



CITY OF
Welland

CITY OF WELLAND
Official Plan

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in association with
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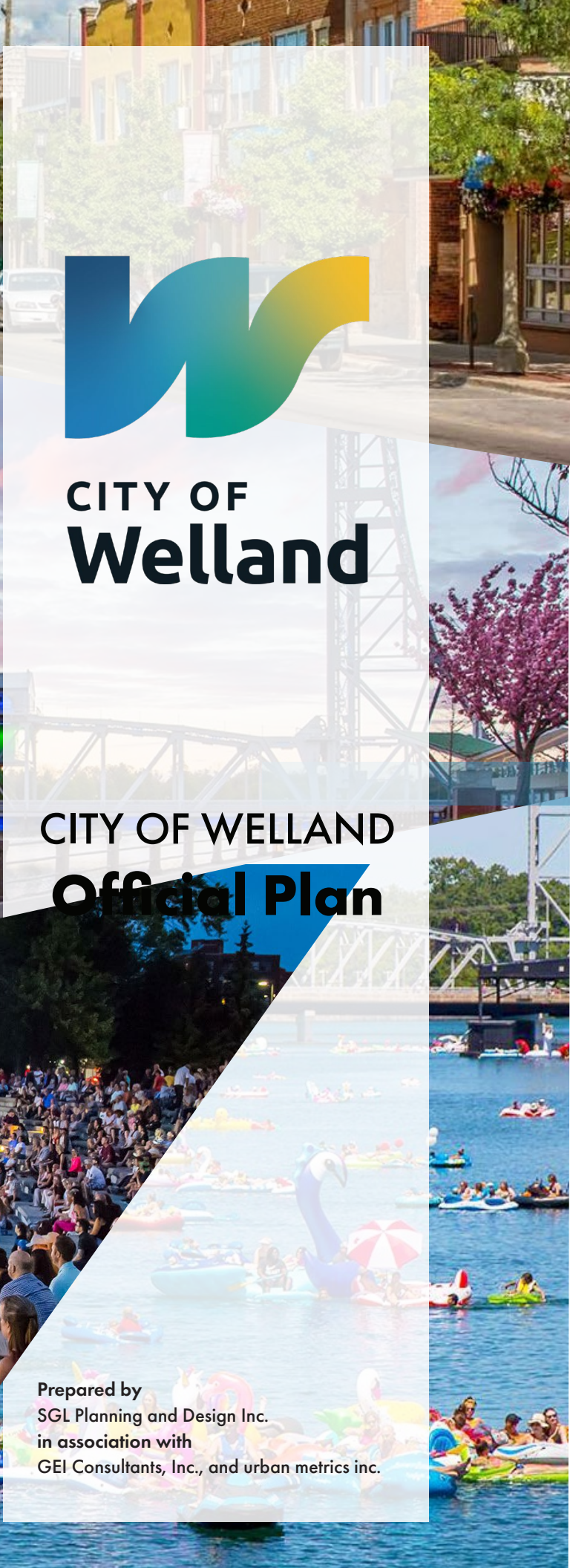


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1 INTRODUCTION

1.1 HISTORICAL CONTEXT FOR THE OFFICIAL PLAN

1.1.1 Location

The City of Welland is located in the heart of Niagara Peninsula, south of Lake Ontario and north of Lake Erie. Via highway, Welland is approximately 130 kilometers from Toronto and approximately 40 kilometers to Buffalo, New York. Welland is bounded by the City of Thorold and the Town of Pelham to the north, the City of Port Colborne to the south, the Township of Wainfleet to west and the ~~Cities~~ municipalities of Niagara Falls and Fort Erie to the east.

1.1.2 History

The City of Welland is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk the Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Metis, and Inuit people from across Turtle Island that live and work in Welland today.

During the War of 1812, near ~~The first event of major historical significance took place at the present day site of Cooks Mills.~~ Near Welland's eastern boundary, on Lyons Creek Road, is a cairn which marks the spot where more than a century and a half ago, the forces of the United States and those of Canada met for the last time during the War of 1812. The battle of Cook's Mills ended an epoch of suspicion and enmity and opened another one of peace, understanding and goodwill. While the battle represents an important piece of local and national history, the City of Welland's true beginning can be traced back to 1824.

In 1824, a sod-turning by Mr. George Keefer, President of the Welland Canal Company marked the beginning of the Welland Ship Canal. In 1829, when a wooden aqueduct was built to carry the Welland Canal over the Welland River, a true urban presence of settlement came to be. The settlement was called Aqueduct or The Aqueduct. On November 14, 1844, following the replacement of the wooden aqueduct with one of stone, the name of the settlement was changed to Merrittsville in honour of a prominent local politician, the Honourable William Merritt. Merritt was a veteran of the War of 1812, a local merchant

and one of the key drivers behind the Canal project and later became a member of Canada's Parliament (1832). The settlement was incorporated as the Village of Welland on July 24, 1858. Incorporation as a Town took place on January 1, 1878, and as a City on July 1, 1917.

On June 9, 1967, a second sod-turning ceremony marked the start of construction of an ~~8.3 mile~~ 13.4 kilometer channel to relocate the Welland Ship Canal east of the City's core. On December 15, 1972, some of the bridges over the Welland Ship Canal came down permanently as navigation on this channel closed forever. The new channel (Welland Bypass Canal), which opened for shipping on April 1, 1973, and officially opened with appropriate ceremonies on July 14, 1973, has had a dramatic effect upon all aspects of Welland's continued growth and expansion.

The story of the Welland Canal represents one of the two central historical themes that help to define Welland. The second historical theme which helps to define the City's past is Welland's industrial legacy. ~~The~~ Although many of which are now closed, the City of Welland has been home to some of Canada's largest and most famous industrial companies including, Plymouth Cordage, Atlas Steels, Union Carbide, Dain Manufacturing (John Deere), Canada Forgings, Stokes Rubber (now Henniges Automotive) and Page-Hersey (now Lakeside Steel) to name just a few. Welland's rich industrial history continues today, as the City is considered to be one of Niagara's main industrial and manufacturing centres.

Welland's boundaries have changed considerablely over the years. Since incorporation as a City on July 1, 1917, the first expansion of City boundaries took place on January 1, 1950, when approximately 300 acres of Thorold Township were annexed to the City. Through on-going expansions and annexations, the City of Welland has grown to its current size of approximately 86 square kilometres.

1.1.3 Official Plan History of Welland

An Official Plan is a statutory document which sets out a municipality's long-term land use plan for growth and development. An Official Plan provides guidance for physical development over a 20-year period while taking into consideration a wide range of social, economic and environmental conditions. This Official Plan will guide development until the year 2051.

The City's first Official Plan was approved by the Ministry of Planning and Development on August 5, 1952. On April 17, 1961, Official Plan Amendment No. 6, providing land use designations and policies for the former Township of Crowland, was approved by the Ministry of Municipal Affairs. In the mid to late 1980's, Official Plan Amendments 67 and 68 assigned land use designations and set out policies for those areas of the City of Welland formerly in portions of the Townships of Humberstone and Thorold respectively. The aforementioned Official Plan Amendments served to cover a majority of the lands currently within the City of Welland, although there remain areas within the City for which there was no Official Plan land use designation coverage.

The 2010 Official Plan marked the first comprehensive consolidation in over fifty years since 1952. This Official Plan reflects an update to the 2010 Official Plan consolidating any amendments that have occurred since 2010. It also reflects the emerging policy direction of supporting the achievement of complete communities.

~~Although previous attempts were made to update the City's Official Plan, no new consolidated Plan had been approved since the original one was prepared in 1952. This current Official Plan marks a significant milestone for Welland, providing the City with its first comprehensive plan in over fifty years. The goals, objectives and policies of this Plan provide a solid framework for achieving the long term aspirations of the City and its citizens.~~

1.2 PLANNING CONTEXT FOR THE OFFICIAL PLAN

Under the *Planning Act*, municipalities are required to have an Official Plan which is to be reviewed and updated within ten years, if adopted as a new Official Plan, and every 5 years thereafter. An Official Plan is adopted by local Council under the provisions of the *Planning Act* and must be approved by the Ministry of Municipal Affairs and Housing or an upper tier municipality, if the upper tier municipality has an approved Official Plan (i.e., the ~~Regional Municipality of Niagara Region~~). As such, the Welland Official Plan must be consistent with matters of Provincial and Regional interest. The key provincial and regional documents which provide guidance include the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Niagara Regional Official Plan. Improving

the delivery of housing has been a key directive of the Province with three Acts that have revised the Planning Act and other Provincial legislation that addresses housing including the More Homes, Built Faster Act: Ontario's Housing Supply Action Plan, the More Homes, More Choice: Ontario's Housing Supply Action Plan Act and the More Homes for Everyone Act. These Acts also have had influence on the policies of this Official Plan.

1.2.1 Conformity with Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system. The PPS is divided into four main sections: Building Strong Healthy Communities; Wise Use and Management of Resources; Protecting Public Health and Safety; and, Implementation and Interpretation.

All municipal official plans and planning decisions must be consistent with the PPS. The City of Welland's Official Plan has been prepared to meet the requirements of the PPS and is considered to be consistent with PPS (2005).

1.2.2 Conformity with A Places to Grow: The Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (also referred to as the "Growth Plan~~Places to Grow~~" or "P2G") provides a ~~broad twenty-five year~~ land use vision for the strong, livable and healthy complete communities in Ontario's Greater Golden Horseshoe area to the year 2051. The vision is one of compact settlement and development patterns which are capable of providing diverse opportunities to work, live and participate in community life. Under the Growth Plan ~~P2G's policies~~, the majority of the new growth is expected to be accommodated in existing urban areas, with a specific focus on directing growth to Urban Growth Centres and other strategic growth areas, with a focus of integration of transit and land use strategically located intensification areas. Designated Greenfield Area development is to be planned at 50 residents and jobs combined per hectare, ~~higher densities and, the conversion of rural/agricultural lands to urban uses will only be permitted under strict conditions~~. ~~P2G is intended to be used by all levels of government.~~

Of particular importance for the City of Welland are several policies which specifically identify Official Plans as the enabling mechanism. The City of Welland's Official Plan is in conformity ~~consistent~~ with the general vision provided in the Growth Plan and also implements the locally- relevant policies from the Growth Plan P2G.

1.2.3 ~~Conformity with Region of Niagara Policy~~ Region Official Plan

Land use planning is a shared responsibility and the *Planning Act* establishes the primacy of the upper tier plan (i.e., the ~~Regional Municipality of Niagara's~~ Niagara Region's Official Policy Plan) in a two- tier system. The ~~Regional~~ Niagara Official Policy Plan (2022) addresses planning matters of provincial and regional importance; it also establishes a broader vision for development, and guides the extent of major land uses. The ~~Regional~~ Niagara Official Policy Plan ~~has been regularly updated to~~ addresses matters such as growth, development, agricultural/rural land use, transportation, environmental management, economic development, and quality of life.

The *Planning Act* requires that lower tier municipal Official Plans conform to the Official Plan of an upper tier municipality. The City of Welland's Official Plan conforms to the ~~Regional~~ Niagara Official Policy Plan and works together with regional policies to implement planning at the local level. At the same time, the ~~Regional~~ Niagara Official Policy Plan should also take into consideration the various local aspects of this Plan when preparing Regional Plan updates.

1.3 PURPOSE OF THE OFFICIAL PLAN

The City of Welland Official Plan provides a ~~20-year~~ land use vision for a complete community and is supported by a set of broad strategic community directions to the year 2051. The Official Plan helps the community achieve its long-term vision by implementing a range of local, regional and provincial policies, plans and strategies.

One main purpose of the Official Plan is to guide local growth and development, by designating land for various land uses and providing policies that will guide the development and use of land city-wide. The Official Plan is also the mechanism by which more detailed neighbourhood-scale plans, such as secondary plans and community

improvement plans, are established and implemented. The use and development of individual parcels of land is also influenced by the Official Plan, which establishes more specific regulatory measures related to land division, zoning and development of sites than those generally regulated by the *Planning Act*. In addition to this, the Official Plan is also expected to be used as:

- i. The means by which community-related goals and aspirations are documented and implemented;
- ii. An investment tool to attract private sector investment;
- iii. A tool for the municipality to access funding from the various levels of government; and,
- iv. A decision-making guide for long-range capital investments.

While this Official Plan provides a ~~20-year~~ vision for the City to the year 2051, it is intended that this document be reviewed and updated within ten years, if adopted as a new Official Plan, and every 5 years thereafter to ensure provincial and regional consistency and conformity, to monitor progress and make modifications as required.

1.4 HOW TO READ THIS PLAN

The Policies of this Plan (Sections 2-712) should be considered in their entirety when making decisions.

The Official Plan is structured as follows:

Chapter 1 Introduction provides an introduction to the Plan, explaining historical and planning context for the Official Plan.

Chapter 2 Community Strategic Directions forms the foundation and basis of the Official Plan. It describes the strategic goals (what the community would like to achieve) and directions (how the community intends to achieve its goals) of the Plan.

Chapter 3 Growth Management Policies provides a series of planning-related policies for managing the long term growth of the City. This Chapter includes important planning

considerations, such as population, household and employment forecasts as well as a series of strategic policies for accommodating growth.

Chapter 4 Urban Area Land Use Policies describes the different designations which apply to lands within the City's Urban Boundary. The designations and land use policies help support the vibrancy of Welland's urban neighbourhoods and create a hierarchy of land use in the Urban Area. These policies support growth management and are the policies which apply to both Greenfield and Intensification Areas within the Urban Area.

Chapter 5 Agricultural and Rural Area Land Use Policies describes the different designations which apply to the lands within the municipal boundary but outside the City's Urban Boundary. These designations and land use policies help support the character and vitality of Welland's rural community. These policies also support growth management and help protect prime agricultural lands from urbanization.

Chapter 6 Natural Environment System describes the Natural Heritage System and Water Resource System features that apply within the City's boundary. The policies provide guidance for the protection, conservation and permitted forms of development within the Natural Environment System.

Chapter 7 Open Space and Recreation provides direction for protecting and expanding the City's system of parks, open spaces, and recreational opportunities.

Chapter 8 Climate Change provides policy direction for initiatives that reduce emissions and support a resilient city.

Chapter 9 Arts, Culture and Design, provides policies to protect cultural heritage resources and support the growth a vibrant pedestrian realm.

Chapter 10 Integrated Transportation provides the policy basis for facilitating the creation of an efficient multi-modal transportation system that supports all modes of travel safely.

Chapter 11 Infrastructure and Utilities describes the policies for ensuring an efficient use and delivery of infrastructure related to the support the growth of the City.

Chapter 12 Northwest Secondary Plan Policies describes policies specific to the Northwest Welland Secondary Plan Area.

~~City Wide Land Use Policies describes the different designations of land which apply throughout the urban and Agricultural and Rural area as well as offering guiding policies on other elements related to spatial planning and development. These designations and policies help ensure that Welland is a well-planned community.~~

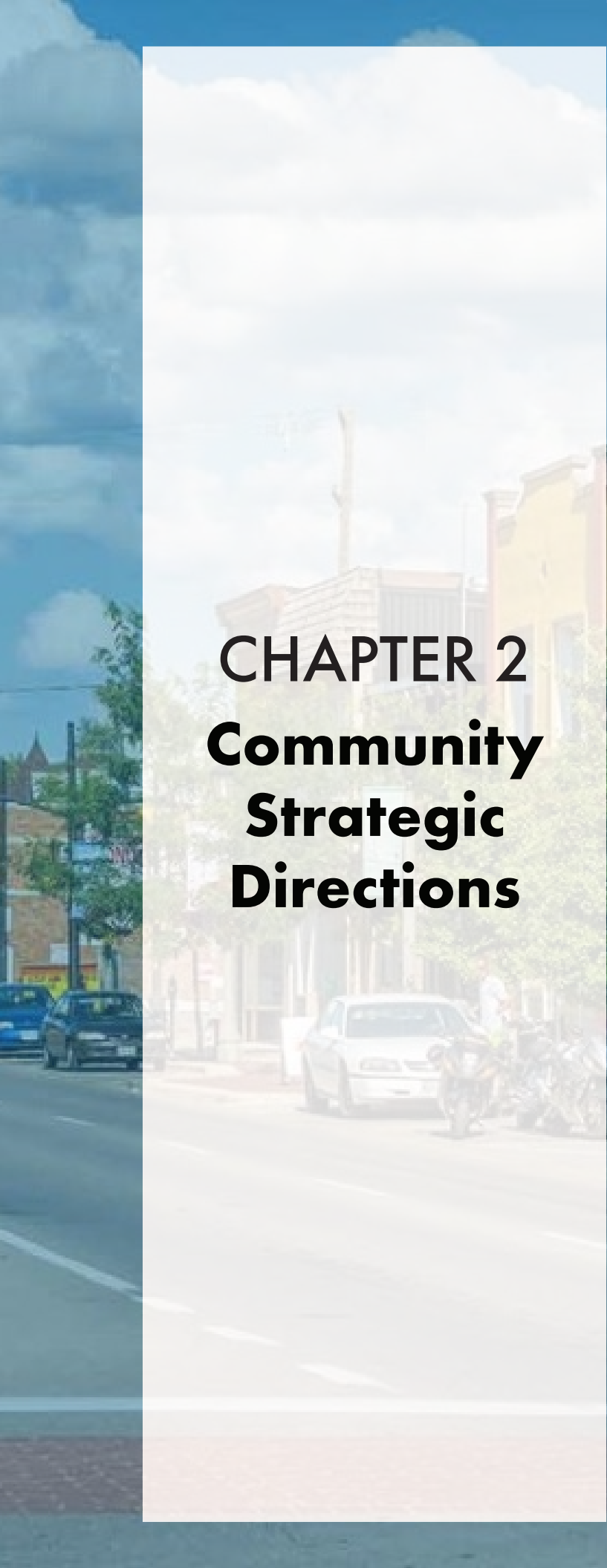
Chapter 13 Area Specific Policy Areas describes additional permissions for specific properties in the City.

Chapter ~~14~~ ⁷ Implementation describes the approaches, tools, and mechanisms which the City will use to direct, manage, and control development on a day-to-day basis. It provides further details on the powers which the municipality will exercise over growth, development and change to help it achieve its vision.

Chapter ~~15~~ ⁸ The Definitions explain the planning terminology used in the Official Plan to ensure harmony with planning terminology used in the *Planning Act*, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and ~~Regional~~ Regional ~~Niagara~~ Niagara ~~Policy~~ Region Official Plan.

The Schedules form part of the Official Plan. The schedules should be interpreted with the applicable policies in the Official Plan.

This Plan also contains a number of graphic aids such as photos, maps and figures. These graphics are not an operative component of the Plan; rather they are intended to provide context to the policies. The information maps contained in Appendix I can be modified without amendment to the Plan.

A street scene with colorful buildings and a white car. The image is split vertically. The left half shows a street with a white car and a person on a motorcycle. The right half shows a street with a dark SUV and colorful buildings. The text is overlaid on the left half.

CHAPTER 2

Community Strategic Directions

2 COMMUNITY STRATEGIC DIRECTIONS

2.1 COMMUNITY STRATEGIC DIRECTIONS

2.1.1 Overview

Welland's Community Strategic Directions should be considered in their entirety and the order in which they are listed does not suggest that any one direction is more important than another. Welland is:

- i. A leadership community;
- ii. A complete community;
- iii. An economic gateway;
- iv. A sustainable City;
- v. A safe, healthy and accessible City;
- vi. A proud and attractive City; and,
- vii. A good neighbour.

2.2 A LEADERSHIP COMMUNITY

2.2.1 Background

Welland has established a reputation for itself as a municipality which is open to new ideas, adaptable to change, supportive of innovation, prioritizes development and infrastructure projects that support growth of the local economy and the City as a vibrant Economic Gateway, and ~~leading~~ leads by example where this supports on-going improvement of quality of life. The positive evolution and progress achieved in Welland relies on a unique combination of citizens, non- government and government agencies, and businesses all working together to create a healthy, prosperous, ~~and~~ sustainable city, and vibrant Economic Gateway. The City of Welland aspires to continue leading by example and strengthening the ties of leadership.

2.2.2 Strategic Direction

- i. Welland will lead by example by understanding change and implementing innovation (through policies, practices, programs, studies, tools and technology) that allow it to benefit from change.

- ii. Welland may implement demonstration projects to emphasize its leadership position and bring attention to its leadership activities.
- iii. Welland will share its successful approaches with other municipalities for the betterment of the Region.
- iv. Welland will encourage its citizens, individuals, businesses, groups and agencies to partner in leadership initiatives which take advantage of the benefits gained by pooling resources for positive change.
- v. Welland will encourage leadership and innovation in the four pillars of sustainability: environment, economy, society, and culture.
- vi. Welland may prioritize the resources allocated ~~to change and innovation~~ to support positive trends and manage needs during times of transition.
- vii. Welland will prioritize development and infrastructure projects that support growth of the local economy and the City as a vibrant Economic Gateway.
- viii. Welland will promote active transportation and the use of mode share through alternative transportation modes such as transit, walking, and bicycling to facilitate the development of complete communities.
- ix. Welland will promote both excellence and innovation related to architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.
- x. Welland will encourage the collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture in the review and approval of applications.

2.3 A COMPLETE COMMUNITY

2.3.1 Background

Complete communities are places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living. Including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. meet all people's needs for daily living throughout an entire lifetime by providing

~~convenient access to an appropriate mix of jobs, services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also an important component of a complete community. Complete communities provide a lifetime of opportunities for living, working, wellness, education, entertainment and recreation. The City of Welland intends ~~aspires to be a~~ facilitate the creation of complete communities throughout the City community.~~

2.3.2 Strategic Directions

- i. Welland will lead initiatives which promote the development of complete communities throughout the City's neighbourhoods ~~help to make Welland a complete community.~~
- ii. Welland will support and encourage growth within the Built-up Area shown on Schedule A.
- iii. Welland will promote social inclusion, improved access to housing, commerce, job opportunities and social services.
- iv. Welland will provide a policy framework for creating healthy, safe, vibrant, transit supportive, mixed-use neighbourhoods.
- v. Welland will ensure that there is an adequate supply of different housing types and tenures which cater to the wide variety of its citizens' needs.
- vi. Welland will work with the ~~Regional Municipality of Niagara~~ Region to ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households.
- vii. Welland recognizes the importance of retaining youth, supporting families, and building a community which allows people to age-in-place.
- viii. Welland will seek out and promote partnerships with institutions and agencies which engage citizens of all ages in activities which allow them to participate in strengthening the social, physical, environmental, and economic systems of Welland as important stakeholders.
- ix. Welland will plan its facilities and encourage non-municipal facilities to be located, designed, and programmed to meet the needs of all citizens. It will further encourage arts and culture events and activities for all ages, with emphasis placed on supporting youth-driven arts and culture.

- x. Welland will encourage residential and non-residential development which is considered attractive to youth and young families, supports family-building, and allows for aging-in-place.
- xi. Welland will encourage the development of places of employment which are matched to the sectoral clusters in which youth are seeking jobs.
- xii. Welland will promote neighbourhood design and a transportation system which is accessible to all citizens, ~~including, but not limited to, youth, young families, and senior citizens.~~
- xiii. Welland will prioritize the City's transit and active transportation networks in facilitating a complete community as well as an efficient system for goods movement.
- xiv. Welland will identify gaps in the system which supports youth, young families, and seniors, and address those gaps through the provision of programs, services, amenities, and facilities.
- xv. Welland will encourage planning and design which helps all citizens to achieve independence and dignity.
- xvi. Welland will protect identified cultural heritage resources.
- xvii. Welland will prioritize public access to the Recreation Waterway.
- xviii. Welland will provide linkages between important destinations such as parks, open space and recreation spaces.
- xix. Welland will integrate placemaking policies and practices to create and enhance complete communities.

2.4 AN ECONOMIC GATEWAY

2.4.1 Background

An economic gateway is a place of interaction, opportunity and interface; a place where the opportunities for economic development are leveraged by proximity and geography. The City of Welland is identified as a Gateway Economic Centre in ~~P2G~~ the Growth Plan which requires that planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism. Welland will work with its partners in the public and private sectors to maximize economic development opportunities which diversify its economic base.

2.4.2 Strategic Direction

- i. Welland will be a leader in promoting economic prosperity.
- ii. Welland will continue to strategically position itself as part of Ontario's Economic Gateway Centre. ~~And~~
- iii. Welland will promote a comprehensive action program which recognizes the evolution of its existing manufacturing base and focuses on creating Welland's distinctiveness.
- iv. Welland will encourage cross-border trade and the efficient movement of people and goods.
- v. Welland will encourage the provision of land and infrastructure for continued sustainable development of tourist facilities.
- vi. Welland will prioritize and encourage the development of serviced employment lands and the redevelopment or intensification of underutilized employment lands for denser employment uses.
- vii. Welland will work, in partnership with all levels of government, to ensure that attractive employment lands are provided and protected in Welland which create job opportunities and economic diversity, allowing growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media.
- viii. Welland will support investment in the Downtown so that it continues to be an attractive destination for residents and visitors, and functions as a vibrant, mixed-use neighbourhood linked to the recreation opportunities in, and around, the Welland Recreational Waterway.
- ix. Welland will encourage and support entrepreneurs in the implementation of a Health and Wellness economic cluster and other feasible health and wellness endeavours.
- x. Welland will promote the strengthening of a Health and Wellness economic cluster by providing flexible land use policies and zoning which will support this cluster in the vicinity of King Street South and Lincoln Street.
- xi. Welland will support and promote the growth of transportation and logistics and the advanced manufacturing sector by strategically locating employment lands in close proximity to the Highway 406 and Highway 140 corridors.
- xii. Welland recognizes the important economic and social contribution of agricultural and farm related businesses and activities. ~~The City-Welland~~ will support agriculture and

farm related businesses by protecting prime agricultural lands and discouraging land fragmentation.

2.5 RESPONDING TO CLIMATE CHANGE AND A SUSTAINABILITY CITY

2.5.1 Background

Governments, institutions, businesses and residents of sustainable cities understand that they are part of a regional and global ecosystem, and that decision made locally can have impacts globally. This global interconnectivity is particularly true with climate change. The citizens of Welland also know that the decisions they make today will affect future generations; therefore, there is a preference for making choices about society, environment and economy that have little, or no, negative impact and create a Welland which will benefit the citizens of tomorrow.¹ There is also a number of economic benefits from a Sustainable City that include reducing energy costs, improving air quality, and mitigating the impacts from extreme weather events, which helps attract new businesses and residents.

2.5.2 Strategic Directions

- i. Welland will be a leader in promoting sustainability. It will set an example for other local municipalities by implementing technologies (e.g., LED streetlights), policies, guidelines, and practices which support a shift to sustainability among citizens, businesses, agencies, and government.
- ii. Welland will protect and enhance natural features by providing a planning policy framework which maintains and improves natural heritage features and corridors within a broader linked natural heritage system.
- iii. Welland will promote and implement programs which maintain and improve the local air quality in the municipality and contribute to improving the regional air quality.
- iv. Welland will promote and implement programs which maintain and improve the quality of the land and its nutrients, including the remediation of brownfield sites.

¹ This strategic direction focuses on environmental sustainability. It should be noted that social, cultural, economic sustainability are fully addressed in the other strategic directions of the Official Plan.

- v. Welland will promote and implement programs which maintain and improve the quality of surface water and groundwater, and promote conservation of water resources. It will support the efforts to restore the health of lakes, rivers and watercourses (for example, the Niagara River Remedial Action Plan and agricultural best practices for manure run-off management).
- vi. Welland will encourage the planning and design of sites, areas and neighbourhoods to reduce greenhouse gas emissions as a means to reducing the human influence on climate change, including, but not limited to, the application of Leadership in Energy and Environmental Design (LEED) standards.
- vii. Welland will consider the potential impacts of climate change and encourage citizens, businesses, and organizations to take measures to adapt to climate change.
- viii. Welland will make decisions which result in little or no negative impacts to local air, land, and water to help create a community which benefits current and future generations. Where a decision must be made which involves impacts to local air, land, and/or water, then Welland will ensure that the negative impacts are mitigated to the fullest extent possible.
- ix. Welland will consider, and where appropriate, support and/or implement new technology which contributes to improvements in the quality of local air, land, and water.
- x. Welland will protect its prime agricultural lands, support the production of locally grown foods and promote “buy-local” initiatives.
- xi. Welland will encourage the protection of public and private trees through the development application process.
- xii. Welland will seek to maintain and where possible enhance the existing tree canopy in the City.
- xiii. Welland will support the implementation of urban forestry guidelines.
- xiv. Welland will develop programs and initiatives to manage invasive species.
- xv. Welland will consider the impacts of a changing climate in making land use planning decisions.
- xvi. Welland will implement sustainable design measures in all development projects which include components of the public realm.

2.6 A SAFE, HEALTHY AND ACCESSIBLE CITY

2.6.1 Background

A safe and healthy city is one which can be explored and experienced by both citizens and visitors, at any time of day, without undue personal risk. Safe cities are places where hazards to public health and safety are adequately addressed through infrastructure, services, and planning mechanisms. An accessible city is one which provides everyone with the opportunity to fully participate in all aspects of city life.

2.6.2 Strategic Directions

- i. Welland will be a leader in promoting a safe, healthy, and accessible city.
- ii. Welland will continue to enhance safety and security.
- iii. Welland will consider and implement, as appropriate, measures of Crime Prevention Through Environmental Design (CPTED) in the planning and design of new sites, public facilities and neighbourhoods.
- iv. Welland will continue to address known safety concerns in its neighbourhoods.
- v. Welland will direct the development of land away from areas of known natural hazards, unless appropriate mitigating measures can be implemented.
- vi. Welland will continue to invest in infrastructure and services which ensure that natural hazards to public safety are appropriately addressed.
- vii. Welland will promote emergency preparedness among citizens, businesses, and organizations.
- viii. Welland will comply with the *Accessibility for Ontarians with Disabilities Act*. The municipality will consider and implement accessible design measures in the planning of new sites, public facilities, neighbourhoods and areas.
- ix. Welland will consider and implement, as appropriate, measures to address issues of accessibility and barrier-free design for buildings and neighbourhoods. ~~undertake a program to address issues of accessibility and barrier-free design for buildings and neighbourhoods.~~
- x. Welland, where appropriate, will seek the advice of the Accessibility Advisory Committee during the land use planning process.
- xi. Welland will enhance and create a culture of health and wellness in the community by encouraging sport and public recreation opportunities.
- xii. Welland will enhance community health and wellness services in the municipality.

xiii. Welland will encourage road and active transportation improvements to facilitate connections between the Agricultural and Rural Areas and the Urban Area.

2.7 A PROUD AND ATTRACTIVE CITY

2.7.1 Background

Proud and attractive cities value their built heritage; preserve their cultural resources and work to develop new cultural initiatives and programs. The key to unlocking Welland’s past is through its built and cultural heritage – and the key to its future is by celebrating this heritage and providing avenues for cultural expression. Additionally, an attractive city takes advantage of opportunities for community beautification which can be expressed through a network of green spaces and high quality urban design for new development and redevelopment areas.

2.7.2 Strategic Directions

- i. Welland will be a leader in promoting city pride and attractiveness.
- ii. Welland will protect elements of its built and cultural heritage through the means provided by the *Ontario Heritage Act* and by involving the Welland Heritage Advisory Committee in the land use planning process, whenever necessary.
- iii. Welland will encourage efforts which support the celebration, commemoration, expression, and modern interpretation of its heritage and culture, including providing venues for heritage and cultural events.
- iv. Welland will strengthen its arts and cultural enterprises and initiatives to improve its attractiveness as a community in which to live, work, and visit.
- v. Welland will protect lands with archaeological significance in accordance with the Provincial Policy Statement and other directives.
- vi. Welland will promote ~~heritage and culture by adopting~~ urban design through guidelines which help sites, areas and neighbourhoods connect to the rest of the City, interface with the surrounding natural environment, and become aesthetically pleasing places.


2.8 A GOOD NEIGHBOUR

2.8.1 Background

A good neighbour cooperates and collaborates in ~~exercises~~ practices which have implications beyond the limits of their own boundaries. Welland is stronger and can achieve more when it works with neighbouring municipalities, the ~~Regional Municipality of Niagara Region~~, the Niagara Peninsula Conservation Authority and other agencies. This spirit of inter-jurisdictional cooperation demonstrates that Welland is a progressive municipality. Accordingly, the City will, where appropriate, support inter-jurisdictional coordination of programs and services which generally maintain local access but are more efficient, more cost-effective, reduce administrative burden on the municipality, and help free up resources so they can be directed to serving local needs.

2.8.2 Strategic Directions

- i. Welland will be a leader in promoting inter-jurisdictional relationships.
- ii. Welland, where appropriate will support inter-jurisdictional programs for improving transportation / transit, improving connectivity between communities, and improving connectivity between important origins and destinations.
- iii. Welland will work with its neighbours and partners to promote and support business and development related to the Canal and nearby Port infrastructure.
- iv. Welland, ~~will support a~~ where appropriate, will take a collaborative approach to planning in the Region.
- v. Welland will support inter-jurisdictional programs for environmental stewardship.
- vi. Welland will support inter-jurisdictional programs for water and wastewater servicing.
- vii. Welland will support inter-jurisdictional programs for waste management, waste diversion, and recycling.
- viii. Welland will support inter-jurisdictional efforts towards economic development.



CHAPTER 3
Growth
Management
Policies

3.1 WELLAND'S GROWTH MANAGEMENT STRATEGY

To prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources, ~~the City Welland~~ recognizes that growth should be directed in a strategic manner that supports the achievement of complete communities. The foundation of the City's growth management strategy is to direct all urban growth to lands within the designated Urban Area Boundary. Growth and development within the Urban Area Boundary will be on land serviced with municipal water and sanitary wastewater services. ~~While T~~the City ~~generally~~ promotes urban growth and development throughout the Urban Area, ~~it also supports growth and development within directing it to several strategic growth areas locations~~. The Downtown is the City's primary strategic growth area node, which is identified as a Regional Growth Centre, and where and the greatest amount of City encourages appropriately planned infilling and intensification will be directed. within its Downtown. The City Official Plan also encourages appropriately planned infilling and intensification within the City's Built-Up Area which includes but is not limited to land along Niagara Street/Regional Road 50 north of Thorold Road, King Street, Rice Road/Regional Road 54 near Niagara College, lands within the Health and Wellness Cluster, and lands near the Recreational Waterway, as shown on Schedule A City Structure. ~~The Welland Recreational Waterway, brownfield and greyfield areas and areas with access to planned or existing transit services.~~ The City ~~also~~ supports compact and transit supportive development on its ~~designated~~ Designated Greenfield Areas. ~~Lastly, while t~~ The majority of the City's long term growth will occur within its Urban Area, ~~t~~ The City also recognizes that a small ~~of~~ amount of growth and development will occur within the Agricultural and Rural Area, outside of the Urban Area Boundary. This small amount of rural growth should be compatible with Welland's rural landscape and should be sustained by rural service levels. Rural growth should be concentrated on existing lots of record and lands with existing access to water services within the vicinity of Cooks Mills, allowing the City to protect its valuable agricultural lands and linked natural heritage system in order to prevent land fragmentation and degradation of natural systems.

3.2 PLANNING OBJECTIVES

The growth related objectives of this Plan are:

- i. To direct urban growth to lands located within the designated Urban Area.
- ii. To preserve prime agricultural lands and direct rural growth to existing developed

rural areas in the vicinity of Cooks Mills.

- iii. To ~~protect~~ encourage ~~stable neighbourhoods by directing more~~ dense development in ~~to~~ the Downtown Welland Regional Growth Centre and ~~other strategically located~~ intensification areas within Welland's Built-Up Area.
- iv. To encourage the redevelopment of brownfield areas.

3.3 GROWTH FORECAST

3.3.1 Population Forecast

The future population growth for the City of Welland is provided below. The Official Plan's land use designations and policies are based on serving the minimum ~~this anticipated~~ population growth of 27,250 by 2051, and reaching a population of 83,000 by 2051.

Forecast Period	Total Population
2006	50,300
2011	51,600
2016	53,900
2021	57,200
2026	60,600
2031	63,900
2051	83,000
Growth between 2021 2006 and 2031	13,600

Source: Regional Municipality of Niagara, Niagara 2031, 2009. Population figures includes undercount.



Source: Niagara Region Official Plan and Census Canada

3.3.2 Housing Forecast

The minimum future housing growth for the City of Welland is provided below. The Official Plan's land use designations and policies are based on serving this anticipated minimum 13,880 new housing growth units by 2051.

Forecast Period	Total Units
2006	20,715
2011	21,490
2016	22,650
2021	24,240
2026	26,000
2031	27,590
<u>2051</u>	<u>37,540</u>
Growth between 2006 and 2031	6,875

Source: Regional Municipality of Niagara, Niagara 2031, 2009.



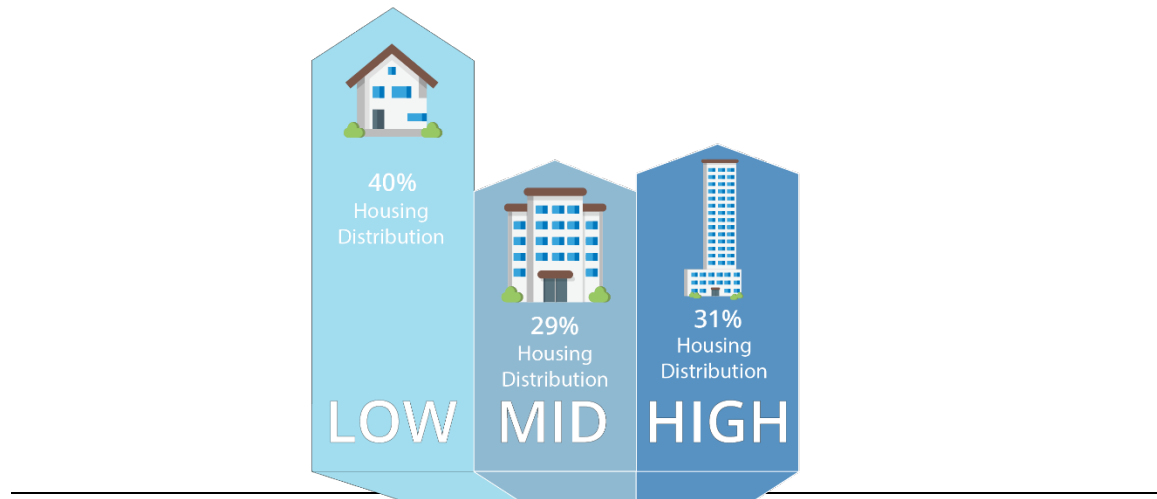
Source: Niagara Region Official Plan and Census Canada

3.3.3 Housing Distribution

The future housing growth target by unit type for the City of Welland is provided below. The Official Plan's land use designations and policies are based on achieving serving this anticipated mix of housing growth.

Forecast Period	Housing Units, by Type			
	Low	Med	High	Total
2006	15,090	1,705	3,920	20,715
2011	15,710	1,810	3,970	21,490
2016	16,560	2,010	4,080	22,650
2021	17,680	2,330	4,230	22,240
2026	18,830	2,760	4,410	26,000
2031	19,780	3,210	4,600	27,590
2006-2031	4,690	1,505	680	6,875
Percent of Growth (mix)	68%	22%	10%	100%

Source: Regional Municipality of Niagara Region, Niagara 2031, 2009. Note, numbers may not add up due to rounding.



3.3.4 Employment Forecast

The future minimum employment growth for the City of Welland is 28,790 jobs by 2051 as provided below by the Region. The Official Plan’s land use designations and policies are based on serving this anticipated growth.

Forecast Period	Employment (jobs)
2006	20,160
2011	21,660
2016	23,070
2021	24,640
2026	26,170
2031	27,080
Growth between 2006 and 2031	6,920

Source: Regional Municipality of Niagara, Niagara 2031, 2009.

Source: Niagara Region Official Plan

3.3.5 Land Supply

Based on the population and housing forecasts within this Plan, or updates undertaken from time to time by the Region, the City will maintain, at all times, the ability to accommodate a minimum supply of 15-10 years worth of residential development. The supply of residential lands will be comprised of ~~shall comprise of residential~~ a mix of intensification on lands within the Built-up Area identified for intensification and residential development within Designated Greenfield Areas lands.

The City shall ensure a minimum three-year supply of serviced residential units through lands suitably zoned to facilitate residential intensification and lands in draft approved or registered plans.

3.4 CITY STRUCTURE

3.4.1 Composition

Welland's current and future pattern is influenced by several large structural elements. The City is composed of an Urban Area and an Agricultural and Rural Area. Welland is bisected by the Welland Canal and the Welland Recreational Waterway. The City is also bisected by Highway 406 and Highway 140. ~~Criss-crossing~~Intersecting the City's Urban and Agricultural and Rural Areas are a series of natural heritage corridors and features which form the City's ~~Core~~-Natural Heritage System. Combined, all of these main elements define the overall structure of the City. The City's planned structure is shown on Schedule A.

3.4.2 Urban Area

3.4.2.1 Planned Function

The City of Welland's Urban Area is delineated by an Urban Boundary. The Urban Boundary controls the limits of urban development and provides private sector investors with development certainty, as this Boundary clearly demarcates the area where the majority of growth is to be directed and the lands which are ~~intended~~ required to be served with full

municipal water and wastewater services (~~and those which are not~~) within the timeframe of this Plan.

3.4.2.2 Composition

Welland's Urban Boundary defines the area which is the focus for all urban development. Lands within this area are already serviced, or are intended to be serviced, with major roads, transit and piped sewer and water services to accommodate growth to the year 2051. The land within the Urban Boundary represents the supply of ~~designated~~ urban land intended to accommodate the majority of the City's projected growth. This supply of land is comprised of two sub-areas: the Built-Up Area (lands which are already developed) within the Built Boundary, and the Designated Greenfield Area.

3.4.2.3 Built Boundary and Designated Greenfield Areas

The Built Boundary was initially determined by the Province in 2006 and subsequently finalized in April, 2008. The Built Boundary represents the limits of existing development within the existing Built Up Area. The Built Boundary is important for measuring and monitoring intensification rates, as all growth which occurs within the Built Boundary is considered to be "intensification". The remaining lands which lie between the Urban Boundary and the Built Boundary represent Designated Greenfield Areas. The Designated Greenfield Areas are the lands within the Urban Boundary which were not yet built up as of the year 2006.

3.4.2.4 Delineation of Urban Boundary and Built Boundary

The City of Welland's Urban Boundary and Built Boundary are delineated on Schedule A. When ~~the City of Welland undertakes a~~ municipal comprehensive review of the Official Plan is undertaken, the Urban Boundary will be reviewed and updated according to the City's population and employment forecasts.

3.4.2.5 In addition, the Urban Boundary may be expanded by up to 40 hectares at a time in accordance with the policies of Section 3.5 of this Plan and Section 2.2.8.4 of the Growth Plan. The Province of Ontario is responsible for reviewing and updating Built Boundaries within the Greater Golden Horseshoe.

3.4.3 Agricultural and Rural Area

3.4.3.1 Planned Function

Welland's Agricultural and Rural Area provides a land base where rural and agricultural activities can occur in a stable and predictable environment. The predominant activity in this area is farming, but other limited non-farm activities can occur within the Agricultural Area.

3.4.3.2 Composition

The Agricultural and Rural Area includes all lands outside of the Urban Area and is characterized by a diverse set of land uses, including open spaces and natural areas, agriculture, rural residential uses and uses associated with primary resource extraction (e.g. aggregate extraction, forestry, fishing etc).

3.4.3.3 Delineation of Agricultural and Rural Area

Almost half of Welland is currently classified as Agricultural Area and, other than the partially serviced area known as Cooks Mills, the Agricultural and Rural Area is not serviced with municipal water or sewer. The City's Agricultural and Rural Area is delineated on Schedule A.

3.4.4 Intensification and Brownfield Redevelopment

3.4.4.1 Intensification

3.4.4.1.1 Intensification Defined

Intensification is defined in the Provincial Policy Statement as the development of a property, site or area at a higher density than currently exists through redevelopment (including the reuse of brownfield sites), ~~or~~ the development of vacant and/or underutilized lots within previously developed areas, infill development, and the expansion or conversion of existing buildings.

3.4.4.1.2 The Importance of Intensification

Intensification is an appropriate means of accommodating growth. ~~since it~~ Intensification makes better promotes the efficient use of existing serviced land. The increase in housing units and employment through ~~created by~~ intensification will assist the City in creating a

vibrant community with a diverse mix of housing options and employment opportunities is also considered a good approach to maintaining and improving vibrancy.

3.4.4.1.3 *Intensification Strategy*

Intensification of residential and employment areas will be encouraged since it offers opportunities for economic development; is a viable approach to reducing the amount of Greenfield land needed for growth; takes advantage of already serviced but underutilized land; and helps to improve the vibrancy and aesthetics of Welland's existing areas. Intensification is encouraged throughout the Built Up Area, ~~however, the~~ The majority of strategic location for intensification projects should be directed to generally be within the Downtown Welland Regional Growth Centre, intensification areas including: the downtown health and wellness centre, on brownfield sites, along the Welland Recreational Waterway, and Intensification Corridors which are generally along certain transit routes, arterial roads, collector roads and regional roads. along key transit within the City as these areas are considered to be the most appropriate locations for intensification. Refer to Schedule A, which identifies Welland's strategic intensification areas within and the Built Up Area.

3.4.4.1.4 *Intensification Target*

The City will plan to meet its local municipal intensification target of 7540% as recommended by the ~~Regional Municipality of Niagara Region~~². Achieving the 7540% target means that 7540% of all annual housing development should occur within the City's Built-Up Area after 2021~~2015~~. ~~Welland's intensification unit target, based on the housing forecasts in Policy 3.3.3, is 1,975 units~~

3.4.4.1.5 *Achieving the Intensification Target*

The City's strategy for achieving its intensification target includes the following:

- i. Directing intensification to the Downtown Welland Regional Growth Centre as identified on Schedule A;
- ii. Directing intensification to the Regional Growth Centre, other Intensifications Areas,

² The ~~Region of~~ Niagara Region assigned each municipality with its own unique intensification target. Cumulatively, the local municipal targets add up to a Region-wide target of 6040%.

and Intensification Corridors as identified on Schedule A and set out in Policy 3.4.4.1.3 of this Plan;

- iii. Designating lands with intensification potential in this Plan as Medium or High ~~Density~~Rise Residential, or as mixed-use ~~through an Area Specific Policy;~~
- iv. Providing land use compatibility Policies in this Plan to ensure that intensification occurs in an appropriate manner;
- v. Providing Policies in this Plan which allow for appropriate infilling throughout the Built-Up Area;
- vi. Providing Policies in this Plan which allow for the creation of additional dwelling units; secondary suites;
- vii. Providing financial incentives for reinvestment in strategic locations through Community Improvement Plans (Downtown Community Improvement Plan, Affordable Housing Community Improvement Plan, and Brownfield Community Improvement Plan);
- viii. Making strategic investments in public realm and infrastructure within the Downtown and other intensification areas;
- ix. ~~The City will identify Intensification Nodes and Corridors and develop accompanying policies before the next 5 year review of the Welland Official Plan. The criteria for identifying Nodes and Corridors will be based upon a Nodes and Corridors study to be undertaken by the City. Proposed policies will address planned function, scale and design to ensure that the corridor allows for a mix of uses at transit supportive densities; and,~~
- x. ~~The preparation of secondary plans or equivalent work for Nodes and Corridors, where appropriate.~~

3.4.4.1.6 Design

This Plan provides a number of urban design Policies for different forms of development. Refer to the applicable Policy or Policies for:

- i. Development within the Downtown Welland Regional Growth Centre, 4.1.2.2;
- ii. Medium Density development, 4.2.2.3.D;
- iii. High Density development, 4.2.2.4;
- iv. General infilling and intensification, 4.2.3.16;
- v. Redevelopment within existing neighbourhoods, 4.2.3.61; and/or,
- vi. Any other relevant design policy contained within this Plan.

