitigating any resuspension of existing contaminated sediments in the lakebed and thus not further compromising the integrity of the lake.

During the planning and approval stage of any proposed development, redevelopment, and/or site alteration within the Natural Recovery Area, specific consideration shall be given to the potential impacts of:

- i) Stormwater flows and runoff;
- ii) Construction; and,
- iii) Maintenance and operations occurring on the lands of any new development.

B3.7.4.2 Consideration of the Marlatt’s Pond/Lake Gibson Natural Recovery Program

When evaluating any proposals for development or site alteration within the Natural Recovery Area, the City, Region, NPCA and MECP will consider potential implications on the Marlatt’s Pond/Lake Gibson Monitored Natural Recovery Program and on stormwater infrastructure that discharges into the affected water bodies.

B3.7.4.3 Stakeholder Notification

Note: As modified by the City of Thorold, September 1, 2020 through OPA 10, By-law No. 118-2020

During any discussions and/or consultation for potential development and/or capital projects within the Monitored Natural Recovery Overlay, the City will identify the importance of maintaining the approved Monitored Natural Recovery Program to all of the relevant stakeholders.