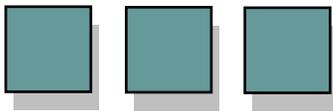




# Township of Wainfleet Official Plan

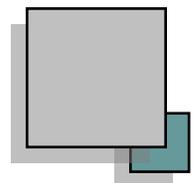


**JANUARY 2016 CONSOLIDATION**

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# 1.0 INTRODUCTION

## 1.1 PURPOSE

The text, schedules and appendices constitute the Official Plan for the Township of Wainfleet. The purpose of the Official Plan, including the Schedules, is to set a long term vision for the Township, establish goals and objectives to guide future land use changes in the municipality consistent with this vision, and set out specific policies to guide future change while maintaining the desired qualities of the Township.

This Plan is intended to provide a framework within which Council may make decisions regarding land uses, built form, municipal service investments and the protection of key environmental features and functions. It also provides Council with a framework to consider private and public proposals for Official Plan amendments, Zoning By-law amendments, site plan approval, building permits, plans of subdivision and land severances.

This Plan will also be a guide to all public and private agencies concerned with the use of land and provision of services and infrastructure within the Township. These authorities will be in a position to co-ordinate their future plans and delivery of services and facilities with those of the Township. This Plan will further serve as a guide to individuals and developers who, through reviewing the Plan, will be cognizant of the Township's policies and who will thereby be enabled to plan their own action with reference to these overall policies.

The major thrust of the Plan is to attain a desirable balance between future growth and inherent qualities of the Township and the maintenance of the small village character and protection of the agricultural lands, industry and lifestyle.

Upon the Region's approval of this Plan, and notwithstanding any other general or specific legislation, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with the Official Plan, except as specifically provided for in subsections 2 and 4 of Section 24 of the *Planning Act*.

The Township of Wainfleet Official Plan implements the policies and Plans of the Province of Ontario and of the *Niagara Region Policy Plan* while providing greater detail in terms of land use designations and policies which reflect the specific characteristics of the Township of Wainfleet.

## 1.2 THE PLANNING PERIOD

The planning period of the Wainfleet Official Plan is **20 years**, to the year **2031**. However, the Plan shall be reviewed every 5 years to determine if it is still providing adequate and appropriate direction to Council and the public, is consistent with Provincial policies, and conforms to relevant Provincial Plans.

## 1.3 ASSUMPTIONS

- a) Agriculture will continue to be the most significant economic activity and land use, within the Township.
- b) The majority of the residential *development* in the Township will continue to consist of low rise housing on private services.
- c) The Township will achieve a population of approximately 8,200 and employment of approximately 1,910 jobs by 2031 (see Table 1 below).
- d) Population growth will be directed to both the Hamlets and generally throughout the Countryside on existing lots of record.
- e) Employment growth will largely be agricultural related employment that will occur in the rural countryside but will also, where possible, be directed to the Hamlets.
- f) There are a number of areas in the Township that contain significant natural features where *development* should be restricted.
- g) Implementation of the Official Plan shall be considered in the context of other municipal plans, policies and procedures.

**Table 1: Wainfleet Population, Household and Employment Forecast, 2006-2031 (DEFERRED)**

Development Location	Forecast Period	Total Households	Total Population	Total Population	Total Employment	Total Employment
Wainfleet	2006	2,390	6,600	6,900	1,360	1,490
	2011	2,510	6,900	7,200	1,460	1,600
	2016	2,630	7,100	7,400	1,560	1,710
	2021	2,760	7,400	7,700	1,630	1,780
	2026	2,880	7,600	7,900	1,700	1,850
	2031	3,010	7,900	8,200	1,750	1,910

Table 1 – Wainfleet Population, Household and Employment Forecast is deferred.

Source: Region of Niagara Official Plan Amendment 2-2009. Total Population includes population undercount. Total employment includes “not fixed place of work” employment.

## 1.4 RELATIONSHIP BETWEEN THE OFFICIAL PLAN AND OTHER PLANNING DOCUMENTS

The Official Plan is a document containing general policies, which guide future growth and *development* of the municipality. The Zoning By-law, in contrast, is a set of detailed regulations, which control the use of all land, buildings and structures within the municipality. The Official Plan provides a basis for the regulations

contained in the Zoning By-law and the regulations in the By-law must conform to the policies of the Official Plan. The By-law implements, on a day-to-day basis the policies set out in the Official Plan. A new comprehensive Zoning By-law will be developed within three years of adoption of the Official Plan. Other plans, such as a Recreation Master Plan, Secondary Plans, Community Improvement Plans and Streetscape Plans may also be developed to implement the policies of the Official Plan.

## 1.5 INTERPRETATION

- 1.5.1 Locations, boundaries or limits described in the text or indicated on **Schedules A, B, B1 to B9, and C** are intended to be approximate only, except where they are bounded by roads, railway lines, or other clearly defined physical features. Boundaries for Hamlets are considered to be precise.
- 1.5.2 The location of roads on **Schedule D**, shall be considered as approximate only. Amendments to this Plan, therefore, will not be required in order to make minor adjustments or deviations to the location of roads provided that the general intent of this Plan is maintained.
- 1.5.3 It is not intended that this Plan be amended unless substantial evidence can be presented which will justify, to the satisfaction of Council based on the recommendation of staff that such an amendment conforms to the strategic policies in Section 2; is consistent with the Environmental Management policies in Section 4, and is consistent with the general intent of the other policies of this Plan. Regard shall also be had to the study requirements and evaluation criteria within the respective land use categories under Section 3, and the implementation policies found in Section 8. Where a list of study requirements or criteria is provided, applicants must address all of the study requirements or criteria as applicable.
- 1.5.4 Except for mineral *aggregate* license sites, wherever a use is permitted under a land use designation, it is intended that ancillary uses, and buildings, structures and facilities normally incidental, accessory or essential to the primary permitted use may also be permitted including the site modifications required to accommodate them.
- 1.5.5 Where the term “existing” is used in this Plan, it shall be defined as existing at the date of original adoption of this Plan.
- 1.5.6 Appendices in this Official Plan are for the purpose of providing background information or explanation and are not statutory components of the Official Plan.
- 1.5.7 Where this Plan makes reference to a Provincial Act, a Provincial Plan, an Ontario Regulation or Guideline, or a Provincial Policy such reference shall include any subsequent amendments or replacements.
- 1.5.8 Where a word in the text of this Plan is italicized, it indicates that the Official Plan provides a definition of that word in Section 8.11 of this Plan.

## 2.0 MUNICIPAL STRUCTURE

### *Intent:*

To properly manage growth of the municipality over the long term, it is essential to establish some fundamental principles and guidelines on the overall community structure of the municipality. Land use designations and policies give some indication of the intent of the municipality with respect to certain areas, but they provide no indication of the broad long-term intent of the municipality.

Providing strategic policies that set out the fundamental principles of the Township can help guide decisions on future land use changes. Applications for new uses that were not anticipated on the land use schedule can be evaluated in terms of their conformity with the broad structural policies and guidelines of the Official Plan. Such policies can give the Township greater control over the evaluation of *development* applications and provide greater clarity to applicants and residents as to the overriding principles of the plan.

The Municipal Structure forms the broad pattern defining the community and provides the strategic framework within which more detailed land use descriptions can be established. Land use designations and policies, contained in Section 3.0 of this Plan, implement the strategic direction of this Section. Applications for changes to land use designations shall be evaluated in terms of their conformity with the structural goals, objectives and policies of this Section.

### 2.1 THE VISION

The following Vision Statement shall guide the overall strategic direction of the municipality during the period of this Official Plan.

Wainfleet's future will build on its rural character and its peaceful, safe and quiet environment through limited and managed growth of its existing hamlets and the Lakeshore Area. Wainfleet's rural lifestyle will be celebrated, and a strong sense of community fostered among neighbours. Only limited *development* is supported provided it is planned to fit with and be consistent with the character of the community. Some new housing and services are contemplated to provide for the needs of its residents with an emphasis on services for an aging population.

Wainfleet will continue to be a thriving rural and agricultural community. Key to Wainfleet's future vision is the protection and strengthening of its rural and agricultural community through policies that support local food and rural food

production and rural economic development. Agricultural production continues to be a solid pillar of Wainfleet's economy.

Wainfleet residents and visitors enjoy its *natural environment* amenities, and appreciate the outdoor recreational activities it offers. Its diverse natural heritage system, wildlife, beaches and shoreline will be respected, protected and enhanced. Access, accessibility, and public amenities will be improved so that many will appreciate the Township's natural beauty.

Growth will be based on prudent *infrastructure* planning and management, and strong policies that will define where limited growth will occur, preserve the *natural environment*, maintain the quiet and peaceful countryside, and foster the creation of an active, attractive, and sustainable rural community.

## 2.2 MUNICIPAL STRUCTURE ELEMENTS

2.2.1 The key structural elements of the Municipal Structure are illustrated schematically on **Schedule A**, and include:

- a) The Countryside;
- b) The Hamlets;
- c) The Lakeshore Area; and
- d) The Natural Heritage System.

2.2.2 Other strategic policies associated with the Municipal Structure include:

- a) Population and Housing; and
- b) Economic Development.