3.4.4.1.7 *Intensification Inventory and Monitoring*

The City will maintain and monitor an inventory of intensification sites. Efforts will be focused on encouraging development of these sites. The City, in conjunction with the Region, where it has planning authority, will develop a monitoring program to track its intensification rate on annual basis.

3.4.4.1.8 *Implementation*

Amendments to the Zoning By-law will be considered to facilitate development within the Downtown Welland Regional Growth Centre, and other intensification sites/areas as identified on Schedule A. The City will also ~~develop a set of~~ implement the Urban Design Guidelines to ~~ensure~~ facilitate that development ~~that is attractive and consistent with~~ enhances the surrounding neighbourhood and overall vision of this Plan.

3.4.4.1.9 *Phasing*

The City, in coordination with the Region and agencies, will integrate growth targets with required infrastructure and establish priority and phasing policies for water and wastewater services.

Intensification will also be phased in over time to ensure a balance of redevelopment and Greenfield development in Welland. To ensure this balance, the City will:

- i. Develop a monitoring program for its Greenfield and Intensification Areas to ensure intensification and density targets are achieved prior to new development within Designated Greenfield Areas;
- ii. Work with the Region to ensure orderly progression of development of Designated Greenfield Areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs to ensure that infrastructure phasing is aligned to reflect this balanced approach to development;
- iii. ~~Develop a phasing strategy for its Greenfield and Intensification Areas;~~ and,
- iv. Ensure that the phasing of Greenfield development occurs in an orderly and logical manner.

3.4.4.2 **Brownfield Redevelopment**

3.4.4.2.1 *Brownfields Defined*

Brownfields are defined by the Province in the Provincial Policy Statement as undeveloped or previously developed properties that may be contaminated ~~and (and)~~ are usually former industrial or commercial properties that may be under-utilized, derelict or vacant.

3.4.4.2.2 *The Importance of Brownfields*

Brownfields are important from an economic development planning perspective, because they are underutilized serviced land in an urban setting which have potential for redevelopment. Left in a derelict state, they may adversely impact the attractiveness of the surrounding area for investment and degrade the areas in which they are located.

3.4.4.2.3 *Brownfields*

~~The City Welland will~~ actively supports brownfield redevelopment. ~~An estimated 200 hectares of~~ Brownfield lands are located throughout ~~Welland, the~~ City primarily along the Welland Recreational Waterway. The City supports the reuse and redevelopment of its brownfield areas³.

3.4.4.2.4 *Implementation*

Brownfield redevelopment is supported by Welland's Brownfield Strategy/Community Improvement Plan Update, ~~which was approved in April 2007~~. Remediation and redevelopment of brownfield sites, particularly in proximity to the Welland Recreational Waterway, is an important objective of this Plan and the Community Improvement Plan.

3.4.4.2.5 *Incentives*

The City will offer incentive programs to address the impediments to brownfield redevelopment. This will include but is not limited programs offered through the Brownfield Community Improvement Plan. Incentive Programs⁴ offered to overcome the impediments to brownfield redevelopment include:

- ~~i. Environmental Site Assessment Grant Program;~~
- ~~ii. Brownfield Tax Assistance Program;~~

³ ~~Brownfield estimate is as of 2009. The inclusion of this figure is for information purposes only. Periodic updates to this figure do not require an amendment to the Official Plan.~~

⁴ ~~Refer to the City's Brownfield Community Improvement Plan for additional details.~~

- ~~iii. Brownfield Rehabilitation Tax Increment Grant Program; and~~
- ~~iv. Brownfields Planning and Building Fees Grant Refund Program; and,~~
- ~~v. Brownfields Development Charge Exemption Program.~~

3.4.4.2.6 *Leadership*

The City will continue to provide municipal leadership and work with developers and entrepreneurs to find new opportunities and partnerships in addressing the redevelopment of brownfields.

3.4.4.2.7 *Brownfield Inventory and Monitoring*

The City will monitor and maintain an inventory of brownfield sites through updates to the Brownfield Strategy/Community Improvement Plan. Efforts will be focused on revitalizing priority sites listed in the inventory.

3.4.5 Greenfield Redevelopment

3.4.5.1 *Designated Greenfield Areas Defined*

Designated Greenfield Areas are located outside of the City's Built Boundary, but within the Urban Boundary.

3.4.5.2 *The Importance of Greenfield Development*

The City will maintain an adequate supply of Greenfield lands to accommodate planned future growth. Greenfield lands provide the City with an opportunity to build comprehensive, compact and integrated new neighbourhoods. Welland aspires to build compact, mixed use, transit supportive neighbourhoods in these newly developed areas, supporting the City's strategic direction to build a complete communities ~~y~~.

3.4.5.3 *Greenfield Development Strategy*

The City plans to develop denser, more compact, mixed-use, transit supportive neighbourhoods on its Designated Greenfield Areas that allow for the efficient use of land, infrastructure and public service facilities.

3.4.5.4 *Greenfield Density Target*

Welland's Designated Greenfield Areas will be planned to support the achievement of the minimum target of 50 residents and jobs combined per gross hectare in Designated Greenfield areas and encouraged to exceed this minimum. While it is understood that not every single site will be able to achieve the target, the City will ensure new Designated Greenfield Areas are planned in a way which supports the achievement of the overall target. The City will closely monitor its Greenfield developments to ensure that Welland's overall Greenfield target will be achieved.

3.4.5.5 *Achieving the Density Target*

Welland will support the Province's ~~Region's~~ Greenfield density target by:

- i. Establishing and enforcing minimum residential densities outlined in this Plan;
- ii. Designating specific areas for low, medium and high density development in Greenfield Areas;
- iii. By allowing for, and encouraging, mixed use development in Greenfield Areas; and,
- iv. Monitoring densities within Greenfield Areas.

3.4.5.6 *Design*

Refer to Policy 4.2.3 of this Plan for policies related to the design of new neighbourhoods.

3.4.5.7 *Greenfield Inventory and Monitoring*

The City will maintain and monitor an inventory of its Greenfield lands. The City, in conjunction with the Region, where it has planning authority, will develop a monitoring program to track the density of development and housing mix targets within Designated Greenfield Areas.

3.4.5.8 *Implementation*

Amendments to the Zoning By-law will be considered to facilitate development on Greenfields. The City ~~will also develop a set of~~ will encourage ~~Urban Design Guidelines to ensure that~~ development that is attractive ~~and consistent with the~~ through its current Urban Design Guidelines and any applicable Policies of this Plan.

3.4.5.9 *Phasing*

Greenfield development will be phased in over time to ensure that a balance of both intensification and Greenfield development is achieved. To ensure this balance, the City will:

- i. Develop a monitoring program for its Designated Greenfield Areas and Intensification Areas;
- ii. Work with the Region to ensure that infrastructure phasing is aligned to reflect this balanced approach to development;
- iii. ~~Develop a phasing strategy for its Greenfield and Intensification Areas; and,~~
- iv. Ensure that the phasing of Greenfield development occurs in an orderly and logical manner.

3.5 SETTLEMENT URBAN AREA BOUNDARY EXPANSION

3.5.1 Comprehensive Review Required for Urban Settlement Area Boundary Expansion

~~In accordance with the Growth Plan only an upper tier or single tier government can formulate a recommendation for the expansion of the Urban Boundary through a Municipal Comprehensive Review, the City will undertake a comprehensive review in accordance with the requirements of Policy 3.5.2 and Regional Niagara Policy Plan to determine whether additional lands are needed for the 20 year period of this Plan to accommodate housing and employment demand. The findings and recommendations of the comprehensive review shall be documented in a Growth Management Study.~~

3.5.2 Settlement Area Boundary Expansion of 40 Hectares or Fewer Need for Expansion

~~Urban Settlement Area Boundary Expansions of 40 hectares or fewer may occur in advance of the Region's Municipal Comprehensive Review, provided that: shall only be permitted through co-ordinated local and Regional amendments as part of a municipal comprehensive review that reflects the Regional market area, growth projections, allocations and intensification and density targets by the Region and Provincial Plan where:~~

- i. The lands that are added will be planned to achieve at least the minimum density target of the Designated Greenfield Areas and or Employment Areas set by the Region;
- ii. There is sufficient capacity in existing or planned infrastructure and public service

facilities;

- iii. The infrastructure and public service facilities needed would be financially viable over the full life cycle of these assets;
- iv. The proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water;
- v. Key hydrologic areas and the Natural Heritage System for the Growth Plan should be avoided where possible;
- vi. Prime agricultural areas should be avoided where possible. To support the Agricultural System, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating the impact on the Agricultural System and in accordance with the following:
 - a. reasonable alternatives that avoid prime agricultural areas are evaluated;
and
 - b. where prime agricultural areas cannot be avoided, lower priority agricultural lands are used;
- vii. The settlement area to be expanded is in compliance with the minimum distance separation formulae;
- viii. Any adverse impacts on the agri-food network, including agricultural operations, from expanding settlement areas would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment;
- ix. The policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;
- x. The settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands; and
- xi. The additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.
- xii. ~~Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated urban lands to accommodate projected needs within the Regional market and the City of Welland;~~
- xiii. ~~The expansion makes available sufficient lands for a time horizon not exceeding 20 years based on the analysis outlined above. The timing of the expansion and phasing of~~

development within the Greenfield Area will not adversely affect the achievement of the intensification target, density targets or any other Policies of this Plan.

xiv. Existing or planned infrastructure and public service facilities required to accommodate the proposed expansion over the long term can be provided in financially and environmentally sustainable manner and protect public health and safety.

xv. In prime agricultural areas:

a. The lands do not comprise specialty crop areas;

b. There are no reasonable alternatives; and,

c. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.

xvi. Impacts from the proposed expansion on adjacent agricultural operations close to the Urban Area can be mitigated to the extent feasible.

xvii. In determining the most appropriate location for expansions, the Policies of Section 5 and 6 of this Plan shall be applied.

xviii. The timing of the expansion and the phasing of the development within the proposed expansion area would not adversely affect the achievement of any intensification or density targets.

xix. The proposed expansion will plan to maintain or move significantly towards a minimum, of one full time job per three residents within the City.

3.5.3 Approval

Urban boundary expansions are a matter of provincial interest. The City recognizes that the Region of Niagara is the approval authority for the City's Plan and urban boundary expansions. Urban boundary expansions shall be undertaken concurrently with, or subsequent to, Regional comprehensive review.3X

3.5.4 Implementation

Where it has been demonstrated that there is need for an Settlement Urban Area expansion, the City shall prepare a Secondary Plan for expansion areas 15 ha and greater the new urban lands. Refer to Section 14.7 of this Plan for the requirements of a Secondary Plan.

3.6 NEW SETTLEMENT AREAS

3.6.1 Establishment of New Settlement Area

In accordance with the Policies of the Regional ~~Policy~~Official Plan, no new settlement areas are permitted to be established.



CHAPTER 4
Urban Area
Land Use

4 URBAN AREA LAND USE POLICIES

4.1 DOWNTOWN WELLAND

4.1.1 Planning Objectives

4.1.1.1 To Maintain and Enhance the Role of the Downtown as the City's Primary Mixed-Use Node

The City will continue to encourage land uses ~~which will help~~ that promote the Downtown ~~maintain~~ and enhance its status as the City's preeminent mixed-use node.

4.1.1.2 To Create a Healthy, Attractive and Pedestrian-Friendly Downtown

The City will continue to support projects which improve its Downtown and create an aesthetically pleasing, pedestrian-friendly environment with complete streets.

4.1.1.3 To Support a Mix of Uses in the Downtown

The City supports a variety of compatible land uses in its Downtown which are mixed at both the block and building scale.

4.1.1.4 To Preserve, Enhance and Promote the Historic Character of the Downtown

The City supports the enhancement of the historic character of its Downtown through the use of design criteria, where appropriate.

4.1.1.5 To Recognize the Make Downtown as a Regional Growth Centre and the Primary Location for Intensification and Redevelopment

The City aims to increase residential development in its Downtown, a Regional Growth Centre. Accordingly, the City will direct a significant amount of support growth and redevelopment to within its Downtown as it is one of the most viable locations for residential intensification and redevelopment.

4.1.1.6 To Attract Public and Private Sector Investment into the Downtown

The City aims to revitalize its Downtown through continued public and private sector investment into the Downtown. The City will utilize incentive program(s) to attract investment through a Community Improvement Plan for the downtown.

4.1.1.7 To Create Strong Linkages between the Downtown and Adjacent Neighbourhoods, the Welland Recreational Waterway and Welland River Waterfronts

The City will pursue opportunities to improve pedestrian, transit and cycling linkages between the Downtown and its surrounding neighbourhoods and destinations.

4.1.1.8 To Attract Institutional Investment into the Downtown

The City aims to revitalize its Downtown through continued Institutional sector investment in the form of both educational and government campuses, including satellite campuses.

4.1.1.9 To Support a Diverse Range of Housing Options in the Downtown

The City will continue to encourage a diverse range of housing options including affordable housing as well as market-based housing to meet the needs of a diverse population.

4.1.2 Land Use Policies

4.1.2.1 Downtown

4.1.2.1.1 Planned Function

The Downtown is a Regional Growth Centre and the City's preeminent mixed-use node ~~and is intended to~~ which serves a variety of complementary functions. As a Regional Growth Centre a significant amount of new growth will be directed to the Downtown through intensification. The Downtown is intended to accommodate the broadest diversity of uses and the greatest concentration of activity. The Downtown is the location for important institutional uses, niche shops and specialty retail uses, cultural and entertainment uses, businesses and offices, high density residential uses and parks and open spaces. The Downtown is also intended to function as a neighbourhood and include a variety of uses which support the population living in and around the downtown, creating a complete community. The limits of the Downtown area shown on Schedule B.

4.1.2.1.2 Permitted Uses

Permitted uses within the Downtown include a broad range of commercial uses such as minor and major retail, personal services and professional services (excluding drive-through, auto related uses such as auto body shops, repair shops), entertainment and hospitality uses (~~excluding motels~~), major offices and small offices. Other permitted uses within the Downtown include General Institutional uses, transit and transportation uses,

Public Service Facilities, Parks and Open space, Low, Medium and High Density Residential Uses. Individual properties and buildings may contain more than one of the above-noted uses.

4.1.2.1.3 *Scale and Height*

Downtown development should generally contain buildings which are ~~medium~~ mid-rise (3 to 4 storeys stories), high-rise (5 to 8 storeys stories), and high-rise, with a maximum height of 16 storeys. ~~High-rise buildings should be located away from stable neighbourhoods adjacent to the Downtown.~~ High-rise buildings should be located along or close to East Main Street and Division Street.

4.1.2.1.4 *Density*

Downtown development will achieve a minimum density target of 125 residents and jobs per hectare by the year 2051.

4.1.2.1.5 *Retail Priority Streets*

Retail Priority Streets are intended to cater to the pedestrian by creating a comfortable, active and vibrant public realm. Retail Priority Streets, which include East Main Street, West Main Street, Cross Street, The Boardwalk, King Street, and Division Street within the Downtown, shall have wide sidewalks, buildings oriented to the public sidewalk, at grade uses outdoor cafes, and a high level of streetscape design and activity.

The following policies shall apply to Retail Priority Streets:

- i. A minimum of 75% of the block face located between two roads should be developed with buildings;
- ii. Buildings should be built close to the streetline with additional space provided, where necessary, to accommodate pedestrian facilities such as patios and street furniture. Parking, driveways or lanes shall not be permitted to locate between the buildings and the street;
- iii. Each building or store front shall face onto the pedestrian predominant street with the main entrance of each building or store and substantial fenestration facing on to the street;
- iv. Drive-through facilities shall not be permitted;

- v. Commercial uses shall be the prominent use of the ground floor on any building facing a Retail Priority Street;
- vi. On-street parking shall be provided where feasible and appropriate;
- vii. A minimum building height of three storeys shall be encouraged;
- viii. Sidewalks shall be required on both sides of the streets;
- ix. Transit shelters and stops shall be provided, where appropriate;
- x. New buildings and spaces shall be designed to reflect at a human scale, contribute to public safety and security;
- xi. New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection; and
- xii. Hotels shall be encouraged to locate on Retail Priority Streets with the main façade and entrance facing the pedestrian predominant street.

4.1.2.1.6 Secondary Plan

~~The City will prepare a Secondary Plan for the Downtown Regional Growth Centre.~~

4.1.2.2 Design

4.1.2.2.1 *Mixed Use Development Form*

The preferred form of development within the Downtown is ~~for commercial~~ and office uses at grade and/or above with residential uses locating on upper floors of buildings and/or behind the front portion of buildings, where appropriate.

4.1.2.2.2 *Streetscape Improvements and Public Realm*

The City shall continue to encourage the improvement of streetscapes within the Downtown through the use of landscaping including trees, sidewalks, bicycle lanes and bicycle parking, special signage, lighting, seating, street furniture, public art, and special paving, which promote a positive sense of place. Further to this policy, where improvements to a road (or the rehabilitation/restructuring of a road is necessary as part of improvements to underground infrastructure) by the City or ~~Regional Municipality of~~ Niagara Region, improvements to the public realm will be designed as a component of the road improvement / rehabilitation.

4.1.2.2.3 *Landmarks*

Landmark features, streetscape improvements, landscaping and significant building forms shall be encouraged at the entranceways into the Downtown.

4.1.2.2.4 *Pedestrian Linkages*

Pedestrian activity shall be encouraged in the Downtown through the provision of pedestrian linkages between East Main Street and Division Street and landscaped sidewalks, wherever possible. Parking, transit facilities and pedestrian linkages shall be integrated wherever possible.

4.1.2.2.5 *Service Access*

For buildings located on East Main Street and Division Street, secondary service entrances shall be located at the rear, where possible.

4.1.2.2.6 *Improvements*

Improvements in the Downtown in the form of infill development, upgrading and rehabilitation shall be encouraged to enhance the character of the Downtown, including the rear of buildings which are visible from adjacent streets, parking lots and/or public areas.

4.1.2.2.7 *~~Views and Vistas~~ Corridors*

In order to provide for the visual protection and enhancement of the dome of the setting for the Court House, ~~viewplanes corridors shall~~ should be maintained by ensuring that any new buildings and/or structures proposed within the ~~viewplanes corridors~~ viewpoint are compatible with the architecture of the Court House and do not visually dominate or obscure the views of the dome on the Court House from the corners of East Main Street and Cross Street. ~~Such buildings and/or structures shall be sensitive to sightlines toward the dome of the Court House.~~ In this regard, the development approvals process ~~shall~~ should be used to review applications for additions and new the development of buildings and/or structures to ensure that they ~~which~~ are sited and designed to protect the ~~viewpoint~~ viewpoint sightlines contained within the ~~viewplanes corridors~~. ~~To this end,~~ Consideration may be given to permitting some variation in building height to encourage building design and other desired amenities which maximize the visual protection of sightlines.

4.1.2.2.8 *Open Storage*

No open storage shall be permitted within the Downtown.

4.1.2.2.9 *Public Realm*

The public realm shall be enhanced through urban design and investment that contributes to safe, attractive complete streets and desirable communities. Urban design direction and guidance shall be incorporated into any future Secondary Plan.

4.1.2.2.10 *Traffic Patterns*

The City will review and modify the Downtown's connectivity and traffic patterns on a yearly basis including the patterns of one way and two way streets in order to support pedestrian, transit and traffic flows.

4.1.3 Additional Policies

4.1.3.1 Parking

Within the Downtown, adequate off-street parking shall be provided for all development in accordance with the standards of the Zoning By-law. Parking requirements may be satisfied through off-street communal parking, and municipally or privately owned parking areas located in the Downtown. The City encourages underground parking for mid and high rise developments within the Downtown.

The City will work to provide additional public parking opportunities within the downtown area, such as a parking structures which promote mixed uses, the efficient use of space, and City resources. Future endeavours may be supported through the City's cash-in-lieu of parking program.

~~4.1.3.2 Cash-in-Lieu~~

~~Provision of cash-in-lieu for parking spaces required in the Zoning By-law may be permitted in the Downtown.~~

4.1.3.3 Intensification

The Downtown is intended to serve as ~~the primary location for~~ one of the key locations for residential intensification that supports the overall mixed use development of the

~~downtown. Intensification and redevelopment within the Downtown should address the policies of this Plan.~~

4.1.3.4 Intensification Supporting Transit Centre

Intensification projects anticipated for the Downtown are intended to contribute to an increased density of residents and employees which will be supportive of the City's existing transit hub located within the Downtown.

4.1.3.5 Intensification Form and Main Street Sense of Place

Intensification projects within the Downtown should match the pre-established 'street wall' setback of adjacent buildings in order to maintain a continuous street wall and preserve a "main street" sense of place in the Downtown. In places where no 'street wall' exists, infill development should be located with a minimum setback from the street and serve as a catalyst for creating a "main street" sense of place.

4.1.3.6 Façade Improvement

The City encourages the upgrading, rehabilitation and redevelopment of buildings and/or facades in the Downtown as set out in the City's guidelines, manuals or plans which may be in place from, time-to-time.

4.1.3.7 Heritage Preservation

Buildings and structures of historic or architectural interest shall be conserved and incorporated, where appropriate, into any development or redevelopment project. The preservation of areas of historic significance shall also be encouraged.

4.1.3.8 Land Use Compatibility

Provision shall be made for adequate buffering, including noise attenuation, to mitigate any possible adverse effects of uses in the Downtown on adjacent residential areas. Special studies, including but not limited to, traffic, noise, vibration, shadow and lighting, may be required, upon the request of the City, in an effort to mitigate any potential adverse impacts. ~~Policy 4.2.3.6 provides additional guidance related to infilling and intensification shall apply to the Downtown. Intensification within the Downtown shall also be consistent~~

with the Policies of Section 6, which provide protection for the Natural Heritage System and natural hazards.

~~4.1.3.9 Built Form Compatibility~~

~~Policy 4.2.3.6 provides additional guidance related to infilling and intensification shall apply to the Downtown. Intensification within the Downtown shall also be consistent with the Policies of Section 6, which provide protection for the Natural Heritage System and natural hazards.~~

~~4.1.3.10 Bonusing~~

~~Development standards shall be incorporated into the Zoning By law to permit increases in height or density of development in excess of those permitted, where such development meets the land use compatibility, design and environmental Policies of this Plan and one of the following:~~

- ~~i. Provides a specific type of housing, such as housing for low and moderate income groups, senior citizens or people with physical disabilities;~~
- ~~ii. Preserves areas, sites, buildings or structures of historical, architectural or archaeological merit;~~
- ~~iii. Provides community or open space facilities such as community centres, parks, public art, pedestrian or bicycle linkages or day care centres;~~
- ~~iv. Achieves building, landscape, streetscape and urban design objectives of the City.~~

~~4.1.3.11 Agreements~~

~~Increased height or density provisions enacted in the Zoning By law shall require the execution of Agreements for developments which include increased height and/or density.~~

~~4.1.3.12 Confirmation of Servicing Capacity~~

~~Prior to the City approving a development, the City shall confirm that the required water and wastewater services and servicing capacity is available.~~

4.2 HOUSING AND RESIDENTIAL

4.2.1 Planning Objectives

4.2.1.1 Provide for the Orderly Growth and Distribution of Residential Areas

The City will ensure that there is an appropriate distribution of residential areas provided throughout the City and that future growth occurs in an orderly manner.

4.2.1.2 Efficient and Logical Development Pattern

The City will ensure that residential development occurs in a compact, efficient and logical pattern to ensure that the environmental, health, safety, land consumption, infrastructure, public service, and municipal finance issues, which may arise from improper development, do not occur.

4.2.1.3 Residential Uses Ranging in Type and Tenure

The City will ensure that the land use policies reflect an appropriate range of residential uses which serve the City's diverse mix of individuals and families. Different types and tenures of housing units will be encouraged, through affordable and market-based housing options.

4.2.1.4 Residential Uses Ranging in Affordability

The City will encourage that housing be planned and developed which meets the needs of citizens at all levels of income and abilities to ensure that the land use policies discourage development forms / patterns which negatively impact affordability and accessibility.

4.2.1.5 Support the City's Existing and Planned Residential Fabric

Welland's urban fabric includes a variety of residential neighbourhoods. The Policies of this Plan are intended to support and enhance the City's existing neighbourhoods and encourage the development of new, liveable neighbourhoods. Residential development will be planned to be safe and have convenient access to public transit, convenience shopping, public open space, recreation facilities and other urban amenities.

4.2.1.6 Carefully Balance the Supply of Residential Land with the Demand for New Land

The City will ensure that there is a sufficient supply of serviced residential land to provide at least a three (3) year supply of residential units on lands zoned to facilitate residential intensification, in draft approved and registered plans. Greenfield and intensification units, in accordance with the Provincial Policy Statement.

The City shall also maintain the ability to accommodate residential growth for a minimum of 15 years through intensification, redevelopment and on lands designated for residential development.

~~In particular, to make an efficient use of designated lands, the City will promote the development of vacant land already designated for development and intensification sites by ensuring that these areas are suitably built out before the urban boundary is recommended for expansion.~~

4.2.1.7 Support Existing Areas and Designations

~~The City will ensure protection for stable residential areas from inappropriate change~~ The City will promote and enhance the City's existing neighbourhoods and will encourage strategies which assist residential neighbourhoods in transition to revitalize, with minimal negative impacts to adjacent areas.

4.2.1.8 Promote Opportunities for Intensification and Redevelopment

The City will promote opportunities for residential intensification and redevelopment on lands located within the Built Up Area of the City. In particular, to make an efficient use of designated lands, the City will promote the development of vacant land and intensification sites already designated for development.

4.2.1.9 Develop New Sustainable Neighbourhoods

The City will encourage the application of sustainable design criteria for buildings and neighbourhoods when new areas are being planned and/or during the development review process.

4.2.1.10 Develop Attractive, Accessible and Pedestrian Friendly Neighbourhoods

The City will ensure that all new development is designed in an attractive manner, is accessible to all and accommodates the needs of pedestrians as well as other modes of transportation (automobile, cycling, walking and transit).

4.2.2 Land Use Policies

4.2.2.1 Residential Hierarchy

Residential land uses, within the Urban Area, are classified into one of three land use categories:

- i. Low-Density Residential;
- ii. Medium Density Residential; and
- iii. High-Density Residential.

4.2.2.2 Low-Density Residential

4.2.2.2.1 Planned Function

The Low-Density Residential designation is intended to provide housing for residential development at a minimum density of 15 dwelling units per net hectare ~~of land~~ and maximum density of ~~60~~24 dwelling units per net hectare ~~of land~~.

4.2.2.2.2 Permitted Uses

Permitted uses include single-detached, semi-detached, multiple dwellings including all forms of townhouses; and low-rise apartments. Low-rise apartments shall only be permitted along arterial, collector, and regional roads. Elementary schools and places of worship are permitted, as well as Community Facilities. Neighbourhood commercial uses may also be permitted, in accordance with the Commercial policies of Section 4.4 of this Plan. Home-based businesses may be permitted as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

4.2.2.2.3 Scale and Compatibility

Low-Density Residential lots shall accommodate a mix of low-rise dwellings. ~~Which do not cause significant issues with casting~~ Denser built forms, up to 3-storeys in height, should be designed to minimize or mitigate potential adverse impacts on neighbouring properties related to ~~of~~ shadows, obstruction of views and privacy for adjacent lots.

4.2.2.2.4 Design

~~Low Density Residential uses will be encouraged to have front porches or covered entrances.~~ Attached garages on housing units should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages. ~~Low Density Residential uses will be encouraged to have a variety of facades and use a variety of building materials.~~

4.2.2.2.5 *Additional Policies*

Raising a maximum of four (4) chickens, no roosters, per property is permitted subject to compatibility criteria and minimum lot standards set out in the implementing Zoning By-law. A property with multiple units may have a shared common coop.

4.2.2.3 **Medium Density Residential**

4.2.2.3.1 *Planned Function*

The Medium Density Residential designation is intended to provide housing for residential development at a minimum density of 3525 dwelling units per net hectare of land and a maximum density of ~~60~~ 125 dwelling units per net hectare of land.

4.2.2.3.2 *Permitted Uses*

Permitted uses include triplex, multiple dwellings ~~four-plex~~, all forms of townhouses, stacked townhouses, and low-rise and mid-rise apartment buildings housing. Accessory private recreation facilities or amenities for the benefit of the immediate residents are permitted. Except in apartment units, home-based businesses may be permitted as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit. Elementary schools and places of worship are permitted, as well as well as Community Facilities. Neighbourhood commercial uses may also be permitted, in accordance with the Commercial policies of Section 4.4 of this Plan.

4.2.2.3.3 *Scale*

Medium Density Residential designations lots shall accommodate low-rise (3-storeys) or mid-rise dwellings (4-8 storeys) developments which do not cause significant issues with casting of shadows on and obstructions of views for adjacent lots.

4.2.2.3.4 *Design*

~~Medium Density Residential will be encouraged to have front porches or covered entrances. Attached Street facing garages on housing units should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages. Buildings should incorporate landscaping in all yards which provide a buffer between the building and adjacent to low-rise~~

~~residential sensitive land uses~~, Parking areas ~~shall~~ should generally be located in the side or rear yard and/or underground or structured parking for townhouses and apartment buildings. Where underground or structured parking is provided, an amendment to this Plan is not required for increased density, provided that proposed built form is consistent with the design policies of this Plan. The site will be designed to provide for the collection and storage of recyclable wastes on site.

4.2.2.4 High Density Residential

4.2.2.4.1 Planned Function

The High Density Residential Designation is intended to provide housing for residential development at a minimum density of 75 dwelling units per net ~~hectare land~~ and a maximum density of 300 ~~125~~ dwelling units per net hectare ~~of land~~. High Density Residential uses will generally be located close to, or within, strategic growth areas activity nodes ~~(or be planned as a catalyst for an activity node within a Secondary Plan or Master Plan)~~ where the intensity of residential development supports ~~commerce and transit ridership and~~ generates pedestrian traffic to enliven neighbourhood streets.

4.2.2.4.2 Permitted Uses

Permitted uses include ~~midmedium~~-rise and high-rise apartment housing. Accessory private recreation facilities or amenities for the benefit of the immediate residents are permitted. Small scale neighbourhood convenience and retail or personal service uses scaled to serve the needs of the residents of the development may be permitted on the ground floor of ~~midmedium~~-rise and high-rise apartments. Elementary schools, community facilities and places of worship are also permitted. ~~in circumstances where there are no reasonable alternatives for location of a new facility within the Low and Medium Density designations.~~

4.2.2.4.3 Scale

High Density Residential lots may accommodate ~~midmedium~~-rise and high-rise apartments where the issues of casting of shadows, ~~obstruction of views~~, and privacy for adjacent lots need to be managed and potential negative impacts minimized. Generally, mid-rise residential buildings will be 4 to 8-storeys, whereas High Density Residential buildings should be between 5 and 8 stories ~~will have a maximum height of 16 storeys.~~

Density and building heights are intended to decrease as the distance of the building from activity nodes increases.

4.2.2.4.4 *Design*

~~High-rise Density~~ Residential will be encouraged to have a covered entrance which is aligned with the street and main building entrance. Buildings should incorporate a built form, architectural articulation, exterior materials, and window design which prevent large continuous “slab” walls. Buildings should incorporate landscaping in all yards to provide a buffer between the building and adjacent ~~low-rise residential uses~~ sensitive land uses. ~~At grade~~ parking areas should be located in the side or rear yard and/or underground. Large at-grade or above-grade parking shall not dominate the site. At-grade parking will be provided as multiple landscaped parking areas distributed throughout the site with a logical circulation pattern. Where underground or structured (above grade) parking is provided, an amendment to this Plan is not required for increased density, provided that proposed built form is consistent with the Policies of this Plan. The site will be designed to provide for the collection and storage of recyclable wastes on site.

4.2.3 Additional Policies

4.2.3.1 Design Policies for Existing Neighbourhoods

New development in existing neighbourhoods (redevelopment or intensification) shall reinforce and improve upon the character defined by the existing built form and landscaping. The City will maintain and improve existing neighbourhoods through tools such as Secondary Plans, By-laws (e.g., property standards, tree cutting), civic beautification, heritage conservation initiatives, and urban design guidelines.

4.2.3.2 Design Policies for New Neighbourhoods

New neighbourhoods will be planned to support a minimum average density target of a ~~combined~~ 50 residents and jobs per gross hectare on designated Greenfield lands. New neighbourhoods shall have clearly defined character with built form and landscaping which meets, or exceeds, the standards established by other development in the region. New neighbourhoods should be visually interesting by discouraging repetitive built form and incorporating a variety of building materials, landscaping, open space and environmental and natural and built heritage features. New neighbourhoods will be

encouraged to incorporate energy efficiency initiatives such as energy efficient materials, energy-appropriate landscaping treatments, infrastructure innovations (including but not limited to LED street lights), consideration of building orientation and a transportation network which reduces dependency on the automobile. The City will encourage place-making and more specific design requirements for new neighbourhoods through tools such as secondary plans, urban design guidelines and accessibility design guidelines.

4.2.3.3 Location and Design of Elementary School Sites

Elementary schools should be located adjacent to public parks and open spaces, where possible. Generally, the school should be centrally located in regard to the area being served. ~~The location should be selected and designed in consultation with the School Boards.~~ The location should also be selected and designed to minimize traffic conflicts with pedestrians in consultation with the relevant school board. Sidewalks are considered to be an integral design aspect and will be required to link all school sites to adjacent neighbourhoods; bicycle lanes will be incorporated wherever feasible.

4.2.3.4 Location and Design of Places of Worship

Where possible, places of worship should be located on arterial, ~~or collector,~~ or regional roads within walking distance of transit stops. Places of worship should provide on-site parking located at the rear or side of the building and adequately and safely accommodate vehicular and pedestrian traffic entering on site. Parking should be located at the side or the rear of the building. Proposals for developing new places of worship may require the applicant to submit a traffic impact study, lighting study, parking study and other studies deemed appropriate by the City.

4.2.3.5 Prevention of Neighbourhood Isolation

New neighbourhoods shall be connected to the rest of the City by public streets and/or public trails. New streets and blocks should be consistent with, and extend from, the existing street pattern. New gated development or gated communities will not be a permitted form of residential development.

4.2.3.6 Infill and Intensification Development

Infilling and intensification is encouraged throughout the City's existing built up residential areas. Intensification in built up areas should address (notwithstanding the requirements for a severance, site plan or plan of subdivision):

- i. Land use and neighbourhood character compatibility;
- ii. Lot pattern and configuration;
- iii. Accessibility;
- iv. Parking requirements;
- v. The potential for additional traffic and traffic manoeuvrability;
- vi. The potential for transit ridership;
- vii. Natural (including natural hazards) and built heritage conservation /protection;
- viii. The available capacity of municipal infrastructure; and,
- ix. Residential intensification targets identified in this Plan.

High-rise buildings should provide a transition in height, density, and massing adjacent to low-rise residential neighbourhoods buildings to reduce the impact of massing, overlook and shadow.

Subject to a Zoning By-Law Amendment, the City may allow residential infill and intensification development to exceed the maximum building height and densities set out in this Plan ~~by 20%~~ 40% without Amendment to this Plan, with considerations for:

- Compatibility with the surrounding area in term of scale with minimal impact on neighbouring uses;
- Adequacy of engineering services and community services;
- Ability of the transportation system to support the increase in density;
- Provision of a wide range of housing types, including affordable, assisted and special needs housing;
- Provision of community infrastructure, and or public art; and
- Ability of the site to accommodate parking, landscaping, amenity areas, and recreational facilities.

4.2.3.7—Locational Criteria for High Density Residential

~~New High-rise Density Residential land uses should be located along existing or planned future transit corridors, within the Downtown, on brownfield sites or along the Welland Recreational Waterway and the Welland River.~~

4.2.3.8 Conversion of High-Density Residential Sites

Maintaining an inventory of lands designated for high-density residential development helps achieve the municipality's goals for meeting intensification targets, transit-supportive development, providing housing choice, providing affordable housing, etc. The municipality will only consider the redesignation of a high-density residential designated site to a medium density ~~development~~ designation:

- i. If the municipality has achieved its 20 year target for intensification; or,
- ii. If other suitable lands yielding the same or greater development potential as the down-designated site are up-designated to high-rise density as compensation.
- iii. If technical studies have identified site constraints that limit the ability to accommodate a high-rise built form.

4.2.3.9 Live/Work Opportunities

~~Medium density and high density residential units designed for live/work may be permitted subject to Site Plan Approval and provision of sufficient parking. Live/work development such as home occupations and live-work buildings are is permitted in all residential High-rise Density designations, and live-work buildings are encouraged to locate on collector, arterial, and regional roads and/or in an area planned for intensification.~~

4.2.3.10 Affordable Housing

- i. The City will work with the ~~Regional Municipality of~~ Niagara Region, not-for-profit housing agencies and the private sector to ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households, including purpose-built rental units.
- ii. The City will target 30% of all new housing units constructed over the long term to consist of affordable housing units ~~to be constructed in both intensification areas and throughout the built-up area and also in Greenfield areas.~~
- iii. To encourage the development of affordable housing, the City will target:

- a. 20% of all new rental housing is to be affordable; and
 - b. 10% of all new ownership housing is to be affordable.
- iv. The City will work with the Niagara Region, not-for-profit housing agencies and the private sector to prepare an affordable housing strategy.
- v. The City will also consider the inclusion of regulations in the Zoning By-law which would support the provision of affordable housing.
- vi. The demolition or conversion to freehold or condominium ownership of residential rental properties containing six or more dwelling units ~~shall not be permitted unless all of~~ are subject to the following conditions, are satisfied unless otherwise specified by the Minister:
 - a. The rental vacancy rate by dwelling/structure type for the City of Welland as defined and reported yearly through the CMHC Rental Market Survey has been at or above 3 per cent for the preceding two-year reporting period;
 - b. The building for which conversion is proposed meets the requirements of the property standards by-law, the Ontario Building Code, and any other applicable law, or will be upgraded in accordance with these standards and requirements;
 - c. Where demolition occurs, replacement rental housing or affordable units are provided for those units that are demolished at a 1:1 ratio or higher; and
 - d. The requirements of any applicable Provincial legislation or regulation, as amended, are met
- vii. The City will also encourage the implementation of the Niagara's Housing and Homelessness Action Plan goals.
- viii. Notwithstanding 4.2.3.10 vi.) the demolition or conversion of existing affordable rental properties is permitted when it is needed to address existing health and safety issues through retrofits and renovations, which would result in an increase in rental levels above the threshold for affordability.
- ix. The City will consider the introduction of planning tools and incentives to encourage developers to build affordable and attainable housing, for ownership and rental units including:
 - a. Flexibility in scale, form, and types of residential uses permitted as-of-right;
 - b. Fast-tracking planning approval for development of affordable housing, attainable housing, purpose built rental housing, and community housing with a priority for developments receiving time-sensitive government funding;

- c. Financial incentive programs such as grants, development charge deferrals, delaying application fees, and property tax reductions that promote brownfield redevelopment and affordable housing options including purpose built rental; and
- d. Standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards.

4.2.3.11 Accessible Housing

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

4.2.3.12 Group Homes

Group homes administered by the Ministry of Health or Ministry of Community and Social Services under Provincial legislation shall be permitted in any residential area. The types of group homes which are permitted include:

- i. Approved homes;
- ii. Homes for special care;
- iii. Supportive housing programs;
- iv. Accommodation for adult mental health programs;
- v. Accommodation services for individuals with a developmental disability;
- vi. Satellite residences for seniors; and,
- vii. Homes for individuals who have physical disabilities, where the Provincelicenses, funds or approves such a group home program.
- viii. Transitional housing for individuals who are socially disadvantaged and community resource centres will require a rezoning.

4.2.3.13 ~~Accessory~~ Additional Residential Dwelling Units

Within the urban boundary as shown on Schedule A, three (3) residential units shall be permitted within a detached house, semi-detached house or townhouse, and one (1) residential unit contained within an accessory building.

Outside of the urban boundary as shown on Schedule A, up to (3) residential units shall be permitted within a detached house and one (1) residential unit contained within an accessory building, subject to confirmation of servicing capacity.

~~One (1) Accessory Dwelling Unit may be permitted, in addition to the principal dwelling unit, of single-detached, and semi-detached dwellings through a Zoning By-Law or minor variance application. The following criteria shall be considered when evaluating proposals for the creation of accessory dwelling units:~~

- ~~i. The floor area of the accessory unit is equal to, or less than, the gross floor area of the principal unit without any modification to the building's bulk or massing;~~
- ~~ii. The Accessory Dwelling Unit is not located in an attached garage;~~
- ~~iii. One additional one (1) on-site parking space is provided exclusively for the accessory dwelling unit;~~
- ~~iv. The outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;~~
- ~~v. The Accessory Dwelling Unit meets the requirements of the City's Zoning By-Law, the Building Code and Fire Code.;~~
- ~~vi. A lot may not have both an accessory dwelling unit and a garden suite.~~

4.2.3.14 Garden Suites

~~One (1) Garden Suite may be permitted, but only on a lot Zoned for a single-detached dwelling. The garden suite will be a small, temporary building which is physically separate from the principal dwelling unit and will be adequately serviced by the primary residence. The exterior design of the garden suite will be in character with the design of the principal dwelling unit and the location of the garden suite on the lot will not adversely impact the privacy of adjacent yards. Garden suites will be subject to a Temporary Use By-law. A lot may not have both an accessory dwelling unit and a garden suite. Garden Suites must meet the requirements of the City's Zoning By-Law and Building Code and Fire Code~~

4.2.3.15 Student Accommodation

The City recognizes the need for the provision of affordable and convenient student rental housing for post secondary students. ~~It is recognized that housing accommodation for post secondary school students has specific land use characteristics and impacts on surrounding areas which require regulation through Zoning and other means. Therefore, this form of housing may not be appropriate in all residential areas.~~ The City encourages the construction and location of quality student housing, either on campus or within the Downtown or ~~other~~ in close proximity to the college campus areas within the City deemed to be appropriate.

4.2.3.16 Monitoring and Target Setting

The City of Welland will monitor the pace of residential Greenfield and intensification development. It will use tools (such as a Built Boundary mapping, Community Improvement Plans, controlling expansions of the Urban Boundary, etc.) to attain a minimum of 75-40% of all residential development occurring annually in the built up area from 2021 to 2051 by 2015 and beyond. ~~The City may implement a phasing strategy to address any surplus designated Greenfield residential land.~~

4.2.3.17 Urban Design Guidelines

Future development should have regard for and be informed by the City's Urban Design Guidelines (2014) or its successor. ~~Until such time that urban design guidelines are completed by the City, it will direct development proponents to the Regional Municipality of Niagara's Model Urban Design Guidelines and encourage that the guidelines regarding lot layout, building form and massing, architectural treatment, parking, etc., be implemented, where feasible.~~

4.2.3.18 Bonus Zoning

~~Development standards shall be incorporated into the Zoning By law to permit increases in height or density of development in excess of those permitted, only where such development is desirable and meets the land use compatibility and design criteria of this Plan and the Policies of Section 7.4.5 of this Plan.~~

4.2.3.19 Density Requirements

In special circumstances, the ~~General Manager~~ Director of Planning and Development Services may waive the requirement for an Amendment to this Plan where a given application cannot meet the minimum density requirements set forth in the Plan. Special circumstances shall be limited to irregular lot configuration or geographical constraints.

4.2.3.20 Exceptions

4.2.3.20.1 Notwithstanding the density provisions of Section 4.2.2.4.A1 and the height provisions of Section 4.2.2.4.C3, a three (3) storey, 35 unit, apartment building with a maximum density of 73 units per net hectare is permitted on the lands located at 529 South Pelham Road and Block 29, Plan 59M-385.

(529 SOUTH PELHAM ROAD)

~~4.2.3.20.2 Notwithstanding the policies of Subsection 4.4.2.7.C2 and 4.4.2.7.3 neighbourhood commercial uses may be permitted on the property located at 700 Canal Bank Road. The remaining policies of Section 4.4.2.7, save and except subsection 4.4.2.7.C, shall apply to any proposed neighbourhood commercial uses.~~

~~*(700 CANAL BANK STREET)*~~

4.2.3.20.3 Notwithstanding the density provisions of Section 4.2.2.2.A1 and the permitted uses under Section 4.2.2.2.B2, a maximum total of ten (10) townhouses and a two (2) unit dwellings with a minimum density of 13 units per net hectare are permitted on the lands located at 160 Riverside Drive.

(160 RIVERSIDE DRIVE)

4.2.3.20.4 Notwithstanding the permitted uses of Section 4.2.2.2.B2, semi-detached, freehold triplexes and street townhouses at a minimum density of 18.4 units per net hectare shall be permitted on the lands described as Part of Block 82 and Part of Lot 44, Plan 59M-374.

(COYLE CREEK ESTATES SUBDIVISION - PHASE 6)

~~4.2.3.20.5 Notwithstanding the density provisions of Section 4.2.2.4.A1 and Scale under Section 4.2.2.4.3C, a twelve (12) storey, 70 unit apartment building with a maximum density of 188.5 units per net hectare is permitted on the lands located at 1 Griffith Street.~~

~~*(1 GRIFFITH STREET)*~~

4.2.3.20.6 Notwithstanding the density provisions of Section 4.2.2.2, the lands will be permitted to have a minimum density of 29 units per net hectare and a maximum density of 58 units per net hectare (401 Canal Bank Street).

4.2.3.20.7 Notwithstanding the density provisions of Section 4.2.2.2, the lands will be permitted to have a minimum density of 15 units per net hectare and a maximum density of 54 units per net hectare.

The mixed-use employment block designated as community commercial corridor shall have no less than 26,000 square metres of space for employment uses on site.

The Employment Block must be comprehensively planned to achieve the minimum required space.

Future development proposed within the Employment Block shall be considered with regard to the Mixed-Use Block & Dain City Economic Cluster report (dated August 28, 2020) and the Urban & Architectural Design Guidelines (Revised March 26, 2021) prepared by Armstong Planning and Project Management, or other documents deemed acceptable by the City. (475, 555 and 675 Canal Bank Street)

~~4.2.3.20.8 Notwithstanding the density provisions of Section 4.2.2.3, the lands will be permitted to have a maximum density of 86 units per hectare (215 Riverside Drive).~~

4.2.3.20.9 Notwithstanding the density provisions of Section 4.2.2.3, the lands will be permitted to have a minimum density of 61 units per net hectare and a maximum density of 216 units per net hectare. (800 Niagara Street)

4.2.3.20.10 Notwithstanding the permitted uses of Section 4.2.2.3.2, a townhouse development including four blocks of stacked townhouse buildings with a maximum density of 125 units per net hectare are permitted on the lands located at 526 Ontario Road. (526 Ontario Road)

4.2.3.20.11 Notwithstanding the policies on Subsection 4.2.2.4 the density provisions for 523, 529, 535, 537 Thorold Road will provide a density limit of 190 dwelling units per hectare of land. (523, 529, 535, 537 Thorold Road)

4.3 EMPLOYMENT AREAS

4.3.1 Planning Objectives

4.3.1.1 Provide for the Orderly Growth and Distribution of Employment Areas

The City will ensure there is an appropriate supply and distribution of Employment lands provided throughout the City and that future development occurs in an orderly manner.

4.3.1.2 Provide a Range of Uses within Employment Areas

The City will ensure that the land use policies reflect an appropriate range of uses for its Employment Areas.

4.3.1.3 ~~Support Existing and Planned Employment Hierarchy~~

~~Land uses in Welland which support employment are comprised of a hierarchy which varies in size, form, location and use. The Policies of this Plan are intended to support and enhance the role of Employment Areas in the overall hierarchy of all employment-generating land uses.~~

4.3.1.4 Encourage Quick Transitions in Employment Areas

Welland expects on-going change in the economic sectors ~~which generate employment in Employment Areas~~. The City encourages Employment Areas to transition quickly from their former business activities to new employment- generating activity.

4.3.1.5 Make Efficient Use of Land

The City will encourage new businesses to occupy ~~available~~ vacant space in existing developments ~~and as well as~~ encourage the appropriate development of Greenfield sites.

4.3.1.6 Promote Opportunities for Intensification and Redevelopment

The City will promote opportunities for intensification and redevelopment in Employment Areas located within the Built Up area of the City, including, but not limited to, further implementation of the Brownfield Strategy / Community Improvement Plan.

4.3.1.7 ~~Protect Employment Areas~~

~~The City will protect its Employment Areas and will require a municipal comprehensive review for any proposed conversion to non-employment uses.~~

4.3.1.8 Use Welland's Location, Transportation and Quality of Life Advantages to Plan and Promote Employment Areas

The City will consider the geographic location and transportation connections when planning new Employment Areas, and will emphasize the benefits of Welland's location, transportation connections, and quality of life when promoting the build-out of existing Employment Areas.

4.3.1.9 Minimize Adverse Impacts Associated with Industrial Uses

The City will attempt to minimize adverse impacts associated with industrial uses by ensuring that industrial uses occur on designated lands and that issues related to impacts of air, noise, vibration and odour are addressed in a manner which is consistent with City and Provincial standards.

4.3.1.10 Enhance the Image of Employment Areas using Urban Design

High quality urban design will be a key tool for increasing the attractiveness of Employment Areas. Specific urban design requirements will be considered to enhance the attractiveness and unique identity of Employment Areas.

4.3.1.11 Promote a Gateway Employment Area

The City will plan and promote a Gateway Employment Area with multi-modal access in order to ~~which~~ generates unique and on-going economic development benefits ~~because of a multi-modal access.~~

4.3.1.12 Municipal water and Wastewater

Municipal water and wastewater infrastructure serving employment areas will be prioritized by the Region and the City.

4.3.1.13 Goods Movement facilities and corridors

The City and the Region will work with the Province to plan for and expedite improvements to major goods movement facilities and corridors and planned corridors to support freight supportive employment development and redevelopment.

4.3.1.14 Area Specific Density Targets

The North Woodlawn Hospitality Node identified as Wel-1 on Schedule B2 will be planned to achieve a minimum overall density target of 40 jobs per hectare.

The South Woodlawn Industrial Niche identified as Wel-2 on Schedule B2 will be planned to achieve a minimum overall density target of 10 jobs per hectare.

The Highway 140 Canalside Artery identified as Wel-3 on Schedule B2 will be planned to achieve a minimum overall density target of 15 jobs per hectare.

The Flatwater Rally Employment Area identified as Wel-4 on Schedule B2 will be planned to achieve a minimum overall density target of 20 jobs per hectare.

4.3.2 Land Use Policies

4.3.2.1 Employment Hierarchy

The City of Welland's hierarchy of Employment Areas is comprised of three distinct land use designations. The Policies of this Plan are discussed in terms of these three distinct areas, which are:

- i. General Industrial;
- ii. Light Industrial;
- iii. Gateway Economic Centre.

4.3.2.2 General Industrial Area

4.3.2.2.1 Planned Function

The General Industrial Area designation is planned to provide areas for employment for industrial activities, including those activities which may have adverse impacts associated with their operation.

4.3.2.2.2 *Permitted Uses*

Permitted uses include processing, manufacturing, assembly, fabrication, research and development, laboratories, workshops, training facilities, warehousing, shipping / receiving, food processing, service shops, major offices and other similar uses. Minor retail and personal and professional service commercial uses, which are scaled to serve the needs of the employees of the immediate employment area, are also permitted. Outdoor storage is permitted ~~subject to Policy 4.3.2.2.C~~. Existing adult entertainment establishments are permitted.

4.3.2.2.3 *Design*

In General Industrial Areas, the use of good quality exterior building materials and landscaping will be encouraged. General Industrial Areas near sensitive land uses will incorporate buffering, massing, and screening, as well as controls for noise, vibration, odour, dust / debris, and light emissions which minimize impacts on the nearby sensitive uses. Outdoor storage shall be screened, using fencing and/or plantings, so that the storage area or goods are not visible from abutting lands or the street. General Industrial Areas will be encouraged to develop on sites served by existing or planned transit routes. The design of new General Industrial Areas shall be pedestrian friendly, barrier-free and accessible, where possible. Small parking areas may be provided in the front yard; however large parking areas should ~~shall~~ be located to the side or rear of the building incorporating appropriate landscaping and/or screening.

4.3.2.3 **Light Industrial Area**

4.3.2.3.1 *Planned Function*

The Light Industrial Area designation is planned to provide areas for employment for industrial activities which are intended to have no adverse impacts associated with their operation.

4.3.2.3.2 *Permitted Uses*

Permitted uses include light-manufacturing, light-assembly, research and development, warehouses and wholesaling, indoor storage, service shops, offices, ~~related to industrial uses~~ hotels and convention centres, as well some commercial uses such as heavy equipment sales and services, repair shops and services and lumber yards. Minor retail, personal and

professional service commercial uses which are scaled to serve the immediate needs of the employees of the immediate employment area, are also permitted. Only a limited amount of outdoor storage is permitted, subject to the Policy 4.3.2.3.3. Raw goods and materials, or waste materials shall be in wholly enclosed structures.

4.3.2.3.3 *Design*

Development in the Light Industrial Area is encouraged to have high quality exterior building materials, and high quality landscaping. Development at the perimeter of Light Industrial Areas shall have edge landscaping and urban design treatments, where appropriate, to strengthen the area's visual appeal. ~~Outdoor storage is not permitted, except where finished goods or materials are the primary product of a business (such as lumber in the case of a lumber yard).~~ The design of light industrial subdivisions or individual sites should incorporate pedestrian-friendly, barrier-free and accessible design. Parking areas shall be screened from any adjacent sensitive land uses and large parking areas ~~shall~~ should incorporate internal landscaping and be located at the rear or side of the building.

4.3.2.4 **Gateway Economic Centre**

4.3.2.4.1 *Planned Function*

The Gateway Economic Centre designation is planned to be a specialized employment area for industries involved in the movement of goods, cross border trade and those businesses which require access or visibility associated with a 400 series highway.

4.3.2.4.2 *Permitted Uses*

Permitted uses include uses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturer's showrooms, light manufacturing, light assembly, laboratories, research and development, training facilities, hotels and convention centres ~~hospitality uses, accessory outdoor storage~~ and other similar uses. Minor retail, restaurants, personal and professional service commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complementary to the aforementioned uses are also permitted. ~~Raw goods and materials, or waste materials shall be in wholly enclosed structures.~~

4.3.2.4.3 Design

Gateway Economic Centre uses should be planned and designed to reflect the important role they play in serving the City, Region and Ontario. Gateway Economic Centre uses should have high quality exteriors and landscaping. Gateway Economic Centre uses at the convergence of major transportation corridors will be encouraged to incorporate high quality, but unobtrusive, signage, architectural detailing on the principal building, and/or landscaping. The Gateway Economic Centre, given its nodal characteristic, will be required to accommodate transit stops or stations. The design of Gateway Economic Centre uses should be pedestrian- friendly, barrier-free and accessible. Where outdoor storage is allowed, it shall be screened using fencing and/or plantings so that the storage area or materials are not visible from abutting lands. Uses comprising outdoor storage may be required to provide, and implement, a dust/debris management plan as a condition of Site Plan Approval. Where large amounts of vehicular parking is required for a proposed use, it will be provided as multiple landscaped parking areas distributed throughout the site with a logical circulation pattern. Parking areas should be screened from adjacent land uses and large parking areas should incorporate internal landscaping. Illumination which enhances the aesthetics of the Gateway Economic Centre's buildings and sites will be encouraged, but illumination must not cause undue light pollution.

4.3.3 Additional Policies

4.3.3.1 Employment Land Conversion

The City may permit the conversion of lands within employment areas to non- employment uses, ~~but only through~~ outside of a municipal comprehensive review ~~that reflects the Regional Market Area, employment growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan where it has been demonstrated~~ provided that:

- i. There is a need for the conversion (as defined by the City in Policy 4.3.3.2);
- ii. ~~The municipality will meet the employment targets allocated to the City pursuant to this Plan~~ The conversion will maintain a significant number of jobs on those lands;
- iii. The proposed conversion will not adversely affect the overall viability of the City's Employment Areas and the achievement of the intensification target, density targets and other Policies of this Plan;

- iv. There ~~are~~ is existing, or planned, infrastructure ~~in place~~ and public service facilities to accommodate the proposed use; and
- v. The lands ~~are not required, over the long term, for employment purposes for which they are designated; and, are not identified as a provincially significant employment zone.~~
- vi. ~~Cross-jurisdictional issues have been considered.~~

Major retail uses are considered to be non-employment uses and are not permitted in Employment Areas.

4.3.3.2 Defining the Need for Conversion

The City will determine whether or not there is a need for a particular conversion. In doing so, the City will consider the population, housing, and employment forecasts in relation to the existing designated lands and approved development applications to determine if there is a need for additional residential lands. ~~“need” within the context of broader public interest and within the context of the Community Strategic Directions of this Plan as well as other Policies of this Plan.~~

4.3.3.3 Infilling and Intensification

Infilling and intensification is encouraged throughout the City’s existing built up Employment Areas. The City will give priority to viable brownfield redevelopment opportunities when prioritizing resources to support infill and intensification programs.

~~**4.3.3.4 Balancing Demand and Supply**~~

~~The City will support and promote existing vacant Employment Areas by monitoring the inventory of vacant employment land and designating new employment lands only where there is appropriate planning merit as demonstrated through a comprehensive review.~~

~~**4.3.3.5 Gateway Economic Centre Master Plan or Secondary Plan**~~

To ensure co-ordinated development over the long-term, the City may work with neighbouring local municipalities, the Region, and the Province to prepare a Master Plan or Secondary Plan for Welland’s portion of the Gateway Economic Centre which will address land use compatibility, urban design, multi-modal transportation linkages, energy

efficiency, environmental standards and constraints (including the contaminated sediment in Lyons Creek East see Policy 12.5 6-7.5), economic development and tourism, social needs, phasing, financing and implementation. ~~The resulting Master Plan or Secondary Plan may form part of the Official Plan.~~

4.3.3.6 Industrial Traffic

Industrial traffic should be directed away from, and not through, residential areas. Generally, the number of access points from employment areas to arterial, ~~and collector,~~ and regional roads should be limited to minimize potential disruptions to traffic flow.

4.3.3.7 Federal and Provincial Guidelines and Special Studies to Address Negative Impacts

Any proposed use which has the potential for negative impacts (including, but not limited to, noise, vibration, dust/debris, and odour) will be required to demonstrate, through a technical special study, how the appropriate federal or provincial guidelines will be met and maintained while the use is in existence. Any propane facility which must be licensed by the Technical Standards and Safety Authority will be required to provide a Facility Risk and Safety Management Plan to Fire and Emergency Services, in accordance with provincial regulations. ~~Certificates of Approval may be required as a condition of Site Plan Approval.~~ The City may require special studies to address negative impacts for which Ministry of Environment, Conservation and Parks guidelines do not exist (e.g., light emissions) ~~these standards~~. These studies shall demonstrate how the negative impacts will be mitigated.

4.3.3.8 Accessory Residential

An accessory residential use, such as a caretaker's residence, which is incidental to, and supportive of, the employment use, may be permitted subject to any appropriate mitigative measures required to conform with Provincial and/or Regional Policy the planning process.

4.3.3.9 Compatibility Between Employment and Non-Employment Land

Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible on a property, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety,

and ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures. Where avoidance is not possible in accordance with the above policy, the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:

- i. There is an identified need for the proposed use;
- ii. Alternative vacant lands which are designated for the proposed use have been evaluated in the surrounding area, and there are no reasonable alternative locations;
- iii. Adverse effects to the proposed sensitive land use are minimized and mitigated; and
- iv. Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

4.3.3.10 The redevelopment of employment land to uses that may restrict the ability for nearby existing or planned employment uses to operate or expand shall not be permitted.

4.3.3.11 Exceptions

4.3.3.11.1 Notwithstanding the Policies of this Plan, automotive and recreational vehicle sales, rental and service uses are permitted without amendment to this Plan on the lands designated as Gateway Economic Centre located north of Woodlawn Road and west of Highway 406. ~~Refer to the Zoning By-law for a list of specific permitted uses.~~

4.3.3.11.2 Design

Notwithstanding Section 4.3.2.4.B2, a home and auto supply store with a maximum gross floor area of 5,550 square metres is permitted on the approximately 2.16 hectare (5.34 acre) land parcel known municipally as 210 Primeway Drive and 790 River Road, as an expansion of a home and auto supply store located on lands known municipally as 158 Primeway Drive.

4.4 COMMERCIAL AREAS

4.4.1 Planning Objectives

4.4.1.1 Provide for the Orderly Growth and Distribution of Commercial Areas

The City will ensure that there is an appropriate distribution of commercial areas provided throughout the City and that future growth occurs in an orderly manner.

4.4.1.2 To Provide a Range of Commercial Uses

The City will ensure that the land use policies reflect an appropriate range of commercial uses.

4.4.1.3 Support the City's Existing and Planned Commercial Structure

Welland's commercial structure is comprised of a series of commercial nodes and corridors, varying in size, form, location and use. The policies of this Plan are intended to support and enhance the City's commercial structure.

4.4.1.4 Balance the Supply of Commercial Space with the Demand for Commercial Goods and Services

The City will ensure that there is a sufficient supply of commercial land to meet projected market demand for commercial goods and services within the City.

4.4.1.5 Promote Intensification and Support Existing Areas and Designations

In an effort to make efficient use of designated lands, infrastructure and resources and reduce vacancy rates, the City will ~~promote intensification and vacant land development~~ by directing commercial development to underutilized or vacant land in designated areas.

4.4.1.6 Promote Opportunities for Mixed Use Development

The City will promote opportunities for mixed-use development in strategically located nodes and corridors.

4.4.1.7 Develop Attractive, Accessible and Pedestrian Friendly Spaces

The City will ensure that all new development is designed in an attractive manner, which is accessible to all and provides for the needs of pedestrians and all other modes of applicable transport.

4.4.1.8 Minimize Potential Negative Impacts

New commercial developments will be planned to minimize the potential negative impacts on adjacent land uses and transportation infrastructure.

4.4.2 Land Use Policies

4.4.2.1 Commercial Structure

The City of Welland's commercial structure is comprised of a distinct set of nodes and corridors, as shown on Schedule B1. The policies of this Plan are discussed in terms of these six distinctive nodes and corridors, which are:

- i. The Downtown;
- ii. Regional Shopping Node;
- iii. Eastern Approach;
- iv. Community Commercial Nodes;
 - a. South Pelham Market Plaza;
 - b. Northtown Shopping Centre;
 - c. Welland Plaza;
 - d. Rose City Plaza; ~~and~~,
 - e. Lincoln Centre; ~~and~~,and,
 - f. Thrice Centre
- v. Community Commercial Corridors;
 - a. Prince Charles Drive South;
 - b. Prince Charles Drive North;
 - c. Riverside Drive;
 - d. King Street North and South;
 - e. Southworth Street;
 - f. Niagara Street; and,
 - g. East Main Street.
- vi. Neighbourhood Commercial Nodes.

4.4.2.2 The Downtown

The Downtown is where specialized commercial retail, office and service uses are focused. As a mixed use node, it is different from all other nodes within the City, functioning as the cultural, community and administrative centre of the City. Combined with recreational and

residential uses, it is the most diverse area of the City. Section 4.1 of this Plan provides detailed land use policies for the Downtown.

4.4.2.3 Regional Shopping Node

4.4.2.3.1 Planned Function

The Regional Shopping Node is intended to serve as the principal focus of commercial activity, providing retail commercial services, entertainment and office uses for residents within a regional trade area. ~~The term regional refers to the trade area and not Niagara Region. The Regional shopping node serves an area which generally~~ includes the City of Welland, the City Port Colborne, the Town of Pelham, the Township of Wainfleet and parts of the Township of West Lincoln and the City of Thorold.

4.4.2.3.2 Permitted Uses

~~This area allows for both enclosed and stand-alone structures.~~ Permitted uses include a full range of retail uses, (such as clothing, drugs and cosmetics, home furnishings, electronics, general merchandisers), business and professional services (such as banks, financial institutions, and doctors offices), personal services (such as hair salons and dry cleaning depots), entertainment uses (such as movie theatres and bars). Food stores and restaurants are also permitted. Residential uses are permitted in mixed use buildings.

4.4.2.3.3 Scale

- i. The Regional Shopping Node should be planned to accommodate ~~approximately a minimum 585,000 square feet~~ 54,500 square metres of enclosed commercial space within the Seaway Mall and an additional ~~500,000 square feet~~ 46,500 square metres of commercial space surrounding the Mall along Niagara Street for a total of approximately ~~1.085 million square feet~~ 100,800 square metres of gross floor area commercial space.
- ii. A full range of residential in combination with commercial uses at grade are permitted with a maximum height of 16-storeys. Where adjacent to low-rise residential neighbourhoods, mid-rise buildings should provide a transition in built form.

4.4.2.3.4 *Design*

The Regional Shopping Node should be planned to reflect its importance as the principal focus of commercial activity in the City. It is to be a transit-friendly setting. The node should be pedestrian friendly, barrier-free and accessible in its entirety. There should be ample parking spaces to accommodate all vehicular traffic and patrons. Building facades, landscaping and site planning, in general, should complement one another to achieve a balanced and an aesthetically satisfying built environment.

4.4.2.4 **Eastern Approach**

4.4.2.4.1 *Planned Function*

The Eastern Approach is intended to serve as a regional focus of retail and service activity in the City in an unenclosed shopping centre with generally large scale free-standing facilities containing new large format retail (“big box”) stores.

4.4.2.4.2 *Permitted Uses*

East Side

Permitted uses on the East Side of the Eastern Approach are limited to one department store, a home and auto supply store, business offices, personal service establishments, banks, restaurants, fast food outlets and other such complementary uses, provided the minimum gross floor area per unit for each non-department store DSTM use is 4,000 square feet.

West Side

Permitted retail uses on the West Side of the Eastern Approach are limited to one home improvement store. Big box retail and wholesale uses are permitted on the undeveloped portion of the West Side, south and west of the existing home improvement store, provided that they are consistent with policies 4.4.3.2, 4.4.3.3 and 4.4.3.5 of this Plan. A range of commercial service uses, including automobile dealerships, service stations, restaurants, fast food outlets, business service establishments, business offices, banks, commercial recreation uses, hotels, motels and call centres as well as fabricating and processing establishments and warehousing operations are also permitted on the site.

4.4.2.4.3 *Scale*

The Eastern Approach will be planned to provide for a total of up to 4,442,000 square feet/metres of commercial retail and complementary service type uses, comprised of the following:

East Side

- i. One 1,771,500 square foot/metre department store;
- ii. One 1,009,500 square foot/metre home and auto supply store; and
- iii. 454,000 square feet/metre non-department store DSTM and/or complementary service type uses.

West Side

- i. One 1,211,500 square foot/metre home improvement store (including 507,005,000 square feet/metres of storage, 171,500 square feet/metre for a garden centre and 56,305,000 square feet/metre-for a home improvement store).
- ii. Other uses (see 4.4.2.4.B2) are also permitted on the site.

4.4.2.4.4 Minimum Floor Size

The minimum floor size for commercial retail units is 4,000 square feet/metres.

4.4.2.4.5 Design

The Eastern Approach should be planned with careful consideration for all aspects of urban design. The buildings should provide a strong street edge and a distinct sense of place. The node should be user-friendly, barrier-free and accessible. The Eastern Approach should be accessible to transit users.

4.4.2.5 Community Commercial Node

4.4.2.5.1 Planned Function

Community Commercial Nodes are intended to serve as a local focus for commercial activity at sites distributed across the City to serve community commercial functions. Community Commercial Nodes are generally anchored by supermarket or a general merchandiser. ~~with free-standing commercial uses and small plazas on larger lots that are generally anchored by supermarket facilities or a large retailer.~~ Community Commercial

Nodes will serve the needs of local residents ~~in living in areas~~ within relative close proximity to the Node.

4.4.2.5.2 *Permitted Uses*

Community Commercial Nodes should be planned to accommodate a range of retail, office, and service commercial uses, ~~including a supermarket or a general merchandise anchor store~~ and a diversified mixture of basic shopping facilities, specialty retail, business and professional offices, and personal services. ~~Community Commercial Nodes are generally anchored by supermarket or a general merchandiser.~~ Residential uses are permitted in a mixed use format. ~~(such as residential units on the second storey of a two storey building).~~

4.4.2.5.3 *Scale*

- i. Community Commercial Nodes should be planned to accommodate up to ~~185,000 square feet~~ 17,000 square metres of commercial space.
- ii. Low-rise (1 to 3-storeys) and mid-rise buildings (4 to 8-storeys) are encouraged.

4.4.2.5.4 *Design*

Community Shopping Nodes should be designed as focal points for adjacent neighbourhoods. They should be pedestrian friendly and include pedestrian access to adjacent neighbourhoods. Community Shopping Nodes should also be accessible to transit and should supply an adequate amount of parking facilities.

4.4.2.6 **Community Commercial Corridor**

4.4.2.6.1 *Planned Function*

Community Commercial Corridors are intended to serve as a focus of commercial activity along major access corridors to serve the travelling public, on free-standing commercial uses and small plazas generally on relatively small lots. Community Commercial Corridors may also accommodate residential uses in a mixed-use format.

4.4.2.6.2 *Permitted Uses*

Community Commercial Corridors permit uses to serve the travelling public with a range of retail, office, and service commercial uses, ~~excluding a supermarket anchor,~~ but including a diversified mixture of specialty retail, specialty food, business and professional services, personal services, places of worship, automotive commercial uses (such as service stations,

auto dealerships, auto repairshops, but excluding auto wreckers), hospitality uses (such as hotels and motels, banquet halls and private clubs), places of entertainment, restaurants, private and commercial schools, and residential uses.

4.4.2.6.3 *Scale*

- i. Single storey commercial buildings shall be permitted, and high-rise and mixed uses buildings are encouraged with at grade commercial uses with a maximum height of 16 storeys. Where adjacent to low-rise residential neighbourhoods, high-rise and mid-rise buildings should provide a transition in built form.

4.4.2.6.4 *Design*

Community commercial corridors are to be planned bearing in mind activities which generate vehicular traffic. These corridors are to be safe, pedestrian friendly, ~~and~~ transit oriented and incorporate active transportation. Drive-throughs are to be located in such a way that they will not constitute any hazard or nuisance to neighbours. Land uses which have tendencies to generate larger traffic volumes should have adequate parking facilities and good effective traffic planning to ameliorate traffic congestion and related hazards. Landscaping and screening should be used where appropriate to enhance overall site appeal.

4.4.2.7 **Neighbourhood Commercial**

4.4.2.7.1 *Planned Function*

Neighbourhood Commercial areas are intended to provide for daily or weekly convenience shopping and service needs of nearby residents.

4.4.2.7.2 *Permitted Uses*

Permitted uses within Neighbourhood Commercial areas include small retail stores (such as, small food stores and small pharmacies), personal services (such as, hair salons and dry cleaning depots) as well as ~~small~~ restaurants which are intended to draw residents of the surrounding neighbourhood(s). Residential units are permitted above commercial uses within these buildings.

4.4.2.7.3 *Location Criteria*

Neighbourhood Commercial areas are not shown on the land use schedules. Neighbourhood Commercial areas are permitted within the City's residential areas, ~~provided that they are located at the intersections of arterial and/or collector roads and fit within the context of the surrounding land uses.~~ provided they are located along an arterial or collector, or regional road.

4.4.2.7.4 *Scale*

- i. Neighbourhood Commercial areas should fit within the context of the surrounding neighbourhood. Individual areas should generally not exceed ~~20,000 square feet~~ 1,858 square metres of gross floor area.
- ii. Low-rise (1 to 3-storeys) buildings are encouraged.

4.4.3 Additional Policies

4.4.3.1 Infill and Intensification Development

Infilling and intensification is encouraged throughout the City's commercial areas. Infilling on existing commercial areas should address:

- i. The need for additional parking located wherever possible at the rear of the building(s);
- ii. Land use compatibility;
- iii. Accessibility;
- iv. The accommodation of potential ~~potential~~ for additional traffic;
- v. Infrastructure requirements;
- vi. Opportunities for public and private realm improvements;
- vii. The need for a unified and cohesive design of the overall site by locating new development at the street front; and,
- viii. The maximum size requirements identified in this Plan.

4.4.3.2 Balancing Demand and Supply

The City of Welland will support its commercial structure by carefully monitoring the demand and supply for retail commercial goods. This will be achieved by exercising control over expansions to existing designated retail areas. New retail areas or expansions to existing retail areas shall be tied to market demand as per the policies outlined in ~~4.4.3.3~~ and 4.4.3.5.

4.4.3.3 Drive Through Facilities Balancing Demand and Supply

Where drive through facilities are permitted in this Plan, new development should:

- i. Where possible, place buildings close to the street edge and align new buildings with existing buildings;
- ii. Place drive through activities away from the street frontage, so that building facades can front immediately onto the street;
- iii. Locate stacking lanes so that they are out of view from the public street and away from street frontages;
- iv. Locate the main entrance door off of public sidewalks, with access to transit stops, where applicable;
- v. Provide a high level of interior visibility adjacent to public streets through the use of windows and doors;
- vi. Minimize landscaping and use of permeable materials; and,
- vii. Integrate garbage enclosures and loading areas into the overall building design. Where garbage enclosures are separate structures, they should be wholly enclosed and screened from view.

4.4.3.4 Service Stations

Where service stations are permitted in this Plan, new development should:

- i. Where possible, locate buildings and structures, such as car washes and convenience stores, close to the street edge;
- ii. Maintain a consistent architectural and urban design across the entire site, including the pump house, canopy and buildings;
- iii. Provide landscaping treatments including grass, plantings, trees, shrubs and/or low rise fences, to enhance the site from the sidewalk and streetscape;
- iv. Locate vehicular access to the site away from intersections (where possible);
- v. Where a convenience store is provided, locate an entrance door off of public sidewalks; and,
- vi. Where car wash facilities are provided, locate stacking lanes so that they are screened and out of view from the public street and away from street frontages;

4.4.3.5 Major Applications

~~Market Impact Studies and Peer Reviews are required for all major applications for Official Plan Amendment and/or Zoning By-law Amendment, including expansions and redevelopment proposals. The City, in consultation with the Region, reserves the right to determine what constitutes a major application based on a series of qualitative and quantitative criteria. Generally, major applications are defined as any application greater than 30,000 square feet 2,787 square metres. However, size alone should not be considered the sole factor in determining what constitutes a major application. Applications proposing less than 30,000 square feet 2,787 square metres may still be considered a “major application” at the discretion of the Director of Planning and Development Services.~~ within the context of any one of the following:

- ~~i. The need for the proposed use;~~
- ~~ii. Location, size and scale of the proposed development;~~
- ~~iii. Potential for compatibility issues;~~
- ~~iv. Potential market impacts on the City’s existing and planned commercial structure;~~
- v. The potential for negative impacts on the natural environment;
- vi. The adequacy of the existing transportation infrastructure, including pedestrian, transit and cycling infrastructure, serving the proposed use; or,
- vii. The adequacy of the existing water and waste water infrastructure and other municipal services.

4.4.3.6 Commercial Uses Fronting onto Corridors

Where Commercial uses are permitted in this Plan, new development should:

- i. Where possible, place buildings close to the street edge;
- ii. Locate the main entrance door off of public sidewalks, with access to transit stops, where applicable;
- iii. Provide a high level of transparency along building walls which are adjacent to public streets through the use of windows and doors;
- iv. Minimize the amount of paved area through the use of landscaping and permeable materials; and,
- v. Integrate service entrances, garbage enclosures and loading areas into the overall building design (where garbage enclosures are separate structures, they should be wholly enclosed and screened from view).

4.4.3.7 Exceptions

4.4.3.7.1 Notwithstanding the policies of 4.4.2.5.2 and 4.4.2.5.3 ~~4.4.2.4e and 4.4.3.2~~, the development of large retail and wholesale uses and/or future expansions for the department store and home and auto supply store and the home improvement store located within the Eastern Approach ~~the lands municipally known as 69, 102, 158, and 165 Primeway Drive~~ may be permitted without Amendment to this Plan provided that a Market Impact Study is prepared by the proponent. The Market Impact Study shall be subject to Peer Review by the City, in consultation with the Region, at the expense of the proponents. Any development of large retail and wholesale uses and/or future expansions will require a site specific Zoning by-law amendment.

4.4.3.8 Market Impact Studies and Peer Reviews Market

Impact Studies and Peer Reviews shall document the impact of the proposed application on the City's planned commercial structure and include a supply-demand analysis which identifies the City's existing supply of commercial areas, the demand for commercial retail and is related to the population growth assumptions found within the Official Plan. New nodes or expansion to existing nodes and corridors will need to demonstrate that there are no adverse ~~effects~~ affects on the planned function of the City's commercial structure. The cost of Market Impact Studies and Peer Reviews will be borne by the applicant/~~owner~~.

4.4.3.9 Proposed Amendments

When considering proposed amendments to designate additional commercial areas, or permit expansions the City shall consider:

- i. How the proposed amendment implements the Objectives set forth in this Plan;
- ii. The need for the proposed use;
- iii. Location, size and scale of the proposed development;
- iv. Potential for compatibility issues;
- v. Potential market impacts and the potential for adverse ~~effects~~ affects on the City's planned commercial structure;
- vi. The potential for negative impacts on the natural environment
- vii. The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use;
- viii. The availability of servicing infrastructure.

4.4.3.10 Coordination

Where the trade area for the market study of the proposed commercial facility extends beyond the boundary of Welland, the City will consult with the other municipalities and the Region within the trade area

4.4.3.11 Zoning By-Law

~~The City's Zoning By-Law will be amended to reflect the policies of this Plan. Refer to the Zoning By-Law for a complete list of permitted uses.~~

4.4.3.12 Site Plan Control

~~All development within the City's commercial areas is subject to site plan control. The design policies of this Plan shall be implemented through site plan control and/or urban design guidelines.~~

4.4.3.13 Gross Floor Area

~~Within the land use designations of this Plan, the term "gross floor area" refers to the total floor area within a building, excluding utility areas, stairwell, washrooms and corridors.~~

4.4.3.14 Exceptions

~~4.4.3.14.1 Notwithstanding the policies of Subsection 4.4.2.6.B a mixed use building containing ground floor commercial and residential dwelling units above the ground floor is permitted on the following properties:~~

- ~~i. 297 King Street; described as Part of Lots 55 & 56, Plan 559, west side of Canal Street (now King Street); Part of Lot 76, Plan 559, south side of Crowland Street (now Albert Street); Part of Lot 77, Plan 559, north side of Park Street; all being Part 1, 59R-5730; Welland.~~
- ~~ii. 359 King Street; described as Part of Lots 50, 51 & 52, Plan 559, west side of Canal Street (now King Street); Part of Lot 78, Plan 559, south side of Park Street, Part of Lot 79, Plan 559, north side of Lincoln Street (AKA Concession Road); Part of Road Allowance Between Concessions 5 & 6 Crowland, (Closed by By-law TW3903) All Being PT 3, 59R-5730; Part of Road Allowance Between Concessions 5 & 6 Crowland, (Closed by By-law R0534510) Part 5, 59R-5730; S/T R0634698 Welland.~~

~~4.4.3.14.2 Notwithstanding the permitted uses under Section 4.4.2.6.B dwelling units are permitted over a permitted non-residential use for the lands located at 152 Hellems Avenue and 131 Young Street.~~

~~*(152 HELLEMS AVENUE AND 131 YOUNG STREET)*~~

~~4.4.3.14.3 Notwithstanding the permitted uses under Section 4.4.2.6.B dwelling units are permitted over a permitted non-residential use for the lands located at 142 and 144A Thorold Road.~~

~~*(142 AND 144A THOROLD ROAD)*~~

4.4.3.14.4 In addition to the permitted uses under Section 4.4.2.7.B~~2~~ gas stations and business offices are also permitted uses for the lands located at the north-west and south-west corners of South Pelham Road and Webber Road.

(SPARROW MEADOWNS ESTATES SUBDIVISION)

4.4.3.14.5 Notwithstanding the permitted uses under Section 4.4.2.6.B~~2~~ parking and open space in relation to the proposed respite care and daycare uses at 152 Hellems Avenue and 131 Young Street are permitted uses for the lands located at 170 Hellems Avenue.

(170 Hellems Avenue)

4.4.3.14.6 ~~Notwithstanding 4.4.2.6.2, a warehousing facility only may be permitted on lands known municipally as 12 Patricia Avenue. *(12 Patricia Avenue)*~~

4.5 INSTITUTIONAL AREAS

4.5.1 Planning Objectives

4.5.1.1 Provide an Appropriate Supply of Institutional Lands

The City will ensure there is an appropriate supply and distribution of institutional areas throughout the City and that future institutional land needs are considered when planning new growth areas.

4.5.1.2 Provide a Range of Institutional Uses

The City will ensure the land use policies allow for an appropriate range of institutional uses.

4.5.1.3 Support Existing Institutional Areas and Designations

The City will promote existing designations and vacant land development, while minimizing conflicts with nearby sensitive land uses.

4.5.1.4 Promote Opportunities for Intensification and Redevelopment

The City will promote opportunities for intensification and redevelopment on institutionally-designated lands located within the Built Up Area.

4.5.1.5 Promote the Development of a Health and Wellness Cluster

The City will promote and support the development of a health and wellness cluster by designating lands generally bounded by Lincoln Street / Plymouth Road, Ontario Road, and the Welland Recreational Waterway to support activities related to health and wellness.

4.5.1.6 Encourage Context-Sensitive Design

The City will encourage all institutional uses to be designed such that they will be well-integrated into neighbourhoods.

4.5.1.7 To Attract Institutional Investment

The City aims to support the growth of the Health Wellness Cluster through continued institutional sector investment in the form of both government and educational campuses, including satellite campuses with a focus on advanced manufacturing, business services and tourism.

4.5.2 Land Use Policies

4.5.2.1 Institutional

4.5.2.1.1 Planned Function

General Institutional uses are intended to serve the immediate neighbourhood, a collection of neighbourhoods or the entire City, and provide social or cultural services such as education, health care, social housing, and religious worship for residents.

4.5.2.1.2 *Permitted Uses*

Permitted uses include public and private secondary schools, post-secondary educational institutions, daycares, health care facilities, civic facilities, cultural facilities, social housing, residential uses, places of worship, cemeteries, assisted living, care facilities and retirement homes for senior citizens⁵ and other public or community facilities. In addition, ancillary retail stores and personal service shops are permitted.

4.5.2.1.3 *Design*

General Institutional uses shall be planned to reflect the level of service for which they are intended to provide (neighbourhood, collection of neighbourhoods or City). General Institutional uses shall be encouraged to have building massing, exterior building materials, and landscaping which help it integrate with the neighbourhood. The City encourages specific design elements which highlight the civic nature of General Institutional uses. General Institutional uses are encouraged to develop on sites served by existing or planned transit routes. The design of new General Institutional uses shall be pedestrian friendly, barrier-free and accessible. Parking areas shall be located to the side or rear of the building and screened from view.

4.5.2.2 **Health and Wellness Cluster**

4.5.2.2.1 *Planned Function*

The Health and Wellness Cluster includes a range of health and wellness related uses which are typically developed as a campus, which may involve one large main building with smaller subordinate buildings, intended to serve the City or region. The Health and Wellness Cluster is planned to function as Welland's premier location for health and wellness related activities. The area is designated to allow for the creation and evolution of a suite of similar activities which can potentially benefit from both geographic proximity and co-location.

4.5.2.2.2 *Permitted Uses*

Permitted uses within the Health and Wellness Cluster are hospital and hospital related uses associated with the care and treatment of patients, medical offices, clinics, medical and health related retail businesses, fitness operations, housing related to the medical / health care use, long term care facilities, extended care accommodations, independent

living accommodations, social housing, seniors housing, residential uses, civic facilities, community facilities, post-secondary educational institutions and recreational uses.

4.5.2.2.3 *Design*

Uses in the Health and Wellness Cluster shall be planned to reflect the important role they play in serving the City and the region, and incorporate a cohesive design theme for the Cluster. Uses will be encouraged to have unique building massing, high quality exterior building materials, and high quality landscaping which is reflective of the Health and Wellness Cluster's significance. Uses will be encouraged to incorporate design elements which highlight the civic presence of the Health and Wellness Cluster. The Health and Wellness Cluster will be required to provide edge treatments which help the site and building(s) integrate with the surrounding area. The campus-style development of the Health and Wellness Cluster will be required to incorporate on-site transit stops. The design of new uses shall be pedestrian-friendly, barrier-free and accessible in its entirety. Large expansive surface parking areas to serve the Cluster will be discouraged and multiple smaller surface parking areas or parking structures distributed throughout the site with a logical circulation pattern is encouraged. Circulation within the Health and Wellness Cluster should also be supported through appropriate active transportation and pedestrian friendly routes. Bicycle parking should be provided in proximity to parking areas and main buildings. Parking areas shall be screened from adjacent land uses and shall incorporate internal landscaping. Streetscaping, including street trees, lighting, sidewalks, public art and other elements shall be provided to link the various destinations together.

4.5.3 Land Use Policies

4.5.3.1 Institutional as Employment

In monitoring the City's job creation and when planning for new growth, the City will include the employment generated by institutional lands in its inventories.

4.5.3.2 Encouraging Master Plans for Large Institutions

The City will encourage large institutions to prepare master plans so that the future needs of the institution can be considered.

~~4.5.3.3 Accessory Residential~~

~~Accessory residential uses which are incidental and supportive of the institutional uses may be permitted.~~

4.5.3.4 Location and Design of Secondary School Sites

Secondary schools shall be located adjacent to public parks and open spaces where possible as well as near concentrations of residential uses to minimize travel distance and support walking, cycling and transit. Secondary schools should be located on an arterial, ~~or collector,~~ or regional road within walking distance to transit stops. The location should be selected and the site designed to minimize traffic conflicts with pedestrians and may require the need for a traffic study and traffic calming measures. Sidewalks are considered to be an integral design aspect and will be required for internal and external circulation on all school sites; bicycle lanes will be incorporated where feasible.

4.5.3.5 Location and Design of Places of Worship

Where possible, places of worship shall be located on arterial, ~~or collector,~~ or regional roads within walking distance of transit stops. Places of worship shall provide on-site parking and have adequate access for vehicles and pedestrians. Parking shall be located at the side or the rear of the building. Any negative impacts shall be mitigated. Proposals for developing new places of worship may require the applicant to submit a traffic impact study, lighting study, parking study and other studies deemed appropriate by the City.

4.5.3.6 Large Institutional Uses

Large institutional uses on sites larger than 2.0 hectares ~~will be encouraged to develop adjacent to existing or planned parks or open space.~~ Large institutional uses are encouraged to develop on sites served by existing or planned transit routes. A campus style development will be required to incorporate on-site transit stops. The design of new large institutional uses should be pedestrian-friendly, accessible and barrier-free, served by transit and provide active transportation connections. Parking areas shall be screened from adjacent land uses and large parking areas shall incorporate internal landscaping.

4.5.3.7 Emergency Service Facilities

Emergency service facilities, including fire, police and ambulance stations are permitted in all land use designations. Where appropriate, such facilities shall be located on an arterial,

~~or collector, or regional~~ roads. The siting of new facilities shall also consider the potential impacts on adjacent users and encouraged to co-locate with other emergency services where appropriate.

4.5.3.8 Co-Location of Government Buildings

The co-location of government facilities and services with other government facilities and services is encouraged regardless of differing levels or tiers.

4.5.3.9 Medium Mid-rise and High-rise Density Institutional Design

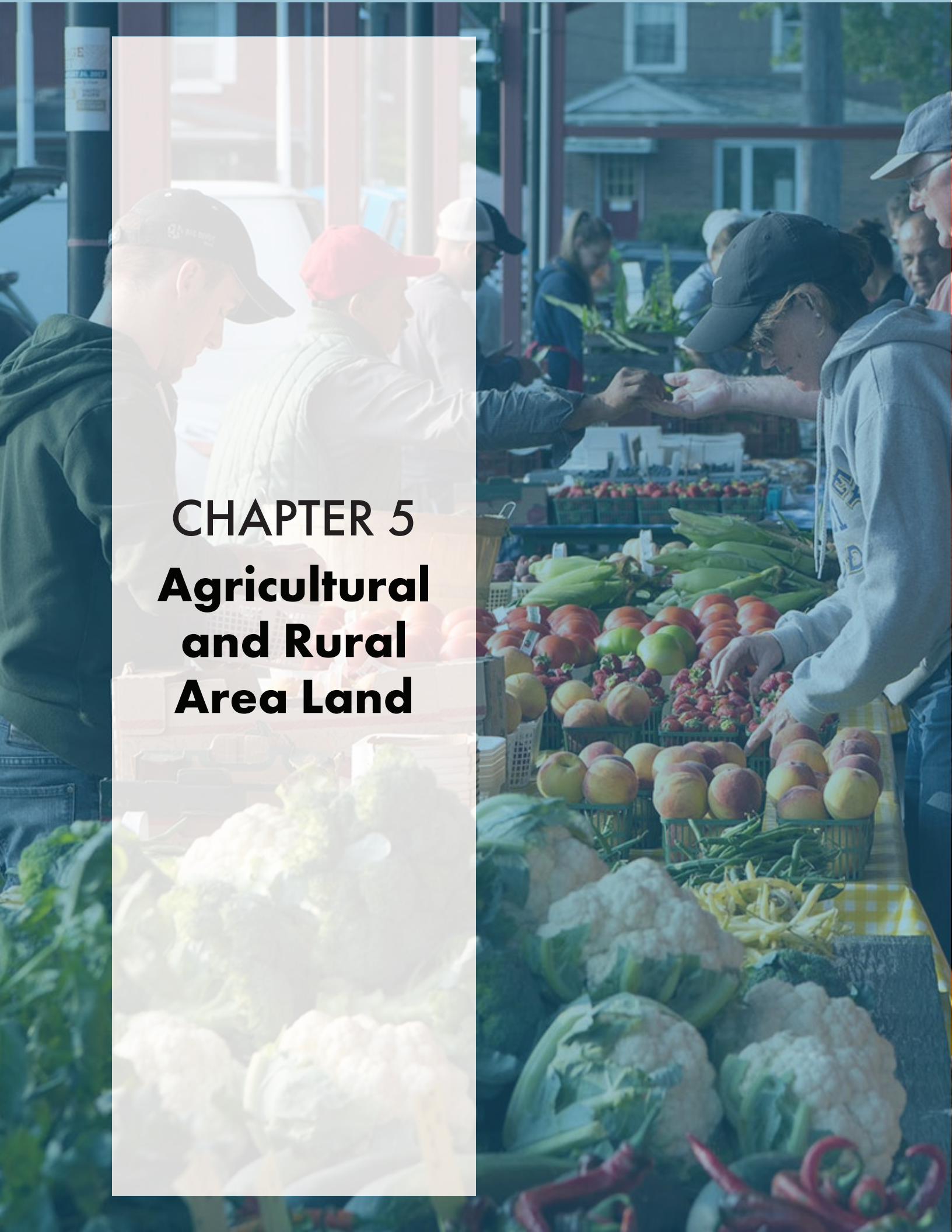
Institutional buildings may accommodate ~~medium mid-rise~~ and high-rise structures where the issues of casting of shadows, obstruction of views, and privacy for adjacent lots are managed and potential negative impacts minimized. ~~Generally, medium density mid-rise buildings should be between 3 and 4 storeys and high density rise buildings should be between 5 and 8 storeys.~~ Where ~~medium mid-rise and high-rise density~~ institutional uses are proposed, the proposed development should address the following (notwithstanding the requirements for a severance, site plan or plan of subdivision):

- i. Land use compatibility;
- ii. Lot pattern and configuration;
- iii. Accessibility;
- iv. Parking requirements;
- v. The potential for additional traffic and traffic manoeuvrability;
- vi. The potential for transit ridership;
- vii. Natural (including natural hazards) and built heritage conservation / protection; and,
- viii. The available capacity of municipal infrastructure.

4.5.3.10 Exceptions

4.5.3.10.1 In addition to the uses permitted under Section 4.5.2.2.B2, the following uses are permitted wholly within the existing building: residential dwelling units, restaurant and a food processing warehouse for the lands located at 16 Steel Street.

(16 Steel Street)



CHAPTER 5
Agricultural
and Rural
Area Land

5 AGRICULTURAL AND RURAL AREA LAND USE POLICIES

5.1 AGRICULTURE

5.1.1 Planning Objectives

5.1.1.1 Protection of Prime Agricultural Lands

The City will protect prime agricultural lands by appropriately designating them and discouraging their redesignation or severance, except for:

- a. Settlement area boundary expansions, subject to Policies of Section 3.5 of this Plan.
- b. Lot creation for the purpose of a surplus farm residence, subject to Policies of 5.1.3.1 of this Plan.

5.1.1.2 Agriculture as an Important Economic Activity

The City will advocate and support agriculture as an important economic activity.

5.1.1.3 Agriculture Supporting Green Energy

Where appropriate, the City will encourage agricultural activities which use green energy.

5.1.1.4 Support farm diversification

The City recognizes the changing nature of the agricultural industry and supports the principle of farm diversification activities which contribute to the long term economic sustainability of the agricultural industry.

5.1.1.5 Avoid Conflicts with Non-Farm Uses

The City will discourage the establishment of non-farm uses that could create conflicts with agricultural activities.

5.1.2 Land Use Policies

5.1.2.1 Planned Function

The planned function of the Agricultural designation is to provide land for farming and agriculture-related activities and to protect the City's prime agricultural lands.

5.1.2.2 Permitted Uses

Permitted uses include agricultural uses, include normal farm practices, agriculturally-related agriculture-related uses activities, nurseries, greenhouses, conservation, forestry and infrastructure of a linear nature. Cannabis Production Facilities are permitted, and are subject to site plan control to ensure that the use is appropriately located to mitigate adverse impacts. On-farm diversified Secondary uses are also permitted. On-farm diversified Secondary uses are secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property, as well as one (1) sea can is permitted per a property. On-farm diversified Secondary uses that are proposed outside of existing on-farm buildings, including the farm residence, shall be subject to site plan control to ensure that the additional development is the appropriate scale, and is appropriately located to have the least impact on the primary agricultural operation and meet the requirements of Section 6.43 regarding impact on the natural environment. Production of energy from renewable resources on agricultural lands may be are permitted provided that the proposed operations comply with the requirements of the *Green Energy Act*.

5.1.3 Additional Policies

5.1.3.1 ~~Limitations on Lot Creation~~

5.1.3.1.1 *Lot Creation and Lot Adjustments for Legal, Technical or Farm-Related Purposes*

Within the prime agricultural area, Lot Creation is discouraged and shall only be permitted Lot creation for legal, technical or farm-related purposes including shall be limited to:

- i. Conveying Severance of a residence surplus to a farming operation may be permitted under the following circumstance:
 - The proposed lot contains a dwelling, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;
 - The severance shall comprise a minimum area of 0.4 hectares to a maximum of 1 hectare; and
 - To reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential

purposes.