## 2.3 THE COUNTRYSIDE

### *Intent:*

The Countryside area delineated on **Schedule A** represents the predominantly rural and agricultural areas of the Township that are outside of Hamlets and the Natural Heritage System. It includes lands designated Specialty Crop, Agricultural Area, Rural Area, Resort Recreational, Parks and Open Space, Industrial, and Extractive Industrial as shown on **Schedule B**. It is the intent of this Plan to preserve and protect *Prime Agricultural Areas*, maintain the viability of farming and preserve the rural farm character within the Countryside Area.

**Goals:**

- To preserve the rural farm character within the countryside.
- To preserve *Prime Agricultural Areas* for a wide variety of *agricultural uses*.

**Objectives:**

1. To protect *specialty crop areas* and *prime agricultural areas* for long-term use for agriculture.
2. To encourage and provide for a broad range of *agricultural uses* and rural uses.
3. To direct *development* to the Hamlet Settlements, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in Hamlets as identified in Schedule B. Where these land uses cannot be located in the Hamlets they shall be directed to the Rural Area designation.
4. To ensure the rural farm lifestyle is respected and preserved.

**Policies:**

- 2.3.1 The Countryside shall be delineated predominantly into three designations on the Land Use **Schedule B**. These designations shall include Specialty Crop, Agricultural Area, and Rural Area. As well, other site-specific designations in the Countryside recognize Industrial, Extractive Industrial, Institutional and Parks and Open Space uses.
- 2.3.2 The Township shall direct development to the Hamlets, except where necessary for development related to the management or use of resources, resource based recreational activities and rural land uses that cannot be located in the Hamlets. In this respect, rural, non-agricultural uses shall be limited and only permitted pursuant to the general direction of this Section and the land use policies of Section 3.
- 2.3.3 The Township shall avoid matters of incompatibility which may arise between farming operations and non-agricultural uses through compliance with the *minimum distance separation formulae*, buffering in non-agricultural areas abutting agricultural operations, and providing means to minimize traffic conflicts on Township roads.
- 2.3.4 The Township shall encourage a full range of *agriculture uses*, *agricultural-related uses* and *secondary uses* within the Countryside, and permit them as of right in the land use designations and zoning by-law.
- 2.3.5 Secondary uses, such as *home industries*, *home occupations*, farm gate sales, fruit and vegetable markets and other activities which produce value-added agricultural products from the *agricultural operation* shall be permitted throughout the Countryside in order to assist the farming community supplement their incomes as per the policies of this Plan are permitted subject to the criteria outlined in policy

- 3.1.1.3. Any home industry which includes food preparation may also require approval from Niagara Region Public Health.
- 2.3.6 New rural, resource-based commercial and industrial uses, recreational uses, tourism uses and institutional uses, may be considered in the Rural Area through a Regional Policy Plan Amendment and an Official Plan Amendment, provided it is demonstrated that:
- a) The proposed use is a rural land use that cannot be located in the Hamlets;
  - b) The proposed use is related to the management or use of resources or resource-based recreation;
  - c) To the extent feasible, impacts on surrounding agricultural operations are mitigated, and the use complies with the *minimum distance separation formulae*; and
  - d) Compliance with Provincial and Regional policy requirements.
- 2.3.7 New non-farm, rural residential uses shall not be permitted within Specialty Crop or Agricultural Area designations, and in only limited circumstances in the Rural Area designation as per the policies of the Rural Area designation.

## 2.4 THE HAMLETS

### **Intent:**

There are eight Hamlets in Wainfleet as shown on **Schedule A** including Chambers Corners, Becketts Bridge, Wainfleet Village, Winger, Hendershot Corners, Wellandport Area, Ostryhon Corners, and Burnaby. Hamlets are intended for *development* of a low-density nature without the provision of municipal water and sanitary sewers. The Hamlets are intended to provide an important social and economic role for Township residents as service centres providing housing, along with commercial, government, cultural and recreational facilities and services to support the Township's farming and non-farm residents.

It has been determined that sufficient land is contained within the hamlet boundaries to accommodate the anticipated population and employment needs of the Township for the 20-year time frame of this Official Plan. The Township will develop a monitoring program which reports on vacant lots of record and residential land supply.

### **Goals:**

- To maintain the small village character of the Hamlets while permitting limited growth.

### **Objectives:**

1. To permit limited residential, commercial, industrial, institutional and recreational

uses to serve the Hamlet residents and the surrounding agricultural and rural community.

2. To direct the majority of the limited population growth anticipated in the Township to the Hamlets.
3. To encourage and facilitate infilling and *intensification* within the Hamlets.
4. To provide sufficient opportunities to accommodate growth anticipated by this Official Plan over the **20-year** time frame of the Official Plan until **2031**.
5. To encourage a mix of land uses that will improve accessibility to day-to-day conveniences and that will encourage walking and cycling.

***Policies:***

- 2.4.1 Hamlets shall primarily be comprised of single detached dwellings on private services along with small scale, local-serving commercial uses, places of worship, schools and other local institutional uses, and parks and recreational uses.
- 2.4.2 The majority of the population growth and the non-agricultural and non-resource based employment growth shall be directed to the existing Hamlets.
- 2.4.3 Wainfleet Village is the largest and most diverse Hamlet within the municipality. It shall play a more significant role in accommodating future growth in the Township. Subject to the population allocations of the Niagara Region and the policies of Section 2.4.9, the potential to accommodate future growth shall be considered first in the Wainfleet Village hamlet.
- 2.4.4 Chambers Corners shall function primarily as the commercial centre and industrial centre for the Township, including farm related industrial uses.
- 2.4.5 Within Chambers Corners, the two most eastern properties north of Forks Road shall be reserved for agriculture related industrial uses. The properties shall only be zoned for such purpose when an application is received from an agriculture related industrial user. Severance of the properties into smaller lots shall not be permitted.
- 2.4.6 Commercial uses sufficient to support the day-to-day convenience needs of the residents of the hamlet and the surrounding rural community should be encouraged in each hamlet.
- 2.4.7 The continued adequacy of the hamlet boundaries shall be assessed during each successive five-year review of the Official Plan, as part of a *municipal comprehensive review* and in accordance with Section 2.4.8, including supporting information through the Township's ongoing monitoring program and land supply analysis. If necessary, a hamlet boundary may be adjusted by amendment to this Plan, and the Regional Policy Plan as shown to be warranted by those reviews.

2.4.8 Settlement boundary expansion shall only occur through co-ordinated local and Regional amendments initiated by the Township and/or Regional Municipality of Niagara as part of a *municipal comprehensive review* that reflects growth projections, allocations and *intensification* and density targets by the Region and Provincial Growth Plan and where:

- (a) Sufficient opportunities for growth are not available through intensification, redevelopment and designated Settlement Area lands to accommodate projected needs;
- (b) The expansion makes available sufficient lands for a time horizon not exceeding 20 years based on the analysis outlined above;
- (c) The *infrastructure* and public service facilities that are planned or available are financially and environmentally sustainable for the *development* over the long term and protect public health and safety;
- (d) The lands do not comprise *speciality crop areas*.
- (e) Alternative locations have been evaluated, and;
  - i. There are no reasonable alternative locations that avoid *prime agricultural areas*; and
  - ii. There are no reasonable alternative locations on lower priority agricultural lands in *prime agricultural areas*.
- (f) Impacts to agricultural operations are mitigated to the extent feasible;
- (g) The timing of the expansion and the phasing of *development* within the proposed greenfield area would not adversely affect the achievement of any *intensification* or density targets;
- (h) The municipality will plan to maintain or move significantly towards a minimum of one full time job per three residents within or in the immediate vicinity of the settlement area; and
- (i) The proposed expansion complies with the *minimum distance separation formulae*;

In determining the most appropriate areas for expanding the Settlement Area boundaries, the Township shall consider all other relevant policies of this Plan.

The Township will conduct a Land Needs Assessment in support of the Township's Official Plan update process to ensure any necessary future boundary adjustments are made in a timely manner to address growth needs in accordance with Provincial Policy.

- 2.4.9 The minimum lot size for new lots within the Hamlets shall be 1 hectare unless it is demonstrated through a hydrogeological study that a smaller lot size can adequately support a private sustainable water and sewage disposal system, and protect surface and ground water features. In such case, the minimum lot size shall consider the matters set out in 3.3.2.8 and Section 4.2. Lot sizes shall be no less than 0.4 hectares.
- 2.4.10 The creation of new hamlets is prohibited.
- 2.4.11 The Township shall require the preparation of detailed secondary plans / block plans for those Hamlets that have large vacant properties suitable for multiple lot development on new roads. The secondary plans / block plans shall set out the local road locations, access points to existing roads, and lotting pattern to facilitate *back-lot-development*, and address the hydrogeological capabilities of the soils for septic systems and *sustainable private services*. In order to facilitate *back-lot-development*, the Township may undertake the secondary plan / block plan study.
- 2.4.12 The Township shall consider gateway features at the entrance to the Hamlets. Such gateway features may include signage, decorative planters, banners, or other similar elements.
- 2.4.13 The Township, in consultation with the Niagara Region shall review the land use designations in Becketts Bridge to consider the appropriateness of a broader range of uses including Village Residential prior to the 5-year Official Plan review.

## 2.5 THE LAKESHORE AREA

### *Intent:*

The Lakeshore Area in Wainfleet extends over 13 kilometres from the western border with Haldimand County to the eastern border with Port Colborne, as illustrated on **Schedule A**. It represents an area that is currently largely developed, and forms a continuous strip of permanent and seasonal residential dwellings along with a number of small cottage resorts and tourist cabins. Small scale commercial uses serving tourists and lakeshore residents are found in a few locations along the Lakeshore with a cluster located in Long Beach. A wide range of housing forms exists, from large estate homes to small seasonal cabins and mobile homes.