- ii. ~~as a result of a farm consolidation, provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance;~~
- ii. Agriculture related uses, provide that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- iii. A lot line adjustment for legal or technical reasons, such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot; ~~or~~
- iv. A consent to convey for a farm parcel, provided that the resulting parcels are both for agricultural uses and the size of the resulting parcels is a minimum of 40 hectares (100 acres); or
- v. Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

5.1.3.1.2 *Lot Creation Requirements for a New Proposed Lot for Infilling Purposes*

~~The City will not consider site specific amendments to this Policy. Infilling may be permitted on lands designated for Agriculture where all of the following conditions exist~~
A proposed lot being considered under policy 5.1.3.1.1 containing a residential dwelling as a result of a farm consolidation within the agricultural land base must meet the following conditions:

- ~~i. Infilling takes place between two existing residential dwellings which are no more than 100 metres apart;~~
- ii. The lot ~~has~~ shall utilize direct access to existing municipal water services which were in place as of ~~the date of adoption of this Plan (May, 4, 2010), and as depicted in Schedule D of the Plan,~~ or is sufficient in size and has suitable soil conditions to support a private water supply and private sewage disposal system in accordance with Provincial and Regional requirements;
- ~~iii. The lot maintains a minimum 45 metre frontage on an existing public road;~~
- iv. ~~The lot has a minimum useable lot area of 0.5 hectares;~~
- ~~v. The application is accompanied by supporting studies, including, but not limited to, a Planning Justification Report, Geotechnical Study, Environmental Impact Study and any other study required by the City, Region of Niagara and the Niagara Peninsula Conservation Authority which demonstrate that there will be no negative impact of the~~

~~proposed new lot on surrounding land uses, the natural environment, infrastructure and water quality and quantity;~~

~~vi. The lot is zoned Rural Residential as of the date of adoption of this Plan (May 4, 2010), and;~~

vii. The lot meets all other provisions ~~of the Rural Residential Zoning District provisions~~ contained in the City's Zoning By-law.;

viii. The proposed lots should be located to minimize impacts on surrounding farming operations.

5.1.3.1.3 Agricultural Lot Creation or Adjustment Requirements for Infilling Purposes

A proposed lot creation or adjustment being considered under policy 5.1.3.1.1 for an agricultural use must meet the following conditions:

i. The lot meets all other provisions contained in the City's Zoning By-law.

5.1.3.2 Dwellings for Farm Help

Where the scale or type of farming makes full-time farm help necessary, additional portable farm-related dwellings may be permitted without severance, as long as these dwellings can be appropriately serviced and do not negatively impact the viability of the farm.

5.1.3.3 Home-Based Businesses

A Home-Based Business may be permitted as long as it is secondary to the principal agricultural use and occurs entirely within the confines of the principal dwelling unit. Home-Based Businesses must be compatible with adjacent uses and not impact the area with traffic, noise, unusual hours of operation, etc. The home-based business use must comply with the Zoning By-law, including having adequate on-site parking. The City may license home-based businesses in order to enforce the Policies of this Plan. Outdoor storage of materials related to home-based businesses is not permitted.

5.1.3.4 Minimum Distance Separation

All proposed development must comply with the Minimum Distance Separation formulae, where applicable.

5.1.3.5 Removal Non-Agricultural Uses In Agricultural Lands

Non-agricultural uses are only permitted ~~should not be located~~ in Agricultural Areas for.

~~However, applications for individual non-agricultural uses may be considered. These applications will require an Amendment to this Plan and may require an Amendment to the Region of Niagara's Policy Plan. Applications shall be subject to the following conditions:~~

- ~~i. Extraction of minerals, petroleum resources and mineral aggregate resources. That there is demonstrated need for the additional land to be designated within the planning horizon of this Plan; this can be demonstrated by surveying the capacity of similar land uses to accommodate demand within the City and/or Region. Mineral aggregate operations would not be required to demonstrate need;~~
- ~~ii. That the proposed use is considered to be desirable;~~
- ~~iii. There are no reasonable alternatives for the proposed use within the Urban Area;~~
- ~~iv. There are no reasonable alternatives on lands with lower agricultural priority within the Agricultural and Rural Area;~~
- ~~v. There are no conflicts with surrounding land uses and that any land use compatibility issues can reasonably be mitigated;~~
- ~~vi. That the proposed application is supported by any required supporting studies;~~
- ~~vii. That the proposed use complies with all other Policies of this Plan; and,~~
- ~~viii. Extraction of mineral aggregate resources is permitted as an interim use, subject to Policy 5.3.3.5 when considering the suitability of a new or expanded mineral aggregate operation.~~

5.1.3.6 Value Added Agricultural Activities

The City supports value added agricultural activities which allow the agricultural industry to:

- i. Become more competitive, sustainable and environmentally friendly;
- ii. Adapt to new and changing markets;
- iii. Diversify into and take advantage of new agricultural opportunities;
- iv. Improve the understanding of agriculture by the general public; and
- v. Broaden operations to diversify economic activities and add value to primary products.

Value added agricultural activities include agriculture-related uses and on-farm diversified

uses. Accordingly, the City will review and update the agricultural policies of this Plan to reflect any new Policies in the Regional Policy Plan which allow for a greater range of value-added activities than those currently permitted in this Plan.

5.1.3.7 Scale of Agriculture-related Uses

The following criteria shall be considered when reviewing zoning by-law amendment applications for proposed agriculture-related uses subject to Site Plan Approval as outlined in 5.1.2.2

- i. Whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;
- ii. Whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- iii. The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- iv. Whether the scale of the activity is appropriate to the site and farming operation;
- v. Whether the use is consistent with and maintains the character of the agricultural area;
- vi. The use does not generate potentially conflicting off-site impacts;
- vii. The activity does not include a new residential use;
- viii. The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- ix. The use does not require significant improvements to infrastructure;
and
- x. The use complies with all other applicable provisions of this Plan.

5.1.3.8 Minimize Conflicts with Non-Agricultural Uses

Non-agricultural uses are not permitted in prime agricultural areas. An application for a non-agricultural use on parcel outside of the Urban Boundary shall be subject to an agricultural impact assessment to ensure a compatible interface and minimize adverse impacts on the agricultural system.

5.1.3.9 Modification of Topsoil

The removal of topsoil from prime agricultural areas is discouraged. Further, the placement of fill in prime agricultural areas is prohibited. The City will consider by-laws to regulate the placement of fill in accordance with Ontario Regulation 409/19 On-Site Excess Soil Management.

5.2 RURAL EMPLOYMENT AREA

5.2.1 Planning Objectives

5.2.1.1 Complement Local Agricultural Production

The City will encourage Rural Employment uses which support the viability of local agricultural production, farm operations and resource uses.

5.2.1.2 Provide Economic Development

The City will encourage Rural Employment uses which support job creation and, in particular, which have consistent employment levels year-round.

5.2.2 Land Use Policies

5.2.2.1 Planning Area

The Rural Employment Area applies to existing and future rural industries and institutional uses outside of the urban boundary shown on Schedule B: Land Use Map of this Official Plan. New uses are subject to 5.1.3.5 of this Plan.

5.2.2.2 Planned Function

Rural Employment is intended to provide farm or resource related places of work on lands which do not require municipally provided sanitary or water services.

5.2.2.3 Permitted Uses

Permitted uses include outdoor storage, warehousing, shipping/receiving, lumberyards or processing of agricultural products and goods / materials supporting farm operations, as well as farm machinery sales and repair, which do not, or will not, require the extension of municipal water or sewer services. ~~Bed and breakfast~~Cannabis Production Facilities are permitted, and are subject to site plan control to ensure that the use is appropriately

located to mitigate adverse impacts. Bed and breakfasts, short-term rentals, and farm-based tourism establishments may also be permitted.

5.2.2.4 Scale

Rural Employment lots shall accommodate low-rise buildings which do not detract from, or cause, a negative visual impacts and shall consider characteristics of to the rural landscape, the scale of development, and provision of appropriate service levels.

5.2.2.5 Design

The use of good quality exterior building materials and substantive landscaping shall be encouraged on lands designated Rural Employment. Rural Employment uses near sensitive land uses will incorporate buffering, massing, and screening, as well as controls for noise, vibration, odour, dust / debris, and light emissions which minimize impacts on the nearby sensitive uses. Small parking areas may be provided in the front yard, however large parking areas shall be located to the side or rear of the building incorporating appropriate landscaping and/or screening. Siting of buildings shall be set back appropriately from natural hazards, features and wooded areas as per the Policies of this Plan and City's Zoning By-law.

5.2.2.6 Exceptions

5.2.2.6.1 In addition to the uses permitted under Section 5.2.2.2 Permitted Uses, dry industrial uses and a Motor Vehicle Repair Shop Class A are also permitted.

(566 Ridge Road)

5.3 MINERAL AGGREGATE RESOURCES

5.3.1 Planning Objectives

5.3.1.1 To Protect and Manage the City's Mineral Aggregate Resources

The City will ensure that Mineral Aggregate Resources are protected for long term future use.

5.3.1.2 Provide for the Rehabilitation of Mineral Aggregate Operations

The City will minimize the long term impact on the disturbed area by encouraging and promoting the timely, progressive and final rehabilitation of aggregate operations.

5.3.1.3 Ensure Land Use Compatibility Issues are Addressed

The City will ensure that land use compatibility issues are addressed.

5.3.1.4 Minimize the Impact of Mineral Aggregate Related Traffic on the Community

The City will minimize the impact of mineral aggregate operations related traffic on the community and the City's road infrastructure.

5.3.1.5 Provide a Clear Policy Framework for Evaluating Applications

The City will provide criteria for evaluating applications for mineral aggregate operations which are consistent with the goals and objectives of this Plan.

5.3.1.6 Orderly Extraction

The City will ensure the orderly extraction and utilization of mineral aggregate resources.

5.3.2 Land Use Policies

5.3.2.1 Planned Function

Mineral Aggregate Resources are sand, gravel, stone, shale, limestone, rock or other material used for the purposes of construction, industrial, manufacturing, maintenance and landscaping. The planned function of the Mineral Aggregate Resource Area is to provide opportunities for mineral extraction. Schedule "G" identifies areas where there are known mineral aggregate resources. Extraction of these resources is subject to approval pursuant to the Aggregate Resources Act and an amendment to this Plan. Such an amendment would include the identification of the mineral aggregate operation on Schedule "G" and the provision of site specific policies within Section 5.3 of this Plan. Site specific policies shall permit the mineral aggregate operation and list any other permitted land use.

5.3.2.2 Permitted Uses

The area shown as Mineral Aggregate Resource Area on Schedule G to this Plan maybe used for the extraction of mineral aggregates that are found in a natural state onthe site, subject to Policy 5.3.2.1. Mineral aggregate operations may refine and process the raw materials extracted from the site in order to produce semi-finished or finished goods. Rehabilitation of abandoned extractive mineral aggregate operation sites as required under the *Aggregate*

Resources Act or successor there to will be in accordance with the Policies 5.3.3.5, 5.3.3.7 and 5.3.3.8, 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.

5.3.2.3 Location

Areas having known potential for mineral aggregate resources have been identified as Mineral Aggregate Resource Areas on Schedule G of this Plan.

5.3.3 Additional Policies

5.3.3.1 Protection of Mineral Aggregate Resources

Proposed new developments or site alteration in areas located on, or in areas within 300 metres (sand and gravel) or 500 metres (bedrock) of or in known deposits of mineral aggregate, proposed development or site alteration that would preclude or hinder the establishment of new or an expansion to an existing mineral aggregate operation or access to the resources shall only be permitted through the completion of a Mineral Aggregate Resource Study which determines the following:

- i. Resource use would not be feasible; or
- ii. The proposed land use or development serves a greater long term public interest; and,
- iii. Issues of public health, public safety and environmental impact are addressed; and,
- iv. Does not adversely affect the availability of aggregate resources in adjacent areas.

5.3.3.2 Protection of Petroleum Resources

No development shall occur within 75 metres of a petroleum resource operation unless the petroleum resource operation has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.

Land Use Compatibility and Adjacent Uses

~~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 official plan amendment, rezoning or~~

~~development permit under the *Planning Act*. Where *Planning Act* approvals are required for development within 300 metres, the City shall require studies to demonstrate land use compatibility, including appropriate setbacks and buffer distances.~~

5.3.3.3 Applications for Planning Act Approvals to Permit New or Expansions to Existing Mineral Aggregate Operations

~~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. The establishment of a new, or an expansion to an existing, mineral aggregate operation shall require an amendment to this Plan and an amendment applications shall include the following:~~

~~A completed application for a Regional Policy 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;~~

- i. A completed application for a Regional ~~Policy~~Official Plan Amendment, in accordance with the Region's ~~Policy~~Official Plan Amendment Fee Schedule (as amended from time to time), and all necessary supporting documents, reports as required;
- ii. A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
- iii. An application to amend the City's Zoning By-law and all the necessary supporting documents and reports;
- iv. The provision of a detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereto;
- v. The applicant will pre-consult with the City of Welland, and where required consult the Region of Niagara Region, the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources, as well as any others specified by the City of Welland, to establish the supporting documents and reports. Such documents and reports will be completed by a qualified individual based on clear, reasonable and attainable standards and guidelines, and will be consistent with the Reporting Standards under the Aggregate Resources Act where appropriate. This may include, but may not be limited to the following:

- i. Planning Justification Report including conformity to the City Official

- Plan, the Region of Niagara ~~Official Policy~~ Plan, and Provincial policy;
- ii. *Traffic and Haul Route Impact Study* demonstrating that any additional traffic and road improvements will not have unacceptable impacts on the safe and efficient use of the road network, on adjacent land uses, the planned function of the City of Welland, on cultural landscapes, or on environmentally sensitive features;
 - iii. *Social Impact Assessment*;
 - iv. Any and all environmental investigations as specified by this Plan and appropriate regulatory approval agencies;
 - v. *Visual Impact Report*;
 - vi. *Cultural Heritage Impact Assessment and/or Archeological Resource Assessment*;
 - vii. Water Resources Study which will include surface water impacts, groundwater impacts, surface/groundwater interaction impacts, and impacts on adjoining private wells;
 - viii. Noise and Vibration;
 - ix. Air Quality;
 - x. *Progressive Rehabilitation Master Plan*;
 - xi. Site Plan;
 - xii. Public Consultation Plan;
 - xiii. Monitoring Study;
 - xiv. Agricultural Impact Assessment;
- vi. The Location, topography, contours, dimensions and acreage of the property proposed for an extractive industrial; operation as well as the extend of adjacent property which may be intended for future pit or quarry operations;
 - vii. 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 extraction operation;
 - viii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
 - ix. The location, quality and estimated quantity of mineral aggregate resources;
 - x. Existing and anticipated final grades of excavation and excavation setbacks within the site;
 - xi. Surface water diversion, storage and drainage provisions;

- xii. All entrances, exits and proposed routes to be used by associated transport;
- xiii. 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
- xiv. Other information as the City deems necessary.

5.3.3.4 Evaluation of Applications and Amendments

In considering an application for an amendment pursuant to the foregoing Policy 5.3.3.3, the following will be evaluated based on submitted studies:

- i. Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
- ii. Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
- iii. Potential impacts on the quality and quantity of surface and ground water systems;
- iv. Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;
- v. Potential impacts on the transportation system which will require trucks routes and points of site access to be established;
- vi. The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
- vii. If applicable, the capability of the land for agricultural uses;
- viii. Proposed progressive rehabilitation plan; and
- ix. Other matters as the City deems necessary; and
- x. Potential Impacts to drainage collection and management.

5.3.3.5 Applications on Agricultural Land

For applications on Prime Agricultural land, the site will be progressively rehabilitated to agriculture to substantially the same area and average soil capability for agriculture are restored. Complete agriculture rehabilitation shall not be required if:

- i. There is a substantial quantity of aggregate resource below the water table warranting extraction; or,

- ii. The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible;
- iii. Other alternatives have been considered by applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, 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; and
- iv. Agricultural rehabilitation in remaining areas will be maximized.

5.3.3.6 Modifications to Existing Site Plans

The municipality will review and provide comments to the Ministry of Natural Resources when circulated on major site plan amendments under the Aggregate Resources Act. In order to encourage land use compatibility of mineral aggregate operations, the City may request additional setbacks or separation distances be established by the Ministry of Natural Resources through the licensing process.

5.3.3.7 Progressive Rehabilitation Master Plan

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 as determined by the City 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 Master 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.

5.3.3.8 Rehabilitation in Environmental Areas

In environmental areas, as provided for in Section 6.0, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional ~~Policy~~Official Plan, and the appropriate watershed/sub-watershed study.

5.3.3.9 Cultural Heritage

Where such resources exist, the City will promote and encourage rehabilitation of 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.

5.3.3.10 Mineral Aggregate Resources – Wayside Pits and Quarries and Portable Asphalt and Concrete Plants

Wayside pits and quarries and portable asphalt and concrete plants used for public authority contracts shall be permitted in all land use designations without *Planning Act* approvals except in those areas of existing development or in environmentally sensitive areas. The City shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

5.4 RURAL

5.4.1 Planning Objectives

5.4.1.1 To recognize existing rural development.

The Policies of this Section of the Plan are intended to recognize and generally maintain existing rural development patterns in the City.

~~5.4.1.2 To allow for new non-agricultural development in rural areas.~~

~~The City will provide consider developing a framework which allows for new non-agricultural development.~~

5.4.1.3 Maintain rural character

New development shall be compatible with the rural character of the area.

5.4.2 Land Use Policies

5.4.2.1 Planned Function

The predominant use of lands within the Rural designation shall be agriculture, but some non-farm related development will be permitted.

5.4.2.2 Permitted Uses

Permitted uses include agricultural uses, agriculture-related uses, and on-farm diversified uses as well as Farm-related uses and a variety of non-agricultural development may be located within the Rural area, subject to meeting the land use compatibility criteria outlined in Policy 5.4.3.1. Certain types of low intensity, non-agricultural development are permitted such as ~~rural residential uses~~, recreational, public, ~~and~~ institutional uses and rural residential uses with an approved zoning as permitted as of June 16, 2006 are permitted.

5.4.3 Additional Policies

5.4.3.1 Rural Development Criteria

Development within the lands designated as Rural in this Plan shall only be permitted where it has been demonstrated that:

- i. Individual lot size and shape, soil conditions, drainage and topography are suitable for the satisfactory long term operation of a private waste disposal system, in accordance with the requirements of the Ministry of the Environment;
- ii. The water supply meets the requirements of the Ministry of the Environment, Conservation and Parks or its agents, and the Medical Officer of Health;
- iii. The proposed development can be sustained by rural services levels and will avoid the need for unjustified and/or uneconomical expansion of infrastructure;
- iv. The proposed development will not reduce water quality and/or quantity or interfere with natural farm drainage systems;
- v. The site does not have problems of flooding, erosion, unstable slopes and is not comprised of organic soils;
- vi. The proposed development has adequate access to the City's road network, but locations must not jeopardize the operation of the system;
- vii. The proposed is compatible with the rural landscape and surrounding local land uses.
- viii. The proposed development meets all other applicable Policies of this Official Plan;
- ix. The proposed development will not adversely affect the protection of agricultural uses;
and

5.4.3.2 Rural Development Municipal Services

All development shall be serviced by sustainable individual on-site water and individual on-site sewer services, except an existing lot of record may be permitted to connect to existing municipal services subject to the following:

- i. Where municipal sewers or water supply mains have been extended outside the urban areas to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment, Conservation and Parks.

5.4.3.3 Lot Creation

~~Infilling~~ Lot creation may be permitted on lands designated for Rural where all of the following conditions ~~exist~~ are met:

- i. Infilling takes place between two existing residential dwellings which are no more than 100 metres apart;
- ii. The lot maintains a minimum 45 metre frontage on an existing public road;
- iii. The lot has a minimum useable lot area of 0.5 hectares;
- iv. The application is accompanied by supporting studies, including, but not limited to, a Planning Justification Report, Geotechnical Study, Environmental Impact Study and any other study required by the City, ~~Region of Niagara and the Niagara Peninsula Conservation Authority~~ which demonstrate that there will be no negative impact of the proposed new lot on surrounding land uses, the natural environment, infrastructure and water quality and quantity; ~~and~~,
- v. The lot meets all other provisions of the City's Zoning By-law;
- vi. Road access to a new lot does not create a traffic hazard related to sight lines, curves, or grades changes in proximity to intersections; and
- vii. The proposed lot should be located to minimize impacts on surrounding farming operations and comply with the minimum distance separation formulae.

5.4.3.4 Minimum Distance Separation

All proposed development must comply with the Minimum Distance Separation formulae.

5.4.3.5 Long Term Pattern

The long term pattern and character of future development within the City will be carefully considered before non-farm residential development in the Rural area will be approved.

5.4.3.6 Modification of Topsoil

The removal of topsoil from prime agricultural areas and rural lands is discouraged. Further, the placement of fill in prime agricultural areas is prohibited. The City will consider by-laws to regulate the placement of fill in accordance with Ontario Regulation 409/19 On-Site Excess Soil Management.

5.4.3.7 Implementation

5.4.3.7.1 Servicing

New development shall not require the extension of City services. The cost of providing ancillary services, such as storm drainage, snowplowing, road maintenance, possible road paving, garbage and refuse pick-up, school bus services, etc., will be reviewed when considering the approval of any rural residential development in the Rural area.

5.4.3.7.2 Zoning

Rural residential development shall be zoned in a separate zoning classification on the implementing Zoning By-law.

A scenic view of a lake with people tubing and a forested background. The water is blue, and the background is a dense green forest. In the foreground, there are several blue inflatable tubes with people inside. A white swan-shaped inflatable is also visible on the left. In the middle ground, a group of people is standing on a concrete platform near the shore, surrounded by trees. The overall scene is bright and sunny, suggesting a summer day.

CHAPTER 6
Natural
Environment
System
describes
the Natural
Heritage
System
and Water
Resource
System

6 NATURAL ENVIRONMENT SYSTEM

6.1 PLANNING OBJECTIVES.

6.1.1 Maintain a Healthy Natural Environment for Present and Future Generations

The City endeavors to maintain a healthy natural environment for present and future generations.

6.1.2 Conserve Welland's Distinctive Natural Character

The City ~~aims to~~ will conserve Welland's distinctive natural character by protecting its natural heritage system from degradation and inappropriate development.

6.1.3 Apply an Ecosystem-Based Approach to Planning and Decision-Making

In making decisions, the City will apply an ecosystem-based approach to planning and development.

6.1.4 Foster and Promote Cooperation

The City will work with public agencies, private landowners and community groups to foster and promote cooperation related to protecting and enhancing the natural environment

6.1.5 Support and Encourage Environmental Stewardship and Restoration

The City will lead, and continue to support and encourage, environmental stewardship and restoration within Welland.

6.1.6 Support and Encourage Tree Preservation

To preserve mature trees, the City shall prepare forestry guidelines.

6.2 GENERAL POLICIES

6.2.1 Natural Environment System

The Natural Environment System is made up of the Natural Heritage System and the Water Resource System, which are ecologically linked, rely on and support each other, as well as have many overlapping components.

6.3 ~~LAND USE POLICIES~~ NATURAL HERITAGE SYSTEM

6.3.1 *Planned Function of the Natural Heritage System*

The planned function of the ~~Core~~ Natural Heritage System is to provide for the protection, maintenance, restoration and, where possible, enhancement of Welland's natural systems, ecological health, integrity and biodiversity. The ~~Core~~ Natural Heritage System is also intended to provide a framework for establishing the linkages among natural heritage features, ~~within the system and major surface water resources.~~

6.3.2 *Natural Heritage System*

The Natural Heritage System is comprised of various natural heritage features, areas, wetlands and linkages. The components of the Natural Heritage System support the natural process and function of the system, while maintaining the biological diversity of the ecosystem. The individual components of the Natural Heritage System within Welland are set out below:

- i. Natural Heritage System of the Growth Plan;
- ii. Provincially Significant Wetlands;
- iii. Other Wetlands;
- iv. Habitat of Endangered Species and Threatened Species;
- v. Habitat of Special Concern Species;
- vi. Fish Habitat;
- vii. Significant Valleylands;
- viii. Significant Woodlands;
- ix. Other Woodlands;
- x. Significant wildlife habitat;
- xi. Permanent and intermittent streams;
- xii. Linkages; and
- xiii. Supporting features and areas.

6.3.3 *Permitted Uses*

Permitted uses within the ~~Core~~ Natural Heritage System include:

- i. Forest, fish and wildlife management uses, conservation, and flood or erosion controls and/or protection projects where it has been demonstrated that they are necessary and/or are in the public interest and ~~the alternatives~~ have been considered ~~are not available;~~

- ii. Infrastructure authorized under an environmental assessment;
- iii. ~~Existing agricultural uses are also permitted to continue within the Core Natural Heritage System;~~
- iv. ~~In addition to the above,~~ Small scale, passive recreational uses, and accessory uses, and structures such as trails, boardwalks, footbridges, fences, docks and picnic facilities which will have no significant negative impact on natural features or ecological functions of the ~~Core~~ Natural Heritage System and Water Resource System are permitted.
- v. Expansion of existing buildings and structures, accessory structures and uses, and conversions of legally existing uses, subject to demonstrating it does not expand into the Natural Environment System unless there is no alternative. If expansion into the Natural Environment System cannot be avoided, the expansion will be limited and scoped within close geographical proximity to the existing structure;
- vi. Expansions or site alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses and expansions to existing residential dwellings subject to demonstrating it does not expand into the Natural Heritage System unless there is no alternative. If expansion into the Natural Heritage System cannot be avoided the impact will be minimized and mitigated.
- vii. ~~Activities within these lands may be subject to a permit from the Conservation Authority, (refer to NPCA Regulation 155/06, as amended).~~

6.3.4 Location of the Natural Heritage System

The extent of the mapped Natural Heritage System is shown on **Schedule C1**, which shows the known locations of the following Natural Heritage System features:

- i. Natural Heritage System of the Growth Plan;
- ii. Provincially Significant Wetlands;
- iii. Other Wetlands;
- iv. Fish Habitats;
- v. Significant Valleylands;
- vi. Significant Woodlands;
- vii. Other Woodlands;
- viii. Permanent and Intermittent Streams; and
- ix. Linkages.

~~6.3.5~~ *Expansion to an Existing Use*

~~Subject to other Policies in this Plan, an expansion to an existing use located within an Environmental Conservation Area or Fish Habitat or adjacent lands to a Core Natural Heritage System Component as identified in **Table 6-1** may be permitted if it will have no significant negative impact on the natural 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 Statement. Expansions to existing uses within the Core Natural Heritage System may require a permit from the Niagara Peninsula Conservation Authority.~~

~~6.3.6~~ *Components of the Core Natural Heritage System*

~~The Core Natural Heritage System of:~~

- ~~xiv. Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;~~
- ~~xv. Natural Heritage Corridors connecting the Core Natural Areas;~~
- ~~xvi. Fish Habitat.;~~

~~6.3.7~~ *Delineation of or Modifications of Features and Modifications*

~~The boundaries of Core the Natural Heritage System Areas, Natural Heritage Corridors and Fish Habitat may be defined more precisely or modified through Watershed or Environmental Planning Studies, Environmental Impact Studies, hydrologic evaluation, or other studies prepared to the satisfaction of ~~the Region~~, the City of Welland in consultation with the Region, and the Niagara Peninsula Conservation Authority if required. Features may also be mapped in more detail in secondary plans and Zoning By-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.~~

~~6.3.8~~ *Mapping of the Natural Environment System*

Natural heritage features and areas that make up the Natural Heritage System listed in 6.3.2 have been identified and mapped on Schedule C, based on available information and access, of the feature. Additional natural heritage features may be identified through the planning and development review process and through future studies such as but not limited to an environmental impact study, hydrologic evaluation or subwatershed study as outlined in policy 6.2.2. If additional natural heritage features are identified the policies of Chapter 6 shall apply.

6.3.9 ~~Additional Features Not Mapped~~

~~Where, through the review of a planning application, it is found that there are important environmental features or functions which have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the City of Welland, the Region of Niagara Region, the Niagara Peninsula Conservation Authority and, where appropriate, the Ministry of Natural Resources. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components, the appropriate Core Natural Heritage System policies shall apply.~~

6.3.10 Assessment of Linkages

Linkages shown on Schedule C1, outside of the City's Urban Boundary, shown on Schedule A shall be screened during a subwatershed study to assess the ecological function, appropriate boundary, and potential compatible uses. The subwatershed study may also make refinements to the boundary or remove the linkage if necessary through a site specific analysis.

6.3.11 ~~Consideration of Refinements~~

~~In considering both refinements and significant modifications to the mapping or classification of the natural heritage system features shown on the **Schedule C** and **Schedule C1**, the City of Welland shall consult with the Region, the Conservation Authority and:~~

- ~~i. The Ministry of Natural Resources respecting changes to Environmental Protection Areas; or,~~
- ~~ii. The Ministry of Natural Resources and the Department of Fisheries and Oceans or its~~

designate respecting changes to Fish Habitat.

6.3.12 *Development and Site Alteration within Provincially Significant Wetlands*

Development and Site Alteration is not permitted in Provincially Significant Wetlands, except for the permitted uses described in Policy 6.3.3 of this Official Plan.

6.3.13 *Development and Site Alteration of Fish Habitat*

Development or site alteration shall not be permitted in fish habitat except in accordance with Federal and Provincial requirements.

6.3.14 *Development and Site Alteration of Habitat of Endangered and Threatened Species*

Development or site alteration shall not be permitted in a Habitat of Endangered and Threatened Species except in accordance with Federal and Provincial requirements.

6.3.15 *Development and Site Alteration within the Natural Heritage System*

Development and Site Alteration within the Natural Heritage System outside of the features listed in 6.3.12, 6.3.13, and 6.3.14 shall maintain, enhance or restore ecosystem health and integrity. Where development or site alteration is proposed, the first priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then appropriate mitigation measures shall be identified required through an Environmental Impact Study. New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

6.3.16 *General Development and Site Alteration of ~~within~~ lands adjacent to the Core Natural Heritage System and Adjacent Lands*

Development and site alteration within the Core on lands adjacent to features of the Natural Heritage System and in adjacent lands, where potentially permitted by policies elsewhere in this Plan, set out in Table 6-1, will demonstrate that there is no net negative impact on the adjacent feature after mitigation. The proponent of development shall be required to prepare an Environmental Impact Study in accordance with the Policy 7.11.5. The development and site alteration shall also be subject to the Healthy Landscape Policies of 6.3.41 in Section 6.3.2 as well as the Core Natural Heritage System Policies.

Table 6-1: Core Adjacent Lands to the Natural Heritage System Components and Adjacent Lands	
Core Natural Heritage System Components	Adjacent Lands Where an EIS Shall Be Required for Development Applications.
Environmental Protection Area	
Provincially Significant Life Science Areas of Natural and Scientific Interest	All lands within 50 metres.
Provincially Significant Wetland	All lands within 120 metres.
Significant Woodland	All lands within 120 metres.
Other Woodland	All lands within 50 metres.
Significant Valleyland	All lands within 50 metres.
Significant Wildlife Habitat	All lands within 50 metres.
Habitat of Threatened and Endangered Species	All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.

6.3.17 *Waiving an Environmental Impact Study*

Notwithstanding 6.3.1.14 an Environmental Impact Study and or hydrologic evaluation will not be required:

- i. On a site where the only Natural Heritage Feature is a Habitat of Threatened and Endangered Species;
- ii. New buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses if a 30 metre buffer is provided from a Natural Heritage Feature; and
- iii. For uses authorized under the environmental assessment process, including a Class Environmental Assessment, carried out in accordance with Provincial and Federal policies.

Waiving the requirement for an environmental impact study and/or hydrological evaluation may be subject to conditions.

6.3.18 *Buffers*

Buffers will consist of natural self-sustaining vegetation, except where certain agricultural uses are exempt from the requirement of a buffer.

6.3.19 *Buffers in Urban Area*

Within the urban area of the City as shown on Schedule A City Structure, buffers are required for all Natural Heritage Features that form part of the natural environment system shown on Schedule C1. The appropriate width of the buffer will be determined through an environment impact study and or/hydrologic evaluation at the time of development or site alteration, or through a subwatershed study in support of a secondary plan or large scale development.

6.3.20 *Buffers outside the Urban Area*

For lands outside the urban area of the City as shown on Schedule A City Structure, the minimum buffers of natural heritage features of the natural heritage system shown on Schedule C1 are outlined below;

- i. Provincially Significant Wetland: 30 metres;
- ii. Significant Woodland: 20 metres;
- iii. Other Woodland: 10 metres; and
- iv. Significant Valleyland: 15 metres.

6.3.21 *Development and Site Alteration within the ~~Core~~ Natural Heritage System and Adjacent Lands*

Development and site alteration may be permitted without an amendment to this Plan in ~~Environmental Conservation Areas, Natural Heritage Corridors~~ the Natural Heritage System, and on all adjacent lands (set out in Table 6-1) if it has been demonstrated that, there will be no negative impact on the natural features or their ecological functions. The

proponent of the development shall be required to prepare an Environmental Impact Study (EIS) in accordance with the Policies of this Plan (see Policy 7.11.5).

Where it is demonstrated that all, or a portion of the Environmental Conservation Area Natural Heritage System does not meet the criteria for a designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area Natural Heritage System or adjacent land, then the restrictions on development and site alteration set out in this Policy do not apply.

Development and Site Alteration within Natural Heritage Corridors

Where development or site alteration is proposed in, or near, a Natural Heritage Corridor shown on ~~Schedule C1~~, the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed.

~~**6.3.22** *Development and Site Alteration within the Core Natural Heritage System and Adjacent Lands:*~~

~~Development and site alteration within the Environmental Protection Area is prohibited.~~

~~Development and site alteration shall not be permitted within Environmental Protection Areas except for the following:~~

- ~~a) forest, fish and wildlife management;~~
- ~~b) conservation and flood or erosion 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 and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System.~~

~~Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the City in accordance with the Policies of this Plan (see Policy 7.11.5).~~

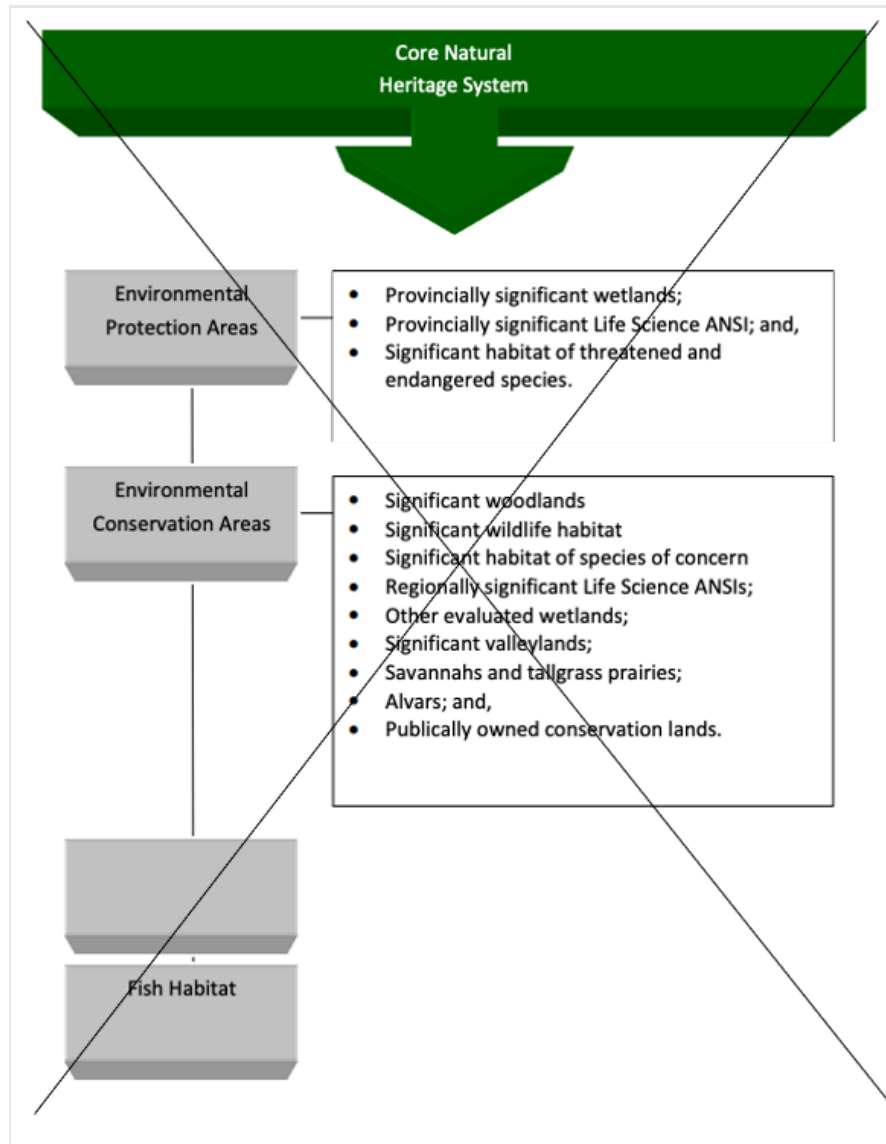
6.3.23 *Significant Habitat of Threatened and Endangered Species*

Mapping of the significant habitat of threatened and endangered species is not included in ~~Schedule C and Schedule C1~~. The significant habitat of threatened and endangered 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 for Environmental Protection Areas.

6.3.24 *Policy Framework*

The overall policy framework for the Core Natural Heritage System is graphically illustrated in Figure 6.1 for explanatory purposes

Figure 6.1: Components of the Core Natural Heritage System



~~**6.3.25** *Environmental Protection Area*~~

~~Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species.~~

~~**6.3.26** *Environmental Conservation Area*~~

~~Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern, regionally significant Life Science ANSIs,~~

other evaluated wetlands, significant valleylands, savannahs and tall grass prairies, alvars and publicly owned conservation lands.

6.3.27 *Natural Heritage Corridors*

Natural Heritage Corridors are natural and open space linkages between the Core Natural Areas. They include naturally vegetated stream corridors, valleylands, shorelines, woodlands, wetlands, natural vegetation communities and other features which provide linkages.

6.3.28 *Fish Habitat*

Fish Habitat includes spawning grounds and nursery, rearing, food supply and mitigation areas on which fish depend directly or indirectly to carry out their life processes.

6.3.29 *Location*

The Core Natural Heritage System shown on the **Schedule C** indicates provincially and regionally significant natural features and provides the land use planning framework for natural heritage planning and development review in the Welland. The Fish Habitats shown on **Schedule C** is part of the Water Resources System, but other key hydrological features have not been identified and mapped. These features will be identified through the planning and development review process and through future studies. **Schedule C1** provides additional details, describing the features within the Environmental Protection and Environmental Conservation Areas.

6.3.30 *Compensation Plan*

Where development or site alterations is permitted, the City may consider compensation for the removal of features within the Natural Heritage System in consultation with the Conservation Authority in accordance with Provincial Regulations. A Compensation Plan shall be prepared by a qualified professional.

6.3.31 *Unauthorized removal of Natural Heritage Features*

Where a feature of the Natural Heritage System has been removed without authorization prior to making an application for development or site alteration, the City, Region, and/or Conservation Authority staff shall use all available information to determine the limit and

classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for development or site alteration.

6.3.32 *Implementation of Minimum Vegetation Protection Zones in the Zoning By-law*

Where an individual feature or component of the Natural Heritage System includes a vegetation protection zone or a minimum buffer, both the feature and buffer shall also be zoned in a manner that implements this Plan.

Where a vegetation protection or a minimum buffer is not prescribed in this Plan, no buffer or vegetation protection zone will be zoned. The buffer or vegetation protection will be determined when a site-specific Zoning By-law amendment is proposed, and the Zoning By-law will be updated accordingly.

6.3.33 *Dedication of Natural Heritage Features*

The municipality will consider opportunities to obtain Natural Heritage Features or components of the Natural Heritage System into public ownership through dedications during the development approval process.

6.3.34 *Native Species Plantings*

Individuals and Agencies are encouraged to use native plant species when planting within the Natural Heritage System, contiguous to elements of the natural environment system.

6.3.35 *Invasive Species*

The City will work with the Conservation Authority to develop programs that require or promote measures to eliminate and/or manage invasive species and discourage the use of non-native invasive species plantings in new developments adjacent to the natural environment system

~~**6.3.36** *Natural Features in Abutting Municipalities*~~

~~In supporting ecological restoration by the City of Welland, Niagara Peninsula Conservation Authority and other groups, priority shall be given to those projects which will enhance the features of the Core Natural Heritage System and water resources.~~

~~This Section of the Plan shall apply Wwhen development, or site alteration, is proposed on lands in Welland which are adjacent to a significant natural area in an adjoining municipality which is designated in that municipality's Official Plan, or is shown on the Region's Core Natural Heritage Map designated in that municipality's Official Plan, or has been identified by the Ministry of Natural Resources.~~

6.3.37 *Lands Regulated By the Niagara Peninsula Conservation Authority*

Some lands within the City of Welland are regulated by the Niagara Peninsula Conservation Authority. Lands in the regulated area that contain a watercourse will be subject to the Niagara Peninsula Conservation Authority buffer requirements. Reductions to a buffer may be considered within the Urban Boundary where supported by a site specific study approved by the City and Niagara Peninsula Conservation Authority.

Development, site alteration, construction and filling within lands regulated by the Niagara Peninsula Conservation Authority will require a permit from the Conservation Authority. ~~Refer to the Conservation Authority Regulation 155/06 as amended for additional details.~~

6.3.38 *Resolving Conflicts*

Where more than one Policy in Section 6 applies to a planning ~~a~~Application, all of the applicable Policies are to be addressed, with the more restrictive Policies applying where there are conflicts.

6.3.39 *New Lot Creation*

Where development or site alteration is approved in, or adjacent to, the ~~Core Natural Heritage~~ Heritage System, new lots thus created shall not extend into either the area to be retained in a natural state as part of the ~~Core Natural Heritage~~ System, or the buffer ~~zone~~ as identified through an Environmental Impact Study prepared in accordance with the Policies of this Plan. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and Zoned to protect their natural features and ecological functions.

6.3.40 *Residential Lot Creation*

If a proposed single residential lot is to be located entirely within lands adjacent to a ~~Core~~ Natural ~~Heritage~~ Heritage System Component as identified in **Table 6-1**, then the requirement for an Environmental Impact Study may be waived if the Director of Planning and Development Services is satisfied, after consultation with Niagara Region and the Niagara Peninsula Conservation Authority, that standard mitigation measures can avoid negative impacts on the natural features and ecological functions of the ~~Core~~ Natural ~~Heritage~~ Environment System Component and adjacent lands.

A new residence and accessory uses may be permitted on an existing lot of record located in whole, or in part, within an Environmental Conservation Area or adjacent lands thereto as set out in **Table 6-1** if they are located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Natural ~~Heritage~~ Heritage System Component and adjacent lands. Where development is proposed to occur on lands regulated by the NPCA, a permit is required before development can take place.

6.3.41 *Healthy Landscape*

In making decisions concerning planning, development and conservation, the City of Welland will employ an ecosystem approach addressing:

- i. The interrelationships among air, land, water, plant and animal life, and human activities;
- ii. The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and,
- iii. The long term and cumulative impacts on the ecosystem.

6.3.42 *Linear Uses*

Notwithstanding other Policies in this Plan, essential public uses and/or services of a linear nature including utilities, communication/telecommunication facilities and transportation routes such as the Niagara – GTA Corridor, may be permitted within the ~~Core~~ Natural Heritage System or adjacent lands where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation, where required. In limited circumstances where an essential public service of a linear nature that is not subject to an Environmental Assessment is proposed to cross the ~~Core~~ Natural Environment ~~Heritage~~

System or adjacent lands, the infrastructure shall be subject to detailed design approval from the City.

6.4 Natural Heritage System of the Growth Plan

6.4.1 Permitted Uses

Permitted uses are outlined in 6.3.3.

6.4.2 Development and Site Alteration Within the Natural Heritage System of the Growth Plan

Development or site alteration shall demonstrate:

- i. No negative impacts to the function of Natural Heritage Features or Key Hydrologic Features.
- ii. Connections between Natural Heritage Features or Key Hydrologic Features within 240 metres of each other will be maintained, where possible and enhanced with native plantings.
- iii. Removal of features within the Natural Heritage System of the Growth Plan not identified as Natural Heritage Features or Key Hydrologic Features should be avoided, where possible.
- iv. Disturbed areas, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area.
- v. A minimum of 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with this plan.

6.5 Water Resource System

6.5.1 Water Resource System

The Water Resource System is made up of both groundwater and surface water features, which sustain a healthy aquatic and terrestrial system as well as safe drinking water.

6.5.2 Maintaining the Quantity and Quality of Water Resources System

Where development and site alteration is proposed that includes features comprising the Water Resource System, a Hydrological evaluation or other studies as identified by the City may be required to demonstrate no net negative impacts to water quality and quantity. Mitigative measures and monitoring programs may be required and implemented through the development approval process.

~~shall only be permitted if they will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, through the completion of a subwatershed study or hydrologic evaluation with respect to on:~~

- ~~i. The quantity and quality of surface and ground water;~~
- ~~ii. The functions of ground water recharge and discharge areas, aquifers and headwaters;~~
- ~~iii. The natural hydrologic characteristics of watercourses such as base flow;~~
- ~~iv. Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;~~
- v. Natural drainage systems, stream forms and shorelines.

~~Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.~~

~~Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.~~

6.5.3 ~~Water Resource Mitigation~~

~~measures and/or alternative development approaches may be required in order to protect, improve or enhance key hydrologic areas, key hydrologic features, sensitive surface water features, sensitive ground water features, and their hydrologic functions. The City may require the establishment of appropriate development conditions and monitoring programs through the development approval process.~~

6.5.4 *The Welland Water Treatment Plant Intake Protection Zone*

The Welland Water Treatment Plant is located on Merritt Island in between the Welland River and the Old Welland Canal. The Niagara Peninsula Conservation Authority's Source Water Protection Study identified an Intake Protection Zone covering the areas to the north and west of the Treatment Plant. The Intake Protection Zone is located on **Map 1** in **Appendix I** to this Plan. Development and Site Alteration within the intake protection zone will be subject to a study which identifies that there will no impact on the water quality and quantity as a result of the proposed development and/or site alteration.

6.5.5 *Source Water Protection, Groundwater and Watershed Studies*

Vulnerable groundwater areas within Welland are shown on **Map 2** in **Appendix I** to this Plan. Development and site alteration within vulnerable groundwater areas shall address the potential for negative impacts where the proposed development or site alteration is perceived to have potential to impact water quality or water quantity.

6.5.6 *Efficient and Sustainable Use of Water*

Efficient and sustainable use of water resources systems shall be promoted, including practices to conserve water and protect, or enhance, water quality. In addition, water and wastewater facilities shall be designed to reduce energy and greenhouse gas emissions.

6.5.7 *Combined Sewer Overflows*

Combined sewer overflows have significant environmental impacts on water quality. Elimination of overflows shall be a priority of the City. Existing municipal combined sewer and storm drainage systems shall be separated, where technically and financially feasible. Where development has demonstrated a new storm outlet is unachievable and there is available capacity within the existing combined sewer, it may utilize a combined sewer system but shall be served by separated systems within the development limits.

6.5.8 *Stormwater Management and Sediment and Erosion Control Plan*

A Stormwater Management Plan, and a Sediment and Erosion Control Plan prepared and signed by a qualified engineer, may be required for an application for development or site alteration, ~~depending on:~~

- ~~i. The scale and nature of the proposal; and,~~
- ~~ii. Site-specific environmental conditions.~~

6.5.9 *General Stormwater Management Practices*

The City will ensure that stormwater management plans practices for development applications in urban areas help to minimize stormwater volumes and contaminant loads by maintaining or increasing the extent of permeable and vegetative surfaces.

6.5.10 *Stormwater Management and Sediment and Erosion Control Plans Guidelines*

Stormwater Management Plans and Sediment and Erosion Control Plans shall be prepared in accordance with the ~~Ontario~~ Ministry of the Environment, Conservation and Parks, Stormwater Management Planning and Design Manual, and the Greater Golden Horseshoe Conservation Authorities' Erosion and Sediment Control Guideline for Urban Construction or their successors, and in accordance with any watershed and/or environmental planning studies for the area.

A Stormwater Management Plan and a Sediment and Erosion Control Plan shall not be required for a new mineral aggregate operation or an expansion to an existing operation, where these matters are adequately addressed through studies prepared to meet the requirements of the *Aggregate Resources Act*.

A Stormwater Management Plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services.

6.5.11 *Stormwater Management Plans*

Where required, stormwater management plans will address but not limited to the following:

- i. Be informed by watershed planning or equivalent;
- ii. Be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- iii. Minimize, or, where possible, prevent increases in contaminant loads;
- iv. Minimize erosion and changes in water balance, and prepare for the impacts of climate change through the effective management of stormwater, including the use of green infrastructure;

- v. Mitigate risks to human health, safety, property, and the environment;
- vi. Maximize the extent and function of vegetative and pervious surfaces;
- vii. Promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and
- viii. Consider green infrastructure and other measures which address the impacts of climate change.

6.5.12 *Location of Stormwater Management Facilities*

Generally, Stormwater Management Facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat or key hydrologic features except in buffers to the features and outfalls to a stream, where they may be permitted.

6.5.13 *Permits to Take Water*

Prior to any planning approvals, new development ~~a~~Applications requiring a Provincial Permit to Take Water shall satisfy the Region and the City of Welland that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet existing and future planned uses.

6.5.14 *No Significant Adverse Impacts*

~~Development and site alteration shall not have significant adverse impacts on ground water quality or quantity. In areas where development and site alteration could significantly affect ground water quality or quantity, the City shall require that an assessment of potential groundwater impacts be submitted with the development application.~~

6.5.15 *Municipal Drains*

The City recognizes that the primary function of the Municipal Drains is to provide drainage for agricultural lands. These drains also may be used to convey irrigation water for agricultural use. Welland supports design, construction and maintenance of Requisition and Petition Drains authorized under the *Drainage Act* in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas and fish and wildlife habitat. The City of Welland supports ongoing drain maintenance and shall carry out drain maintenance in accordance with the Federal

Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains. Where development, site alteration or building is proposed adjacent to a Municipal Drain, then a setback of 15 metres in width measured from the stable top of bank shall be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health. A narrower setback may be permitted where it has been demonstrated, to the satisfaction of the City in consultation with and the Niagara Peninsula Conservation Authority, that there will not be a significant negative impact on the maintenance and functioning of the drain.

6.6 ~~Natural Vegetation and Wildlife~~ Other Natural Environment System Policies

6.6.1 ~~Forest Cover Targets~~

Welland will support ~~efforts to achieve the following targets through~~ the development and implementation of watershed and environmental planning studies that encourage and through voluntary landowner stewardship and restoration of the forest cover.

- ~~i. 30% of the land area in Welland in forest cover or wetland, with at least 10% of each subwatershed in wetland; and,~~
- ~~ii. A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in Welland.~~

6.6.2 Existing Agricultural Uses

Existing agricultural uses may continue operating within this buffers of Natural Heritage Features and are encouraged to employ best management practices to protect natural heritage features.

6.6.3 Woodland Protection and Conservation

Welland supports conservation and improvement of woodlands by:

- ~~i. Enacting and maintaining a tree cutting By law regulating the destruction or injuring of trees in woodlands less than 1.0 hectare in size; and,~~
- ~~ii. Where a woodland is greater than 0.5 hectares in size is located on, or adjacent to, lands which are the subject of an application for a plan of subdivision, a consent, site plan approval or a development permit, the applicant shall be required to prepare a Tree~~

Saving Plan as a condition of approval. A grading or building permit shall not be issued unless the Tree Saving Plan has been approved by the City. If an Environmental Impact Study has been approved for the development, the Tree Saving Plan shall be in accordance with the recommendations of the EIS and in accordance with the City and Regional By-laws as well as Policy ~~6.6.5-6.1.2.3.i~~.

6.6.4 *Tree Saving Plan*

Where development or site alteration is approved within the ~~Core~~ Natural Heritage System ~~or adjacent lands as set out in Schedule C Table 6-1~~, then the applicant shall submit a Tree Saving Plan maintaining, or enhancing, the remaining natural features and ecological functions to be retained as part of Site Plan application. The Plan shall be prepared by a professional ~~arborist forester~~ in accordance with the ~~Niagara Region Regional~~ Tree and Forest Conservation By-law ~~and the City's Tree Conservation By-Law and its implementation monitored by a member of the Ontario Professional Forestry Association.~~

6.6.5 *Tree Saving Plan Requirements*

The Tree Saving Plan will:

- i. Establish an Inventory and assess the health and significance of the trees in the woodland;
- ii. Identify the trees to be removed, based on the reasons for removal and the methods to be used;
- iii. Identify the trees to be retained and the measures required to prevent detrimental impacts on those trees; and,
- iv. Recommend a program to monitor the health of the trees to be retained and implement measures to ensure that trees and shrubs found through the above monitoring to be dead or in poor health shall be replaced.

6.6.6 *Integration of Natural Features and Use of Native Species*

New development, site alteration including municipal Infrastructure and facilities ~~should maintain or enhance the natural features, and functions of a site, including the~~ are encouraged to planting of native species.

6.6.7 *Collaboration*

Welland will collaborate with the Niagara Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.

6.6.8 *Priorities for Ecological Restoration*

In supporting ecological restoration by the City of Welland, Niagara Peninsula Conservation Authority and other groups, priority shall be given to those projects which will maintain or enhance the features of the Core Natural Heritage System and water resources systems.

6.7 ~~Air Quality and Climate Change~~

6.7.1 ~~Energy Conservation~~

~~Welland shall encourage and support energy conservation, district heating and combined heat and power and the on-site use of alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations, and where all potential negative impacts to adjacent lands are mitigated. Welland will also encourage the application of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures. Refer to Policy 6.5.2.8 for additional direction on energy conservation.~~

6.7.2 ~~Flexibility in Development Approvals Process~~

~~Increased flexibility in Zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.~~

6.7.3 ~~Climate Change~~

~~Recognizing that some climate change may be unavoidable, the City shall develop and implement plans to adapt to potential impacts in collaboration with Niagara Region, the Niagara Peninsula Conservation Authority and other stakeholders.~~

6.8 Landforms, Geology and Soil

6.8.1 *Development and Site Alteration*

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) and adjacent lands within 50 metres if it has been demonstrated that there will be no 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.

6.8.2 *Linear Public Utilities*

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, any negative impacts.

6.8.3 *Site Alteration By Law*

~~Recognizing that activities such as the dumping or placing of fill, grading of land and removal of topsoil can result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas, the City will enact a Site Alteration By-law regulating such activities.~~ As a condition of development approval, the City may require measures to conserve topsoil and reduce or mitigate soil erosion in accordance with the Site Alteration By-law.

6.8.4 Excess Soil Management

Welland shall incorporate best management practices for the management of excess soil generated and fill received during development or site alteration, including the development of municipal and Regional infrastructure, to ensure that: a) the Zoning By-law identifies appropriate sites for excess soil storage and processing; and b) Site Plan approval is utilized for new or expanding soil storage or processing sites.

6.9 **Natural Hazards**

6.9.1 *Natural Hazards*

Hazardous lands and sites identified and mapped by the Niagara Peninsula Conservation Authority ~~and the Region of Niagara~~ are shown on Schedule C2. Schedule C2 provides additional information indicating the specific types of hazardous lands and sites designated at each location. Hazardous lands should be delineated with appropriate zones in the City's Zoning By-law. The extent of natural hazards may be refined through municipal led studies or through a development application without an amendment to this plan.

Where an application for development or site alteration is made, and ~~such~~ natural hazards mapping is not available, the location and extent of hazardous lands or sites shall be as determined by the Conservation Authority after considering an appropriate study prepared, and signed, by a qualified engineer and submitted with the application.

6.9.2 *Development and Site Alteration in Hazard Land*

Development and site alteration may be permitted within floodplains if it has been demonstrated, to the satisfaction of the Conservation Authority that it is in accordance with the Conservation Authority's Regulation 155/06 or its successor, and subject to the Conservation Authority's approval.

Along valleylands, where the valley bank height is equal to or greater than 3 metres, the following provisions apply:

- i. A minimum setback of 7.5 metres from the stable top of the valley slope, as surveyed by the applicant and approved by the Conservation Authority, shall be required for all new development and site alteration.
- ii. Where the Conservation Authority finds evidence of potential slope instability, ~~or where the angle of the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance)~~ a ~~geotechnical report~~ study prepared by a qualified engineer shall be submitted with an application for new development or site alteration. An appropriate setback will be determined, if required, through the review process. ~~greater than 7.5 metres may be required where the Conservation Authority has determined, after considering the geotechnical report, that an increased setback is needed to address site specific conditions.~~ The valley shall be maintained in a natural state and there shall be no

disturbance of grades or vegetation below the top of bank or within the setback area from the top of bank.

- iii. Within the Urban Area, the City supports the maximum use of land for development while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback, provided that a geotechnical report submitted by the applicant, and approved by the Conservation Authority, finds that the reduced setback, with mitigative measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no development or site alteration will be permitted below the top of the valley bank.
- iv. Existing vegetation should be maintained within the setbacks required under this Policy. Vegetation below the top of the valley slope shall not be disturbed.
- v. For newly created lots on Greenfield or brownfield sites, the rear lot lines or side lot lines (as the case may be) shall be set back 7.5 metres from the Authority approved top of slope. The City of Welland shall encourage dedication of these lands for conservation purposes, either to the appropriate local municipality or to another public agency where there is a willing recipient.
- vi. For newly created infill lots within the Built Up Area, a reduction in valleylandsetback may be considered where the new lots do not require the construction of new roads (public or private), and adequate municipal water and sewer capacity is available on the existing road frontage ~~and the subject site does not result in the creation of more than two lots~~. Furthermore, a Geotechnical investigation shall demonstrate that infringement within the setback area, with mitigative measures, can be accommodated on-site while maintaining bank stability and no adverse environmental impacts. In no case shall development be permitted beyond the top of bank down the slope.

6.9.3 *Hazardous Sites*


On hazardous sites, development and site alteration will not be permitted unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated, to the satisfaction of the Conservation Authority, that applicable Policies can be met. On hazardous lands and hazardous sites, the following uses shall not be permitted:

- i. Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;

- ii. Essential emergency services such as those provided by fire, police and ambulance stations and electrical substations; and
- iii. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Where, under this Plan, development and site alteration may be permitted on portions of hazardous lands or sites, then the Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

- i. Development and site alteration will be in accordance with provincial floodproofing standards, protection works standards and access standards;
- ii. Vehicles and pedestrian people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- iii. New on-site or off-site hazards will not be created, or existing ones aggravated; and
- iv. No adverse environmental impacts will result.

A vibrant scene of a crowded lake with numerous people enjoying various colorful inflatable toys. In the background, a large white metal truss bridge spans across the water. The water is a deep blue, and the sky is clear. The overall atmosphere is festive and recreational.

CHAPTER 7

Open Space and Recreation

7 ~~PARKS, OPEN SPACE AND RECREATION~~

7.1 PLANNING OBJECTIVES

7.1.1 Fulfill the City's Long-Term Parks, Open Space and Recreation Vision

The City will plan and seek opportunities to expand ~~for an integrated~~ its system of parks, open spaces and recreational opportunities which serve a wide range of citizens.

7.1.2 Plan and Maintain a Hierarchy of Parks

The City will plan and develop facilities to maintain a hierarchy, and equitable distribution, of parks, open spaces and recreational opportunities throughout the municipality.

7.1.3 Links Important Destinations

The City will ensure the provision of a continuous path / open space system to physically link important destinations within the City as outlined in the City's Community Trails Strategy.

7.1.4 Protect the Waterfront

The City will encourage the protection and management of waterfront lands throughout the City as important parks, recreational and open space areas.

7.1.5 Adapt to Citizen Needs

The City will encourage the development and redevelopment of accessible facilities and public amenities which are multi-purpose, support a range of activities, and are adaptable over the life cycle of the facility or amenity. ~~so that investments in open space and recreation are cost-effective for the municipality over the long term and are able to continually meet the needs of Welland's changing demographic base.~~

7.1.6 Support Efforts which Help to Achieve the Vision in the Welland Parks, Recreation & Culture Master Plan ~~Welland Recreational Waterway Master Plan~~

The City will supports efforts which help to achieve the vision put forth in the Welland Parks, Recreation & Culture Master Plan with respect to economic development, quality of life, public access, conservation, and heritage Welland Recreational Waterway Master Plan.

~~7.1.7 — Maintain Public Access to the Waterfront~~

~~The City will ensure that public access to the waterfront along the Welland Recreational Waterway is maintained so that all of the City’s citizens have the opportunity to enjoy the waterfront area.~~

~~7.1.8 — To Support Economic Development and Quality of Life Improvements~~

~~The City will encourage the completion of the Welland Recreational Waterway Master Plan as a means to support local economic development, conservation, recreation, education, and heritage for the benefit of citizens.~~

~~7.1.9 — To Support the Greater Niagara Circle Route and Welland Canals Parkway~~

~~The City will encourage the completion of the Welland Recreational Waterway Master Plan as a means to support local economic development, conservation, recreation, education, and heritage for the benefit of citizens.~~

7.1.10 To Enhance Residents’ Sense of Place

The City will enhance its parkland system by providing for a range of recreational, social, cultural and community activities within its parks which create vibrant public spaces for all ages and abilities and enhance residents’ sense of place within their community.

7.1.11 Support Urban Agriculture

The City will support urban agriculture through encouraging community gardens and the developing City wide guidelines.

7.1.12 Support Climate Change Initiatives

The City will consider initiatives that mitigate and reduce the impacts of climate change when planning for parks, open space and trails, including opportunities for green infrastructure and planting consistent with Chapter 8 of this Official Plan.

7.2 LAND USE POLICIES FOR PARKS, OPEN SPACES AND RECREATION

7.2.1 Parks, Open Spaces and Recreation Facilities

7.2.1.1 *Planned Function*

The Parks, Open Space and Recreation designation includes lands used for active and passive leisure activities. In addition, open spaces are intended to contribute to the enhancement of the natural environment through the provision of green space and vegetation.

7.2.1.2 *Permitted Uses*

Permitted uses include indoor and outdoor active and passive recreational uses including parks, trails, golf courses, arenas, curling rinks, sports fields and other similar uses as well as open space areas. Compatible uses, such as public and/or private utilities, environmental conservation, and community gardens may also be ~~allowed~~ permitted.

Small scale, ancillary commercial activities which are associated and complementary to the function of a park or recreational area, such as cafes, refreshment booths, sporting goods rentals/sales, ~~taverns~~, restaurants, outdoor patios, and outdoor theatres ~~assembly halls, and drugless practitioners~~ may also be permitted, provided that they do not undermine the function of the park/recreational area.

~~(VARIOUS CITY-OWNED PROPERTIES/FACILITIES)~~

7.2.1.3 *Park Hierarchy*

In general terms, the following hierarchy for parks will be maintained in Welland:

- i. Neighbourhood Parks: Serve the immediate recreation needs of a neighbourhood and are within walking distance of the area being served;
- ii. City-wide parks: Serve the recreation needs of the residents of Welland; and,
- iii. Regional parks: Intended to serve the recreation needs of the residents of Welland and also attract tourists from other areas of Niagara and beyond.

7.2.1.4 *Open Space Linkages*

The City, wherever possible, shall develop a well-maintained open space system which links important destinations, such as the Downtown, activity centres, residential neighbourhoods, workplaces, waterfront areas, and parks using trails, natural areas, bicycle paths and sidewalks in accordance with the City’s Community Trails Strategy and Appendix 4.

7.2.1.5 Standards of Provision

The City intends to achieve an overall ratio of 4 hectares of park space per 1,000 persons of population within Welland. Table 6-2 provides a breakdown of the City’s planned standard by park type.

Table 6-2: Standard of Provision for Parks	
Type of Park	Standard of Provision
Neighbourhood Park ¹	1.0 hectare (2.5 acres) per 1,000 people
City-wide Park ²	2.6 hectares (6.5 acres) per 1,000 people
Regional Park ³	0.4 hectares (1.0 acre) per 1,000 people
Total	4.0 hectare (10 acres) per 1,000

¹ Generally, Neighbourhood Parks should be tableland. Any lands acquired for Neighbourhood Parks that are not tableland should be in addition to the recommended standard. Connecting walkways are included within the Neighbourhood level of parkland.

² ~~An undetermined portion of the City-wide Parks shall be comprised of lands within the City’s~~ The City’s Natural Environment Heritage System will supplement the City wide park standards.

³ ~~Portions of the Regional Park are supplemented significantly by lands under the jurisdiction of the Welland Recreational Canal Corporation. Allowance has been made for the acquisition of parkland in the Woodlawn Road/River Road area, which, due to its proposed use for high level sports facilities, should be classified as a Regional Park.~~

7.2.1.6 Design of New Parks and Facilities

The following policies shall apply to the provision of new open spaces and facilities throughout the City:

- i. Parks, ~~and~~ trails, open spaces and community facilities shall be integrated into the overall design of an area to ensure an optimal location for the citizens being served;

- ii. The design of open spaces should focus on building design, public realm, encouragement for public art;
- iii. Any landscaping and topographical modifications as may be required in the provision of parks by a developer shall be coordinated, as soon as possible, by the developer prior to the dedication of the lands for park purposes;
- iv. Landscaping of parks, where appropriate, should use native plantings and species;
- v. Efforts shall be made to alleviate any negative impacts (e.g., light pollution) to adjacent lands;
- vi. The design of parking areas shall take into consideration the users of the openspace or recreational facilities and minimize conflicts between vehicular and pedestrian traffic;
- vii. The open space or facility shall have reasonable street frontage and be accessible;
- viii. New open spaces will be coordinated with school sites, wherever feasible, to facilitate joint use of recreational amenities;
- ~~ix. In areas where more than 30% of the land is still vacant, open space in accordance with the standards of provision will be required;~~
- x. In neighbourhoods where there is a deficiency of open space, the creation of open space from underutilized or brownfield sites may be considered on a site-by-site basis or as part of a secondary plan;
- xi. The design and programming of open spaces and recreational facilities will consider and implement techniques to optimize the safety and security of all users including through accessibility and age-friendly design; and,
- xii. Guidelines for the design of open spaces and recreational facilities which address elements of Crime Prevention Through Environmental Design (CPTED) may be prepared in consultation with the public, stakeholder groups, and the Niagara Regional Police. The following CPTED principles will be considered:
 - Natural Surveillance,
 - Access Control,
 - Territorial Reinforcement, and
 - Mechanical Forms of Surveillance and Access Control.

7.2.1.7 Temporary Public Realm Enhancements

Short-term and temporary streetscape enhancements that expand the public realm will be encouraged such as sidewalk patios and temporary urban squares or plazas.

7.2.1.8 *Redesignation of Lands*

The redesignation of open space lands to ~~Core~~ Natural Heritage System due to the existence of any significant or unique natural features as defined by the Ministry of Natural Resources and Forestry, the ~~Regional Municipality of Niagara Region~~, or the Niagara Peninsula Conservation Authority will not require an Amendment to this Plan.

7.2.1.9 *Trail Connections*

Where a trail linkage in an open space system crosses an arterial or collector road, it shall be located where a safe crossing can ~~a marked pedestrian/bicycle crossing, grade-separated crossing, or other crossing safe guard~~ shall be provided.

7.2.1.10 *Golf Courses*

A golf course shall only be permitted through a site-specific zoning by-law amendment which demonstrates that: ~~upon circulation of the development Application to, and consultation with, the Region, Niagara Peninsula Conservation Authority, and any relevant provincial agencies. Furthermore, a golf course shall only be permitted under the following circumstances, which will be addressed through special studies required at the time of a development Application:~~

- i. All buildings, structures, landform alterations and works are located outside the ~~Core~~ Natural Heritage System;
- ii. The development ensures that natural ecological systems and processes are maintained and enhanced;
- iii. The development minimizes disruption to existing landforms, landscape features and natural features, and demonstrates how all features are being preserved to the greatest possible degree;
- iv. Maintains or enhances the quality and quantity of ground and surface water resources systems;
- v. Maintains or enhances the site's ground water recharge function;
- vi. Maintains or enhances the site's existing aquatic ecosystem and terrestrial ecosystem functions;
- vii. Issues with traffic and servicing have been adequately addressed;

- viii. The buildings and structures are appropriate in terms of scale, location, character, and architectural design;
- ix. A sustainable design strategy ~~describing~~ describes what measures will be implemented, including, but not limited to, water conservation and nutrient management measures, to reduce the golf course's environmental impact during operations; and,
- x. The development complies with the Minimum Distance Separation formulae.

7.3 ADDITIONAL POLICIES FOR OPEN SPACE AND RECREATION

7.3.1 Public Park Land Dedication

7.3.1.1 *Required Dedication or Contribution*

In accordance with the *Planning Act*, as a condition of development approval, the City of Welland may require the applicant to dedicate up to 2% of the land for commercial or industrial developments and in all other cases 5% of the gross developable area of the land

City Council may use an alternative rate of one (1) hectare for every 600 dwelling units for the provision of public open space, other than roads, in residential developments, and up to 2% of the land for commercial or industrial developments.

7.3.1.2 *Maximum Dedication or Contribution*

The parkland dedication permitted under the alternative rate shall not exceed 10% of the land or the value of the land for sites that are five hectares or less, and for sites greater than five hectares, the dedication shall not exceed 15% of the land or the value of the land.

7.3.1.3 *Cash-in-lieu Contribution*

~~Also, in~~ In accordance with the *Planning Act*, as a condition of development approval, the City of Welland may require cash-in-lieu payment to the City's reserve fund instead of land, at a rate of 2% of the land value for commercial or industrial developments and in all other cases 5%, or one (1) hectare for each 1,000 net residential units ~~require the applicant to dedicate one (1) hectare for every 300 dwelling units. This required dedication may take the form of land or as a cash-in-lieu payment to the City's reserve fund to be calculated~~

based on the rates applicable at the date of approval of an amendment or site plan control application, or date of building permit application (when there is not amendment or site plan control application), but paid as of the day prior to the issuance of a Building Permit.

7.3.1.4 *Parkland dedication for larger sites*

On large sites, the City may require conveyance of parkland over cash-in-lieu for development or redevelopment applications including but not limited to applications for Plans of Subdivision. Parkland dedication will particularly be required in areas of the City where it is determined that there is need for a park or other public recreational purposes by consulting the City's Parks, Recreation, and Culture Master Plan or its successor plan, the Community Trails Strategy or its successor plan, or the Northwest Welland Secondary Plan.

7.3.1.5 *Application of Surpluses*

Land and/or funds accepted by the City as a condition of development approval will be used for the acquisition and development of parks in the area; however any surplus after the needs of the neighbourhood have been met may be applied to help relieve deficiencies in other areas or other public recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other public recreational purposes.

7.3.1.6 *Collaboration with Partners*

The City will work closely with the ~~Region of Niagara~~ Region, the private sector, Niagara Peninsula Conservation Authority and other agencies to continue to improve and enhance the City's open space and recreational resources.

7.3.1.7 *Evaluation of Public Lands*

The City will evaluate public lands being disposed for potential acquisition for recreation and open space uses in concert with other growth needs, including reuse of abandoned rail facilities and utility corridors for trail development.

7.4 — WELLAND RECREATIONAL WATERWAY

7.4.1 — Planning Objectives

~~7.4.1.1 Support Efforts which Help to Achieve the Vision in the Welland Recreational Waterway Master Plan~~

~~The City supports efforts which help to achieve vision put forth in the Welland Recreational Waterway Master Plan.~~

~~7.4.1.2 Maintain Public Access to the Waterfront~~

~~The City will ensure that public access to the waterfront along the Welland Recreational Waterway is maintained so that all of the City's citizens have the opportunity to enjoy the waterfront area.~~

~~7.4.1.3 To Support Economic Development and Quality of Life Improvements~~

~~The City will encourage the completion of the Welland Recreational Waterway Master Plan as a means to support local economic development, conservation, recreation, education, and heritage for the benefit of citizens.~~

~~7.4.1.4 To Support the Greater Niagara Circle Route and Welland Canals Parkway~~

~~The City will encourage the completion of the Welland Recreational Waterway Master Plan as a means to support local economic development, conservation, recreation, education, and heritage for the benefit of citizens.~~

7.5 LAND USE POLICIES FOR THE WELLAND RECREATION CORRIDOR WATERWAY

7.5.1 Vision

~~Through the Welland Recreational Canal Corporation, the~~ The City of Welland has established the Welland Recreational Corridor to Waterway as “an exciting, attractive, well used and self-sustaining recreational waterway which is fully integrated into the fabric and life of the City of Welland,” as articulated in the Welland Parks, Recreation & Culture Master Plan ~~Welland Recreational Waterway Master Plan.~~

7.5.2 Planning in Conformance with the Master Plan

The planning and development of the Welland Recreational Corridor Waterway, and the development of lands adjacent to the Welland Recreational Corridor Waterway, shall generally be in conformance with the Welland Parks, Recreation & Culture Master Plan ~~Welland Recreational Waterway Master Plan~~. Planning and development within these lands may require a permit from the Niagara Peninsula Conservation Authority.

7.5.3 Permitted Uses

Permitted uses within the lands designated as Welland Recreational Corridor Waterway include all uses permitted within the Parks, Open Space and Recreation and General Institutional designations. In addition to this, ~~medium~~ mid and high density residential development is also permitted subject to the Policies of Sections 7.5.4 and 7.5.5 ~~6.3.2.4 and 6.3.2.5~~ of this Plan.

7.5.4 Design

7.5.4.1 *Provide a clean and safe environment*

The land and the water within the Corridor Waterway should be free of contaminants which impair the beneficial uses by people and other living entities. People should be able to swim in the water and engage in other water activities without risk of illness.

7.5.4.2 *Development which Supports the Healthy Landscape Policies of this Plan*

Planning and management of land and water assets should restore and renew natural habitats and communities; enhance and maintain natural ecological processes; and ensure environmental sustainability by introducing more vegetation along the shoreline.

7.5.4.3 *Support a Mix of Uses*

Development of lands within the Welland Recreational Corridor Waterway should allow for a mix of land uses, both public and private.

7.5.4.4 *Diversity of Uses*

Uses within the Welland Recreational Corridor Waterway include a range of facilities, activities and experiences for residents and visitors of all ages, cultures and genders.

7.5.4.5 *Maintain Public Access*

Development of lands within the Welland Recreational ~~Waterway~~ Corridor shall be undertaken in a manner which maintains continuous public access to the waterfront along its length.

7.5.4.6 *Link Neighbourhoods to the Corridor ~~Waterway~~*

Development of the lands within, and adjacent to, the Welland Recreational Corridor ~~Waterway~~ should enhance existing linkages and provide new pedestrian linkages.

7.5.4.7 *Support a Variety of Modes*

Development of the lands within the Welland Recreational ~~Waterway~~ Corridor, in particular within activity nodes, should be accessible by a variety of transportation modes, including transit, cycling, pedestrians and vehicles.

7.5.4.8 *Safe and Accessible*

Development of the lands within the Welland Recreational ~~Waterway~~ Corridor should ensure safe and accessible access for all persons, where feasible.

7.5.4.9 *Attractive Design*

Planning and development of lands within the Welland Recreational ~~Waterway~~ Corridor should:

- i. Provide distinctive and memorable places;
- ii. Protect and enhance views and vistas;
- iii. Optimize the relationship between facilities, open space and water;
- iv. Be consistent and compatible with the design of the overall ~~Waterway~~ Corridor;
- v. Where possible, reflect Welland's diverse culture and history through attractive design.
- vi. Be consistent with the other policies of this Plan

7.5.4.10 *Archaeological Preservation*

The City has a special regard for the Welland Canals System. Any proponent for development, redevelopment or site alteration on lands within or adjacent to the Welland Canals System, will require an archaeological assessment. Where lands have been significantly altered, the Director of Planning and Development Services may waive the requirement of an archaeological assessment. Significant archaeological resources shall be

conserved by removal and documentation, or by preservation on site, and other measures may be required to ensure that the heritage integrity of the Canals system is preserved and promoted.

7.5.5 Residential Development

A limited amount of medium and high density residential development may be permitted within the Welland Recreational Waterway designation, provided that the proposed development:

- i. Is compatible with the surrounding land uses;
- ii. Does not compromise the recreational function of the waterfront area;
- iii. Maintains public access to the waterfront area; and,
- iv. Is consistent with all other policies of this Plan, including Policies of Sections 7.5.4 and 7.5.5 of this Plan.

7.5.6 Downtown Node

It is intended that those portions of the Welland Recreational Waterway and the Welland River through Downtown shall be treated as special features / amenities and, as such, shall be functionally and visually integrated with other Downtown uses.

7.5.7 ~~Multi-Use~~ Community Trails

An open space / park land system incorporating a multi-use trails shall be developed in consistency with the City's Community Trails Strategy and the Welland Parks, Recreation & Culture Master Plan, wherever possible, with a focus along the Welland Recreational Corridor ~~Waterway~~ and Welland River within the Downtown area.

7.5.8 Impacts of Adjacent Development

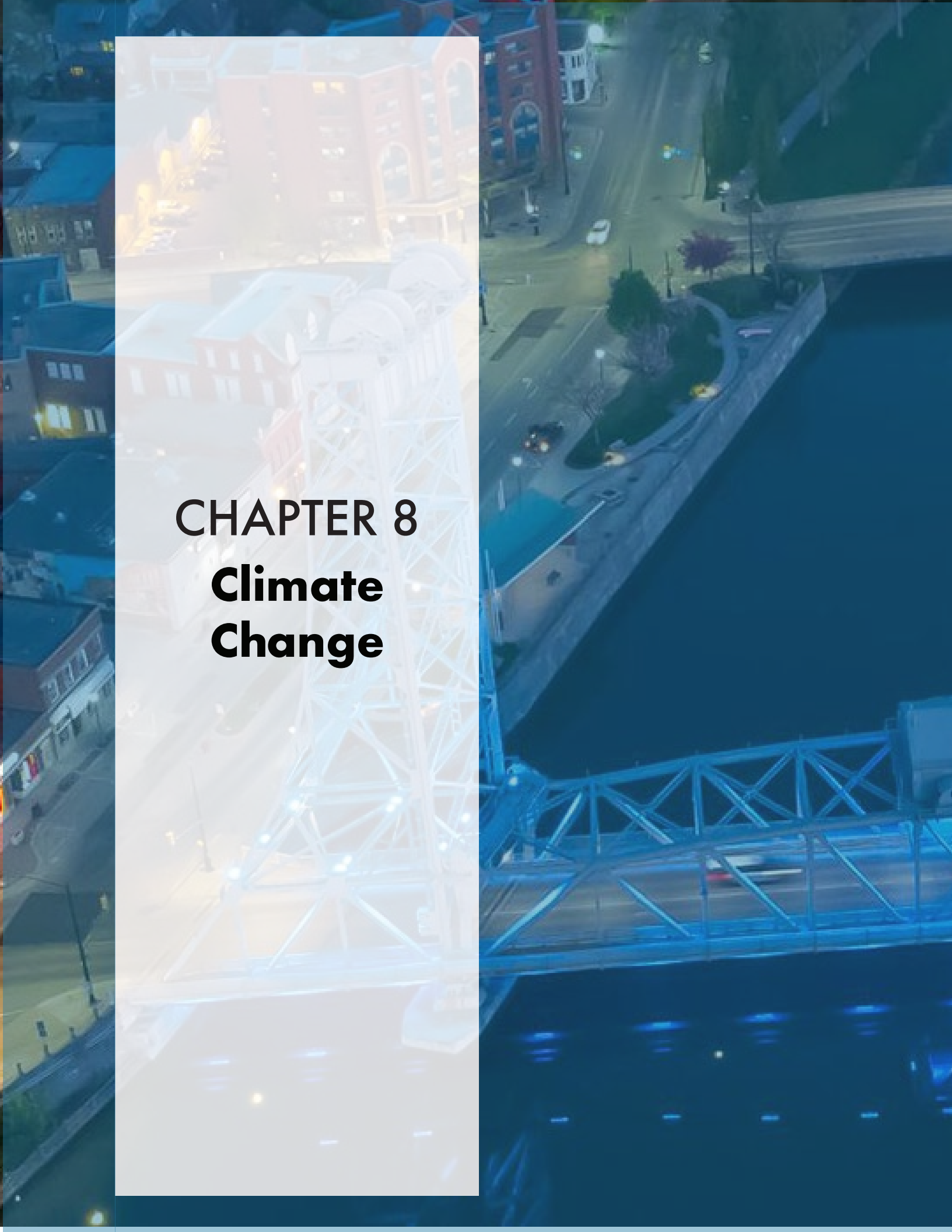
To further assist in supporting the Welland Recreational Waterway, the City will consider the impacts of future development adjacent to the corridor and require the proposed development to implement measures which ensure that the vision for the Welland Recreational Waterway is not compromised.

7.5.9 Environmental Constraints

~~Proponents of dDevelopment and site alteration within the Welland Recreational Waterway shall be consistent~~ consult with the Niagara Peninsula Conservation Authority's Regulation 155/06. ~~Development and site alteration shall also conform with all other applicable Policies of this Plan (such as the Policies for~~ with respect to Natural Hazards, ~~Core~~ Natural Heritage System, Cultural Heritage, Archaeology, Intake Protection Zone for the Welland Water Treatment Plant).

7.5.10 Financial Support

Where possible, lands or funds from parkland dedication obtained from development near to the Welland Recreational Waterway will be directed to enhancing or subsidizing the infrastructure, facilities, and equipment for the Welland Recreational Waterway.

An aerial night photograph of a city. In the foreground, a large steel truss bridge spans across a dark body of water. The bridge's structure is illuminated with blue lights. In the background, a city street with a roundabout and several buildings is visible. The buildings are lit up, and some have yellow lights. The overall scene is a mix of blue and yellow tones.

CHAPTER 8

Climate Change

8 CLIMATE CHANGE

8.1 PLANNING OBJECTIVES

8.1.1 *Prioritize the Reduction of Greenhouse Gas Emissions*

The City will prioritize the reduction of greenhouse gas emissions, improve air quality and increase resiliency to climate change by carefully managing the built and natural environment through the development process.

8.1.2 *A Resilient City*

The City will encourage building design and green initiatives that help meet the current and future needs of the City making Welland resilient to future effects of climate change.

8.1.3 *Sustainable Practices*

The City will encourage the use of sustainable materials and designs that can easily integrate with the environment to help mitigate effects of climate change.

8.1.4 *Energy Conservation*

The City shall encourage and support energy conservation, district heating and combined heat and power and the on-site use of alternative and renewable energy sources ~~developed in accordance with Provincial and Federal legislation, policies and regulations, and where all potential negative impacts to adjacent lands are mitigated.~~ Welland will also encourage the application of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

8.1.5 *Waste Reduction and Energy Generation*

During the development review process the City will promote opportunities for waste reduction, composting and recycling initiatives including during demolition and construction stages.

8.1.6 *Changing Climate*

The City recognizes that some aspects of climate change may be unavoidable, the City shall develop and implement plans, where appropriate, to adapt to potential impacts in

collaboration with Niagara Region, the Niagara Peninsula Conservation Authority and other stakeholders.

8.2 Climate Change Policies

8.2.1 Clean Air Initiatives

The City may establish clean air initiatives in relation to development and future infrastructure projects to achieve air quality that is safe and considers the impacts of climate change.

8.2.2 Green Infrastructure

To ensure the growth of a resilient City, green infrastructure such as green roofs, permeable pavements, public charging infrastructure, and LEED practices etc. will be encouraged where possible.

8.2.3 Support the Transition of Net-Zero Development

The City should develop a target to support achieving net zero development and encourage all development to use resilient building material to mitigate and adapt to climate change.

8.2.4 Green Development Standards

The City will develop Green Development Standards that facilitate sustainable designs for new privately and City owned developments. The Green Development Standards will be updated every 5 years. The Green Development Standards will support the City's Net-Zero Goal.

8.2.5 Support Flexibility in Development Approvals Process

The City will update Zoning provisions and site planning standards to accommodate flexibility in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

8.2.6 Tree Canopy

The City will prioritize the protection of mature and healthy trees and encourage the expansion of the overall urban tree canopy. The City may include a tree canopy target to ensure tree canopy is protected and enhanced.

8.2.7 *Hazardous Land*

To help prepare for the impacts of a changing climate, development shall generally be located outside of hazardous lands adjacent to rivers, streams, and small inland lake systems or lands impacted by flooding hazards and/or erosions hazards and hazardous sites unless otherwise stated by Provincial documents.

8.2.8 *Renewable Energy Facilities*

New or expanding renewable energy generation facilities will be subject to a compatibility study in accordance with Regional and Provincial requirements to determine mitigation measures, if required.



CHAPTER 9
Arts, Culture
and Design

9 ARTS, CULTURE AND ~~HERITAGE~~ DESIGN

9.1 PLANNING OBJECTIVES

9.1.1 **Maintain and Enhance our Cultural and Heritage Resources and Landscapes**

The City will encourage the conservation, protection, and enhancement of the City's cultural heritage resources, including landscapes, archaeological sites, important views and vistas, buildings and structures of historic, cultural, and architectural value.

9.1.2 **Encourage Quality Design**

The City will encourage growth and development which promotes the protection and sympathetic treatment and use of heritage resources.

9.1.3 **Recognize ~~Districts~~ Neighbourhoods with Cultural Heritage Attributes**

The City will encourage the protection and awareness of the rich heritage of the City's Downtown area as well as the various ethnic cultures and neighbourhoods.

9.1.4 **Increase the Profile of and Support for Arts and Culture**

The City recognizes the social and economic benefits of supporting arts and cultural initiatives and aims to greatly increase the City's profile in this area.

9.1.5 **Placing Urban Design in the Forefront**

The City will ensure ,where applicable, that urban design principles and guidelines are considered and at the forefront of land use planning decisions.

9.1.6 **Encourage Quality Design**

The City will encourage a high quality and consistent level of urban design for public and private realms including but not limited to building design.

9.1.7 **Accessibility and Age Friendly Design**

The City will ensure community design practices are accessible, age-friendly and barrier-free to promote inclusivity, human health and well-being.

9.1.8 Streetscape Design

The City will encourage human scale design and compact built form that is massed, designed and oriented to create well-defined, appropriately transitioned, comfortable, well-designed, functional, and attractive public spaces and streetscapes.

9.1.9 Sustainable Practices

The City will encourage sustainable forms of development and designs through the Green Development Standards, refer to policy 8.2.4.

9.1.10 Public Realm

The City will endeavour to ensure elements of public realm be designed to the highest quality possible and located to provide interest, safety, diversity and focal points within the community.

9.2 POLICIES FOR CULTURAL CONSERVATION

9.2.1 General Conservation

Conservation of landscapes, important views and vistas, sites, buildings or structures of cultural heritage, historical, architectural, or archaeological merit shall be encouraged throughout the City, ~~wherever possible to foster a sense of place and benefit communities,~~ including First Nations and Métis communities.

9.2.2 Advisory Committee

~~Heritage Welland~~ The City of Welland Heritage Advisory Committee shall be consulted on matters relating to heritage resources as required by the Ontario Heritage Act.

9.2.3 Heritage Inventory Municipal Register

The City shall maintain an inventory of buildings and properties of architectural and/or historic interest, ~~for the purposes of designating.~~ Non-designated properties of interest may be listed to the Municipal Register if City Council believes the property to contain cultural heritage value or interest and the property meets the required criteria as prescribed. Non-designated properties on the Municipal Register are subject to the preservation restrictions as outlined in the Ontario Heritage Act.

Property owners shall be consulted with prior to the listing of any non-designated properties on the Municipal Register.

~~For the purpose of designating ,by By-law, selected properties for preservation and protection from alteration pursuant to the *Ontario Heritage Act*.~~

9.2.4 Identifying Cultural Heritage Resources

The identification and evaluation of cultural heritage resources must be based on meeting the criteria of Regulation. 9/06 Criteria for Determining Cultural Heritage Value or Interest of the Ontario Heritage Act.

9.2.5 Timelines for Identifying Cultural Heritage Resources

In accordance with the Ontario Heritage Act, the City may issue a notice of intention to designate a property listed on the Municipal Registry upon a notice of complete official plan amendment, zoning by-law amendment or plan of subdivision application.

Designations must occur within the time frame outlined in the Ontario Heritage Act after a notice of intention to designate subject to exceptions contained in the Ontario Heritage Act. The City will notify the Region of newly or listed features of cultural heritage value or interest.

9.2.6 Removal of Non-designated Heritage Properties from the Municipal Register

Existing and Non-designated properties or buildings included in the City's Municipal Register, shall be removed from the Register if the following occur:

- i. If City Council does not give the notice of intention to designated the property within the prescribed timelines outlined in the Ontario Heritage Act of the property being included in the register;
- ii. If City Council withdraws the notice of intention to designated a property;
- iii. If City Council issues notice of intention, but does not pass a By-law within the prescribed timeline outlined in the Heritage Act;
- iv. If City Council issues a notice of intention, and passes a By-law, but the By-law is repealed at the Ontario Land Tribunal.

If a property or building is removed from the Municipal Register, the property or building shall be removed from the Register in accordance with the Ontario Heritage Act.

9.2.7 Use of Heritage Designation

Heritage features shall be appropriately designated using relevant provincial legislation including the *Ontario Heritage Act*, the *Planning Act*, the *Municipal Act* and other applicable statutory legislation in order to preserve and enhance the City's heritage resources.

~~9.2.8 Heritage Designations for Specific Properties~~

~~Individual properties and areas of unique cultural, architectural and historical significance may be recognized through designation pursuant to the *Ontario Heritage Act*.~~

9.2.9 Heritage Designations for Conservation Area Districts

~~Special studies may be undertaken for districts having heritage potential.~~ Should an area represent a group of significant sites, buildings or structures, or period of the City's history, a Heritage Conservation District may be established pursuant to the *Ontario Heritage Act*. All new development within a Heritage Conservation District will be required to maintain the character of the area.

9.2.10 Prior to designating a new Heritage Conservation Area District under Part V of the Ontario Heritage Act, the City shall undertake a study with a qualified professional to:

- i. Assess the feasibility of establishing a Heritage Conservation District;
- ii. Examine the character, appearance and cultural heritage significance of the Study area including natural heritage features, vistas, contextual elements, buildings, structures, and other property features to determine if the area should be preserved as a heritage conservation district;
- iii. Recommend the geographic boundaries of the area to be designated and the objectives of the designation;
- iv. Recommend changes required to be made to the City's Official Plan and By-laws; and
- v. Share the intent and scope of study to residents, landowners and the public at large.

9.2.11 Conservation Easements

Conservation easements are voluntary legal agreements between a heritage property owner and the City that protects a significant cultural or natural heritage features of a

property. The use of a conservation easement registered on title of a property is encouraged if designation under the *Ontario Heritage Act* is not ~~appropriate~~ feasible.

9.2.12 Alteration of Heritage Properties

Alterations may be made to properties designated by By-law as having historical significance provided that the alterations do not affect the heritage ~~attributes~~ reasons for the designation, and are in keeping with the Policies of this Plan, ~~and meet the requirements of the Zoning By-law, other City By-laws and applicable municipal and provincial policies and codes~~. Additions or alterations that affect heritage attributes may be approved by Council in accordance with the Ontario Heritage Act.

9.2.13 Partnership Funding for Heritage

Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance of applicable agencies ~~such as the Ontario Heritage Foundation~~.

9.2.14 Regard for Heritage Resources during Development

Where appropriate, ~~All~~ all new development shall have regard for heritage resources by conserving, accommodating and incorporating heritage resources in development and redevelopment proposals. Existing landmark or heritage trees, tree lines, hedge lines, or fence lines shall be considered, evaluated, and where possible, integrated in the design of any development or redevelopment.

9.2.15 Retention of Designated Heritage Properties

Designated properties shall be retained as part of any new development or redevelopment to ensure that the heritage value of the building and/or lands is not compromised, unless Council or its designate approves removal in accordance with the Ontario Heritage Act.

9.2.16 Public Works Compatibility with Heritage Resources

Consideration shall be given to the effects of public works and development on buildings, infrastructure, sites and areas of historical, architectural, scenic or archaeological importance prior to the approval of public works and proposals for development. At the discretion of the Director ~~Manager~~ of Planning and Development Services, emergency

repairs to infrastructure within buildings, sites and areas of historical, architectural, scenic or archaeological importance may not require a permit.

~~9.2.17 Mobility and Accessibility Improvements to Heritage Buildings~~

~~The redevelopment of heritage buildings shall address the need to improve the accessibility and mobility for all individuals.~~

9.2.18 Roadway Changes and Heritage Resources

In the extending of streets and other necessary road improvements, including realignment and widening, consideration shall be given to the impact of such extensions or improvements on heritage resources, especially the character of streetscapes.

9.2.19 Development and Site Alteration within Areas of Archaeological Resources

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

9.2.20 Archaeological Resource Assessment

A minimum Stage 1 Archaeological Assessment will be required and submitted to the Province and the ~~Region of Niagara~~ Region within the prescribed timeline for review where development is proposed on lands with archaeological potential. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

The archaeological assessment will follow the applicable guidelines and processes as dictated by the Province such as the Heritage Act.

9.2.21 ~~Additional Archaeological Resource Assessments~~

~~Depending on the aforementioned Stage 1 Archaeological Assessment, the City may require that Stage 2 to Stage 4 Assessments be conducted. The findings and recommendations of~~

Archaeological Assessments shall be adhered to and, where appropriate, incorporated into development plans.

9.2.22 Additional Archaeological Resource Assessment

Depending on the aforementioned Stage 1 Archaeological Assessment, the City may require that a Stage 2, Stage 3 and to Stage 4 Assessments be conducted. The findings and recommendations of Archaeological Assessments shall be adhered to and where appropriate, incorporated into development plans.

9.2.23 Heritage Impact Assessment

The City may require a heritage impact assessment be prepared by a qualified professional to the satisfaction of the City for any proposed alteration, construction or any development of:

- A property on the Municipal Register;
- A potential cultural heritage resource, which has been evaluated, or is being evaluated, but not yet formally designated and is listed on the Municipal Register;
- A potential cultural heritage resource identified through the development approval process or site alteration.

In reviewing a Heritage Impact Assessment prepared in support of an alteration, or a development proposal for a property on the Municipal Register, consideration will be given to, but not limited to, the criteria outlined within Heritage Act.

9.2.24 Marine Archaeological Assessment

The City may require a Marine Archaeological Assessment for the development or redevelopment of marine archeological sites, and sites adjacent to or that utilize the waterways in the City.

9.2.25 Environmental Assessment

If the City undertakes an Environmental Assessment, it will review the areas of archaeological potential as identified by the Region's Official Plan and determine if archaeological assessments are required as part of the Environmental Assessment

process. Where a project is within an area of archaeological potential, as identified by the Region, the archaeological assessment should be initiated as part of the study process.