The Lakeshore Area is considered part of the rural area of the Township, and although large portions of the areas have been developed, it is not considered a settlement area as defined by the *Provincial Policy Statement* or the *Growth Plan for the Greater Golden Horseshoe*.

It is not the intent of this plan that the Lakeshore Area be expanded. Limited infill will be permitted provided it meets the density policies, *sustainable private servicing* policies and the Environmental Management policies of this Plan.

Groundwater contamination is present in parts of the Lakeshore Area, and at the date of writing of this plan, the entire area was subject to a boil-water advisory. The Niagara Region has undertaken an Environmental Assessment for extension of municipal water and sanitary sewers to the area. Whether or not municipal services are eventually provided to the Lakeshore Area, it will not have a significant influence on the level of growth within the Lakeshore Area. Based on the policies of the *Growth Plan for the Greater Golden Horseshoe* to limit growth in Rural Areas, the minimum lot size shall be no less than that permitted when the Growth Plan for the Greater Golden Horseshoe came in effect (June 16, 2006). The minimum new lot size for the majority of the Lakeshore Area at that time was 0.4 hectares or 1 acre.

**Goals:**

- To maintain the recreational, residential and cottage character of the Lakeshore Area.
- To protect the Lake Erie shoreline as a celebrated public amenity.

**Objectives:**

1. To permit limited infill on existing lands designated for residential purposes.
2. To maintain and where possible improve public access to the Lake Erie shoreline.
3. To permit small-scale tourist related commercial services in the Lakeshore Area.
4. To permit tourist and resort related accommodation provided it is compatible with the scale and character of the Lakeshore Area and *sustainable private services* are available to support the proposed use.

**Policies:**

- 2.5.1 The Lakeshore Area recognizes lands designated Lakeshore Residential, Resort Recreational, Tourist Commercial and Parks and Open Space.
- 2.5.2 The Lakeshore Area shall not be expanded.
- 2.5.3 In keeping with the strategy to direct the majority of growth to the Hamlets, residential growth in the Lakeshore Area shall be limited to infill on lands within the existing Lakeshore Area and with growth directed to the Burnaby Hamlet in accordance with the policies of this Plan.
- 2.5.4 The minimum lot size for new lots within the Lakeshore Area shall be 1 hectare unless it is demonstrated through a hydrogeological study that a smaller lot size can adequately support a private sustainable water and sewage disposal system, and protect surface and ground water features. In such case, the minimum lot size shall be no smaller than 0.4 hectare. Proposals for new lots will also be required to demonstrate how the proposal meets the Environmental Management Policies and other relevant policies of this Plan.

2.5.5 The Township shall ensure the maintenance and protection of the character of the Lakeshore Area while recognizing the eclectic nature of the built-form. Applications for residential infilling, and new tourist cabins and resort recreational uses should be respectful of the character within the immediate surrounding area and shall address the policies of Section 3.3.6 and 3.10 where applicable.

### 2.5.6 Improving Public Access to the Waterfront

2.5.6.1 It is a policy of the Township that publicly owned Lake Erie waterfront lands are to be maintained in public ownership including any concession road stubs.

2.5.6.2 The Township shall encourage other government agencies to assist in the purchase of waterfront lands in strategic locations to improve public waterfront access opportunities.

2.5.6.3 Lands adjacent to the Lake Erie shoreline shall be dedicated to the municipality at the time of *development* through parkland dedication in accordance with the *Planning Act* and Section 3.9 of this Plan.

2.5.6.4 The Township shall endeavour to reduce conflict between landowner and non-landowner use of the shoreline and shall work with other government agencies to provide, at key access locations, parking facilities, washroom facilities and garbage facilities and other amenities.

## 2.6 THE NATURAL HERITAGE SYSTEM

### *Intent:*

A Natural Heritage System is the broad system of natural features and *linkages* that creates an overall connected system and protects the ability of most species to move through the landscape. In the past, environmental features have often been protected as discrete and often isolated patches, with little regard for their role and function in the larger landscape. A Natural Heritage System recognizes the interdependence of natural features, and the role they play in the movement of flora and fauna among the natural features, and in enhancing surface and groundwater quality. A Natural Heritage System thus seeks to maintain connections among natural features such that the natural feature's existing functions are maintained or enhanced.

The Natural Heritage System, as illustrated in **Schedule A** represents the most significant natural areas and the potential *linkages* between them. This includes those core natural areas that are designated as Environmental Protection Areas and Environmental Conservation Areas on **Schedule B** and that form part of the linked Natural Heritage System.

**Goal:**

- To preserve and improve the biological diversity and *ecological function* of natural heritage within the Township of Wainfleet through the refinement of the existing natural heritage system.

**Objectives:**

1. To establish a natural heritage system consisting of natural features and linkages of sufficient size and connectedness to ensure long term ecological integrity and including connections to adjacent municipalities and watersheds.
2. To protect and enhance *ecological function* within the Township by maintaining and enhancing the connectivity and *linkages* among natural features and with surface water, ground water and *hydrologic functions*.
3. To protect and enhance habitats within the Natural Heritage System in order to maintain and, where possible, improve biodiversity.
4. To improve and enhance the biological diversity and *ecological function* of the Natural Heritage System through restoration and enhancement, where possible.
5. To permit compatible forms of recreation within the Natural Heritage System to encourage the use and enjoyment of the Township's natural heritage
6. To encourage stewardship of the natural heritage functions where *linkages* cross active farmland.

**Policies:**

2.6.1 The Natural Heritage System, as illustrated on **Schedule A**, is schematic and shall be refined if and when land use changes are proposed. The spatial extent and functional requirements of the Natural Heritage System shall be determined through watershed plans, Secondary Plans and / or *Environmental Impact Studies (EIS)* and the boundaries of the Natural Heritage System shall be refined using the following principles:

- a) Incorporate Environmental Protection and Environmental Conservation designated features among which functional *linkages* can be established. The boundaries of such features shall be established based on the policy direction set out in Sections 3.2.1 and 3.2.2;
- b) Preserve, and where possible improve, functional connections among natural heritage features;
- c) Maintain connections between open water features (e.g., ponds and small lakes) and upland woods;
- d) Wherever possible, include coldwater streams, headwater *wetlands* and associated *woodlands*;
- e) Provide for *linkages* that extend outside of the Township boundaries as generally delineated on **Schedule A**;

- f) Link *woodlands* that occur along *watercourses*; and
  - g) Evaluate the role of smaller *woodlands* and meadows, and the *linkages* among them and other Natural Environmental Area features, and incorporate them into the Natural Heritage System where appropriate.
- 2.6.2 In some cases, linkage may extend through lands that are currently in agricultural use. It is not the intent of this plan to prohibit or disrupt *agricultural uses* within such *linkages*. Where no land use changes are contemplated, the protection and maintenance of the *linkage* function shall be encouraged through land stewardship.
- 2.6.3 Environmental Protection Areas and Environmental Conservation Areas, which form part of the Natural Heritage System, are shown on **Schedule B** and shall be protected and designated through the land use policies of Section 3.2.

## 2.7 POPULATION AND HOUSING

### **Intent:**

It is the intent of Council to encourage the provision and maintenance of an efficient and pleasant living environment for Wainfleet residents. To this end, Council will endeavour to provide for a variety of *dwelling unit* types and tenures with necessary amenities to foster affordable, safe and attractive residential areas.

### **Goals:**

- To accommodate future housing demands while maintaining the character of established neighbourhoods.

### **Objectives:**

1. To maintain at a minimum a ten-year supply of residential designated land in order to ensure that housing prices remain affordable.
2. To provide a range of lot sizes and densities, housing types, and tenure, provided the scale and massing of *development* is in keeping with the character of the surrounding neighbourhood.
3. To encourage residential *intensification* in Hamlets as appropriate opportunities arise through infill, redevelopment, conversion or other methods of residential and mixed-use *intensification* provided such housing is in keeping with the scale and character of the surrounding stable residential area.
4. To support the implementation of the Region's Housing and Homelessness Action Plan.

### **Policies:**

- 2.7.1 The population of the Township of Wainfleet is projected to be 8,200 people by the year 2031. This is based on an average of 25 new residential units per year, which is equal to the average for the preceding 10 years. The Hamlets will accommodate the

- majority of residential and commercial growth within the municipality (refer to Section 1.3 Table 1).
- 2.7.2 The Township will endeavor to maintain a ten-year supply of land designated for residential *development*.
- 2.7.3 Housing forms and densities are restricted by the dependence on *sustainable private servicing* as well as adequate drainage. Nevertheless, the Township will encourage the *development* of innovative housing forms as appropriate to meet the needs of the community and to assist not-for-profit housing agencies, as well as the private sector, in the provision of *affordable housing* for moderate and lower income households, individuals who have physical disabilities and other special needs groups, including those living in situations of absolute or relative homelessness.
- 2.7.4 The Township will commit to a ‘housing first’ position for surplus municipal lands such that the first priority in the decision process regarding possible disposal of surplus lands shall be for *affordable housing*, and best efforts will be made to make the surplus property available for *affordable housing* purposes.
- 2.7.5 Residential *intensification*, including infill, conversions and redevelopment will be encouraged to the extent practical within the Hamlets.
- 2.7.6 The Township will develop and maintain appropriate standards for residential *development* to reduce housing costs within the control of the municipality.
- 2.7.7 The Township will ensure that its approval process for housing proposals is efficient.
- 2.7.8 Recognizing that the residential development in Wainfleet is unique, the Township will discourage the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3 percent, and the ownership housing to be created is not considered to be affordable.
- 2.7.9 The Township will help to support the Region’s affordable housing target of 30% by providing a policy framework which allows for infilling in hamlet areas, secondary suites, and by monitoring market affordability across the Township.