9.2.26 Unexcavated Archaeological Sites

Unexcavated archaeological sites and archaeological resources shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed.

9.2.27 Unexpected Discoveries

The emergency protocol for the unexpected discovery of archaeological resources as detailed in the Region's Archaeological Management Plan or an applicable City policy shall be followed during unexpected discoveries. The emergency protocol will be implemented as a standard clause included in all draft plan approvals and development agreements.

9.2.28 Celebrating Ethnic Composition

Council encourages and promotes the City's ethnic composition through festivals, exhibits, ethnic days, themed streetscaping of neighbourhoods, etc.

9.2.29 Supporting the Arts, Culture and Heritage

The City will endeavour to support initiatives which enhance, expand and support existing and new arts and cultural activities in Welland.

9.2.30 Public Art

The City encourages and supports the display of art in public places as a means of enhancing the public realm, enriching the visual experience of residents and visitors and promoting Welland's culture. The utilization of public art will celebrate Welland's cultural heritage resources as well as enhance existing cultural heritage resources where appropriate. The City will promote the creation of public art that reflects the City's cultural diversity and heritage by:

- i. Encourage public art initiatives on properties and within buildings;
- ii. Encourage the inclusion of public art in all significant public and private sector developments;

- iii. Promote the concept of soliciting gifts of cash and gifts in-kind to the Town to implement public art initiatives; and
- iv. Encourage the implementation of temporary public art, murals, and interactive displays with the potential for them to become permanent.

9.2.31 Cultural Master Plan

The City will prepare cultural master plan that identifies cultural resources to inform decision making. The cultural master plan will review existing and planned City projects to determine if they are subject to the Environmental Assessment Act, and if it will impact potential archaeological resources.

9.3 POLICIES FOR URBAN DESIGN

9.3.1 Urban Design Guidelines

The City recognizes the value of pedestrian-friendly streetscapes and vibrant neighbourhoods and should therefore ensure consistency with both the City and the Region's Urban Design Guidelines.

9.3.2 Public Realm Design

9.3.2.1 Streetscapes

Streetscapes shall be designed to:

- a) Respect the predominant character and function of the surrounding area; and
- b) Provide and/or maintain opportunities for vistas and view corridors.

Streetscapes and public spaces shall be designed to prioritize the pedestrian environment with high quality landscaping, street furnishings, patios, public art, lighting, signage or other distinct placemaking elements that are complimentary to and emphasize the existing character of the street.

9.3.2.2 Pedestrian Environment

The pedestrian environment should be comfortable, safe and secure in public places which include roads, parks and open spaces, schools, public transit routes and public activity areas of buildings. Measures that are necessary include:

- The design and siting of new buildings shall provide visibility and ease of access to adjacent roads, parks and open spaces;
- Appropriate lighting and visibility shall be provided for all walkways, parking lots, garages and outdoor amenity areas;
- Public-oriented spaces and activity areas shall be oriented toward public roads; and
- A consistent level of landscape design shall be provided incorporating elements such as paving, planting, fencing, lighting and signage, as appropriate.

9.3.2.3 Crime Prevention Through Environmental Design (CPTED)

The City will incorporate the following Crime Prevention Through Environmental Design (CPTED) principles into proposed and existing public realm projects:

- Natural Surveillance,
- Access Control,
- Territorial Reinforcement, and
- Mechanical Forms of Surveillance and Access Control.

9.3.2.4 Roads and Lanes

Roadways and lanes should be enhanced through landscaping and streetscape treatments. The streetscape along roads and lanes can be improved through several features such as:

- Sidewalks greater in width than the minimum requirements;
- Shade trees and boulevard planting;
- Improved street furnishings and lighting; and
- Public Art.

9.3.2.5 Built Form

New development should be compatible with its adjacent context and surrounding character with regard to building scale and site design. The siting and massing of new buildings should not result in adverse impacts on adjacent properties in regard to privacy and shadow.

9.3.3 **Placemaking**

The City will encourage the implementation of placemaking features, along main streets and within public spaces, entryways to the community, vistas and heritage areas that contribute to a distinct sense of place. Place making features include but are not limited to

public art installations, unique paving, signage and banners, distinctive street furniture, street vendors, and special landscape treatment plantings.

9.3.4 Public Art

The City will encourage the implementation of temporary public art, murals and interactive displays with the potential for these installations to become permanent at key locations within the community.

The image is a vertical composition. The left half features a semi-transparent white overlay on a background of tall, leafy trees. The right half shows a clear view of a paved path winding through a dense forest of green trees. Two cyclists are riding away from the viewer on the path. The overall scene is bright and natural.

CHAPTER 10

Integrated Transportation

10 INTEGRATED TRANSPORTATION

10.1 PLANNING OBJECTIVES

10.1.1 To Provide a Transportation System which Supports a Variety of Modes

The City aims to reduce dependence on the automobile and develop a diverse multimodal transportation system which ~~supports~~ includes a comprehensive active transportation network, an interconnected public transit system, an efficient goods movement network a variety of transportation modes, including road, rail, transit, cycling, pedestrian modes and transportation demand management modes.

10.1.2 To Provide an Integrated Transportation System

The City will encourage and plan for an integrated transportation system which allows for cost-effective and efficient movement of people and goods in a sustainable manner that is compatible with existing and future planned land uses.

10.1.3 To Create a Connected Responsible Transportation System

The City will encourage a transportation system in Welland which supports economic development ~~and social inclusion with minimum social and environmental disruption.~~

10.1.4 To Ensure a Coordinated Transportation System

The City will encourage coordination among other municipalities, the Province, agencies, and stakeholders in developing a the transportation system to coordinated and cooperate towards optimizing optimized the transportation system.

10.1.5 To Protect Future System Needs

The City will anticipate, designate and protect transportation rights-of-way and areas required for future transportation facilities in cooperation with the Province, Niagara Region and neighbouring municipalities.

10.1.6 To Plan for a Safe Transportation Network

The City will plan its transportation network as a safe and accessible system. Additionally, the City will coordinate with the Region to ensure that its transportation network also

provides fast and efficient routes for emergency response purposes.

10.1.7 Attracting Tourism

The City will enhance Welland's position within the Niagara Region as a destination for recreational activity bringing new tourism and economic development.

10.1.8 To Promote Active Transportation Uses

The City will promote the use of active transportation such as transit, walking and cycling to reduce the dependence on the automobile.

10.1.9 A Healthy and Active Lifestyle for Citizens

The City will promote an active and healthy lifestyle through the active transportation network.

10.1.10 A Sustainable Active Transit System

The City will promote a multi-modal transportation system that prioritizes active transportation.

10.1.11 To Plan for a Safe and Accessible Active Transportation Network

The City will ensure the active transportation system is maintained and designed for all users and mobility needs, where possible.

10.1.12 Rural Active Transportation Connections

The City will promote active transportation connections between rural and urban areas.

10.1.13 Way Finding

The City will promote the use of wayfinding to create a transportation network that is easy to navigate.

10.1.14 To Plan for Complete Streets

The City will promote and facilitate a complete streets design approach to new and existing streets that balance the needs of multiple modes of travel, as well as individuals of varying ages and abilities.

10.2 GENERAL TRANSPORTATION POLICIES

10.2.1 General Policies

10.2.1.1 Carpooling and other Transportation Demand Management (TDM) Initiatives

Carpooling, park and ride lots, paid parking initiatives and workplace-based commuter programs will be encouraged and expanded throughout the City.

10.2.1.2 Protecting Corridors

The City shall ensure development applications will not negatively affect the functionality of existing or planned corridors.

10.2.2 Roads

10.2.2.1 Road Classification

All roads within the municipality are classified according to their function as provincial highways, regional roads, arterial roads, collector roads, expressways, arterials, collectors and local roads as shown on Schedule "E". This hierarchy of roads is intended to optimize the roadway network and provides the following:

- i. Accommodation of intra-city, regional and inter-city traffic with minimal disruption to the quality of life of local residents;
- ii. Direct large volumes of commercial and truck traffic around residential areas;
- iii. Allow for logical vehicular movement throughout the City; and,
- iv. Facilitate the establishment of public transit and on-street cycling routes.

10.2.2.2 Definitions for Roadway Classifications

The following definitions shall serve as guidelines for roadway classifications within the City:

- i. Provincial Highway: a divided or undivided roadway with partial or full access control serving large volumes of inter-city and provincial traffic at high speeds.
- ii. Regional Road: a roadway that provides strategic links in the regional and local road network and fulfills an arterial road function carrying large volumes of traffic within and through the City and may have restricted or controlled property access.
- iii. Arterial Road: a divided or undivided road primarily used for traffic movement and

- servicing moderate to large volumes of inter-City and/or through traffic at moderate speeds and may have restricted or controlled property access.
- iv. Major Collector Road: an undivided road where traffic movements and land access are of equal importance and serving moderate volumes of traffic at moderate speeds and may act as local transit corridors.
 - v. Minor Collector Road: an undivided road where traffic movements and land access are of equal importance and serving low/moderate volumes of traffic at low speeds.
 - vi. Local Road: an undivided road primarily used for land access and serving low volumes of traffic at low speeds.
 - vii. ~~Expressway: a median or fully divided provincial highway or undivided provincial highway with full access control serving large volumes of inter-city traffic at high speeds.~~
 - viii. ~~Arterial Road: a divided or undivided road primarily used for traffic movement and servicing moderate to large volumes of inter-City and/or through traffic at moderate speeds.~~
 - ix. ~~Collector Road: an undivided road where traffic movements and land access are of equal importance and serving moderate volumes of traffic at moderate speeds.~~
 - x. ~~Local Road: an undivided road primarily used for land access and serving low volumes of traffic.~~

10.2.2.3 *Right-of-way Widths*

Generally, ~~t~~The planned minimum right-of-way widths for municipal roads identified on Schedule E Road Hierarchy ~~should~~ will be:

~~30.0~~ 26 metres for City arterial roads;

~~24.5~~ 23 metres for minor and major City collector roads; and,

20.0 metres for City local roads.

The minimum right-of-way widths in ~~Policy 6.4.2.1.C~~ indicate the amount of land which may be required by the City as part of the development approval process in accordance with the Planning Act. Regional Roads shown on Schedule E are subject to the Niagara Region's Official Plan policies.

10.2.2.4 *Alternative Designs*

10.2.2.4.1 In circumstances where a road is proposed to be less than these minimum standards, the City will ensure that:

- i. The planned function of the road is capable of accommodating anticipated travel demand;
- ii. Municipal services, including maintenance and emergency services can be delivered in a safe and efficient manner;
- iii. The proposed right of way is consistent with planned adjacent land uses;and,
- iv. The road design is consistent with the Objectives and Policies of Section 10.1 6.4 of this Plan.

10.2.2.4.2 Rear lane development may be considered at the discretion of the Director of Planning and Development Services. Where a development incorporates rear lanes the frontage of the lot will support a pedestrian friendly street design in accordance with Section 10.3 of this Official Plan.

~~10.2.2.5 *Planned Widenings*~~

~~The right of way widths in Policy 6.4.2.1.C indicate the amount of land which may be required as part of the development approval process. **Schedule F** shows the location of the planned road widenings. **Table 6.3** lists roads which may require widenings to achieve their right-of-way widths. Also refer to the Regional Policy Official Plan for additional information on Regional Road widenings.~~

Table 6-3: Planned Road Widening, City of Welland
Atlas Avenue

10.2.2.6 *Development Subject to Widening*

No new development or redevelopment will be permitted which does not front on a public road of an acceptable standard of construction. As a condition of development approval,

the City will require that sufficient lands be conveyed to provide for a road right-of-way in accordance with the classification set out above.

10.2.2.7 *Lands to be Dedicated*

Unless otherwise specified in this Plan, a dedication of land to widen a roadway will be taken equally from both sides of the road allowance measured from the centreline of the roadway. In certain circumstances, where factors such as topography and existing development dictate, it may be necessary to require more than half of the widening on one side of the road allowance.

10.2.2.8 *Prioritizing Road Improvements*

All existing roads shall be brought up to the approved municipal standards for roadways. However, it is recognized that, due to the expense of undertaking such works, this may not be achieved for many years. Priority will be given to those areas where the residents or businesses indicate that they are prepared to assist the City through the application of the *Local Improvement Act*, or where it is desirable to carry out the improvements in conjunction with other public works in the vicinity.

10.2.2.9 *Road Improvement Criteria*

Notwithstanding the above, road improvements can have a significant impact on the character of the neighbourhood. Therefore, the City shall undertake road improvements when:

- i. ~~The need is demonstrated through an~~ It is determined that a road is not operating safely and efficiently ~~analysis and public consultation regarding the safety, efficiency, affordability, diversity, land use impact, and integration of the transportation system;~~
- ii. ~~The resulting road improvements through the design process shall improve the liveability of affected residential areas by:~~
 - a. ~~Reducing the use of local streets in residential areas by cut-through traffic;~~
 - b. ~~Minimizing conflicts between local and through traffic; and,~~
 - c. ~~Minimizing any adverse impacts on the social and natural environment of adjacent lands.~~

10.2.2.10 *Roadway Functional Principles*

To improve the designated functions of the roadway system, the following general principles shall be used:

- i. Where feasible, direct access from individual properties on arterial roads will be restricted to enhance the flow of traffic and minimize the negative impacts on abutting properties and pedestrian movement;
- ii. The spacing of intersections between arterial and collector roads will be appropriate to accommodate traffic control devices;
- iii. The spacing and possible reduction of driveways on arterial roads through the use of controlled joint access and common off-street parking facilities;
- iv. Discouraging the intersection of local roads with arterial roads;
- v. Controlling the number and design of driveways for multi-residential and commercial uses on collector and arterial roads;
- vi. Encouraging service roads or rear lanes for low density residential uses abutting arterial roads, and, where appropriate, collector roads; ~~and,~~
- vii. ~~Consideration of various traffic calming and management measures to reduce through-traffic on local streets and to promote safer streets.~~

10.2.2.11 *Traffic Calming Designs*

Traffic calming designs will be introduced on roads as per the recommendations of Transportation Master Plan.

10.2.2.12 *Provisions for Road Designs*

Where appropriate, the design of roads shall include provisions for:

- i. Pedestrians, by way of sidewalks to promote safety and reduce pedestrian- vehicle conflicts;
- ii. Bicycles and other non-motorized vehicle traffic, by way of bicycle lanes, ~~pre-paved boulevards,~~ shared use lanes and other feasible measures etc.
- iii. Aesthetic and noise reducing applications, by way of tree planting, landscaping, street furniture, berms, etc., ~~where~~ and other feasible measures necessary;
- iv. Universal access and ease of movement with minimal physical and psychological obstacles, by way of sloped curbs, level entranceways, minimal grade changes, and other feasible measures; etc

- v. Traffic calming measures.

10.2.2.13 *Truck Traffic Management*

Truck traffic shall be managed by:

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

10.2.3 Transit

10.2.3.1 *Promote Transit Usage*

In the interests of overall energy conservation, environmental protection, and public mobility, the City shall promote the use of public transit, wherever possible.

10.2.3.2 *Transit within Walking Distance*

~~The City shall facilitate the provision of local transit services within a reasonable walking distance of all urban land uses. The City may require that 90% of the new residential and non-residential units in a proposed subdivision to occur along arterial, collector, and regional roads that may be serviced by transit are within 400 metres of a transit stop.~~

10.2.3.3 *Linking Land Uses with Transit*

~~In the planning of transit service, the~~ The City shall promote consider the location of the following types of uses and the appropriateness of transit linkages to occur along arterial, collector, and regional roads with exiting or planned frequent transit between these uses:

- i. Concentrations of housing, employment and retail;
- ii. Concentrations of schools and other developments which may generate high volumes of transit users;
- iii. Terminals for inter-city transportation systems;

- iv. Major medical, social service, or community service facilities; and
- v. Parks, multi-use trails, theatres, museums, and other arts, culture, and recreation facilities.

10.2.3.4 *Tools to Encourage Transit Use*

The City in collaboration with the Region shall encourage the use of public transit by:

- i. Encouraging intensification in the vicinity of established transit routes, as well as in, and around, the Welland Transit Terminal;
- ii. Requiring that new development provide convenient and direct access to public transportation facilities;
- iii. Integrating pedestrian linkages, trails, and intersections of major road ways with transit stops;
- iv. Providing for universal access so that users with varying needs have the fullest access possible to the transit system; and,
- v. Supporting an on-going investment in transit vehicles which provide transit user safety and comfort, and takes advantage of new technology.

~~**10.2.3.5** *Design of Stops and Transfer Locations*~~

~~New transit stops and transfer locations will be designed to offer comfort, amenities and safety considerations (including, but not limited to, seating areas, weather protection, and lighting). A program of upgrading existing transit stops and transfer locations to standards, as applicable, is encouraged.~~

10.2.3.6 *Reducing Automobile Reliance*

New major development or redevelopment will incorporate transit and pedestrian systems aimed at reducing the reliance on the automobile.

10.2.3.7 *Parking Reductions to Support Ridership*

Reduced parking requirements may be supported for development within intensification areas identified on Schedule A ~~fronting corridors which have major transit service~~, as a means to encourage transit ridership and transit cost-effectiveness.

10.2.3.8 *Considering Transit in Road Design*

Roadway design proposals shall consider and incorporate transit service needs and requirements.

10.2.3.9 *Niagara Region Transit*

The Regional Transit Commission, where required shall be consulted on development applications, secondary plans and other land use plans to ensure integration of land use planning and public transit.

10.2.4 Railways

10.2.4.1 *Rail to Support Industry*

The City shall support the location of rail service to meet the needs of industrial uses within the City. It will further encourage multi-modal connections to rail as a means of supporting economic development.

10.2.4.2 *Surplus Railway Lands*

The City, together with the railway authority, will identify potential reuse of railway lands which becomes surplus to the railway's needs. Where appropriate, the City will consider the use of surplus railway lands for new trails and open spaces.

10.2.4.3 *Mitigating Conflicts with Rail*

The City, together with the railway authority, ~~the Region,~~ and other agencies, will identify where conflicts exist between rail, vehicles, cyclists, pedestrians, and adjacent land uses and will implement appropriate measures to mitigate the conflict, wherever possible.

10.2.4.4 *Level Crossings*

~~The City will identify those level crossings requiring grade separations and seek appropriate government assistance for such construction. At the same time, the City will~~ identify those level crossings requiring grade separations or which are hazardous to public safety and will seek appropriate measures to improve and/or close such crossings.

10.2.4.5 *Required Studies*

Where development is proposed adjacent to a rail corridor, the City together with the railway authority, will consider the impact of the development on the rail corridor and may

require studies (including, but not limited to, ~~snow~~, noise, vibration, air quality studies) to demonstrate that the rail corridor's function is not negatively impacted and that potential negative impacts of the rail corridor on the proposed land use can be mitigated.

10.2.4.6 Major Goods Movement

10.2.4.6.1 Protecting Major Goods Movement

The City recognizes the importance of efficient freight, road, and ports system for the City's economic development and will set out opportunities to improve the movement of goods within the City. The City also recognizes the importance of protecting land near major goods movement facilities and corridors for employment uses that rely on the facilities and corridors.

10.2.4.6.2 Major Goods Movement Study

The City will work with the Region to prepare a Goods Movement Study, that will identify priority routes for goods movement, where feasible, to take advantage of cross-border trade opportunities, including the Foreign Free Trade Zone, maximize the use of the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre, and facilitate the movement of goods into and out of employment areas.

10.2.5 The Welland Canal

10.2.5.1 *Authority*

The St. Lawrence Seaway Management Corporation has jurisdiction for the area within the Welland Canal. The City will work with Transport Canada and the St. Lawrence Seaway Authority on matters related to the Welland Canal which affects the City and its citizens.

10.2.5.2 *Importance of the Welland Canal*

The City recognizes the significance of the Welland Canal as an important goods movement corridor ~~and the environmental benefits of shipping as a mode of goods movement.~~

10.2.5.3 *Canal-Side Development*

The City, where possible, will encourage and support the St. Lawrence Seaway Management Corporation Authority and Transport Canada in its on-going efforts to improve the economic and environmental impacts of the Welland Canal. In particular, the

City will encourage development adjacent to the canal which supports this Plan's strategic goals and objectives related to establishing a multi-modal economic driver in Welland.

10.2.5.4 *Mitigation of Impacts*

~~The City will require that new development, which may be considered a sensitive land use and is located adjacent to the canal, shall be subject to appropriate~~

10.2.5.5 *Mitigation of Impacts*

The City will require that new development, which may be considered a sensitive land use and is located adjacent to the canal, shall be subject to appropriate technical studies and that appropriate mitigation measures are provided as a condition of development approval.

10.2.5.6 *Heritage Value*

The Welland Canal is recognized as having a built and cultural heritage value to the City and opportunities will be sought to promote and celebrate this heritage.

10.2.5.7 *Partnership*

Dialogue between the City of Welland, ~~Regional Municipality of Niagara Region~~, and the St. Lawrence Seaway Management Corporation authority is encouraged on matters of mutual interest where the potential solutions will benefit from partnership and cooperation.

10.2.6 *Accessibility*

10.2.6.1 *Mobility for All Persons*

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

10.2.6.2 *Accessible Design for New Buildings*

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

10.2.6.3 *Development Review Considerations*

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

- i. Requiring driveway and sidewalk slopes at a maximum ratio of 1:12, height to length;
- ii. Requiring sidewalk curb cuts at all intersections;
- iii. ~~Requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;~~
- iv. ~~Requiring designated parking spaces for persons with disabilities, as specified in the Zoning By-law;~~
- v. ~~Encouraging any other features appropriate to ensure that barrier-free design is provided and,~~
- vi. Requiring that paving changes (e.g. ~~interlocking brick~~, tactile strips, where feasible) be incorporated at grade changes and intersections;
- vii. Requiring designated parking spaces for persons with disabilities, as specified in the Zoning By-law;
- viii. Encouraging any other features appropriate to ensure that barrier-free design is provided and,
- ix. Where appropriate, circulating the Application to an Accessibility Advisory Committee for comment.

10.2.6.4 *Preparation of Guidelines*

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

10.3 ACTIVE TRANSPORTATION POLICIES

10.3.1 Active Transportation and Transit

10.3.1.1 *Prioritizing Transit and Cycling*

The City will support the construction of transit and cycling infrastructure in a complete streets approach when streets are being upgraded or new streets are being planned.

10.3.1.2 *Roads and Lanes*

Roads shall be oriented in a grid of regional roads, arterial roads, collector roads and local roads that organize development that is pedestrian and bicycle friendly and is highly

connected and supports transit.

10.3.1.3 *Connecting Active Transportation Infrastructure*

When introducing new active transportation infrastructure, the City will consider the Community Trails Strategy, the Parks, Recreation & Culture Master Plan, Appendix 4, and other applicable documents to support a connected network.

10.3.1.4 *Mobility*

The City will encourage supportive environments for car sharing programs and car ride share platforms to reduce personal and business costs for transportation.

10.3.1.5 *Transportation Master Plan*

A transportation master plan will be prepared by the City to further support the advancement of active transportation within the community and Region. This will include facilitating connections from neighborhoods to strategic growth areas and Regional connections through upgrades to existing roads and planned future roads.

~~**10.3.1.6** *Phasing*~~

~~An implementation strategy should be developed including project phasing and cost estimates for all future proposed networks. The approach should build upon existing assets while prioritizing new connections for completion according to community need and fiscal capacity.~~

10.3.2 **Cycling**

10.3.2.1 *Cycling System for Welland*

The City shall implement, in a staged program, the development of a continuous and safe system of on-street and off-street cycling trails.

10.3.2.2 *Supportive Site Design*

Pedestrian and cycling supportive site design shall be encouraged and shall provide safe pedestrian and cycling opportunities for all ages and abilities in all new developments.

10.3.2.3 *Cycling Consideration during Road Project*

The design of new, and reconstruction of existing, arterial and collector roads shall consider bicycle movements and facilities ~~by ensuring that such projects incorporate cycling facilities~~. New on-street cycling routes on arterial or collector roads will be designed to buffer the effect of high traffic volumes by applying the most appropriate principles and standards. ~~through wide cycling lane widths, paving materials, special demarcation, etc.~~

10.3.2.4 *Cycling Considerations at Bridge Crossings*

The City will consider and accommodate, as much as possible, the needs of cyclists on bridge crossings.

10.3.2.5 *Cycling Considered during Development*

Development applications shall be reviewed to ensure that cycling linkages are incorporated into the design of the development in a safe and efficient manner, wherever warranted. In all new development and redevelopment, consideration shall be given to safe and secure bicycle movements and bicycle parking facilities.

10.3.2.6 *Zoning requirements for Cycling*

The Zoning By-law may require development in certain Zones to provide a minimum number of bicycle parking facilities and may specify whether these facilities are required to be weather-protected.

10.3.2.7 *Active Transportation Cycling Advisory Committee*

The City may establish an Advisory Committee to seek advice and input on issues related to cycling, from time-to-time.

10.3.2.8 *Funding Support for Cycling Trails*

The City may provide funding for implementing a cycling trails system by allocating a portion of the City's budget on an annual basis for this purpose.

10.3.3 Pedestrians

10.3.3.1 *A Safe, Convenient and Attractive System*

Transportation facilities, including the construction of new roads and reconstruction of roads, shall include safe, convenient and attractive pedestrian systems such as sidewalks, corner ramps, pedestrian signals and appropriate lighting. A continuous sidewalk/walkway system providing accessible, safe, convenient and enjoyable walking for all users shall be developed and maintained.

10.3.3.2 *Pedestrian-Friendly Streets*

The development of pedestrian-scale streets and streetscapes which are safe, convenient and attractive will be supported through measures such as providing wide sidewalks, sheltered transit stops, street furniture, canopies on buildings, landscaping, locating retail and personal service uses at street level, and supporting building design which provides shelter and other amenities.

10.3.3.3 *Required New Sidewalks and Walkways*

The City will require that new subdivisions provide sidewalks and walkways, as per the City's municipal standards manual, as deemed appropriate. Pedestrian crossing signals will be required at all signalized intersections.

10.3.3.4 *Transition between Sidewalks and Walkways*

There should be a smooth transition between sidewalks and pedestrians walkways, with appropriate signage provided for pedestrian walkways.

10.3.3.5 *Connection to Transit Stops*

Sidewalks will be required to link directly to new transit stops.

10.3.3.6 *Reducing Walking Distances*

Sidewalks, walkways, and trails shall be designed in a manner to reduce the walking distances between residential development and transit, recreational/community facilities, schools and commercial facilities. ~~This requirement shall be evaluated at a variety of scales.~~

10.3.3.7 *Sidewalk Requirements within the Right of Way*

For new or reconstruction, sidewalks shall be provided as follows:

- i. On both sides of arterial roads;

- ii. On both sides of collector roads; ~~and,~~
- iii. On at least one side of all local roads, and,
- iv. On a cul-de-sac where it exceeds 100m to the bulb, or (except cul-de-sacs, unless the cul-de-sac can connect to a destination such as a school, public service facility park, etc., in which case the sidewalk will be required on the side of the street which provides the most direct pedestrian route to the destination).

10.3.3.8 *Sidewalks Serving Certain Land Uses*

~~Sidewalks are considered essential near bus stops, schools, community facilities, and institutions, and should be provided on both sides of the streets adjacent to schools~~ community facilities and institutions, where feasible.

10.3.3.9 *Extension of Sidewalks*

As a condition of approval, a sidewalk shall be required beyond the limits of a proposed subdivision to complete connection to the following:

- i. An existing sidewalk;
- ii. Isolated sections of sidewalk created by development; and,
- iii. An intersection, walkway or logical ending point where the length of the sidewalk is reasonable.

10.3.3.10 *Upgrading Pedestrian Facilities*

The City will undertake a program of sidewalk reconstruction to upgrade existing sidewalk and trails in established areas.

10.3.3.11 *Multi-Use Paths*

The City may consider the provision of multi-use paths in lieu of sidewalks or on-street cycling facilities.

10.3.4 Trails

10.3.4.1 *Community Trails Strategy*

Connectivity between trail networks, sidewalks and on-road cycling routes will be enhanced to create an integrated, connected system of trails and active transportation infrastructure in accordance with the City's Community Trails Strategy.

10.3.4.2 *Safety and accessibility*

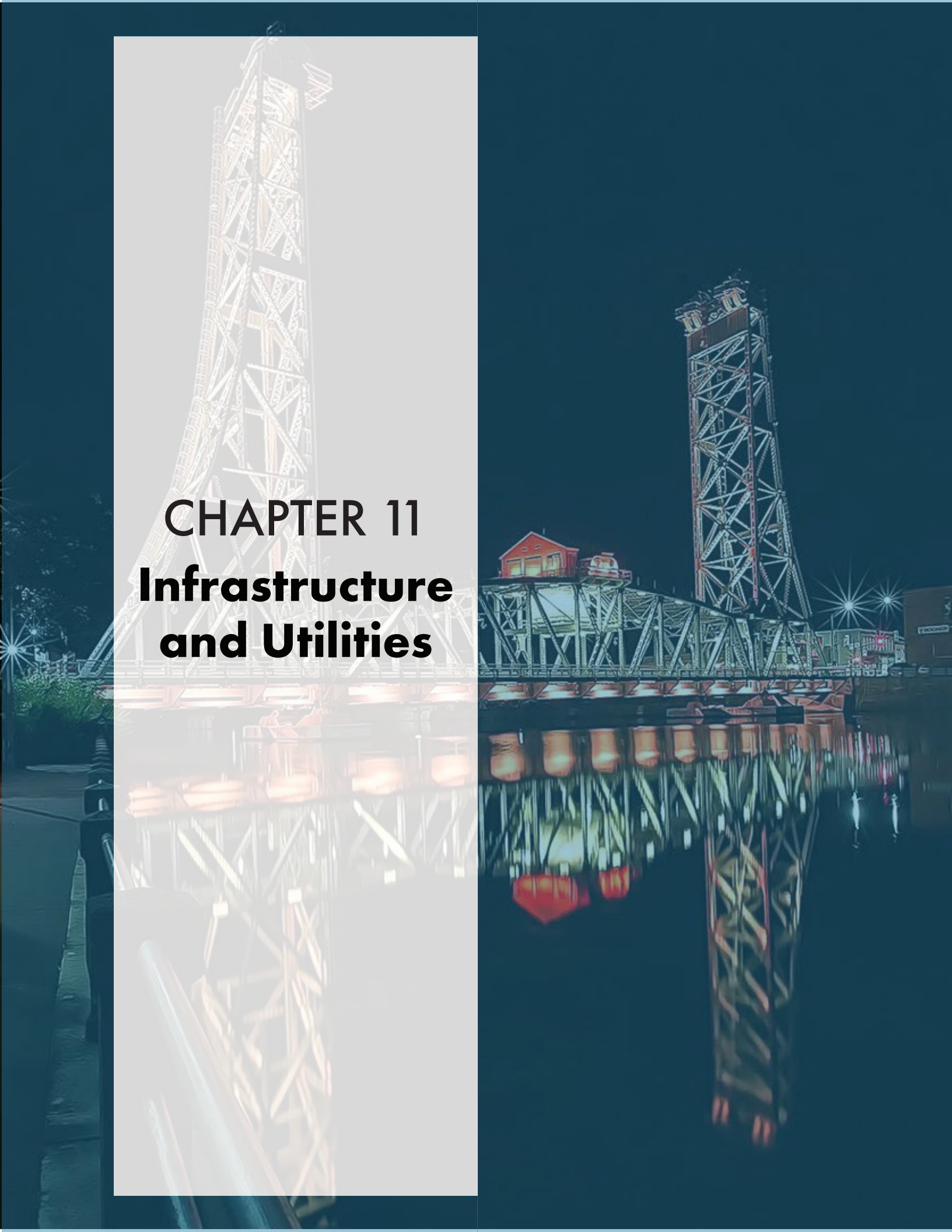
Trails will be continuous, safe, accessible, well-maintained, and convenient for all ages and abilities.

10.3.4.3 *Develop supportive partnerships and programs*

Social infrastructure shall support trails use in addition to the physical infrastructure. The City shall provide opportunities to connect with the community and create programs that can help encourage trail use.

10.3.4.4 *Conceptual Trails*

The Welland Parks, Recreation & Culture Master Plan, Community Trail Strategy, and Appendix 4 identify conceptual trail linkages in the City that would connect its communities to the Welland Canal Recreational Corridor. These trails linkages shall be further studied to develop detailed mapping routes and phasing.

A tall, illuminated steel lattice tower stands at night, its structure glowing with warm lights. The tower is reflected in the dark water below, creating a clear mirror image. In the background, a red-roofed building and other structures are visible, also illuminated. The scene is set against a dark night sky.

CHAPTER 11

Infrastructure and Utilities

11 INFRASTRUCTURE AND UTILITIES

11.1 PLANNING OBJECTIVES

11.1.1 To Provide an Adequate Amount of Space to Accommodate the Needs of Infrastructure and Utilities

The City will ensure there is a sufficient amount of land designated to accommodate infrastructure and utilities.

11.1.2 To Reduce Potential for Land Use Compatibility Issues Related to Infrastructure

The City will ensure issues related to land use compatibility are addressed.

11.1.3 To Ensure the Safe and Efficient Provision of Power, Cable and Telecommunication Facilities

The City will work with the appropriate providers to ensure the safe and efficient provision of power, cable and telecommunications in an environmentally acceptable manner.

11.1.4 To Ensure that there is a Sufficient Planned Supply of Municipal Water and Sanitary Sewage Services in the Urban Boundary

The ~~Region of Niagara~~ is responsible for providing a supply of municipal sanitary sewer and water services within the City. The City will work closely with the Region to ensure there is a sufficient planned supply of sanitary and water services to meet long-term growth projections outlined in this Plan. The City recognizes the Region's Water and Wastewater Master Servicing Plan and Public Utilities Policies in the Regional Policy Official Plan, as amended from time to time.

11.1.5 To Ensure the Sustainable Planning, Design and Development of Water and Sanitary Sewage Services

The City will ensure that these systems are provided in a sustainable manner (i.e. they can be sustained by the water resources systems upon which such services rely) and that they are financially viable and protect human health and the natural environment.

11.1.6 To Ensure that all Development within the City is Appropriately Serviced

The City will ensure all new development within the Urban Area occurs on lands with access to full municipal services and necessary utilities. For lands outside of the Urban Area, the City will ensure that development, where necessary, complies with the standards of, and are subject to, the approval of all applicable authorities / agencies.

11.1.7 Improve Water Quality and Reduce Stormwater Runoff

The City aims to improve water quality and reduce stormwater run-off by promoting innovative techniques for stormwater management.

11.1.8 Encourage Innovation and New Technology

In the provision of infrastructure and utilities, the City will encourage the use of proven innovative techniques and new technology.

11.2 POLICIES

~~**11.2.1 Planned Function**~~

~~The planned function of the Infrastructure and Utility designations is to allow for the efficient and effective use of land to accommodate utilities and infrastructure.~~

~~**11.2.2 Permitted Uses**~~

~~Uses include public and/or privately owned facilities, including water and sanitary sewage facilities, Stormwater Management Facilities, pumping stations, hydro corridors, communications/telecommunications infrastructure and facilities and transmission towers.~~

~~These facilities are permitted in all land use designations, subject to the Policies of this Plan.~~

11.2.3 New Infrastructure

Before consideration is given to developing new infrastructure, the City in collaboration with the Niagara Region shall optimize the use of existing infrastructure shown on Schedule D, and plan and direct growth in a manner that promotes efficient use of existing services.

11.2.4 Design

The location, design, construction, and operation of infrastructure will be sustainable, strategic, and cost-efficient, and minimize adverse impacts on the natural environment system, agricultural lands, and existing landscape. In addition, the ~~The~~ built form of new infrastructure and utility facilities will be in harmony with the character of the surrounding area and will be appropriately landscaped.

11.2.5 Infrastructure Risk

The City and Niagara Region shall assess infrastructure risks and vulnerabilities, including those caused by the impacts of climate change, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.

11.2.6 Water and Sanitary Sewage

11.2.6.1 General Water Supply

The City will work closely with the Niagara Region to ensure there is a sufficient planned supply of water capacity within the treatment plant to serve Welland and accommodate the long term growth projections included in this Plan.

11.2.6.2 Water Supply within the Urban Area

All new development within the Urban Area is required to be connected to the water system as a condition of development. The water facilities shall be designed with considerations for reducing energy and greenhouse gas emissions.

11.2.6.3 Water Outside of the Urban Area

New development outside of the Urban Area which is consistent with other Policies of this Plan will only occur in instances where the City is satisfied that there is an on-site source of potable clean and sustainable water which is capable of serving the proposed development. The water facilities shall be designed with considerations for reducing energy and greenhouse gas emissions.

11.2.6.4 General Sanitary Sewerage

The City will work closely with the Niagara Region to ensure there is a sufficient reserve capacity within the sanitary treatment plant to serve Welland and accommodate the long term growth based on the projections in this Plan.

11.2.6.5 *Sanitary Sewage Supply within the Urban Area*

All new development within the Urban Area is required to be connected to the sanitary sewage system as a condition of development. The sanitary sewer facilities shall be designed with considerations for reducing energy and greenhouse gas emissions.

11.2.6.6 *Sewage outside of the Urban Area*

New development outside of the Urban Area which is consistent with other Policies of this Plan will only occur in instances where the City is satisfied that the proposed lot size, topography, soils, drainage and siting in accordance with the septic permit system. ~~will permit a Ministry approved sustainable on-site private waste collection system.~~ The sanitary sewer facilities shall be designed with considerations for reducing energy and greenhouse gas emissions.

11.2.6.7 *Infrastructure Planning*

Infrastructure planning shall be aligned with land use planning, infrastructure investment and watershed planning.

11.2.6.8 *Lot Creation and Sustainable Private Services*

It is the objective of this Plan to ensure that all new lot creation establishes, and maintains in perpetuity, sustainable private services wherever municipal water and/or wastewater services are not available, through the review process of the City's septic permit system.

11.2.6.9 *~~Cisterns~~ Sewage Disposal Holding Tank*

A privately maintained ~~cistern and~~ sewage disposal holding tank shall not be considered sustainable private services for the purposes of this Plan. No new lot creation shall be approved which is solely dependent upon the use of a ~~cistern and/or~~ a holding tank.

11.2.6.10 *Sustainable Private Services*

~~All new development located outside the Urban Area boundary shall provide sustainable private services. The landowner is responsible for the maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.~~

11.2.6.11*Phasing*

Schedule D shows the areas within the City which are serviced and those which will be serviced in the future.

11.2.6.12*Location*

New water or wastewater facilities is the Niagara Region's responsibility and shall be located so as to reduce any potential negative impacts on surrounding uses and should not be located near sensitive land uses. The siting of new facilities is subject to requirements of the *Environmental Assessment Act*.

11.2.6.13*Communal Systems*

Private communal sewage services and private communal water services are prohibited.

11.2.6.14*Default Responsibility Agreement*

The City will not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal water supply or sewage treatment system as may be required pursuant to Ministry of the Environment, Conservation and Parks guidelines whether or not the existing or proposed development is permitted by this Plan or the Zoning By-law.

11.2.6.15*Service Failures*

In the event that there are service failures of private systems outside of the Urban Area, the City will undertake a comprehensive review of its Official Plan and revisit the Growth Management Strategy to assess the implications of expanding full municipal services into rural areas where failures have occurred.

11.2.6.16*New or Expansion of Existing Municipal Water and Wastewater*

Construction of new, or expansion of existing municipal water, and wastewater infrastructure should only be considered where the following conditions are met:

- i. strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;
- ii. plans for expansion or for new services shall serve growth that achieves at least the minimum growth management targets and policies for intensification and density in this Plan; and
- iii. plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements and are in compliance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

11.2.6.17 *Lateral Connections*

Lateral connections to Regional water or wastewater mains are not permitted outside the urban areas boundaries.

11.2.7 Stormwater

11.2.7.1 *Stormwater Water Management Plan*

A Stormwater Water Management Plan and Sediment Erosion Control Plan, prepared and signed by a qualified engineer, may be required depending on the scale, location and other site-specific issues related to a proposed development. Requirements for Stormwater Management and Sediment Erosion Control Plans are set out in Section 7 of this Plan.

11.2.7.2 *Innovative Techniques*

Where appropriate, the City encourages the use of innovative techniques to reduce the need for large stormwater Mmanagement Ffacilities, thereby reducing run-off and improving water quality. Innovative techniques and Low Impact Design practices include, but are not limited to, rainwater harvestingsystems (rain barrels and cisterns), green roofs, landscape systems and vegetated swales, downspout disconnection and permeable surfaces.

11.2.7.3 *Location*

Stormwater Management Facilities should generally be located at the edge of neighbourhoods; at the interface with natural areas; and/or within large public open

spaces, including community parks. Stormwater Management Facilities should not be located within the ~~Core~~ Natural Heritage System.

11.2.7.4 *Naturalization*

Where appropriate, Stormwater Management Facilities shall be naturalized, making use of native plants and species in accordance with Chapter 6 The Natural Environment System.

11.2.7.5 *Integration*

Stormwater Management Facilities shall be designed to have a high level of public exposure and should be integrated in, and contribute to, the enhancement of the neighbourhood's public realm. Where appropriate, Stormwater Management Facilities should be designed so that approximately 50% of the perimeter is adjacent to public areas such as parks, trails and public road right of ways.

11.2.7.6 *Safety*

The design and layout of ~~stormwater management facilities~~ Stormwater Management Facilities shall address issues related to safety and shall be designed with gentle slopes in areas with direct access. Areas with steeper slopes shall not have direct access and shall be designed to include overhangs, railings and dense plantings.

11.2.7.7 *Guidelines*

Stormwater Management Plans should be prepared according to the City's and NPCA's current standards, and applicable guidelines. ~~including the NPCA's Stormwater Management Manual (or its predecessor) and the City of Welland's Municipal Standards Manual (or its predecessor).~~

11.2.8 Power, Telecommunications, and Other Cabled Services

11.2.8.1 *Location*

New development within strategic growth areas including the Downtown, Local Growth Centres and Local Corridors will have local service power lines, communications/telecommunications infrastructure and other cabled services located underground in road rights-of-way, where feasible.

11.2.8.2 *Land Use Compatibility*

The City will encourage utility installations for telecommunications towers to be located outside of residential areas, where feasible. In instances where the facilities are of a scale and function which is perceived to present significant issues related to land use compatibility, infrastructure which must be located within residential areas or within close proximity to residential areas shall be designed to be compatible with the adjacent and surrounding land uses.

11.2.8.3 *Design*

Where feasible, the City will seek to have local service power lines, communications/telecommunications infrastructure and other cabled services located underground. Above ground utilities shall be sited to reduce their visual impact on the streetscape and/or screened using street furniture and landscaping. The City encourages utility providers to consider innovative methods of containing utility services within streetscape features such as gateways, lamp posts, transit shelters, etc, when determining appropriate locations for large utility equipment and utility cluster sites.

11.2.8.4 *Location and Siting of Large Utility Equipment*

The City will ensure that appropriate locations for large utility equipment and cluster sites have been determined and that consideration be given to locational requirements for larger infrastructure within public rights of ways, as well as easements on private property.

11.2.8.5 *Permissions*

Utility infrastructure shall be permitted in all land use designations, subject to the policies of this Plan.

11.2.8.6 *Servicing*

The City will ensure that adequate utility networks, are or will be, established to serve the anticipated development through discussions with public and/or private utility providers.

11.2.8.7 *Coordination*

The City encourages all utilities to be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruptions.

11.2.9 Power Generation Facilities and Green Energy

~~Welland~~The City will encourage and support alternative and renewable-source energy generation facilities which are developed in accordance with this Plan, the Niagara Region, and Provincial and Federal legislation, policies, and regulations. Proposed developments will be encouraged to locate in areas where their adverse impacts on adjacent lands and natural features are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation facilities which are primarily buildings (e.g., cogeneration plant) may be encouraged to develop on brownfield sites. When evaluating proposals for alternative energy generation facilities, the City will consider the following:

- i. Location of facility;
- ii. Size and scale of proposed facility;
- iii. Potential for land use compatibility issues with adjacent land uses and potential for adverse impacts related to air, noise, odour, vibration etc;
- iv. Potential for perceived risks to human health ~~and~~ safety, and the environment; and,
- v. Any additional considerations.

Developments which fall under the jurisdiction of the *Green Energy Act* do not require an Amendment to this Plan. Development may require a permit from the Niagara Peninsula Conservation Authority.

11.2.10 Energy and Water Conservation

~~Welland~~Where all potential negative impacts to adjacent lands are mitigated, the City shall encourage and support energy conservation, district heating and combined heat and power, and the on-site use of alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies, and regulations, ~~and where all potential negative impacts to adjacent lands are mitigated.~~

11.2.10.1 Energy Conservation Measures for Infrastructure

The City will also encourage the application of energy conservation measures in the infrastructure and utility servicing of new buildings and in the rehabilitation and upgrading of existing neighbourhoods, buildings and structures.

11.2.10.2 Water Conservation Measures

The City will encourage and support water conservation methods (such as efficient landscape irrigation, low water consumption fixtures, etc.) in the development of new sites and buildings and in the rehabilitation and upgrading of existing sites and buildings.

11.2.10.3 Passive Solar Gain

The City will encourage development to optimize opportunities for passive solar gain by providing guidance related to building orientation, the placement of trees and landscaping and the selection of building materials including but not limited to: cladding, energy-efficient glazing system, etc.

11.2.10.4 Energy Conservation Design Guidelines

The City may establish energy conservation design guidelines to encourage, or require, future development to implement energy conservation measures, that can include:

- reducing energy demands;
- promoting design and orientation to optimize passive solar energy gains;
- providing for on-site, renewable energy generation and co-generation and district energy systems;
- integrating green roofs into energy and water conservation strategies; and
- integrating active transportation and transit into development plans.

~~11.2.11 Site Plan Control~~

~~The development of all new infrastructure and utilities are subject to Site Plan Control.~~

11.2.12 Consultation

The City will consider the consultation protocols of the First Nations that have traditional territory in this area, when engaging on planning matters or capital works projects.

11.2.13 Pipeline Infrastructure

11.2.13.1Right of Way Crossings

TransCanada PipeLines Limited (TCPL) operates high pressure natural gas pipelines within its rights-of-way which cross through the City of Welland as identified in Schedule A.

11.2.13.2TransCanada PipeLines Limited Regulation

TCPL is regulated by the Canada Energy Regulator (CER), which has a number of requirements regulating development in proximity to the pipelines, including approval for activities within 30 metres of the pipeline centreline.

11.2.13.3TransCanada PipeLines Limited Consultation

New development can result in increasing the population density in the area, and may result in TCPL being required to replace its pipeline to comply with CSA Code Z662. Therefore, the City shall require early consultation with TransCanada for any development proposals within 200 metres of its facilities.

11.2.13.4Setbacks from TransCanada PipeLines right-of-way

- i. A setback of 7 metres shall be maintained from the limits of the right-of-way for all permanent buildings and structures. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.
- ii. A minimum setback of 7 metres shall be maintained from the limits of the right-of-way for any parking area or loading area, including parking, loading, stacking and bicycle parking spaces, and any associated aisle or driveway.

11.2.13.5Passive and Recreational Uses in TransCanada PipeLines right-of-way

The City will encourage the use of TCPL's right-of-way for passive parkland or open space subject to TCPL's easement rights.