## 2.8 ECONOMIC DEVELOPMENT

### *Intent:*

It is anticipated that the agricultural industry will remain the main component of the Township’s economic base throughout the lifetime of the Official Plan. It is the intent of this Plan to protect and maintain the strength and importance of the agricultural industry.

The Township holds a number of locational advantages for industries including

proximity to Seaway shipping and the Welland Ship Canal, the Highway 3-transportation corridor and proximity to Port Colborne and St. Catharines. In addition, a railway marshaling yard is located in the northeast corner of the Township. However, industrial opportunities are likely limited to the agricultural industry. Therefore, it is anticipated that industrial employment opportunities will be limited to those catering to or reliant on the agricultural industry of the Township.

Commercial activities and services, including tourism is also an important segment of the Township's economic base. However, because of proximity to the nearby urban centres of Welland, Port Colborne and Dunnville, this sector of the Township economy has remained relatively small. Much of the existing commercial uses in the Township are oriented towards serving the needs of the traveling public and the summer cottage population. Consequently, these stores are located mostly along arterial roads or in the Lakeshore Area. Growth of commercial activities is expected to provide some opportunity for economic growth in the Township but such growth shall be primarily directed to the Hamlets.

***Goals:***

- To maintain the stability and growth of the agricultural industry.
- To provide a balance of economic and employment activities.

***Objectives:***

1. Maintain and promote the agricultural industry.
2. Encourage value added agricultural industries and commercial enterprises.
3. Encourage agricultural support industries to locate within the Hamlets, in particular in Chambers Corners.
4. To provide a broad range of commercial activities and services in Wainfleet Village to meet the diverse needs of Wainfleet's residents, businesses and institutions, and to generate employment, investment, and municipal revenues.
5. To ensure Wainfleet becomes a complete community with a diverse mix of employment, community facilities and retail stores and services.
6. Promote farm related tourism in combination with the tourist-recreational opportunities afforded by the Lake Erie waterfront.

***Policies:***

- 2.8.1 The projected employment for the Township by the year 2031 is 1,910 jobs. The majority of this employment will be located on the farms as well as in agricultural related industries and to a lesser extent in the commercial and government sectors. The agricultural related industries along with commercial services and government employment will be directed to and encouraged in the Hamlets.

**Policy 2.8.1 deferred by the Regional Municipality of Niagara**

- 2.8.2 The Township shall actively ensure that Wainfleet Village continues to develop as a vibrant centre of the Township; and that it remains as the primary government, convenience commercial and cultural activity area within the Township.
- 2.8.3 The Township shall promote Chambers Corners as an important employment destination for agricultural related industries and retail and service commercial uses.
- 2.8.4 The Township shall promote Wainfleet as a recreational destination, and support the creation of tourism and tourism related recreation uses within the Township.

## 3.0 LAND USE POLICIES

### 3.1 RURAL AND AGRICULTURAL AREAS

#### **Intent:**

The intent of this section is to identify and differentiate lands within the Countryside based on their agricultural capability. The Specialty Crop designation delineates areas where specialty crops such as crops from agriculturally developed organic soil lands are predominantly grown. The Agricultural Area designation delineates areas consisting of other *prime agricultural lands*. The Rural Area designation delineates lands outside of Hamlets that are not considered *specialty crop areas* or *prime agricultural areas*.

It is the intent of this Plan to preserve this area for *agricultural uses, agriculture-related uses* and rural uses that support the rural community. This Plan also supports and promotes farm diversification activities.

It is recognized that over the lifetime of this Plan, conflicts could occur between *agricultural operations* and non-farm uses. These potential conflicts need to be minimized to the extent possible through the application of the policies of this Plan.

#### **Goals:**

- To preserve *prime agricultural land* for a wide variety of *agricultural uses*.
- To promote, protect and maintain the farming industry for future generations.
- To avoid land use conflicts between agricultural and non-agricultural uses.

#### **Objectives:**

1. To protect *specialty crop areas* and other *prime agricultural areas* from the intrusion of incompatible uses.
2. To differentiate amongst other *prime agricultural areas, specialty crop areas* and rural areas.
3. To minimize conflicts between land uses, and to ensure compatibility between agricultural and non-agricultural uses through measures such as providing for minimum separation distances between non-agricultural uses and farm buildings.
4. To direct rural non-agricultural uses to lands in the Rural Area designation.
5. To promote economically viable and ecologically sound agricultural practices by utilizing *Best Management Practices*.

6. To support farm diversification activities that contributes to the long-term economic sustainability of the agricultural industry.

***Policies:***

**3.1.1 General Rural and Agricultural Policies**

3.1.1.1 New land uses on existing lots, the creation of lots and new or expanding *livestock facilities* shall comply with the *minimum distance separation formulae*.

3.1.1.2 A help-house shall only be subject to a site plan agreement, provided:

- a) It is occupied only by seasonal or full-time employees of the agricultural operation where the help-house is located;
- b) It is a temporary, removable structure. A mobile home or recreational vehicle may be used for the purpose of a help-house;
- c) For seasonal employees, it does not serve as the principal place of residence of the occupant;
- d) The feasibility of *sustainable private servicing* is demonstrated through appropriate technical studies;
- e) The location of the help-house does not have a significant affect on the tillable area of the farm or its viability;
- f) It is located as close to the *farm cluster* as possible and where possible, uses the existing farm lane access;
- g) The site plan agreement contains arrangements for removal of the building when the need for such a use ceases to exist;
- h) Full time employees shall be permitted to occupy an existing dwelling on a lot that is part of the agricultural operation; and,
- i) An application to sever a help-house or an accessory dwelling shall not be granted.

3.1.1.3 *Secondary suites* shall be permitted in Rural and Agricultural designations, and shall be subject to the following criteria and the regulations of the Zoning By-law:

- a) Only one *secondary suite* per single detached, semi-detached, or townhouse dwelling is permitted;
- b) The secondary suite may be contained either within the primary residential dwelling or in a building or structure accessory to the residential dwelling;
- c) The unit is clearly subordinate to the primary residential dwelling;
- d) Adequate on-site parking for both residential units is provided;
- e) The *secondary suite* complies with Provincial building and fire code requirements; and,

- f) The alteration to the exterior appearance of the primary residential dwelling shall be minimized to accommodate the unit.
- 3.1.1.4 A *home industry* permitted by this Plan may be subject to a site plan agreement, provided:
- a) It is carried out in an accessory building;
  - b) Clearly be accessory to the residence if it is on a small lot, or secondary to the agricultural operation if it is on a larger lot;
  - c) It is operated by residents of the household on the lot;
  - d) It is compatible with and not hinder surrounding *agricultural uses*;
  - e) It does not provide outdoor storage or display of goods, materials or products;
  - f) It is located as close to the farm or residential cluster as possible;
  - g) Use the common driveway to the home or farm;
  - h) Confirm that existing water supply and sewage disposal facilities are sufficient to accommodate the home industry;
  - i) An application to sever a *home industry* shall not be granted;
  - j) Obtain approval from the Ministry of the Environment if the home industry contributes emissions to the atmosphere; and
  - k) Obtain approval from the Ministry of the Environment if waste, beyond that classified as domestic waste, is produced by a home industry.
- 3.1.1.5 *Agri-tourism uses unrelated to agriculture* but which benefit from a farm location shall be subject to a Zoning By-law amendment and reviewed under the following criteria:
- a) The scale of the operation is limited and appropriate to the site and the surrounding area;
  - b) The use has minimal impact on, does not interfere with, and is compatible with the surrounding agricultural and rural land uses;
  - c) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on *sustainable private services*;
  - d) The use does not cause off site impacts related to *infrastructure* or traffic;
  - e) The use does not generate potentially conflicting off-site impacts;
  - f) For special events, the use represents an occasional activity as defined in the Zoning By-law and is not a regular recurring activity;
  - g) The timing and duration of such uses does not hinder the agricultural operation on the site or on surrounding lands; and
  - h) The use complies with all other applicable provisions of this Plan.