CHAPTER 12 Northwest Secondary Plan Policies

The Town of Pelham

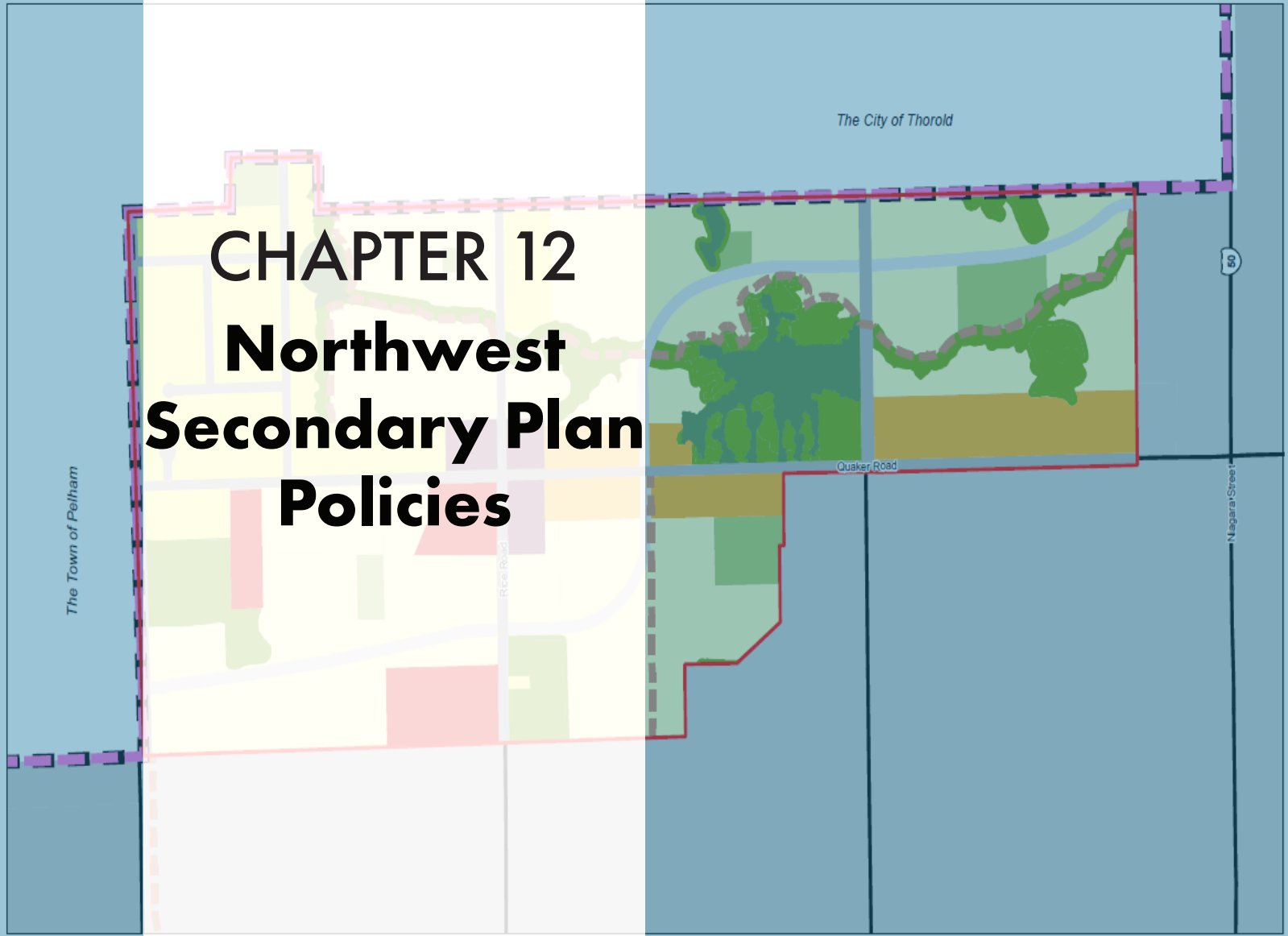
Rice Road

The City of Thorold

Quaker Road

50

Niagara Street



12 NORTHWEST SECONDARY PLAN POLICIES

12.1 BACKGROUND AND PLANNING CONTEXT

- 12.1.1** Northwest Welland is intended to accommodate future urban growth within the City through orderly, sequential and contiguous Designated Greenfield Area development along with infill in the Built Up Area. The Secondary Plan Area is well positioned for the establishment of a new complete community that will integrate with surrounding built up areas, provide connections, and effectively accommodate existing and planned infrastructure.
- 12.1.2** As delineated on Schedule F, the Northwest Welland Secondary Plan Area covers approximately 190 hectares of land along Quaker Road and is generally bound by the Town of Pelham and City of Thorold to the north, the Niagara College Welland Campus to the south, the rear lot lines of properties abutting Niagara Street to the east, and Line Avenue and Clare Avenue to the west.
- 12.1.3** Schedule F outlines the detailed land use designations for the Secondary Plan Area. Section 12.3 outlines the policies specific to each land use designation, which will direct development within the Secondary Plan Area, together with the vision and objectives for Northwest Welland as outlined in Section 12.2.
- 12.1.4** All development within Northwest Welland shall consider the design and built form direction of both the Welland Urban Design Guidelines, as well as the Northwest Welland Urban Design Guidelines included as an addendum to the City-wide guidelines.
- 12.1.5** The minimum density target for Welland's Designated Greenfield Areas shall be 50 residents and jobs combined per gross hectare.

12.2 Vision

Over time, Northwest Welland is envisioned to evolve into a complete community that will accommodate future growth and development in the City in a manner that respects the existing character and built form of the area, as well as the natural environment. New low density residential areas will develop as extensions of existing established neighbourhoods within the community, and new medium density residential growth will serve to intensify Quaker Road to the east of Rice Road, providing for a more walkable,

transit supportive community close to parks, trails, and schools. The centralized mixed use node located at the intersection of Quaker Road and Rice Road will provide intensified residential and commercial growth to help achieve a balanced community where residents can live, work, learn, and play.

12.3 Objectives

- 12.3.1** To protect and enhance natural heritage features, areas, and corridors of Northwest Welland within the City's broader linked natural heritage system.
- 12.3.2** To promote healthy and active living for all ages and abilities by providing active transportation options and developing a continuous and connected open space system, a safe and walkable pedestrian realm, and a trail system that links the community to destinations such as natural areas, parks, schools, stores, and recreation areas.
- 12.3.3** To create a unique and inclusive community for residents by providing for a diverse range of housing types and a variety of uses located within the area.
- 12.3.4** To maintain the low density residential character of existing neighbourhoods, while developing a new community that is compact, connected, walkable, and diverse.
- 12.3.5** To reduce traffic congestion by providing a balanced road network for local residents, businesses, students, and visitors supportive of the public transit network.
- 12.3.6** To conserve, protect and integrate built and cultural heritage elements as per Section 6.6 of this Plan.
- 12.3.7** To implement sustainable community design initiatives that ensure conservation of water resources and adaptation to climate change.

12.4 Land Use Structure

12.4.1 Low Density Established Residential

12.4.1.1 Planned Function

The Low Density Established Residential designation recognizes the existing residential neighbourhoods within the Secondary Plan Area.

12.4.1.2 **Permitted Uses**

Permitted uses for lands designated Low Density Established Residential on Schedule F shall be in accordance with Section 4.2.2.2.2. Low Density Residential of this Plan.

12.4.1.3 **Scale**

Low-rise residential infill and intensification should respect and fit in with the character of existing low density residential neighbourhoods, in terms of built form, scale and massing, in accordance with Section 4.2.2.2.3 and 4.2.3.1 Design Policies for Existing Neighbourhoods, and 4.2.3.6 Infill and Intensification Development of this Plan.

12.4.1.4 **Design**

- i. The design of development for lands designated Low Density Established Residential on Schedule F shall be in accordance with Section 4.2.2.2.4 Low Density Residential of this Plan, except as modified below by the policies outline below.
- ii. Low density residential development within existing neighbourhoods shall reflect the design and built form direction of both the Welland's City-wide Urban Design Guidelines, as well as the Northwest Welland Urban Design Guidelines included as an addendum to the City-wide guidelines.
- iii. Within the Low Density Established Residential designation, new development shall reflect the predominant building type, height, scale, massing, and setbacks of the surrounding neighbourhood.
- iv. Buildings should be street related, with consistent setbacks to create a harmonious relationship to the street.
- v. Residential development shall be designed to retain existing trees and enhance existing vegetation wherever possible.

12.4.2 Low Density Greenfield Residential

12.4.2.1 **Planned Function**

- i. The Low Density Greenfield Residential designation recognizes future low density residential development areas on vacant designated lands.
- ii. The density of lands designated Low Density Greenfield Residential on Schedule F shall be planned in accordance with Section 4.2.2.2.1 Low Density Residential of this Plan.

12.4.2.2 **Permitted Uses**

The permitted uses for lands designated Low Density Greenfield Residential on Schedule F shall be in accordance with Section 4.2.2.2 Low Density Residential of this Plan.

12.4.2.3 **Scale**

- i. The scale of lands designated Low Density Greenfield Residential on Schedule F shall be planned in accordance with Section 4.2.2.3 Low Density Residential of this Plan.
- ii. New low density development should accommodate low-rise dwellings that are appropriately spaced and do not cause any adverse impacts from shadows or overlook and provide an appropriate transition of lot sizes adjacent to Low Density Established Residential designations.

12.4.2.4 **Design**

- i. The design of development for lands designated Low Density Greenfield Residential on Schedule F shall be in accordance with Section 4.2.2.4 Low Density Residential of this Plan, except as modified below by the policies outlined below.
- ii. Low density residential development within new neighbourhoods shall reflect the design and built form direction of both the Welland's City-wide Urban Design Guidelines, as well as the Northwest Welland Urban Design Guidelines included as an addendum to the City-wide guidelines.
- iii. New residential development within the Low Density Greenfield Residential designation shall be designed in accordance with Section 4.2.3.2 Design Policies for New Neighbourhoods of this Plan.
- iv. Buildings should be street related, with consistent setbacks to create a harmonious relationship to the street.
- v. Residential development shall be designed to retain existing trees and enhance existing vegetation wherever possible.
- vi. Street plantings and additional on-site landscaping should be incorporated within new low density residential neighbourhoods.
- vii. Pedestrian safety and active transportation shall be supported in new neighbourhoods through the provision of sidewalks, walkways, trail connections, frequent intersections, attractive streetscapes, and landscaping.
- viii. New lots are prohibited to back onto public streets.
- ix. Where possible, buildings and lots are encouraged to front onto natural heritage features, parks, open spaces and trails.

12.4.3 Medium Density Residential

12.4.3.1 Planned Function

- i. The Medium Density Residential designation is intended to provide for residential development at increased densities along Quaker Road, east of Rice Road within the Secondary Plan Area to support walkability, transit, and active transportation, as well as the viability of the future mixed use node located at Quaker Road and Rice Road.
- ii. The planned density of lands designated Medium Density Residential on Schedule F shall be planned in accordance with Section 4.2.2.3.1 Medium Density Residential of this Plan.

12.4.3.2 Permitted Uses

- i. Permitted uses for lands designated Medium Density Residential on Schedule F shall be in accordance with Section 4.2.2.3.2 Medium Density Residential of this Plan.

12.4.3.3 Scale

- i. Lands designated Medium Density Residential shall have a maximum height of six storeys.
- ii. The highest densities within this designation are encouraged to be developed adjacent to the Mixed Use Designation area at Quaker Road and Rice Road.

12.4.3.4 Design

- i. The design of development for lands designated Medium Density Residential on Schedule F shall be in accordance with Section 4.2.2.3.4 Medium Density Residential of this Plan, except as modified below by the policies outlined below.
- ii. Medium density residential development shall reflect the design and built form direction of both the Welland Urban Design Guidelines, as well as the Northwest Welland Urban Design Guidelines included as an addendum to the City-wide guidelines.
- iii. Development within the Medium Density Residential designation should provide appropriate transitions in heights, densities, and scale adjacent to the Low Density Residential designation.
- iv. Buildings should be oriented to front and define the street edge at a pedestrian

- scale. They should generally be placed on a site to respect a consistent setback and provide for continuity in built form that maintains a relationship to the street.
- v. Development shall be designed and sited to provide a cohesive main street appearance along Quaker Road through the integration of landscaping and complementary built form elements.
 - vi. Direct vehicular access to individual dwelling units will not be permitted from Quaker Road. Buildings positioned to face Quaker Road should be accessed by rear lanes off a public street. Window streets are discouraged in order to allow dwellings to be located close to Quaker Road.
 - vii. The design and location of vehicular access points shall minimize their impact on the streetscape.
 - viii. Consolidated vehicular access points, paired driveways, and shared parking areas are encouraged on local streets to increase the boulevard space for street trees and on-street parking. Driveways are to be no wider than the width of the garage to minimize the amount of impermeable surfaces in front yards.
 - ix. New lots are prohibited to back onto arterial and collector roads.
 - x. Where possible, buildings and lots are encouraged to front onto natural heritage features, parks, open spaces and trails.

12.4.4 Mixed Use

12.4.4.1 Planned Function

- i. The intended function of the Mixed Use Designation located at the corner of Quaker Road and Rice Road is to create a central mixed use node that will provide a variety of retail opportunities to serve the needs of local residents living in close proximity to the area in a pedestrian and transit-oriented manner. The function of the Mixed Use designation is also to provide opportunities for a range of higher density residential housing.
- ii. The development of one or more privately-owned publicly accessible urban squares is encouraged at the intersection of Quaker Road and Rice Road. This space is envisioned to provide an internal focal point for the area and function as a public gathering space servicing the immediate neighbourhood and any visitors to the area

12.4.4.2 Permitted Uses

- i. The permitted uses for lands designated Mixed Use on Schedule F shall be developed in accordance with Section 4.4.2.5.2 Community Commercial Node of this Plan, except as modified by the policies outlined below.
- ii. The intent of the Mixed Use designation is to accommodate a mix of two or more permitted land uses on a site, either within the same building or integrated as separate buildings on the lot.
- iii. Both stand-alone commercial buildings and mixed use buildings accommodating commercial and residential uses are permitted within the Mixed Use designation. Drive-through facilities will not be permitted.
- iv. Permitted residential buildings shall be in the form of triplexes, fourplexes, townhouses, stacked townhouses, live-work buildings and low-rise apartment buildings.

12.4.4.3 Scale

- i. Mixed use buildings are encouraged to be located closest to the intersection of Quaker Road and Rice Road. Buildings at this intersection should be the tallest within the Mixed Use Designation, to a maximum height of 8 storeys.
- ii. The minimum height for stand-alone commercial buildings shall be 2 storeys.

12.4.4.4 Design

- i. The design of development for lands designated Mixed Use on Schedule F shall be developed in accordance with Section 4.4.2.5.4 Community Commercial Node of this Plan, except as modified by the policies outlined below.
- ii. Development within the Mixed Use designation shall reflect the design and built form direction of the Northwest Welland Urban Design Guidelines, included as an addendum to the Welland Urban Design Guidelines.
- iii. Site and building planning should encourage the creation of a high quality public realm within Northwest Welland's mixed use node through the inclusion of landscaped areas, weather protective designs, building entrances and active built spaces and uses at the street line to enhance pedestrian safety and comfort.
- iv. Buildings located at Quaker Road and Rice Road should be massed to establish a strong street edge and pedestrian environment.
- v. All buildings should be located at or close to the street line and create a generally continuous building face to frame the street and to create a unified streetscape at a pedestrian scale.

- vi. Principal building entrances, primary windows and signage shall face the sidewalk and provide direct access onto the public sidewalk.
- vii. Development shall provide for a transition in heights and densities adjacent to Low Density Residential areas and ensure that appropriate setbacks are proposed in relation to adjacent properties.
- viii. Vehicular access points shall be consolidated where possible and common parking areas should be situated at the rear or side of lots. Where side yard parking is exposed to the street, it shall be screened by landscaping or built features in order to minimize impacts on streetscapes.
- ix. Driveways to individual residential units along Quaker Road and Rice Road are not permitted, but consolidated driveways to commercial and mixed use developments will be considered through the site plan approval process.

12.4.5 General Institutional

- i. Institutional uses and sites within Northwest Welland are designated General Institutional on Schedule F. Development on these lands should be planned in accordance with Section 4.5 Institutional Areas of this Plan.

12.4.6 Parks, Open Space and Recreation

- i. Lands designated Open Space and Recreation on Schedule G shall be developed in accordance with Section 7 Parks, Open Space and Recreation of this Plan, in addition to the policies outlined below.
- ii. Within Northwest Welland, these lands should be developed and maintained as Neighbourhood Parks, which shall serve the immediate recreation needs of a neighbourhood within walking distance of the area being served.
- iii. New Open Space and Recreation designations are symbolically shown on Schedule FG and shall be further delineated at the time of development review and approval. Development of these lands should be designed in accordance with Section 7.2.1.6 Design of New Parks and Facilities of this Plan.
- iv. While not shown on Schedule F, Parkettes should be also developed within the new low density residential neighbourhoods of Northwest Welland in order to support increased access to greenspace for residents. The location of these areas will

be further delineated throughout the development process. They should generally be located within a 200 to 400 metre walking distance of the neighbourhood area they serve.

12.4.7 Environmental Protection Area

- i. Lands designated Environmental Protection Area on Schedule F shall be subject to the policies of Section 6 Environment of this Plan.

12.4.8 Environmental Conservation Area

- i. Lands designated Environmental Conservation Area on Schedule F shall be subject to the policies of Section 6 Natural Environment System of this Plan.
- ii. As shown on Appendix 5, a number of drainage features within Northwest Welland are identified as potential Headwater Drainage Features. A Headwater Drainage Feature Assessment shall be required to the satisfaction of the City and the Conservation Authority prior to approval of development adjacent to those drainage features. The assessment shall evaluate and classify the drainage feature status based on criteria established by the Conservation Authority and shall determine if the drainage features are to be maintained in-situ, can be relocated or can be removed.
- iii. As shown on Appendix 5, a number of small wetlands less than 0.5 hectares in size are identified within Northwest Welland. Prior to development, evaluation of these wetlands should be undertaken to determine if they are significant and warrant protection.
- iv. Where drainage features are to be removed, applications for development shall restore lost functions through enhanced lot level controls as feasible.
- v. Where drainage features are to be maintained or moved, applications for development shall use natural channel design techniques to maintain or enhance the overall productivity of the reach.
- vi. Where drainage features are to be maintained or moved, applications for development shall use natural channel design techniques to maintain or enhance the overall productivity of the reach.
- vii. Natural heritage corridors have been shown conceptually (not to scale) on

- Appendix 5. They follow natural features whenever possible and are intended to be of sufficient size, including buffers, to ensure the functionality and sustainability of the features within the *natural heritage system*.
- viii. Any development or site alteration within a Corridor shall require the completion of an Environmental Impact Study which shall demonstrate how *development* can be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the natural heritage corridor in linking the *natural heritage system* or where an alternative corridor can be accommodated.
- ix. The following uses are permitted within natural heritage corridors:
- Trails,
 - Stormwater management facilities, including Low Impact Development, if it can be demonstrated that these elements do not result in a negative impact on the *natural heritage system*, and;
 - Streets, if they are designed with special features to facilitate safe movement of wildlife through the linkage. These features may include, but are not limited to, traffic calming measures, eco-passages, minimized road widths, naturalized zones along the road, reduced speed limits and speed humps, and special signage. Street design will be in accordance with urban design direction and the recommendations of supporting EIS work.

12.5 Other Policy Directions

12.5.1 Sustainability

- i. New Development should incorporate sustainable design features to conserve energy and resources, reduce greenhouse gas emissions and the urban heat island effect, prevent flooding, and protect drinking water supply.
- ii. Green infrastructure and Low Impact Development measures for stormwater management are encouraged such as permeable paving, rain gardens, bioswales, green roofs and other techniques, shall be considered in the design of new development and implemented to the extent feasible, as determined by the development process.

- iii. Land use patterns and transportation networks should be designed to support walking, cycling and transit as preferred modes of transportation, in order to reduce traffic and encourage active and sustainable lifestyles for residents.
- iv. A wide selection of native trees, shrubs and wildflowers should be used in landscaping, and the functional use of plant material in new development is encouraged to create microclimates that allow for energy conservation. Deciduous trees and shrubs should be chosen that shade windows from summer sun and allow sunlight to enter during the winter.

12.5.2 Transportation

- i. The Northwest Welland Secondary Plan area shall be developed in accordance with Section 10 Transportation of this Plan.
- ii. Detailed transportation impact analysis and studies are required to be submitted with planning applications for development along Rice Road and the future collector road. This analysis shall consider any impacts to the Regional Road network and consistency with any Regional study work.
- iii. Any future access or road connection to a Regional Road is required to be reviewed and approved by the Region. Future access points shall be directed to the local road network instead of the Regional Road.

12.5.3 Infrastructure and Utilities

- i. The Northwest Welland Secondary Plan area shall be developed in accordance with Section 11 Infrastructure and Utilities of this Plan.
- ii. In addition to the policies of Section 11, the Secondary Plan area shall be serviced by a local sanitary collection system in accordance with the Northwest Welland Secondary Plan Municipal Servicing Conceptual Design Report dated May 2021, or any subsequent studies or updates as applicable.
- iii. No individual servicing connections will be permitted to the Regional Trunk Sewer along Rice Road and Quaker Road.

12.5.4 Arts, Culture and Heritage

- i. The Northwest Welland Secondary Plan area shall be developed in accordance with

Section 96.6 Arts, Culture and Heritage of this Plan, in addition to the policies outlined below.

- ii. All proposed development within the Secondary Plan Area will require a Stage 2 Archeological Assessment, which is to be submitted to the Province and Region of Niagara for review. The findings and recommendations of Archaeological Assessments shall be incorporated into development plans where necessary and appropriate.
- iii. Any proposed development on or adjacent to an identified or potential cultural heritage resource will require a Cultural Heritage Impact Assessment to further assess the cultural heritage value of the identified resource and to ensure that significant cultural heritage resources in the Secondary Plan Area are conserved

12.5.5 Phasing of Development

- i. Development shall progress in a logical, efficient, and fiscally responsible manner. Prior to the approval of any development applications within the study area, the City, in consultation with the Region, shall prepare a development phasing plan demonstrating the cost-effective provision of municipal infrastructure and how the Secondary Plan area will build out over time.
- ii. The phasing strategy for the Secondary Plan area shall consider:
 - The integration of new development with existing development, resulting in a more contiguous, connected, and compact urban form;
 - The provision of adequate municipal services (water, sanitary, stormwater) to accommodate the proposed growth in a cost-efficient manner;
 - The ability of new growth to facilitate the provision of municipal services to existing privately serviced areas within the Urban Boundary;
 - The provision of appropriate transportation facilities, and the availability of adequate capacity on the existing road network; and,
 - The provision and adequacy of educational and social services, recreational facilities and other community services.

If one or more of these factors cannot be addressed to the satisfaction of the City and Region, the processing and/or approval of development applications may be

- held in abeyance, or deferred, until an appropriate service level or facilities can be provided.
- iii. Development shall be phased in line with the timely provision of community facilities and infrastructure within each block represented by the existing boundary arterial roads.
- iv. As a condition of approval of development in the Northwest Secondary Plan Area, where an application has been made for a development in advance of steps of the phasing plan, the City shall require the implementation of appropriate and reasonable measures and development agreements, which may include front ending agreements and/or cost sharing agreements, to ensure that the development in the Northwest Secondary Plan Area is coordinated and that the required commitments of funds, lands and services are secured and/or in place. These measures and agreements shall ensure that the reasonable costs of the municipal and community infrastructure, land and/or facilities are fairly and equitably shared without adverse impact on the City's financial capability. The measures and agreements permitted by this policy shall be only those which are permitted by law and are otherwise agreed to by the landowner(s) and the City. The Cost Sharing Agreement and/or Front-Ending Agreement may deal with:
- Front-end or accelerated payment requirements;
 - Local services as permitted in Sections 44(1) and 59(2) of the Development Charges Act;
 - Matters to which the parties voluntarily agree; and/or,
 - Other matters permitted by law.
- v. Nothing in this policy compels the City to enter into any agreements with any applicant landowner.
- vi. Where an application has been made for a development in advance of the installation of infrastructure identified within this Secondary Plan as required to support the subject development, including both on-site and off-site services as well as upstream and downstream system requirements, Council may consider entering into a front-ending agreement with a developer, as a condition of approval, in accordance with City policies and procedures respecting such agreements.
- vii. Planning applications within the Secondary Plan area shall be required to demonstrate how the proposal meets the intent of the phasing plan.

12.5.6 Implementation

The implementation of the Northwest Welland Secondary Plan will be in accordance with Section 14 Implementation of this Plan



CHAPTER 13
Area Specific
Policy Areas

13 AREA SPECIFIC POLICY AREAS

13.1 Area 1: Region of Niagara Landfill Site

13.1.1 Planned Function

Area 1 as shown on Schedule B, is the Humberstone landfill operated by the Regional Municipality of Niagara and is planned to function as a landfill for municipal household solid waste.

13.1.2 Permitted Uses

The permitted uses for Area 1 are limited to those uses which are associated with the operation of a landfill. The operations of the landfill site are subject to the legislative requirements of the *Environmental Protection Act*.

13.1.3 Design

The City encourages improvements to the design of the site which improve screening and buffering through the use of trees, vegetation and berming. The City also supports any improvements which help to reduce the potential for impacts associated with noise, dust and odour. Setbacks for adjacent land uses shall be consistent with the Ministry of the Environment policies and guidelines for landfill sites.

13.2 Area 2: Lyon's Creek East

13.2.1 Planned Function

Area 2 is an overlay designation which covers the limits of the Lyons Creek East Contaminated Sediment Strategy area. The Lyons Creek East Contaminated Sediment Strategy was developed as part of the Niagara River Remedial Action Plan, which identified portions of Lyons Creek East as having contaminated sediment on the creek bottom. This Policy provides direction for future land use change occurring on lands which fall within the limits and in the Subwatershed that flows into the Lyons Creek East Contaminated Sediment Strategy area, identified as Area 2 on Schedule B.

13.2.2 Permitted Uses

There are a range of land uses within Area 2, including Agricultural, Core Natural Heritage System, Light Industrial, Gateway Economic Centre, Industrial, Transportation

and Infrastructure. For a specific list of permitted uses, refer to corresponding land use designation and associated Policies contained within this Plan.

13.2.3 Design

Future development or site alteration of lands within and that drain into Area 2 shall have no impact on the existing deposits of contaminated sediments on the bottom of Lyons Creek East. During the planning and approval stage of any proposed development in the area of contaminated sediment, redevelopment or site alteration, 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.

For proposed development, redevelopment or site alteration that occurs on lands outside of, but drain into Area 2, consideration shall be given to the potential impacts of stormwater flows and runoff.

13.2.4 Other Policies

13.2.4.1 Consideration of the Niagara River Remedial Action Plan and the Lyons Creek East Contaminated Sediment Management Strategy

When undertaking any operations or projects within Area 2, the City will consider the Niagara River Remedial Action Plan and the Lyons Creek East Contaminated Sediment Management Strategy.

13.2.4.2 Sediment Management and Remediation

The City supports the management and remediation of contaminated sediments through natural recover, within Lyons Creek East.

13.3 Area 3: Lands north of Forks Road, immediately east of Highway 58

13.3.1 Area 3, as identified on Schedule B permits the development of a maximum of eight (8) residential lots with private services, with a minimum lot size of 0.8 hectares through a plan of condominium. (Part of 80, 98, 122, and 148 Colborne Street)



CHAPTER 14

Implementation

14 IMPLEMENTATION

14.1 GENERAL

Where the Policies in this Section identify requirements or standards, they are intended to express the minimum expectations for implementation of this Official Plan and should specific land use Policies dictate higher standards elsewhere in this Plan, then those higher standards shall prevail.

14.2 PLANNING STUDIES

14.2.1 Studies, Resources and Findings

The City may undertake planning studies, from time-to-time, in order to monitor progress of planning initiatives, understand new trends, ensure an appropriate response is provided for issues which may arise, or for any other purpose deemed suitable by the ~~General Manager~~ Director, of Planning and Development Services, Committee or Council. The City will dedicate sufficient resources, or seek partnership funding, for planning studies so that the work can be undertaken with appropriate professional diligence. The City may implement the findings of a planning study with a follow-up Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or any mechanism deemed appropriate.

14.2.2 Studies by other agencies

Should other agencies undertake planning studies which may have implications to Welland, the municipality will encourage that its interests be represented on an advisory committee, steering committee, etc. If deemed appropriate, the municipality may also contribute resources to assist with the study.

14.3 SECONDARY PLANS

14.3.1 Impetus for Secondary Plans

The City of Welland may undertake a planning study and implement a Secondary Plan in order to guide the development or redevelopment of a specified area of the municipality. The Secondary Plan provides a greater level of detail than provided by the Official Plan.

Examples of situations which may warrant a Secondary Plan include, but are not limited to:

- i. New Designated Greenfield Areas 15 ha or larger introduced through Settlement Area Boundary Expansion – Large areas for Greenfield development;
- ii. ~~Older r~~Residential, non-residential, or mixed use areas which are in transition or experiencing land use compatibility issues;
- iii. Built-up areas undergoing major change, including the Regional Growth Centre, and other areas identified for significant intensification or revitalization. ~~Residential, non-residential or mixed uses areas which are experiencing pressure for land use conversion or intensification;~~ and/or,
- iv. Areas which have been designated for heritage protection under the *Heritage Act*.

14.3.2 Requirements for Studies Supporting Secondary Plans

The planning study and resulting Secondary Plan will address, as appropriate:

- i. Land use;
- ii. Natural environment;
- iii. Natural and human-made risks;
- iv. Transportation;
- v. Water and wastewater servicing;
- vi. Stormwater management (and a subwatershed or scoped subwatershed study);
- vii. Mitigation of negative impacts;
- viii. Climate change adaptation impacts;
- ix. Sustainable design;
- x. Urban design;
- xi. Archaeology, built and cultural heritage;
- xii. Culture;
- xiii. Utilities;
- xiv. Economics;
- xv. Municipal finance; and,
- xvi. Air Quality.

14.3.3 Cost Sharing and Front Ending Agreements

To advance the delivery of secondary plans or infrastructure:

- i. Cost share agreements shall be entered into between landowners for the provision of public community and infrastructure facilities such as parks, collector roads, road improvements, internal and external services, stormwater management facilities, public/private utilities and school sites. Where a cost sharing agreement is in place for a specific area, the City shall require that, as a condition of development approval, development proponents enter into one or more developers' group agreements to address the sharing of these costs.
- ii. The City may enter into Front Ending Agreements for the provision of public infrastructure in advance of the Niagara Region or City's planned provision of the infrastructure, and such costs will be recuperated through Development Charges.

14.3.4 Stakeholder Consultation

The planning study will be undertaken with appropriate stakeholder consultation. A minimum of one Statutory Public Hearing and one Public Open House will be held in advance of the Secondary Plan's adoption.

14.3.5 Privately Initiated Secondary Plans

Privately initiated secondary plans should be undertaken based on terms of reference approved by the City prior to development of the secondary plan.

14.3.6 Development Application in Advance of City Led Secondary Plan

Where an adopted Secondary Plan is required by this Official Plan is not yet in-effect and a development application is submitted within the Secondary Plan area, the development application shall demonstrate:

- i. Consistency with an adopted secondary plan or how the proposed development will be positively integrated with the overall plan area where secondary plan direction is not available;
- ii. The size and/or location of the proposed development will not adversely impact the remaining development area, or alternatively, is of a significance that it will assist in creating a positive vision for the development of the area;
- iii. How the development contributes to:
 - A diversity and mix of land uses;
 - A mix of built form;

- High quality urban design and public realm;
- Provision of park and open space;
- Appropriate refinement implementation of the Region's Natural environment system;
- Adequate provision of infrastructure, including transit and active transportation;
- Planning approaches that support sustainable and resilient communities as guided by the Section 3.5 Climate Change of the Regional Official Plan; and
- Co-location of public service facilities within community hubs, where appropriate, and adapting existing public service facilities and spaces a priority.

iv. How the development will align with the requirements of:

- A subwatershed study where applicable;
- A functional servicing study or infrastructure review;
- A transportation study
- A development phasing plan, if applicable; and
- Any other studies determined through Pre-Consultation or as required.

14.3.7 Secondary Plan Monitoring

The City shall monitor the build out of secondary plan areas to determine how they are meeting any targets set out in the Secondary Plan.

14.3.8 Implementation of Secondary Plans

Lands part of a Secondary Plan approved prior to July 1, 2012, without an approved Draft Plan of Subdivision or Plan of Condominium shall be subject to the mapping and policies of this Official Plan.

14.4 ZONING BY-LAW

14.4.1 Conformity with Official Plan

14.4.1.1 Zoning to Conform

The Zoning By-law is one of the primary tools for implementing the Official Plan. In accordance with the *Planning Act*, the Zoning By-law shall be updated so that it is in conformity with the Official Plan.

14.4.1.2 *Scope of Zoning Regulations*

The Zoning By-law shall contain regulations to control the amount and type of development with respect to matters such as:

- i. Permitted uses;
- ii. Location of uses;
- iii. Lot areas and dimensions;
- iv. Floor areas;
- v. Siting of development relative to the lot;
- vi. The portion of the site which can be occupied by buildings or structures;
- vii. Densities of residential land uses;
- viii. Densities of non-residential land uses;
- ix. The bulk and massing character of buildings;
- x. Requirements of parking and loading areas;
- xi. Requirements for landscaping; and,
- xii. Any other such regulations or requirements which may be allowed to be controlled through a Zoning By-law as enabled by the *Planning Act*.

14.4.1.3 *Non-Conforming or Non-Compliant Development*

The City shall ~~discourage~~ encourage applications to change the use of buildings or land from a legal non-conforming or legal non-compliant use where the present use is inconsistent with the policies of this Plan. However, the plan shall not prohibit the continued operation of legal non-conforming or legal non-compliant uses at the time this Plan is approved.

The passing of a by-law or amendment shall not recognize illegal uses which are inconsistent with the policies of this Plan.

Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the legal non-

conforming use more into conformity with this Plan, are permitted subject to demonstration of the following:

- New municipal services are not required; and
- The use does not expand into *natural heritage features and water resource system*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

14.4.2 Interim Control By-Law

14.4.2.1 Purpose of Interim Control By-Law

Where Council has, by By-Law or Resolution, directed that a study be undertaken regarding its land use planning policies or Zoning regulations for the City or any defined area or areas thereof, it may pass an Interim Control By-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as are set out in the By-law.

14.4.2.2 Time Limit of Interim Control By-Law

An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

14.4.3 Minor Zoning By-law Amendments

14.4.3.1 Purpose of Minor Zoning By-law Amendments

Where Council has, by By-law or Resolution, delegated the authority to pass by-laws per of the Planning Act, that are minor nature, to the Director of Planning and Development Services. The Director of Planning and Development Services may pass by-laws related to:

- A by-law to assist in the interpretation of the Zoning By-law or for clerical changes; and
- Minor Zoning By-law Amendments.

14.4.3.2 Scope of Minor Zoning By-law Amendments

A minor Zoning By-law Amendment applies to the following:

- Extension of a zoning boundary where a property is dual zone or to reflect an addition of lands; and
- To permit a use not specified in the Zoning By-law but conforms to the Official Plan.

14.4.3.3 *Criteria for Minor Zoning By-law Amendments*

A Minor Zoning By-law Amendment in accordance with Policy 12.4.3.2, is subject to the following criteria:

- An Official Plan Amendment is not required, and the proposal must conform to the City's Official Plan; and
- A Draft Plan of Subdivision is not required in accordance with the City's Official Plan.

14.4.4 Holding Provisions

14.4.4.1 *Purpose of Holding*

The Zoning By-law will incorporate provisions for Holding Zoning which may be applied on lands where the lands are pre-zoned for a use, but presently there exists a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an "H" symbol beside the land use symbol on the Zoning map.

14.4.4.2 *Application of the Holding Provision*

Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.

14.4.4.3 *Interim Uses for Lands Subject to Holding*

The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

14.4.4.4 *Lifting of the Holding Provision*

The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:

- i. Completion of special studies related to the area, or site's opportunities or constraints, or the impact of development and mitigation thereof;
- ii. The grading of the site;
- iii. The provision of road infrastructure, including, but not limited to, the roadbase, streetlights, signage and traffic control signals;
- iv. The provision of water, wastewater, or stormwater servicing for the lands;
- v. Satisfying certain financial requirements of the municipality;
- vi. Any other matter provided for by the provisions of the *Planning Act*.

14.4.4.5 Stakeholder Consultation

Consultation related to lifting of the Holding Provision will be done in accordance with the *Planning Act*.

14.4.5 Temporary Use By-Law

14.4.5.1 Purpose of Temporary Use By-Law

Provided the general intent and purpose of the Official Plan are maintained, Council may pass By-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the *Planning Act*.

14.4.5.2 Considerations

In enacting a Temporary Use By-law, Council shall have regard for the following matters:

- i. compatibility of the proposed use with surrounding land uses;
- ii. any requirement for temporary buildings or structures in association with the proposed use;
- iii. any requirement for temporary connection to municipal services and utilities;
- iv. the potential impact of the proposed use on transportation facilities and traffic in the immediate area;
- v. access requirements for the proposed use;
- vi. parking requirements for the proposed use, and the ability to provide adequate parking on-site; and,
- vii. any potential long-term impacts associated with the proposed temporary use.

14.4.5.3 Temporary Uses

In general, temporary uses, buildings and structures that are not farm related shall not be permitted in Agricultural areas. Temporary uses shall be compatible with existing and future agricultural uses, will not compromise the properties intended agricultural use and no non-farm buildings or structures are proposed.

14.4.6 ~~Bonus Zoning~~ Community Benefits Charges

14.4.6.1 ~~Purpose of Bonus Zoning~~ Community Benefit Charges

~~The City may use Bonus Zoning in accordance with the provisions of the *Planning Act* in order to permit increases in the height and/or density limits applicable to a proposed development in return for the provision of such facilities, services, or matters as are set out in the By-law.~~

The City may pass a Community Benefit Charge By-law in accordance with the provision of the *Planning Act* in order to cover the capital costs of facilities and services required as a result of development or redevelopment.

14.4.6.2 Scope of Community Benefit Charge

A Community Benefit Charge may apply to:

- i. Approval of a Zoning By-law Amendment Application;
- ii. Approval of a Minor Variance Application;
- iii. Transfer of Land;
- iv. Approval of a Plan of Subdivision;
- v. Approval of a Consent Application;
- vi. Approval of Plan of Condominium Application; and
- vii. Approval of Building Permit.

14.4.6.3 Exclusion of Community Benefit Charge

A Community Benefit Charge does not apply to:

- i. A development/redevelopment or proposed building or structure less than five storeys;
- ii. A development/redevelopment of proposed building or structure with less than 10 residential units;

14.4.6.4 Applicable Land Uses

~~Bonus Zoning provisions may be allowed for all forms of development; however, the City reserves the right to allow Bonus Zoning for only specific land use or area in order to achieve the goals of the Official Plan, Secondary Plan, etc.~~

14.4.6.5 Benefits Suggested for Bonus Zoning

~~Bonus Zoning may be offered for the provision of, but should not be expected for or may not be limited to:~~

- ~~i. Daycare facilities;~~
- ~~ii. The provision of underground parking;~~
- ~~iii. Parks facilities significantly above the minimums required by the City and the *Planning Act*;~~
- ~~iv. Recreation or community centres;~~
- ~~v. Specific types of housing, such as housing for low and moderate income groups, senior citizens and people with physical disabilities ;~~
- ~~vi. Substantial transit amenities or facilities significantly beyond those required by the City;~~
- ~~vii. Public art; and/or,~~
- ~~viii. The substantial conservation of natural, built or cultural heritage features significantly beyond those required by the respective agencies.~~

14.4.6.6 Mutual Benefit and Appropriate Scale

~~The height or density bonus should be reasonably aligned to the cost/benefit provided by the facilities, services, or matters, and must result in a substantial net benefit to the general public. Under no circumstances will the height or density bonus result in a scale of development which is incompatible with adjacent uses or exceed the capacity of municipal services. To this end, the City may place a cap on any height or density bonus offered.~~

14.4.6.7 Agreements

~~As a condition to the application of Bonus Zoning provisions to a proposed development, the owner of the subject land will be required to enter into an Agreement with the City, to be registered against the title to the land. The Agreement will deal with the facilities,~~

services, or matters which are to be provided, the timing of their provision, and the height or density bonus to be given.

14.4.7 Zoning with Conditions

14.4.7.1 Purpose of Zoning with Conditions

~~The City may use Zoning with Conditions, once Provincial regulations are established, in order to encourage the specific mixing of land uses which is planned to support development, redevelopment, revitalization, or intensification in certain areas.~~

14.4.7.2 Applicable Land Uses

~~It is anticipated that Zoning with Conditions will be principally used in mixed use areas or redevelopment areas in order to achieve the goals of the Official Plan, Secondary Plan, etc..~~

14.4.7.3 Use of Conditions

~~In Zoning categories which provide for Conditional uses, the Zoning By-law will stipulate which uses are permitted and which uses are Conditional upon the existence of certain permitted uses. The Zoning By-law may place a limit on the gross floor area, height, or density of any permitted or Conditional use in Zoning categories which provide for Conditional uses.~~

14.4.7.4 Change in Use

~~If the owner intends to change the land use in a development which was permitted through Conditional Zoning resulting in non-compliance of the development with the Conditional Zoning, then the new development will only be permitted if justified by a Zoning By-law Amendment and/or Official Plan Amendment.~~

14.4.8 Flexible Zoning

14.4.8.1 *Mix of Housing Types*

Flexible zoning refers to sites which are zoned to allow for a mix of housing types and may include any combination of two or more of the following:

- ~~i. Low density, including singles, semi-detached, and duplex houses;~~
 - ~~ii. Medium density, including townhomes, triplexes, four-plexes and apartment buildings;~~
- ~~and,~~

~~iii. High density, including medium and high-rise apartment buildings.~~

~~Where the City has applied flexible zoning standards to a residentially designated property an application to amend the Official Plan is not required to permit the mix of housing types permitted in the Zoning By-law.~~

14.4.8.2 *Mix of Densities*

~~Where the City has applied flexible zoning standards to a residentially designated property, the planned densities contained within the Residential Section of this Plan shall apply only to the portion of the property which is dedicated to the corresponding housing type.~~

14.5 GUIDELINES

14.5.1 Purpose of Guidelines

Guidelines ~~may~~ will be prepared and may contain standards and performance criteria which are too detailed or require interpretation beyond the Policies and regulations normally appropriate in an Official Plan or Zoning By-law, respectively. Guidelines may be prepared which provide, but are not limited to:

- i. Specific direction for the preparation and review of development proposals;
- ii. Specific direction for the preparation of supporting studies for development proposals;
- iii. Themes, approaches or intentions related to the architectural or landscape treatment of the municipality, an area, neighbourhood, or site;
- iv. Themes, intentions or approaches for the planning or design of public infrastructure; and/or,
- v. Themes, approaches or intentions related to sustainable design, ecological design, or climate change adaptation for the municipality, area, neighbourhood or site.

14.5.2 Stakeholder Consultation

Guidelines will be prepared with appropriate stakeholder consultation. The City will also consider the consultation protocols of the First Nations that have traditional territory in this area. A public open house or other public consultation may be conducted in advance of the guideline's acceptance.

14.5.3 Public Record

A record will be maintained of all guideline documents and copies of both the record and the guideline documents will be made available to the public.

14.5.4 Regional Guidelines

Where a guideline has been adopted by Regional Council, the City will have regard for the content and maintain consistency, where possible.

14.6 PLANS OF SUBDIVISION

14.6.1 Purpose of Plans of Subdivision

~~As the preferred method of lot creation,~~ Plans of Subdivision will be required for lot creation in situations where lot creation by consent is not appropriate.

14.6.2 Evaluation of Plans of Subdivision

Applications will be evaluated on the following minimum criteria:

~~Consistency-Conformity~~ with the Regional Official Plan, Official Plan, Secondary Plan and any other applicable plans and policies;

- i. Availability of servicing without undue financial commitment by the City;
- ii. Suitable provision of municipal services including, but not limited to, public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
- iii. Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;
- iv. Integration with surrounding land uses;
- v. Integration with the transportation network;
- vi. Impacts to, and mitigation of, negative impacts on the natural environment;
- vii. Optimization of the supply, means of supplying, efficient use and conservation of energy;
- viii. The provision of appropriate urban design and landscaping for the proposed development;

- ix. Compliance with applicable City guidelines; and,
- x. Exposure to nearby air pollution and mitigation of impacts
- xi. Stormwater Management

14.6.3 Conditions of Approval

As a condition of draft plan of subdivision approval, the City may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant shall be required to meet the conditions within three years which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the City shall require the proponent to enter into a Subdivision Agreement which will be registered on title.

14.6.4 Extensions of Draft Approval

14.6.4.1 In considering a request for an extension to draft plan of subdivision approval, where appropriate, the City will ~~work with the Regional Municipality of Niagara and the Conservation Authority to~~ ensure that current conditions, based on new or updated policies, guidelines and community standards, are applied.

14.6.4.2 Only one extension to a lapsing draft plan of subdivision shall be approved by City Welland Council for a period of up to two years unless:

- i. The draft plan meets the growth management and environmental policies of the Regional and Welland Official Plans; and
- ii. It can be demonstrated that concerted effort and progress has been made towards satisfying existing conditions of approval.

14.6.5 Existing Draft Approval

The City will review existing draft plan that have been registered for eight years or more, that have had no construction occur or infrastructure installed on-site, and do not meet the growth management objectives of this Plan, and where appropriate, the City may remove the registered plan and amend the site-specific designations and zoning accordingly.

14.7 PLANS OF CONDOMINIUM

14.7.1 Purpose of Plans of Condominium

Plans of Condominium will be required for the creation of units, common elements and exclusive use common elements through the registration of a Plan of Condominium in accordance with the *Condominium Act* and the *Planning Act*.

14.7.2 Types of Plans of Condominium

Plans of Condominium subject to policy 12.7.1 include:

- Standard Condominium
- Common Element Condominium
- Vacant Land Condominium
- Conversion from Rental to Condominium

14.7.3 Minimum Number of Units

The condominium will be developed with a minimum number of units to ensure adequate, reasonable, and independent operation of the condominium corporation.

14.7.4 Common Elements

Common elements in condominium corporations will be permitted unless the City requires public ownership of the lands for purposes of:

- i. pedestrian or vehicular access, including any part of a public road allowance;
- ii. the construction, maintenance and repair of public facilities and services;
- iii. safeguarding significant natural features;
- iv. planned trail systems; or,
- v. the proposal is not otherwise in the public interest.

14.7.5 Vacant Land Condominium

The same considerations and requirements for the evaluation of draft plans of subdivisions shall apply to draft plans of vacant land condominiums.

14.7.6 Condominium Agreement

As a condition of draft plan of condominium approval, the City may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant

may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the City shall require the proponent to enter into an Agreement which will be registered on title.

14.8 SITE PLAN CONTROL

14.8.1 Site Plan Control Area

Council shall adopt a By-law to designate the entire area of the City as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, residential developments of ten units or fewer~~three-unit dwelling~~ or duplex dwellings, interior design, and additions or renovations thereto.

14.8.2 Development or Redevelopment

For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

14.8.3 Site Plan Requirements

Plans showing the location of all buildings, structures, ~~and facilities~~ to be developed and areas of work, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the Site Plan Approval process. In accordance with the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing more ~~than but less~~ than twenty-five dwelling units.

14.8.4 Site Plan Applicability

As it relates to Site Plan Applications and set out in the Planning Act, development subject to Site Plan Applications generally includes:

- i. The construction, erection or placing of a building on land or alteration that increases the sizes or useability;
- ii. Laying out and establishment of a commercial parking lot or the parking of three or more trailers (including mobiles homes)
- iii. Construction, erection or building of three or more land lease community homes, meaning permanent structure where the owner of the dwelling leases land.

Site Plan Applications do not apply to the placement of portable classrooms on school sites of district school boards that existed prior to January 1, 2007, and the construction, erection or placing of a building/structure for residential purposes on a parcel of land that will contain no more than 10 residential units.

14.8.5 Evaluation of Site Plan Applications

The following will be considered in the evaluation of applications:

- i. location, massing, and conceptual design of buildings and structures;
- ii. location and design of vehicular and pedestrian access points;
- iii. location and design of off-street parking and loading facilities;
- iv. facilities for on-site pedestrian and vehicular circulation;
- v. road widening;
- vi. location and design of on-site exterior lighting which minimizes off-site impacts, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
- vii. measures to minimize any loss of sunlight and privacy to adjacent properties;
- viii. measures to minimize noise and odour to adjacent properties;
- ix. location and design of outdoor recreational areas;
- x. location of external facilities and works;
- xi. easements over, and grading of, lands;
- xii. provisions for stormwater management and drainage;.
- xiii. facilities designed to have regard for accessibility for persons with disabilities;
- xiv. Where applicable, matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;

- xv. the sustainable design elements on any adjoining roadway under the City’s jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
- xvi. Green infrastructure, such as naturalized retention ponds and rain gardens to increase stormwater offset;
- xvii. provision for the City to enter into one or more Agreements with applicants, to ensure that development proceeds in accordance with the proposal and City requirements; ~~and~~ and
- xviii. Available capacity of municipal infrastructure.

14.8.6 Site Plan Agreement

As a condition of Site Plan Approval, the City may require proponents to satisfy certain conditions. The applicant may be required to meet the conditions within aspecified time period, which, if not met, may cause the approval to lapse. To ensurethat conditions are bound to the owner and the land, the City shall require the proponent to enter into a Site Plan Control Agreement which will be registered ontitle.

14.9 CONSENT POLICY

14.9.1 Purpose of Consents

Consents may be allowed ~~for the creation of up to two (2) new lots~~ in the Urban Area, or in accordance with any land division Policies in the Agricultural and Rural Area.

14.9.2 Evaluation of Consents

Applications will be evaluated on the following minimum criteria:

- i. Consistency with the Policies of this Official Plan;
- ii. Consistency with a Secondary Plan (where appropriate), or guidelines, as well as compliance with the Zoning By-law;
- iii. ~~A Plan of Subdivision is not required;~~
- iv. The prevailing size and configuration ~~shape~~ of the existing surrounding lots ;
- v. The ~~road~~ access of the lots to existing roads and infrastructure;

- vi. The impact of the consent on the ability of adjacent lots to be developed;
- vii. The impact of the consent on the natural environment; and,
- viii. Adequacy of municipal services and utilities.
- ix. The impact of the consent on the overall drainage of the existing surrounding areas.

14.9.3 Conditions of Approval

As a condition of approval, proponents may be required to satisfy certain conditions as authorized by the *Planning Act*, including but not limited to:

- i. The dedication of parkland or cash-in-lieu of such dedication;
- ii. The dedication of any road widenings and one foot reserves as may be required by the City;
- iii. Fulfillment of any financial requirements of the City;
- iv. A servicing Agreement pertaining to any extension or upgrading of municipal services required by the City to accommodate the development;
- v. Submission of a registered reference plan;
- vi. Any other Agreements which may be necessary, and which may be registered on title;
- vii. A plan showing the location of all existing services to the property relative to the proposed lot line(s).

14.9.4 Exceptions

~~That this application is exempt from the policies identified in section 7.9.1, which allow for only the creation of up to two (2) new lots in the Urban Area (South Side Forks Road)~~

14.10 COMMUNITY IMPROVEMENT PLANS

14.10.1 Community Improvement Plans

The *Planning Act* allows municipalities to identify Community Improvement Project Areas, prepare Community Improvement Plans, and provide incentive programs which stimulate redevelopment of lands as a means to maintain the vitality of the municipality.

14.10.1.1 Delegation

Where Council has, by By-law or Resolution, delegated the authority to approve Community Improvement Plan Applications per of the Planning Act and Municipal Act, to the Director of Planning and Development. The Director of Planning and Development

may approve Community Improvement Plan Applications and enter into Community Improvement Plan agreements.

14.10.1.2 Alternative Measures

In accordance with the Planning Act, Council may by By-law or Resolution adopt alternative measures for informing and obtaining public input related to Community Improvement Plans.

14.10.2 Downtown and Health and Wellness Cluster Community Improvement Plan

14.10.2.1 Goals

The goal of ~~community improvement in the Downtown~~ the Downtown and Health and Wellness Cluster Community Improvement Plan (DHWC) is to reinforce the importance of the Downtown, aid in stimulating private sector redevelopment, and guide private sector development and redevelopment. The City may redefine the boundary of the DHWC without any amendment to this plan.

14.10.2.2 Programs, Eligibility and Funding

The ~~DHWC Downtown~~ CIP may offer a range of programs, including, but not limited to:

- i. Grants for urban design, façade and building improvements; and
- ii. Deferred tax and fee programs for planning applications and/or building permits.
- ~~v. Facade Restoration and Improvement Loan Program;~~
- ~~i. Development Charge Waiver/Exemption Program;~~
- ~~ii. Refund of Local Planning and Building Fees Program~~
- ~~iii. Residential Conversion and Intensification Loan Program;~~
- ~~iv. Property Rehabilitation and Redevelopment Tax Increment Grant Program;~~
- v. Parking Requirements Reduction Program.

14.10.3 Brownfield Community Improvement Plan

14.10.3.1 Goals

The goal of community improvement on brownfield lands is to promote the remediation, rehabilitation, adaptive re-use, redevelopment and overall improvement of brownfield sites.

14.10.3.2 Programs, Eligibility and Funding

The Brownfield CIP may offer a range of programs, including, but not limited to:

- i. Environmental ~~Study~~~~Site Assessment~~ Grant Program;
- ii. Brownfields Tax Assistance Program; ~~and,~~
- iii. Brownfields ~~Rehabilitation~~ Tax Increment Grant Program; ~~and~~
- iv. Brownfields Fee Grant Program.

~~The Brownfield CIP will describe the eligibility criteria to obtain funding through any of the CIP's programs. The program funding will be established by Council, but shall not place a burden on municipal finances.~~

14.10.4 Niagara Economic Zone and Centre Community Improvement Plan

14.10.4.1 Goals

The goal of the Niagara Economic Zone CIP is to promote private sector investment, development, redevelopment and construction activity on employment lands in the Gateway Community Improvement Project Area.

14.10.4.2 Programs, Eligibility and Funding

The Niagara Economic Zone CIP may offer a range of programs, including, but not limited to:

- Tax Increment Grant
- Fee programs for planning applications Development fees exemptions or deferrals

14.10.5 Affordable Rental Housing Community Improvement Plan

14.10.5.1 Goals

The goal of the Affordable Rental Housing CIP is to encourage the provision of affordable rental housing through establishing new partnerships with multiple providers and providing financial incentives

14.10.5.2 Programs, Eligibility and Funding

The Affordable Rental Housing CIP may offer a range of programs, including, but not limited to:

- Grants or forgivable loans for the construction of affordable housing.
- Affordable housing study grants.
- Tax Increment Grant
- Municipal planning applications and/or building permits fee grants, and;
- Special Land Programs for affordable housing projects

14.10.6 New Community Improvement Plan Areas

14.10.6.1 Criteria for New Areas

In considering the establishment of a new Community Improvement Plan Area, the City will consider any of the following criteria:

- i. Conditions of existing buildings;
- ii. Land use issues;
- iii. Aesthetic issues;
- iv. Transportation or infrastructure issues;
- v. Natural or human-made environmental issues;
- vi. Social or community issues;
- vii. Economic issues; and,
- viii. Any other relevant issues which create barriers to the repair, rehabilitation or redevelopment of underutilized or dilapidated land/buildings.

14.10.6.2 Criteria for New Community Improvement Plans

New Community Improvement Plans shall contain:

- i. a statement of purpose, goals, objectives,
- ii. a description of the Community Improvement Project area,
- iii. a description of all programs and/or projects,
- iv. an implementation plan, and

- v. a technical appendix justifying the delineation of the area and the need for the programs.

The preparation and adoption of new Community Improvement Plans shall meet the minimum requirements of the *Planning Act* for public consultation, unless Council adopts alternative measures as outlined in policy 12.10.1.2.

14.11 Community Planning Permit System

The community planning permit system is a planning tool that allows for the replacement and combining of the zoning amendment, minor variance and site plan approval processes, as well as the regulation of vegetation removal and site alteration, as well as other types of development. This system also offers opportunities to streamline the planning approvals processes and clearly establish rules and criteria for development within the by-law.

14.11.1.1 Community Planning Permit By-law

City Council may by by-law establish a community planning permit system within the City for any area or areas set out in the by-law.

14.11.1.2 Community Planning Permit By-law Transition

City Council will not pass a community planning permit by-law for any area in City unless, this Official Plan is in effect.

14.11.1.3 Community Planning Permit System Process

Within an area for which a community planning permit by-law has been enacted, both the City's Zoning By-law and site plan control will not apply.

If a community planning permit by-law is enacted, the use and development of land must comply with the permitted uses, standards and criteria set out in the community planning permit by-law as demonstrated by the issuance of a community planning permit, unless the proposed use or development is expressly exempted from a permit as indicated in the community planning permit by-law. Where existing site plan agreements are already registered on a property, those agreements may be amended as long as such amendments comply with the applicable provisions of the community planning permit by-law.

14.11.1.4 Scope of Community Planning Permit System

A community planning permit by-law will:

- i. Contain a description of the area to which the by-law applies, which must be within the boundaries of the area identified in the Official Plan;
- ii. Set out and define permitted and discretionary uses;
- iii. Set out development standards with specified minimum and maximum standards;
- iv. Set out any internal review for permit decisions;
- v. Describe notification procedures for decisions;
- vi. Set out criteria for determining whether a proposed use or development is permitted;
- vii. Describe the process for amending development permits, development permit agreements and pre-existing site plan agreements;
- viii. Outline any conditions of approval that may be imposed; and
- ix. Set out the scope of delegated authority, including any limitations.

14.11.1.5 Implementing a Community Planning Permit System By-law

To permit passage of a community planning permit by-law for application to the entire City, the following policies shall apply:

- i. A community planning permit area may include the entire City or any area or areas identified on Schedules attached to a community planning permit by-law; and
- ii. Where a community planning permit area includes the entire City, the goals, objectives and policies of each designation in this Plan, the general policies for guiding growth and development in all designations and the vision and principles of the Plan shall be implemented within the community planning permit by-law to ensure any development and use of land will conform to the Official Plan and address the matters outlined in Section 14.11.1.4.

14.11.1.6 Community Planning Permit Application Review and Approvals

Upon consideration of a complete community planning permit application, the City may:

- i. Approve the application and issue a permit with no conditions;
- ii. Approve the application subject to conditions being met before the issuance of a permit;
- iii. Approve the application and issue a permit with conditions attached;

- iv. Approve the application subject to conditions being met before the issuance of a permit and with conditions attached; or
- v. Refuse the application.

14.11.1.7 Community Planning Permit Application Delegation

Council may delegate its decision making authority respecting community planning permit applications and its authority to execute, amend and release community planning permit agreements or pre-existing site plan agreements to a Committee appointed by Council or an employee of the City in the identified area. Any limits on the criteria for such delegation will be established in the community planning permit by- law.

14.11.1.8 Requirement For List Of Studies, Criteria and Conditions

To ensure that the goals, objectives and policies of the City's Official Plan, and the matters outlined in Section 14.11.1.4 will be addressed to determine whether a development or use of land may be permitted by a community planning permit, the by-law shall set out criteria to be considered in such circumstances, study requirements, and types of conditions that may be imposed on a permit. The types of criteria, study requirements, and conditions set out are intended to address goals, objective and policies of the City's Official Plan, and the matters outlined in Section 14.11.1.4.

14.11.1.9 Community Planning Permit Application Criteria

The criteria for determining whether a development, use of land, discretionary use or variation to by-law provision may be permitted shall be set out in the community planning permit by-law and shall include demonstration of the following to the satisfaction of the City:

- i. The proposal is appropriate for the lands;
- ii. The proposal takes into account the unique characteristics of the property;
- iii. The potential off-site and adverse impacts resulting from the proposal are identified and mitigated where appropriate;
- iv. The proposal is compatible with the surrounding land uses;
- v. The proposal is consistent with any applicable urban design guidelines;
- vi. The proposal conforms to the Region of Niagara Official Plan and City's Official Plan;
and
- vii. The proposal is consistent with and conforms to Provincial policies.

14.11.1.10 Community Planning Permit Application Supporting Studies

A list of studies that may be required to be submitted at the time of application of a community planning permit application, such that it may be deemed complete, shall be set out in the community planning permit by-law, or in an appendix thereto, and shall include the materials and technical reports that may be required at the time of application as outlined in Section 14.8.2.

14.11.1.11 Community Planning Permit Application Conditions

A list of conditions that may be imposed on a community planning permit shall be set out in the community planning permit by-law, or in an appendix thereto, and shall include, but not be limited to, conditions:

- i. The may be imposed pursuant to sections 34, 40, 41 and 42 of the Planning Act, in order to implement the vision, goals and objectives of the Official Plan;
- ii. To require the implementation of actions or recommendations in technical reports that have been submitted in support of a Community Planning Permit application;
- iii. To require the submission of supplemental technical reports where deemed required through application review; and
- iv. To require the owner of land to enter into an agreement with the City respecting one or more conditions.

14.11.1.12 Community Planning Permit Application Amendments

Any amendments to a community planning permit by-law shall be in conformity with the objectives and policies of this Plan and shall be considered in the context of the planned vision for all lands within the area or areas subject to the by-law. Further, an application to amend the community planning permit by-law must be supported by a comprehensive planning rationale, a strategy for consulting within the public, and the studies and information.

14.11.1.13 A community planning permit may allow, as a discretionary use, any use not specifically listed as a permitted use in the community planning permit by-law, provided that the proposed use is similar to and compatible with listed permitted uses, would have no negative impact on adjoining properties, would meet applicable criteria within the by-law and maintain the intent, principles and policies of this Plan

14.11.1.14 Community Planning Permit Application Variation to Standards

A community planning permit may allow certain variations to the standards specified within the Community Planning Permit by-law. Such variations may be permitted only if they have satisfied the policies pertaining to applicable policies of this Plan.

14.12 SUPPORT STUDIES

Support studies may be required as part of planning studies or development proposals. The support studies, and when they are needed, are generally described below; however, the municipality may refine the scope or request that a support study be undertaken based on its discretion, the context of the proposed development, or input from appropriate agencies. Additional studies and peer reviews may also be required by other agencies, such as the NPCA and Niagara Region.

14.12.1 Requirements for All Studies

All studies and information submitted to the City, ~~Region or NPCA~~ shall be prepared by a qualified professional. Any study or report requested by the City, ~~Region or NPCA~~ may be subject to a peer review, where the applicant shall be responsible for all costs of peer review which shall be payable upon submission of an invoice from the City, Niagara Region and Niagara Peninsula Conservation Authority. Supporting studies shall be submitted in an electronic and hard copy format. Additional studies and peer reviews may be required by other agencies, ~~including but not limited to the Region and NPCA~~, the cost of which shall also be paid for by the applicant.

14.12.2 Subwatershed Plan

14.12.2.1 Need for a Subwatershed Plan

A Subwatershed Plan provides for the maintenance of ecological function, in particular the ecological function of watercourses. Major changes in land use, such as a boundary expansion or Secondary Plan for a Greenfield Area, shall require the preparation of a Subwatershed Plan by the City, based on terms of reference developed by the City in consultation ~~with the Niagara Peninsula Conservation Authority and with affected agencies~~

and landowners if appropriate. Subwatershed studies may proceed in advance of the completion of a quaternary watershed plan.

14.12.2.2 Implementing the Recommendations of a Subwatershed Plan

The findings and recommendations of a Subwatershed Plan shall be implemented through amendments to the Official Plan and, where appropriate, secondary plans, any plan produced under the *Planning Act* or the Zoning By-law. The Subwatershed Plan should provide specific direction for:

- i. The future development of the area;
- ii. Servicing and infrastructure; ~~and,~~
- iii. Opportunities for improvement and enhancement of natural systems; ~~and,~~
- iv. Identifying and refining the natural environment system of designated greenfield areas and other large undeveloped areas.

14.12.3 Master Drainage Plan

14.12.3.1 Need for a Master Drainage Plan

A Master Drainage Plan provides for the maintenance of the stormwater and ecological functions of watercourses in a large area within a subwatershed. Where a Secondary Plan, Plan of Subdivision or any applicable plan under the *Planning Act*, is being undertaken, a Master Drainage Plan may also be required, based on terms of reference developed by the City in consultation with the Niagara Peninsula Conservation Authority.

14.12.3.2 Implementing the Recommendations of a Master Drainage Plan

The findings and recommendations of a Master Drainage Plan shall be implemented through amendments to the Official Plan and, where appropriate, ~~a~~ Secondary Plans, Zoning By-law and other plans provided for under the *Planning Act* (such as a Plan of Subdivision or Site Plan).

14.12.4 Stormwater Management Plan

14.12.4.1 Need for a Stormwater Management Plan

A Stormwater Management Plan provides for the maintenance of the stormwater functions of watercourses based on the impacts of site-specific or area-specific development. Where a Plan of Subdivision, Site Plan or applicable plan under the *Planning Act* is being

undertaken, a Stormwater Management Plan may also be required, based on terms of reference developed ~~in consultation with~~ to the satisfaction of the City in consultation with and the Niagara Peninsula Conservation Authority.

14.12.4.2 Implementing the Recommendations of a Stormwater Management Plan

The findings and recommendations of a Stormwater Management Plan shall be implemented through amendments to the Official Plan and where appropriate, Secondary Plans, Zoning By-law and other plans produced under the *Planning Act* (such as a Plan of Subdivision or Site Plan).

14.12.4.3 Stormwater Management Plan for developments

Proposals for development proceeding by way of a secondary plan, plan of subdivision, plan of condominium or site plan control will be supported by a stormwater management plan or equivalent at the discretion of City, that:

- i. Is informed by any subwatershed plan or equivalent where applicable;
- ii. Ensures all proposals for development or redevelopment are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and water budget to minimize stormwater flows and reliance on stormwater ponds, which includes low impact development and green infrastructure, where appropriate;
- iii. Establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
- iv. Ensures stormwater management facilities are designed to support key features and ecological functions in the natural environment system, where possible; and
- v. Aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

14.12.5 Environmental Impact Study

14.12.5.1 Need for an Environmental Impact Study

An Environmental Impact Study (EIS Study) is a technical assessment of a development proposal's environmental impacts on natural heritage and hydrologic features and

functions. Where development or site alteration is being undertaken within the guidelines put forth in **Table 127.1**, an Environmental Impact Study shall be required.

Table 127-1: Core Natural Heritage System Components and Adjacent Lands	
Core Natural Heritage System Components	Adjacent Lands Where an EIS Shall Be Required for Development Applications.
Environmental Protection Area	
Provincially Significant Life Science Area of Natural and Scientific Interest	All lands within 50 metres.
Provincially Significant Wetland	All lands within 120 metres.
Habitat of Threatened and Endangered Species	All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.

14.12.5.2 Preparation and Submission

An Environmental Impact Study shall be prepared and signed by a qualified biologist or environmental planner professional in accordance with the Region of Niagara's Niagara Region's Environmental Impact Study Guidelines or applicable guidelines at the time. Environmental Impact Studies for lands within, or adjacent to, Environmental Conservation Areas the Natural Environment System within the Urban Area shall be prepared to the satisfaction of the City, in consultation with the Conservation Authority and the Region of Niagara. Environmental Impact Studies for lands adjacent to all other components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region of Niagara, in consultation with the City and the Conservation Authority. Refer to Section 6 of this Plan for additional details on EIS studies.

14.12.5.3 Content of an Environmental Impact Study

The specific requirements for an EIS are outlined in the Region of Niagara's Environmental Impact Study Guidelines. The required proposed content for an EIS must be approved by the City prior to submission. The contents may be scoped where the City

~~is reduced where the Region of Niagara has and/or the conservation authority have been~~ satisfied that:

- i. The environmental impacts of a development application are thought to be limited; or,
- ii. Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the City ~~Region of Niagara~~.

14.12.5.4 Implementing the Recommendations of an Environmental Impact Study

The findings and recommendations of an Environmental Impact Study shall be implemented primarily through a Plan of Subdivision, Site Plan Control or other plans produced under the *Planning Act*. Amendments to the Official Plan or other plans may also be required.

14.12.6 Market Impact Assessment

14.12.6.1 Need for a Market Impact Assessment

A Market Impact Study provides assurance that a proposed development is not premature and does not negatively impact the local or regional economy. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision or Site Plan is being undertaken, a Market Impact Study may also be required, based on the Policies of this Plan and terms of reference developed by the City ~~in consultation with the Regional Municipality of Niagara~~. The Market Impact Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

14.12.6.2 Implementing the Recommendations of a Market Impact Study

The findings and recommendations of a Market Impact Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.7 Traffic Transportation Impact Study

14.12.7.1 Need for a Traffic Transportation Impact Study

A Transportation Impact Study provides for the maintenance of the City's transportation system given the demands in different transportation modes generated by a proposed

development. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Transportation Impact Study may also be required, based on terms of reference developed by the City in consultation with the ~~Regional Municipality of~~ Niagara Region. The Transportation Impact Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

14.12.7.2 Implementing the Recommendations of a Traffic Transportation Impact Study

A Transportation Impact Study provides for the maintenance of the City's transportation system given the demands in different transportation modes generated by a proposed development. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Transportation Impact Study may also be required, based on terms of reference developed by the City in consultation with the ~~Regional Municipality of~~ Niagara Region. The Transportation Impact Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

14.12.8 Geotechnical Subsurface Investigation

14.12.8.1 Need for a Geotechnical Subsurface Investigation

A Geotechnical Subsurface Investigation provides for confirmation of the load-bearing capacity of soils to support development. Where a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* is being undertaken, a Geotechnical Subsurface Investigation may be required, based on terms of reference developed by the City. A Geotechnical Subsurface Investigation may also be required by the Conservation Authority as a condition of development approval or permit approval to address slope stability.

14.12.8.2 Implementing the Recommendations of a Geotechnical Subsurface Investigation

The findings and recommendations of a Geotechnical Subsurface Investigation shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.9 Archaeological Resource Assessment

14.12.9.1 Need for an Archaeological Resource Assessment

An Archaeological Resource Assessment provides for the documentation, protection, and conservation of the City's archaeological resources. An Archaeological Resource Assessment will be required in accordance with Section 9.6.6 of this Plan.

14.12.9.2 Implementing the Recommendations of an Archaeological Resource Assessment

The findings and recommendations of an Archaeological Resource Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.10 Wetland Evaluation Study

14.12.10.1 Need for a Wetland Evaluation Study

A Wetland Evaluation Study provides for the delineation of a wetland or wetlands based on field survey of the wetland feature(s). A Wetland Evaluation Study may be required where an Environmental Impact Study is required. A Wetland Evaluation Study will be undertaken by qualified persons in accordance with the Wetlands Evaluation System for Southern Ontario.

14.12.10.2 Implementing the Recommendations of a Wetland Evaluation Study

The findings and recommendations of a Wetland Evaluation Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.11 Record of Site Condition

14.12.11.1 Need for a Record of Site Condition

A Record of Site Condition where recommended by an Environmental Site Assessment, will be prepared and filed in accordance with the *Environmental Protection Act*, confirms the status of a site or lands with respect to contamination. Where any development is proposed, a Record of Site Condition may be required.

14.12.11.2 Implementing the Recommendations of a Record of Site Condition

The findings and recommendations Environmental Site Assessment and confirmed by of a Record of Site Condition shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, or Building Permit and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.12 Noise and/or Vibration Study

14.12.12.1 Need for a Noise and/or Vibration Study

A Noise and/or Vibration Study provides assurance that the proposed development meets Ministry of Environment, Conservation and Parks guidelines for the protection of sensitive land uses from noise and/or vibration. Where a Plan of Subdivision or Site Plan is being undertaken, a Noise and/or Vibration Study may also be required, based on terms of reference developed by the City in consultation with applicable agencies ~~the Regional Municipality of Niagara, and/or the Ministry of Environment~~. The Noise and/or Vibration Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

14.12.12.2 Implementing the Recommendations of a Noise and/or Vibration Study

The findings and recommendations of a ~~Gas Well Location~~ Noise and/or Vibration Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.13 Gas Well Location Study

14.12.13.1 Need for a Gas Well Location Study

A Gas Well Location Study provides for the hazard assessment of known or suspected former petroleum wells. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Gas Well Location Study may also be required to demonstrate that the known or suspected hazard has been mitigated in accordance with the relevant provisions of the *Oil, Gas, and Salt Resources Act*.

14.12.13.2 Implementing the Recommendations of a Gas Well Location Study

The findings and recommendations of a Gas Well Location Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.14 Tree Savings Plan

14.12.14.1 Need for a Tree Savings Plan

A Tree Saving Plan is a plan prepared for the purposes of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur. Tree Saving Plans should attempt to retain as many trees as possible. Requirements for Tree Saving Plans are provided in the Niagara Region Woodland Conservation By-law No. 220-79 Region of Niagara Tree and Forest Conservation By Law (30-2008) as amended from time to time. A Tree Saving Plan may be required to support an application for development or site alteration, where the development may have impacts on a wooded area.

14.12.14.2 Implementing the Recommendations of a Tree Savings Plan

The findings and recommendations of a Tree Savings Plan shall be implemented through the appropriate planning mechanism, such as a site plan, a plan of subdivision or other plans produced under the *Planning Act*.

14.12.15 Planning Justification Report

14.12.15.1 Need for a Planning Justification Report

A Planning Justification Report shall be required to support any proposal for development or site alteration and should demonstrate how the proposal meets the Policies and Objectives of this Plan. Where appropriate, the Report should ~~also provide a synthesis of~~ address and justify planning and development issues for a site or area, where the proposed development requires a number of the above-noted studies. The Report should synthesize and integrate the various findings and proposer recommendations, particularly where the findings and recommendations of one study or report overlap or have implications for another study.

14.12.15.2 Implementing the Recommendations of a Planning Justification Report

The findings and recommendations of an ~~Integrated~~ Planning Justification Report shall be implemented through a Plan of Subdivision/Condominium, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.16 Cultural Heritage Impact Assessment

14.12.16.1 Need for a Cultural Heritage Impact Assessment

A Cultural Heritage Impact Assessment may be required to support any proposal where the development, ~~or site alteration,~~ or demolition has potential to negatively impact cultural heritage resources. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures or alternative development approaches may also be recommended. A Cultural Heritage Impact Assessment shall be prepared by a qualified professional.

14.12.16.2 Implementing the Recommendations of a Cultural Heritage Impact Assessment

The findings and recommendations of a Cultural Heritage Impact Assessment shall be implemented through a Plan of Subdivision/Condominium, Site Plan or other plans produced under the *Planning Act*, or other applicable acts including the Ontario Heritage Act and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.17 Community Services and Facilities Study Social Impact Assessment

14.12.17.1 Need for a Community Services and Facilities Study Social Impact Assessment

A Community Services and Facilities Study Social Impact Assessment may be required to support any proposal where development or site alteration has the potential to impact the City's social infrastructure required to support healthy, complete communities ~~negatively impact on social aspects of the City.~~ The ~~Assessment study should document any potential positive and negative impacts~~ will generally consider the capacity of nearby schools, and childcare facilities, as well as access to nearby community facilities. ~~of the proposed~~

development and recommend potential mitigative measures. The required content will be confirmed during the Pre-Consultation meeting.

14.12.17 Implementing the Recommendations of a Community Services and Facilities Study Social Impact Assessment

The findings and recommendations of a Community Services and Facilities Study Social Impact Assessment shall be implemented through a Plan of Subdivision/Condominium, Site Plan or other plans produced under the *Planning Act*, or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

14.12.18 Visual Impact Assessment

14.12.18.1 Need for a Visual Impact Assessment

~~The findings and recommendations of a Visual Impact Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans. The Assessment should make recommendations for minimizing any potential negative impacts. A Visual Impact Assessment may be required to support any proposal where development or site alteration has the potential to negatively impact views and vistas.~~

14.12.18.2 Implementing the Recommendations of a Visual Impact Assessment

The findings and recommendations of a Visual Impact Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans. The Assessment should make recommendations for minimizing any potential negative impacts.

14.12.19 Growth Management Study

14.12.19.1 Need for a Growth Management Study

A Growth Management Study shall be required from time to time to assess the implications of future long-term population and/or employment growth. A Growth Management Study should assess the implications of future growth in relation to the City's urban boundary,

strategic growth areas and intensification areas, land supply in the Designated Greenfield Areas (and possibly nodes and corridors), impacts on the natural environment, transportation network, infrastructure and rural areas and any other major structural elements of the City.

14.12.19.2 Implementing the Findings of a Growth Management Study

The findings and recommendations of a Growth Management Study shall be implemented through a comprehensive review of the Official Plan and an Amendment or update to this Plan.

14.12.20 Other Studies

The City may require that any other special studies be undertaken in support of a development proposal. Where possible, the City will advise of the need for special studies during pre-consultation with the proponent regarding the proposed development. Any special study may be subject to a peer review, the cost of which will be recovered by the City from the proponent. Other potential studies which may be required might include, but are not limited to:

- i. Built Heritage Impact Assessment Study;
- ii. Light and Shadow Study;
- iii. Environmental Site Assessment;
- iv. Farm Operation and Ownership Study;
- v. Alternative Sites for Non-Agricultural Uses Study;
- vi. Minimum Distance Separation Study;
- vii. Mineral Aggregate Resources Study;
- viii. Municipal Servicing Study;
- ix. Hydrological Study;
- x. Financial Impact Assessment;
- xi. Floodplain and Hazards Lands Study; and,
- xii. Traffic and Haul Route Impact Study;
- xiii. Active Transportation Study;
- xiv. Odour Impact Study; and
- xv. Agricultural Impact Assessment.

14.13 DEVELOPMENT CHARGES

14.13.1 Development Charge By-law

Council shall adopt a by-law to levy development charges in the City as a means to ensure that the costs of growth are borne by growth. The Development Charge By-law shall define the classes of development subject to payment of a Development Charge and what amount is to be paid.

14.13.2 Development or Redevelopment

Development Charges shall apply to development, or the additional development created through redevelopment.

14.13.3 Waiver or Exemption of Development Charge

The municipality may waive some or all of the Development Charge or exempt certain development from the Development Charge as a means to promote specific redevelopment or revitalization.

14.14 CAPITAL BUDGETS

14.14.1 Alignment of Capital Budgets to the Official Plan

During the process of allocating capital budgets to short, medium, and long-term initiatives, Council will have regard for the Policies of this Plan. Where this Plan has identified priorities for change or implementation, Council will be encouraged to dedicate appropriate capital resources to these initiatives. Additionally, Council is encouraged to seek partnership capital funding to support priorities for change or implementation of this Plan’s policies.

14.14.2 Capital Budget for Official Plan Updates

Council will ensure that sufficient capital budget is made available to support the required five-year reviews of this Plan and any supporting special studies.

14.15 UPDATING THE PLAN

14.15.1 Comprehensive Review

In accordance with the Provincial Policy Statement, the City will conduct a comprehensive review within ten years, if adopted as a new Official Plan, and every 5 years thereafter~~for every five-year review of the Plan~~ (whether or not an expansion to the Urban Area Boundary is contemplated) in order to keep the Plan up to date. The scope of the comprehensive review will be discussed with Council ~~and/or the Regional Municipality of Niagara~~, and may be discussed with stakeholders through public consultation.

14.15.2 Conformity with Provincial and Regional Policies and Plans

The comprehensive review will include a discussion of provincial and regional policies and plans and identify where updates to the City's Official Plan are needed to ensure conformity to upper-tier policies and plans.

14.15.3 Indicators and Strategic Directions

The comprehensive review will consider key indicators and strategic directions to help the municipality understand past progress, its current situation, and identify new planning strategies to ensure that Welland is a progressive and sustainably- developed City.

14.16 AMENDING THE PLAN

14.16.1 Applications to Amend the Official Plan

From time-to-time, an amendment to the Official Plan may be deemed appropriate to provide for a proposed development. In considering the suitability of the Amendment, Council will consider the following criteria:

- i. Provincial and regional policies and plans;
- ii. The vision, strategic directions, and goals of this Plan;
- iii. Whether the amendment creates an inappropriate precedent; and,
- iv. The city, neighbourhood, and immediate area impacts of the proposed land use change.

14.16.2 Amendments to Implement Comprehensive Review

Where a comprehensive review has identified that changes to the Plan's policies are necessary to maintain the currency of the Plan, then Council may adopt an Amendment to this Plan.

14.16.3 Amendments to Implement Provincial or Regional Policies and Plans

Where changes to or new Provincial or Regional policies and plans come into effect that require updates to this Plan, then Council may adopt an Amendment to this Plan.

14.16.4 Amendments to Implement Planning Studies

Where a planning study has been undertaken to address the needs of a specific area or recent trend, Council may adopt an Amendment to this Plan to implement the recommendations of the study.

14.16.5 Technical Revisions

The following revisions may be made to this Plan by the City of Welland at any time without the need for an Amendment:

- i. Corrections to grammar, punctuation or typographical errors or formatting revisions that do not change the intent of this provisions;
- ii. Additions or revisions to technical information on maps or schedules that do not affect the Land Use Designations of land including, but not limited to, matters such as updating and correcting base map information (roads, assessment parcels and labels), keys, legends or title blocks; and
- iii. Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

14.17 COMMITTEE OF ADJUSTMENT

14.17.1 ~~Committee to Deal with Variances~~ address variances and consents

Council has appointed a Committee of Adjustment to review and make decisions on the following matters:

- i. Applications to allow a minor variance from the provisions of the Zoning By-law;
- ii. Applications to allow a minor variance from the provisions of the Fence By-law;
- iii. Applications to allow a minor variance from the provisions of the Sign By-law; ~~and,~~
- iv. Applications to allow a minor variance from the provisions of the Swimming Pool and Fence By-Law; and
- v. Applications to allow for the subdivision of land through a consent.

14.18 REQUIREMENTS TO CONSULT

14.18.1 Statutory Required Consultation

The City will meet all statutory requirements for public consultation in accordance with the *Planning Act*.

14.18.2 Pre-Consultation before Application Submission

The City requires all applicants ~~of development and site alteration proposals to pre-consultant with the City.~~ to consult with the municipality inadvance of submission of an application for:

- i. An Official Plan Amendment;
- ii. A Zoning By-law Amendment;
- iii. A Site Plan Approval;
- iv. A Plan of Subdivision;
- v. A Plan of Condominium.
- vi. A Site Plan;
- vii. Other applications as identified

~~Pre-consultation will determine what is required to be submitted for a complete application and will provide an opportunity to discuss the nature of the application, the need for supporting studies, such as those identified in Section 7.11, and the planning approvals process. Where appropriate, pre-consultation may also require the involvement of the Region of Niagara and Niagara Peninsula Conservation Authority.~~

14.18.3 Pre-Consultation By-law

~~The City will pass a By-law requiring applicants to consult with the municipality inadvance of submission of an application for:~~

- ~~i.—An Official Plan Amendment;~~
- ~~ii.—A Zoning By-law Amendment;~~
- ~~iii.—A Plan of Subdivision;~~
- ~~iv.—A Site Plan;~~
- ~~v.—Minor Variance; and,~~

~~vi. Any other plan.~~

Prior to scheduling a Pre-Consultation, an applicant shall submit to the Director of Planning and Development Services or their designate a completed Request for Pre-Consultation, which shall include:

- i. The general location and municipal address of the lands;
- ii. The current use of lands;
- iii. A summary of the proposed application;
- iv. Conceptual Plan;
- v. Proposed population and employment densities;
- vi. Any known environmental, servicing, and transportation issues known; and
- vii. Other information as may be required by the Director of Planning and Development Services or their designate.

The Pre-Consultation will determine what is required to be submitted for a complete application and will provide an opportunity to discuss the nature of the application, the need for supporting studies, such as those identified in Section 12.11, and the planning approvals process. Following a pre-consultation, a checklist of required material in the form of a Record of Pre-Consultation will be circulated to the applicant.

Where appropriate, pre-consultation may also require the involvement of the ~~Region of~~ Niagara Region and Niagara Peninsula Conservation Authority. The Director of Planning and Development Services or their designate may also waive the requirement for a formal consultation meeting if deemed unnecessary.

14.18.4 Complete Application

The Director of Planning and Development Services ~~General Manager Planning and Development Services~~ or their designate shall be responsible for determining whether a Planning Application is complete. If an Application is submitted without pre-consultation, adequate supporting information and/or reports, and any Application review fees required by the City, or any other public agency, the Application may be deemed incomplete.

14.18.5 Coordination with Adjacent Municipalities

The City of Welland will work with its neighbouring municipalities, the Region and other agencies to address cross jurisdictional impacts, issues and opportunities associated with development in the City of Welland and, where appropriate, development outside of the City.

14.18.6 Coordination with Public Utilities

The City will confirm, as part of the development review process, that utility providers are able to provide services to support the proposed development in a timely manner and that, if required, appropriate locations for large utility equipment and utility cluster sites have been determined.

14.18.7 Coordination with First Nations and Indigenous Communities

The City shall engage with First Nations and Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources, the natural environment system and planning for both sustainability and climate change.

14.18.8 Expiry of Record of Pre-Consultation

Where an application(s) has not submitted within one (1) year to the date of the Pre-Consultation meeting, the Applicant will be required to request a new Pre-Consultation meeting unless otherwise extended by the Director of Planning and Development Services or their designate.



CHAPTER 15

Definitions

15 DEFINITIONS

Area of Natural and Scientific Interest

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. There are two types of ANSIs:

- i. Earth Science Areas of Natural and Scientific Interest means areas identified by the Ministry of Natural Resources as containing some of the most significant representative examples of the bedrock, fossil and landform features in Ontario, and includes examples of ongoing geological processes.
- ii. Life Science Areas of Natural and Scientific Interest means areas of land and water identified by the Ministry of Natural Resources as containing significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments.

Access standards

Methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Adjacent lands

Those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Adverse effects

As defined in the *Environmental Protection Act*, means one or more of:

- i. Impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant or animal life;
- ii. Harm or material discomfort to any person;
- iii. An adverse effect on the health of any person;

- iv. Impairment of the safety of any person;
- v. Rendering any property or plant or animal life unfit for human use;
- vi. Loss of enjoyment of normal use of property; and
- vii. Interference with normal conduct of business.

Affordable

In the case of ownership housing, the least expensive of:

- i. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- ii. Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

- i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- ii. a unit for which the rent is no greater than 80% of at or below the average market rent of a unit in the regional market area.

Agricultural uses

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro- forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing and packaging).

Agriculture-related uses

Farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Archaeological resources

Includes artifacts, archaeological sites and marine archaeological sites. The identification and

evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential

Areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of mineral potential

Areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of natural and scientific interest (ANSI)

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Attainable Housing

Rental or ownership housing provided by the market for moderate income households that are generally within the fifth and sixth income decile of the regional market area. Attainable housing can include dwelling types of various sizes, densities, and built forms, and is intended to provide individuals with the opportunity to access housing more suitable to their needs.

Brownfield sites

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Boundary

The limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan.

Built heritage resources

One or more significant buildings, structures, monuments, installations or remains associated with

architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by the City, province or federal government.

Comprehensive review

An official plan review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which:

- i. Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
- ii. Utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- iii. Confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; Is integrated with planning for infrastructure and public service facilities; and
- iv. Considers cross-jurisdictional issues.

Conserved

The identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape

A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Deposits of mineral aggregate resources

An area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available

Lands designated in the Official Plan for urban residential use.

Designated Greenfield Areas

Lands within settlement areas (not including rural settlements) but outside of delineated built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. Designated greenfield areas do not include excess lands.

Designated vulnerable area

Areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

Development

The creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include works subject to the Drainage Act.

Disability

Means any one of the following:

- i. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- ii. A condition of mental impairment or a developmental disability,
- iii. A learning disability, or a dysfunction in one or more of the processes involved in

- understanding or using symbols or spoken language,
- iv. A mental disorder, or
 - v. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”).

Ecological function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area

Those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species

A species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Wildlife in Canada (COSEWIC), or as classified by the Committee on the Status of Species at Risk in Ontario (COSSARO) as identified on the Species at Risk Ontario (SARO) list, as updated and amended from time to time.

Erosion hazard

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish

As defined in S.2 of the *Fisheries Act*, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat

The spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Provincial Ministry of Natural Resources.

Flood plain

For river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazard

The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water. Along river, stream and small inland lake systems, the flooding hazard limit is the one hundred year flood.

Floodproofing standard

The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway

For rivers, streams and small inland lake systems, a floodway means the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. The Floodway is the entire contiguous floodplain.

Gateway Economic Centre

Settlement areas identified in the Growth Plan, as conceptually depicted on Schedules 2, 5, and 6 of the Growth Plan that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario.

Gross density

The total number of dwelling units per hectare divided by the developable portion of a property or site. Gross density does not include lands within the Core Natural Heritage System, but would include other forms of non-residential development (such as roads, parks, infrastructure, etc).

Ground water feature

Refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of Endangered and Threatened Species

Habitat of endangered and threatened species refers to land that,

- a) Is an area where individuals of an endangered species or a threatened species depend directly or indirectly, to carry on its life processes including life processes such as reproduction, rearing, migration or feeding and includes places in the area that are used by members of the species as dens, nests, hibernacula or other residences, live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
- b) Has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

Hazardous lands

Property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a

wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes

The principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Hydrologic function

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services

Individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the *Building Code Act*, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intensification

The development of a property, site or area at a higher density than currently exists through:

- i. Redevelopment, including the reuse of brownfield sites;
- ii. The development of vacant and/or underutilized lots within previously developed areas;
- iii. Infill development; and

- iv. The expansion or conversion of existing buildings.

Low and moderate income households

In reference to ownership housing, low and moderate income households are households with incomes in the lowest 60 percent of the income distribution for the regional market area. In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Major Office

Major office is generally defined as a freestanding office building of 10,000m² or greater, or with 500 jobs or more.

Mineral aggregate operation

Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;

- i. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by Zoning By- laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- ii. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral deposits

Areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Minimum distance separation formulae

Formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal transportation system

A transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services

A sewage works within the meaning of Section 1 of *the Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services

A municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002.

Natural heritage features and areas

Features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system

A system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Negative impacts

Degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive

development or site alteration activities. In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

In regard to Earth Science Areas of Natural and Scientific Interest (ANSIs), degradation that, due to single, multiple or successive development or site alteration activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

Net Density

The total number of dwelling units per hectare divided by the developable portion of a property or site. Net density does not include lands within the Core Natural Heritage System, parkland, roads and infrastructure.

Normal farm practices

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act*, 2002 and regulations made under that *Act*.

Older Growth Forest

A relatively undisturbed forest stand containing trees over 100 years old. It may exhibit some of the characteristics of old growth forest such as an uneven-aged canopy; a range of size classes; gap succession processes; undisturbed soils; the presence of substantial standing and fallen deadwood, with the fallen deadwood present in a range of decay classes; or pit and mound topography.

One hundred year flood

For river, stream and small inland lake systems, means that flood, based on an analysis of

precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Partial services

Municipal sewage services or private communal sewage services and individual on-site water services or municipal water services or private communal water services and individual on-site sewage services.

Personal Services

Personal service uses are those commercial services which provide a service to individuals, and may include uses such as dry cleaners, hair dressers and barber shops, car rental agencies, car dealerships, gas stations and auto and truck repair shops.

Planned corridors

Corridors identified through provincial plans or preferred alignment(s) determined through the *Environmental Assessment Act* process which are required to meet projected needs.

Portable asphalt plant

A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant

A building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area

Areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas

may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land

Land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

Private communal sewage services

A sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services

A non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002 that serves six or more lots or private residences.

Protected heritage property

Real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Protection works standards

The combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Public service facilities

Land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Quality and quantity of water

Measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Recreation

Leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional market area

Refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

Renewable energy systems

The production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Residence surplus to a farming operation

An existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification

Intensification of a property, site or area which results in a net increase in residential units or

accommodation and includes:

- i. Redevelopment, including the redevelopment of brownfield sites;
- ii. The development of vacant or underutilized lots within previously developed areas;
- iii. Infill development;
- iv. The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and

The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River, stream and small inland lake systems

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Secondary uses

Uses secondary to the principal use, including, but not limited to, home occupations, home industries, and uses that produce value added agricultural products from farm operations.

Service Commercial

Generally refers to personal and professional commercial services.

Sensitive

In regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. With respect to policies dealing with the identification and remediation of contaminated lands, means an institutional, residential, parkland or agricultural or other use defined in the Record of Site Condition Regulation 153/04.

Settlement areas

Urban areas within municipalities (such as cities and towns) that are:

- i. Built up areas where development is concentrated and which have a mix of land uses; and
- ii. Lands which have been designated in the official plan for development over the long term planning horizon.

Sewage and water services

Includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

Significant

In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

In regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Endangered Species Act Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where they depend on life processes of reproduction, rearing, hibernation, migration and feeding those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

In regard to other features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural

heritage system.

In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;

In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time.

In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

In regard to a change in the spatial extent of a ~~Core~~ Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as Fish Habitat.

Criteria for determining significance for the resources identified in Sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Special needs

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or

mental health disabilities, and housing for the elderly.

Species of Concern

Any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources Official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperiled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time.

Surface water feature

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Sustainable private services

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the Ontario Building Code Act and a water supply well designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the City of Welland, which are located on the same property as the buildings to which the sewage disposal system and water well provide service.

Threatened species

Any species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as Threatened by the Committee on the Status of Wildlife in Canada (COSEWIC) as updated from time to time.

Transportation systems

A system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

Urban Forest

Meaning tree-dominated vegetation and related features found within an urban area and includes woodlots, plantations, shade trees, fields in various stages of succession, wetland and riparian areas.

Utility (ies)

All public and/or private utilities (including, but not exclusive of cable television, hydro, communications/telecommunications, Canada Post etc.) or any similar works or systems necessary to the public interest.

Value Added

Uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered agriculture-related uses, and are required to be small scale and related to the farm activity. Value Added Uses may be grouped into three major components: Support Uses, Production Uses and Marketing Uses:

- i. Production uses: mean value added farm related uses that include processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.
- ii. Marketing uses: mean value added farm related uses that include a variety of methods of increasing the sales of raw or finished farm products. Such uses may include road side produce stands and other retail facilities for the sale of products, pick your own facilities, agri-tourism uses (such as farm mazes, special events facilities (e.g. farm weddings) and educational facilities) and “experiential uses” (such as “working farm vacations” or culinary schools).
- iii. Support uses: means uses that support day to day farm operation and may include machinery repairs, seed suppliers, and other uses not more appropriately accommodated in settlement areas. Support uses are intended to primarily serve the farm operation and surrounding local farm operations and are intended to remain secondary to the principal farm operation."

Valleylands

A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable

Surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Waste management system

Sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Water Resource System

Consists of ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas necessary for the ecological and hydrological integrity of the watershed.

Watershed

means an area that is drained by a river and its tributaries.

Watercourse

An identifiable depression in the ground in which a flow of water regularly or continuously occurs.

Wayside pits and quarries

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife habitat

Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands

Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. They do not include cultivated fruit or nut orchards or plantations used for the purpose of producing Christmas trees.