- 3.1.1.6 *Agri-tourism uses related to an agriculture operation* shall be subject to the following criteria:
- a) The scale of the operation is limited and appropriate to the site and the surrounding area;
  - b) The use has minimal impact on, does not interfere with, and is compatible with the surrounding agricultural and rural land uses;
  - c) The use is limited to low water use and low effluent producing uses, and the site is capable of accommodating the use of *sustainable private services*;
  - d) The use does not cause off site impacts related to *infrastructure* or traffic;
  - e) The use does not generate potentially conflicting off-site impacts; and
  - f) The use complies with all other applicable provisions of this Plan.
- 3.1.1.7 *Value added marketing uses* are intended to primarily serve the agricultural operation and surrounding local farming operations, and shall remain secondary to the principal farming operations, both in relation to the scale of the operation and its footprint. *Value added marketing uses* shall be subject to the following guidelines:
- a) Roadside stands and “pick your own” facilities should be seasonal in nature with the majority of retail floor space devoted to the sale of domestic produce and related value added products. The maximum permitted floor area shall be set out by the Zoning By-law;
  - b) Agricultural retail facilities shall generally be small scale, and may be smaller in Specialty Crop designated areas. The maximum permitted floor area shall be set out by the Zoning By-law; and
  - c) Restaurant facilities shall be accessory to existing farming operations and shall be small scale. Restaurant facilities will also be required to demonstrate that the use can be accommodated with *sustainable private servicing*. A restaurant facility would also require prior approval from Niagara Region Public Health. The maximum permitted floor area shall be set out by the Zoning By-law.
- 3.1.1.8 Landowners shall be encouraged to respect and protect natural features including woodlots and stream corridors through the use of recognized conservation and land stewardship techniques and farm practices.
- 3.1.1.9 The removal of topsoil from agricultural areas is discouraged.
- 3.1.1.10 It is the intent of the Township to assist farmers with the continuance of the Wainfleet Municipal Drainage Maintenance Program and encourage tile drainage installation.
- 3.1.1.11 *Bed and breakfast* facilities shall not exceed 3 bedrooms, but up to 6 bedrooms may be permitted through a site-specific Zoning By-law Amendment, which demonstrates the feasibility of *sustainable private servicing* and compatibility with the surrounding

agricultural and residential uses. A Bed and Breakfast facility would also require prior approval from Niagara Region Public Health;

### 3.1.2 Specialty Crop Designation

#### *Permitted Uses:*

3.1.2.1 The following normal farm practices, and range of agricultural and agricultural supportive uses should be permitted within the Specialty Crop designation, delineated on **Schedule B and B9**:

- a) *Agricultural uses*;
- b) Accessory agricultural activities including equipment maintenance and activities required to produce market ready commodities including washing, sorting, drying, packing, packaging of agricultural products;
- c) One single detached dwelling and secondary suite as an accessory use to an agricultural operation;
- d) Secondary uses including:
  - i) *Home occupations*,
  - ii) *Home industries*,
  - iii) *Bed and breakfasts*,
  - iv) *Help-house*,
  - v) *Agri-tourism uses related to agriculture*, and
  - vi) *Value added marketing uses*;
- e) *Agriculture related uses*; and
- f) *Linear infrastructure*.

#### *General Policies:*

3.1.2.2 Within the Specialty Crop designation, the minimum lot size for new farm lots is 16 hectares (40 acres).

3.1.2.3 Lot creation in *specialty crop areas* is discouraged and shall only be permitted for:

- a) *Agricultural uses* provided that:
  - i) The severed and retained parcels shall each meet the minimum lot size requirement for farm parcels as per Section 3.1.2.2, and
  - ii) The primary income of the landowner is obtained from agricultural activities;
- b) A residence surplus to a farming operation as a result of a farm consolidation provided the zoning prohibits in perpetuity any new residential use on the remnant parcel of farmland created by the severance. The severance of a

surplus dwelling which results from a farm consolidation should occur within a reasonable amount of time related to the farm consolidation.

- c) *Linear Infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way; and,
- d) Lot adjustments for *legal or technical reasons*, which do not result in the creation of a new lot or increase the size of an existing residential lot.

3.1.2.4 Severances for residential purposes, other than for the reason listed in Section 3.1.2.3 b) above shall not be permitted.

3.1.2.5 In addition to the considerations in Section 3.1.2.3, applications for new lots or consents shall meet the following requirements:

- a) The new lot does not contribute to the extension or expansion of strip *development*;
- b) The new lot is located on an opened and maintained public road;
- c) The feasibility of *sustainable private services* is demonstrated through appropriate technical studies;
- d) The lot is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;
- e) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
- f) The proposed use will be compatible with surrounding uses;
- g) The proposed use will not result in *development* which would preclude or hinder the establishment of new mineral *aggregate* operations or access to Extractive Industrial Areas as shown on **Schedule B**;
- h) The new lot shall meet the *minimum distance separation formulae*;
- i) The approval of the Niagara Peninsula Conservation Authority is obtained prior to the building of any structure or the placement or removal of any fill for lands within its *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses lands (O. Reg. 155/06)*, which are generally illustrated in **Appendix 3**.

3.1.2.6 *Agricultural-related uses* shall only be permitted in the Specialty Crop designation, through a rezoning, when it is clearly demonstrated that:

- a) The use is small scale, and directly related to and in close proximity to the *agricultural operation* it is servicing;
- b) The use cannot reasonably function in a nearby Hamlet, or there are no suitable locations within the Hamlet;
- c) The proposed water and sewage disposal systems are feasible;
- d) The use is compatible with and supportive of the agricultural community;

- e) The use is compatible with and does not hinder surrounding agricultural operations; and
  - f) The use is in compliance with the *minimum distance separation formulae*.
- 3.1.2.7 Specialty Crop designated areas shall not be redesignated for non-agricultural uses, with the exception of protection of natural heritage features; natural resource related activities subject to Section 3.6 of this Plan; and the protection of cultural heritage resources.
- 3.1.2.8 Hamlets are not permitted to expand into the Specialty Crop designation.
- 3.1.2.9 A *home industry*, referred to in Section 3.1.2.1 d) ii), shall have a floor area no greater than 50% of the ground floor area of the house on the lot.

### 3.1.3 Agricultural Area Designation

#### *Permitted Uses:*

- 3.1.3.1 The following uses may be permitted within the Agricultural Area designation, delineated on **Schedule B**:
- a) *Agricultural uses*;
  - b) *Accessory value retention agriculture uses* including equipment maintenance and activities required to produce market ready communities including washing, sorting, drying, packing, packaging of agricultural products;
  - c) One single detached dwelling or secondary suite;
  - d) Group Homes in existing dwellings or in a new residential dwelling on existing lots of record;
  - e) *Secondary uses* including:
    - i) *Home occupation*;
    - ii) *Home industry*;
    - iii) *Bed and breakfasts*;
    - iv) Help-house;
    - v) *Garden suites*;
    - vi) *Agri-tourism uses related to agriculture*;
    - vii) *Value added marketing uses*;
  - f) Conservation uses, but not camping uses;
  - g) Public trail systems;
  - h) *Agri-tourism uses unrelated to agriculture, subject to Policy 3.1.3.7*;
  - i) *Value added production uses, subject to Policy 3.1.3.7*;
  - j) *Value added support uses, subject to Policy 3.1.3.7*;

- k) *Linear infrastructure*; and
  - l) Wells for natural gas extraction subject to Section 3.8.
- 3.1.3.2 The widest variety of *agricultural operations* and normal farm practices shall be encouraged, promoted and protected.

***General Policies:***

- 3.1.3.3 The minimum lot size for new farm lots shall be 40 hectares (99 acres).
- 3.1.3.4 Lot creation and consents in the Agricultural Area designation is discouraged and may only be permitted for:
- a) *Agricultural uses* provided that the severed and retained lots meet the minimum lot size requirement for farm parcels as per Section 3.1.3.3;
  - b) A smaller severed or retained lot from that permitted in 3.1.3.4 a) may be permitted provided that:
    - i) The resulting parcels are both intended for *agricultural use*;
    - ii) The agricultural operation is supported through a farm business plan;
    - iii) The size of the resulting farm parcels:
      - 1) Is appropriate for the farming activities proposed,
      - 2) Is suited to the particular location and common in the area, and
      - 3) Provides some flexibility for changes in the agricultural operations;
    - iv) Any small lot severances for greenhouses and other intensive forms of agriculture shall be:
      - 1) Subject to a condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed, and
      - 2) Of a sufficient size so that these uses have ample room for future expansion;
  - c) *Existing agriculture-related uses* provided that the new lot is limited to a minimum size needed to accommodate the use of an appropriate septic system, water supply and stormwater facilities, and protect surface and ground water features;
  - d) A surplus farm residence as a result of a farm consolidation, provided that:
    - i) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance;
    - ii) The new lot is limited to the minimum size needed to accommodate the dwelling, the associated sewage system and water supply, and protect surface and ground water features;
    - iii) The new lot is located to minimize the impact on the remaining agricultural operation; and

- iv) Where possible, joint use is made of the existing road access to the agricultural operation.
  - e) *Linear infrastructure* where the facility or corridor cannot be accommodated through the use of easements or rights of way; and
  - f) Lot adjustments for *legal or technical reasons*, which do not result in the creation of a new lot, and do not increase the size of an existing residential lot, beyond that necessary for on-site *servicing*.
- 3.1.3.5 Severances for residential purposes, other than under Section 3.1.3.4 d), shall not be permitted.
- 3.1.3.6 In addition to the considerations in Section 3.1.3.4, applications for new lots or consents shall meet the following requirements:
- a) For existing *agricultural-related uses*, the amount and availability of vacant lots of record in the Countryside portion of the municipality are considered and the need for the additional lot demonstrated;
  - b) The new lot does not contribute to the extension or expansion of strip *development*;
  - c) The new lot is located on an opened and maintained public road;
  - d) The feasibility of *sustainable private services* is demonstrated through appropriate technical studies;
  - e) The lot is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;
  - f) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
  - g) The proposed use will be compatible with surrounding uses;
  - h) The proposed use will not result in *development* which would preclude or hinder the establishment of new *mineral aggregate operations* or access to Extractive Industrial Areas as shown on **Schedule B**;
  - i) The new lot shall meet the *minimum distance separation formulae*;
  - j) For *agriculture-related uses*, a maximum of one new non-residential lot will be created on the property being severed; and,
  - k) The approval of the Niagara Peninsula Conservation Authority is obtained prior to the building of any structure or the placement or removal of any fill for lands within its *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* lands (*O. Reg. 155/06*), which are generally illustrated in **Appendix 3**.
- 3.1.3.7 *Agri-tourism uses unrelated to agriculture, value added production uses and value added support uses* shall only be permitted in the Agricultural Area designation, through a rezoning, when it is clearly demonstrated that:

- a) The use is small scale, and directly related to, and in close proximity to the agricultural operation it is servicing;
  - b) The use cannot reasonably function in a nearby Hamlet; or there are no suitable locations within a nearby Hamlet; or the use cannot be reasonably located in a nearby designated commercial or industrial area;
  - c) The proposed water supply and sewage disposal systems are feasible;
  - d) The use is compatible with and supportive of the agricultural community;
  - e) The use is compatible with and does not hinder surrounding *agriculture operations*;
  - f) The use is in compliance with the *minimum distance separation formulae*; and
  - g) The use is located on a major road.
- 3.1.3.8 Vacant commercial or industrial zoned buildings in the Agricultural Area may be utilized for an increased range of commercial or industrial uses providing such uses are limited in scale, are compatible with, and do not prejudice adjacent *agriculture operations* and shall require a rezoning.
- 3.1.3.9 Conversion of lands designated Agricultural Area shall be limited to allow for uses related to the management or use of resources, resource-based recreational activities or rural land uses that cannot be located in the Hamlets in accordance with Section 3.1.3.10 of this Plan.
- 3.1.3.10 Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Area has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered and will require a Regional Policy Plan Amendment and a Local Official Plan Amendment. The establishment of any new non-agricultural use does not require the redesignation of the subject site from Agricultural Area. When reviewing individual applications for non-agricultural non-residential uses, the following shall be considered:
- a) There is a demonstrated need within the planning horizon (2031) for additional land to accommodate the proposed use, except for new, or expansions to existing, *mineral aggregate operations*;
  - b) There are no reasonable alternative locations within the Rural Area designation or in the Hamlets;
  - c) There are no reasonable alternative locations in the Agricultural Area designation with lower priority agricultural lands;
  - d) The feasibility of the proposed *sustainable private services* is demonstrated through appropriate technical studies;
  - e) The amount of land already designated for the use;

- f) The impact of the use on surrounding *agriculture operations* is mitigated to the extent feasible;
  - g) The impact on *natural environmental* features and functions are assessed as set out in Section 3.2;
  - h) The traffic impacts are assessed;
  - i) The use is in compliance with the *minimum distance separation formulae*; and
  - j) The impact on existing licensed *aggregate* operations as well as those lands identified as Extractive Industrial Areas and Possible Extraction Industrial on **Schedule B** is assessed as set out in Section 3.6.
- 3.1.3.11 A *home industry*, referred to in Section 3.1.3.1 d) ii), shall only be permitted subject to a site plan agreement, provided:
- a) Where the *home industry* is on a lot of 0.4 hectares or less, have a floor area no greater than 50% of the ground floor area of the house on the lot; and
  - b) On lots larger than 0.4 hectares, have a maximum floor area of 500 square metres.
- 3.1.3.12 An expansion of an established legal non-conforming uses may be permitted provided that:
- a) The feasibility of the proposed *sustainable private services* is demonstrated through appropriate technical studies;
  - b) The expansion is in compliance with the *minimum distance separation formulae*; and
  - c) There is no increase in detrimental impact.
- 3.1.3.13 New dwellings may be erected on existing vacant lots of record in the Agricultural Area designation provided that:
- a) The feasibility of the proposed *sustainable private services* is demonstrated through appropriate technical studies; and
  - b) The use is in compliance with the *minimum distance separation formulae*.

***Site-Specific Exception:***

- 3.1.3.14 In addition to the uses permitted in Section 3.1.3.1, a sky dive establishment shall be permitted at 11631 Burnaby Road (Lot 15, Concession 1).

### **3.1.4 Rural Area Designation**

***Permitted Uses:***

- 3.1.4.1 The following uses may be permitted within the Rural Area, delineated on **Schedule B**:
- a) *Agricultural uses* and accessory agricultural activities;
  - b) One single detached dwelling and secondary suite;

- c) *Secondary uses* including:
  - i) *Home occupation,*
  - ii) *Home industry,*
  - iii) *Bed and breakfasts,*
  - iv) *Help-house,*
  - v) *Garden suites;*
  - vi) *Agri-tourism uses related to agriculture, and*
  - vii) *Value added marketing uses.*
- d) Group Homes in existence or new residential dwellings on existing lots of record;
- e) *Agri-tourism uses un-related to agriculture, subject to Policy 3.1.4.5;*
- f) *Value added production uses, subject to Policy 3.1.4.5;*
- g) *Value added support uses, subject to Policy 3.1.4.5;*
- h) Other rural uses including:
  - i) Forestry, conservation of plants and wildlife,
  - ii) Nurseries,
  - iii) *Animal kennels,*
  - iv) Farm equipment sales and service, and
  - v) Existing institutional uses;
- i) *Linear infrastructure;* and
- j) Wells for natural gas extraction subject to Section 3.8.

3.1.4.2 The widest variety of agricultural operations and normal farm practices shall be encouraged, promoted and protected.

**General Policies:**

3.1.4.3 Lot creation and consents in the Rural Area designation shall be permitted for:

- a) *Agricultural uses* provided that:
  - i) The resulting parcels are both intended for *agricultural use*;
  - ii) The agricultural operation is supported through a farm business plan;
  - iii) The size of the resulting farm parcels:
    - 1) Is appropriate for the farming activities proposed,
    - 2) Is suited to the particular location and common in the area, and
    - 3) Provides some flexibility for changes in the agricultural operations;
  - iv) Any small lot severances for greenhouses and other intensive forms of agriculture shall be:
    - 1) Subject to a condition that any new dwellings on the property

- are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed, and
- 2) Of a sufficient size so that these uses have ample room for future expansion;
- b) *Agriculture-related uses* and other rural uses permitted in Section 3.1.4.1 provided that the new lot is limited to a minimum size needed to accommodate the use, of appropriate *sustainable private services*;
  - c) A *surplus farm residence* provided that:
    - i) The retained parcel meets the minimum size requirements of Section 3.1.4.3,
    - ii) The new lot is limited to the minimum size required to accommodate the dwelling, the associated sewage system and water supply, and protect surface and ground water features,
    - iii) The new lot is located to minimize the impact on the remaining agricultural operation, and
    - iv) Where possible, joint use is made of the existing road access to the agricultural operation;
  - d) *Linear infrastructure*;
  - e) A rural residential dwelling provided:
    - i) A maximum of three lots are created on each property in existence as of June 16, 2006;
    - ii) The proposed lots are designed to retain natural feature and vegetation;
    - iii) Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic system, and protect surface and ground water features; and,
    - iv) For multiple residential development proposals of three lots the minimum lot size shall be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately support private water and sewage systems and protect surface and ground water features.
  - f) Lot adjustments for *legal or technical reasons*, which do not result in the creation of a new lot, and do not increase the size of an existing residential lot beyond that necessary for on-site *sustainable private services* and to protect surface and ground water features.
- 3.1.4.4 In addition to the considerations in Section 3.1.4.3, applications for *new* lots or consents shall meet the following requirements:
- a) For *agriculture-related uses* and other rural uses, the amount and availability of vacant lots of record in the areas outside of the Hamlets of the municipality are considered and the need for the additional lot demonstrated;

- b) The new lot does not contribute to the extension or expansion of strip *development*;
  - c) The new lot is located on an opened and maintained public road;
  - d) The feasibility of *sustainable private services* is demonstrated through appropriate technical studies;
  - e) The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed;
  - f) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
  - g) The proposed use will be compatible with surrounding uses;
  - h) The proposed use will not result in *development* which would preclude or hinder the establishment of new *mineral aggregate operations* or access to Extractive Industrial Areas, or Possible Extraction Industrial Areas as shown on **Schedule B**;
  - i) The new lot shall meet the *minimum distance separation formulae*;
  - j) The new lot for residential purposes, as permitted by Section 3.1.4.3 must be separated from existing *livestock* operations by the distance determined by the *minimum distance separation formulae*; and
  - k) For *agriculture-related uses* and other rural uses, a maximum of three new non-residential lots are created on the property being severed.
- 3.1.4.5 Those *agri-tourism uses unrelated to agriculture, value added production uses and value added support uses*, other rural uses, and resource-based recreational uses generally referred to in Section 3.1.4.1 (and updated through the Municipality's Comprehensive Zoning By-law) shall only be permitted in the Rural Area, through a rezoning, when it is clearly demonstrated that:
- a) The use is designed primarily to serve the needs of rural residents;
  - b) The use cannot reasonably function in a nearby Hamlet, or there are no suitable locations within a nearby Hamlet;
  - c) The use is desirable in the Rural Area and will not have an adverse impact on the natural resources or features of the area;
  - d) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
  - e) Adequate setbacks and buffering from adjacent uses are provided;
  - f) There is adequate access to the site from an opened and maintained public road, and it will not create a traffic hazard;
  - g) The use is compatible with and does not hinder surrounding *agriculture operations*;

- h) The use is in compliance with the *minimum distance separation formulae*; and,
  - i) A hydrogeological study has been undertaken to determine no impact on adjacent wells or on the *ecological function* of nearby environmental features.
- 3.1.4.6 When reviewing applications to redesignate lands from the Rural Area designation, the following shall be considered:
- a) The use cannot be located in a Hamlet;
  - b) The proposed use is related to the management or use of resources, or resource-based recreational activities;
  - c) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
  - d) The amount of land already designated for the use;
  - e) The impact of the use on surrounding *agriculture operations* is mitigated to the extent feasible;
  - f) The impact on environmental features and functions are assessed as set out in Section 3.2;
  - g) The traffic impacts are assessed;
  - h) The use is in compliance with the *minimum distance separation formulae*; and,
  - i) The impact on existing licensed *aggregate* operations as well as those lands identified as Extractive Industrial Areas on **Schedule B** is assessed as set out in Section 3.6.
- 3.1.4.7 A *home industry* referred to in Section 3.1.4.1 c) ii) shall:
- a) Where the *home industry* is on a lot of 0.4 hectares or less, have a floor area no greater than 50% of the ground floor area of the house on the lot; and,
  - b) On lots larger than 0.4 hectares, have a maximum floor area of 500 square metres.
- 3.1.4.8 An expansion of an established legal non-conforming uses may be permitted provided that:
- a) The feasibility of the proposed *sustainable private services* is demonstrated through appropriate technical studies;
  - b) The expansion is in compliance with the *minimum distance separation formulae*; and
  - c) There is no increase in detrimental impact..
- 3.1.4.9 New dwellings may be erected on existing vacant lots of record in the Rural Area designation provided that:

- a) The feasibility of the proposed *sustainable private services* is demonstrated through appropriate technical studies; and
- b) The use is in compliance with the *minimum distance separation formulae*

***Site-Specific Exception:***

- 3.1.4.10 In addition to the uses permitted in Section 3.1.4.1, a sky dive establishment shall be permitted at 11631 Burnaby Road (Lot 15, Concession 1).

## 3.2 NATURAL ENVIRONMENT

### *Intent:*

The intent of the Natural Environment policies is to protect significant natural heritage features and functions for their ecological benefit, contribution to human health, and to preserve the natural heritage of the Township of Wainfleet. The Natural Environment policies identify the significant natural features to be protected to ensure long-term ecological integrity. These significant natural heritage features are referred to as “Core Natural Areas”.

Core Natural Areas are significant in the context of the surrounding landscape because of their size, location, outstanding quality or the *ecological functions* they provide. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or *endangered species*. These Core Natural Areas are designated Environmental Protection or Environmental Conservation and are shown on **Schedule B**. Core Natural Areas are also shown as part of the linked Natural Heritage System on **Schedule A**.

The policies of Section 3.2 and those of Section 4.0 are to be read in conjunction and applied together in all cases.

### *Goals:*

- To protect and enhance the *natural environment* of the Township.
- To preserve and improve biological diversity and *ecological function* within the Township of Wainfleet.

### *Objectives:*

1. To promote the protection and enhancement of significant natural heritage features and functions including *linkages* among natural heritage features and with ground and surface water resources.
2. To consider the cumulative effects of new *development* and *site alteration* on the ecological features and functions of the *natural environment*.
3. To ensure the *development* review process identifies the significance of natural heritage features and evaluates the *ecological function* of such features.
4. To cooperate with the Niagara Peninsula Conservation Authority and the Region in the protection of the *natural environment*.
5. To promote and support the protection of environmentally significant lands through public acquisition and ownership, through the use of conservation easements by public bodies including the Township, the Region and the Niagara Peninsula Conservation Authority and through stewardship of privately owned lands.

*Policies:***3.2.1 Environmental Protection Area Designation***Features Included In the Environmental Protection Area Designation:*

- 3.2.1.1 Environmental Protection Areas shall include:
- a) *Provincially Significant Wetland;*
  - b) *Provincially significant Life Science Areas of Natural and Scientific Interest (ANSI); and*
  - c) *Significant habitat of endangered and threatened species.*
- 3.2.1.2 Environmental Protection Areas are designated on **Schedules B through B9**. In addition, **Schedule E** provides additional information indicating what type(s) of natural features each Environmental Protection Area includes.
- 3.2.1.3 Mapping of the *significant habitat of endangered and threatened species* is likely found within the Environmental Protection and Environmental Conservation Areas shown on **Schedule B**. *Significant habitat of endangered and threatened species* will be identified through subwatershed studies, secondary planning and review of *development* applications. Where such habitat is identified, *development* and *site alteration* shall be subject to the policies of the Environmental Protection Area designation.

*Permitted Uses:*

- 3.2.1.4 Within the Environmental Protection Area designation, *development, site alteration, and non-linear infrastructure* shall not be permitted 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;*
  - c) *Small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no negative impact on natural features or ecological functions of the Natural Heritage System; and*
  - d) *Existing agricultural uses in accordance with Policy 3.2.1.14.*

Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study in accordance with Section 8.9 to the satisfaction of the Region in consultation with the Township and the Niagara Peninsula Conservation Authority.

- 3.2.1.5 The boundaries of the Environmental Protection Area may be defined more precisely through subwatershed or environmental planning studies, secondary planning,

*Environmental Impact Studies (EIS)*, or other studies prepared to the satisfaction of the Region in consultation with the Township. A significant modification, such as a change in the classification of an Environmental Protection 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.

3.2.1.6 *Development and site alteration* may be permitted without an amendment to this Plan on *adjacent lands*, subject to the following:

- a) It has been demonstrated through an *EIS* in accordance with Section 8.9 that there will be no *negative impact* on the feature or its *ecological function*; and,
- b) The proposed *development* or *site alteration* is not prohibited by other Policies in this Plan.

Where development or site alteration is proposed in or near a Linkage illustrated conceptually on **Schedule A** the Linkage 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 Linkage in connecting Core Natural Heritage Areas or an alternative linkage should be developed.

3.2.1.7 Development or site alteration within Provincially significant Life Science *Areas of Natural and Scientific Interest*, shown on **Schedule E**, may be permitted for the purpose of mineral aggregate extraction if it has been demonstrated that there will be no negative impacts on the life science features for which the area was identified or on *ecological functions* related to the ANSI.

***General Policies:***

3.2.1.8 Where through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Region in consultation with the Township, and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as an Environmental Protection Area, the policies of Section 3.2.1 shall apply.

3.2.1.9 If a feature meeting the criteria for identification as an Environmental Protection Area is identified through an evaluation under Section 3.2.1.8 or through other studies, it shall be considered for inclusion in the Environmental Protection Area designation through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the policies of Section 3.2.1 shall apply.

3.2.1.10 Where *development* or *site alteration* is approved adjacent to an Environmental Protection Area designation, new lots thus created shall not extend into either the area to be retained in a natural state as part of the Environmental Protection Area

- designation or the naturally vegetated buffer identified through an *Environmental Impact Study*. The lands to be retained in a natural state and the adjacent naturally vegetated buffer shall be maintained as a single block and zoned to protect their natural features and *ecological functions*.
- 3.2.1.11 The transfer of Environmental Protection Area lands to the Township, the Conservation Authority or where appropriate the Province or another appropriate public or private conservation organization shall be encouraged. However, these lands will generally not be accepted as parkland dedication. Where it is not possible to secure such a transfer, the Township shall encourage additional methods of protecting and enhancing these natural features and their *ecological functions* such as conservation easements.
- 3.2.1.12 Where *development* or *site alteration* is approved on *adjacent lands*, the applicant shall submit a Tree Saving Plan for the *adjacent lands*. The Plan shall be prepared in accordance with the Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.
- 3.2.1.13 An agricultural irrigation system may need certain elements to be located within an Environmental Protection Area designation or within the naturally vegetated buffer of a feature within the designation. In such instances, the agricultural irrigation system may be established within the feature itself or its associated naturally vegetated buffer subject to the approval of the Niagara Peninsula Conservation Authority and in accordance with other legislative requirements. All reasonable efforts shall be made to keep the agricultural irrigation system out of the Environmental Protection Area and the associated naturally vegetated buffer.
- 3.2.1.14 Expansions to existing farm buildings and structures may be permitted within and on *adjacent lands* to an Environmental Protection Area provided that:
- a) The proposed expansion to the building or structure is small in scale;
  - b) It has been demonstrated that there is no reasonable alternative;
  - c) The expansion has been directed away from the feature as much as possible;
  - d) *Negative impacts* on the natural feature and *ecological functions* have been minimized; and
  - e) An Environmental Impact Study is prepared to the satisfaction of the Region in consultation with the Township.
- 3.2.1.15 The policies of this Section shall also apply when *development* or *site alteration* is proposed on lands in the Township that are adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or is shown on the Region's Core Natural Heritage Map or has been identified by the Ministry of Natural Resources.

- 3.2.1.16 Landowners shall be encouraged to respect and protect Environmental Protection Area features including stream corridors through the use of recognized conservation and land stewardship techniques and farm practices.
- 3.2.1.17 The Township may collaborate with the Province during the early stages of the planning process to ensure that the *significant habitat of endangered and threatened species* on lands affected by or contiguous to any proposed development or site alteration is properly evaluated and identified.

### 3.2.2 Environmental Conservation Area Designation

#### *Features Included in an Environmental Conservation Area Designation:*

- 3.2.2.1 Environmental Conservation Areas shall include:
- a) *Significant woodlands*;
  - b) *Significant wildlife habitat*;
  - c) *Significant habitat of species of concern*;
  - d) Regionally *significant Life Science Areas of Natural and Scientific Interest (ANSI)*;
  - e) Other evaluated *wetlands*;
  - f) *Significant valleylands*;
  - g) Lake Erie shoreline; and
  - h) Publicly owned Conservation Lands.
- 3.2.2.2 Environmental Conservation Areas are designated on **Schedules B through B9**. In addition, **Schedule E** provides additional information indicating what type(s) of natural features each Environmental Conservation Area includes.
- 3.2.2.3 *Significant wildlife habitat* and the *significant habitat of species of concern* is likely found within the Environmental Protection and Environmental Conservation Areas shown on **Schedule E**. These habitats will be identified through subwatershed studies, secondary planning and review of *development* applications. Where such habitat is identified, *development* and *site alteration* shall be subject to the policies of the Environmental Conservation Area designation.
- 3.2.2.4 Significant *woodlands* shall include features that meet one or more of the following criteria:
- a) Contain one or more threatened or *endangered species* or species of concern;
  - b) In size, be equal to or greater than 10 hectares (25 acres);
  - c) Contain interior *woodland* habitat at least 100 metres (328 feet) in from *woodland* boundaries;

- d) Contain older growth forest and be 2 hectares (5 acres) or greater in area;
- e) Overlap or contain one or more of the other significant natural heritage features which comprise an Environmental Protection Area or an Environmental Conservation Area; or
- f) Abut or be crossed by a *watercourse* or water body and be 2 or more hectares (or 5 or more acres) in area.

***Permitted Uses:***

3.2.2.5 Within and on adjacent lands to Environmental Conservation Areas, *development, site alteration, and non-linear infrastructure* may be permitted without an amendment to this Plan provided:

- a) It has been demonstrated, through an *Environmental Impact Study (EIS)* in accordance with Section 8.9, that , there will be no *negative impact s* on the natural feature or its *ecological functions*; and
- b) The proposed *development or site alteration* is not prohibited by other Policies in this Plan.

Nothing in this policy is intended to limit the ability of an existing agricultural use to continue as of right.

3.2.2.6 The preparation of an Environmental Impact Study (EIS) in accordance with Section 8.9 may be required for the following uses within the Environmental Conservation Area:

- 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 negative impacts on natural features or *ecological functions* of the Core Natural Heritage System.

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

3.2.2.8 The boundaries of the Environmental Conservation Area may be defined more precisely through subwatershed or environmental planning studies, secondary

- planning, *Environmental Impact Studies*, or other studies prepared to the satisfaction of the Region in consultation with the Township and the Niagara Peninsula Conservation Authority. A significant modification, such as a change in the classification of an Environmental Conservation 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.
- 3.2.2.9 In considering both refinements and significant modifications to the mapping or classification of features shown on **Schedule B**, the Township shall consult with the Region, the Niagara Peninsula Conservation Authority, and the Ministry of Natural Resources.
- 3.2.2.10 Notwithstanding other policies in this Plan, essential public *linear infrastructure* may be permitted within the Environmental Conservation Area or on *adjacent lands* where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

**General Policies:**

- 3.2.2.11 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Region in consultation with the Township, and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as an Environmental Conservation Area, the policies of Section 3.2.2 shall apply.
- 3.2.2.12 For lands along the Lake Erie shoreline, the approval of the Niagara Peninsula Conservation Authority shall be obtained prior to the building of any structure or the placement or removal of any fill for lands within its *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses lands (O. Reg. 155/06)*. The Niagara Peninsula Conservation Authority regulated area adjacent to Lake Erie is generally illustrated in **Appendix 3**.
- 3.2.2.13 If a feature meeting the criteria for identification as an Environmental Conservation Area is identified through an evaluation under Section 3.2.2.11 or through other studies, it shall be considered for inclusion in the Environmental Conservation Area designation through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the policies of Section 3.2.2 shall apply.
- 3.2.2.14 Where *development* or *site alteration* is approved in or adjacent to an Environmental Conservation Area designation, new lots thus created shall not extend into either the remaining area to be retained in a natural state as part of the Environmental Conservation Area or the naturally vegetated buffer identified through an *Environmental Impact Study*. The lands to be retained in a natural state and the

- adjacent naturally vegetated buffer shall be maintained as a single block and zoned to protect their natural features and *ecological functions*.
- 3.2.2.15 Notwithstanding Section 3.2.2.13, new lots created along the Lake Erie shoreline may extend into the Environmental Conservation Area designation, however new development shall be encouraged to maintain the shoreline in a natural state and shall meet the policy of Section 3.9.9.
- 3.2.2.16 The transfer of Environmental Conservation Area lands to the Township, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. However, these lands will generally not be accepted as parkland dedication. Where it is not possible to secure such a transfer, the Township shall encourage additional methods of protecting and enhancing these natural features and their *ecological functions* such as conservation easements.
- 3.2.2.17 Where *development* or *site alteration* is approved within the Environmental Conservation Area or on *adjacent lands*, the applicant shall submit a Tree Saving Plan. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.
- 3.2.2.18 Subject to other policies in this Plan, an expansion to an existing use located within an Environmental Conservation Area may be permitted if it will have no *negative impacts* 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 Study* in accordance with Section 8.9.
- 3.2.2.19 New farm buildings or structures and expansions to existing farm buildings or structures may be permitted within Environmental Conservation Areas and *adjacent lands*, subject to the other policies in this Plan and provided:
- a) The proposed building or structure is small in scale;
  - b) It has been demonstrated that there is no reasonable alternative;
  - c) The proposal is directed away from the feature to the maximum extent possible;
  - d) *Negative impacts* on the natural feature and *ecological functions* have been minimized; or
  - e) If the proposed building or structure is large in scale or requires a major increase in land area, it shall be subject to Section 3.2.1.6, 3.2.2.5, 3.2.2.6; and, 3.2.2.17.
- 3.2.2.20 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 on *adjacent lands* if they are located, designed and constructed to minimize *negative*

- impacts* on the natural features and *ecological functions* of the Natural Heritage System.
- 3.2.2.21 The policies of this Section shall also apply when *development* or *site alteration* is proposed on lands in the Township that are adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or is shown on the Region's Core Natural Heritage Map or has been identified by the Ministry of Natural Resources.
- 3.2.2.22 Landowners shall be encouraged to respect and protect Environmental Conservation Area features including woodlots through the use of recognized conservation and land stewardship techniques and farm practices.

### 3.2.3 FISH HABITAT

- 3.2.3.1 *Fish Habitat* is shown on Schedules B through B9 and Schedule E. In considering both refinements and significant modifications to the mapping or classification of features, the Township shall consult with the Region, the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to *fish habitat*.
- 3.2.3.2 Notwithstanding Section 3.2.1.4, within *fish habitat*, *development* and *site alteration* may be permitted if it will result in no net loss of the productive capacity of *fish habitat* as determined by the Department of Fisheries and Oceans or its designate. First priority will be given to avoiding harmful alteration or destruction of *fish habitat* by redesigning or relocating the proposal or mitigating its impacts. The proponent shall be required to prepare an *EIS* to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Section 8.9.
- 3.2.3.3 A naturally vegetated buffer, a minimum 30 metres in width measured from the stable *top of bank*, shall be required adjacent to all watercourses containing critical *fish habitat* as defined by the Niagara Peninsula Conservation Authority. A lesser naturally vegetated buffer, a minimum of 15 metres in width measured from the stable *top of bank* may be permitted adjacent to all streams which contain Important or Marginal *fish habitat* as defined by the Niagara Peninsula Conservation Authority. A narrower naturally vegetated buffer may be considered where an *EIS* has demonstrated that a narrower naturally vegetated buffer will not harm fish or *fish habitat* subject to the approval of the Niagara Peninsula Conservation Authority, but in no case shall the naturally vegetated buffer adjacent to critical *fish habitat* be less than 15 metres. Agricultural cultivation, farm buildings and *livestock facilities* do not require planning approval and are not subject to these requirements.
- 3.2.3.4 For all other watercourses not addressed in Section 3.2.3.3, applicants for development and site alteration adjacent to a watercourse shall identify whether *fish habitat* is present in the watercourse and if so propose an appropriate naturally

vegetated buffer in consultation with the Niagara Peninsula Conservation Authority and Niagara Region. This requirement does not apply to the ongoing maintenance and clean out of municipal drains.

### **3.2.4 EARTH SCIENCE AREAS OF NATURAL AND SCIENTIFIC INTEREST (EARTH SCIENCE ANSI)**

#### ***Intent:***

It is the intent of this policy section to protect Provincially significant earth science areas of natural and scientific interest (ANSI's) from development and site alteration.

#### ***Objectives:***

1. To protect Provincially significant earth science areas of natural and scientific interest
2. To prevent development and site alteration that will have negative impacts on the feature or its *ecological functions*.

#### ***Policies:***

- 3.2.4.1 *Development or site alteration* is not permitted within the boundary of a Provincially Significant Earth Science Areas of Natural and Scientific Interest as shown on Schedule E.
- 3.2.4.2 The Township will require an Environmental Impact Study for new development and site alteration proposals for all adjacent lands within 50 metres of the ANSI boundary to demonstrate that there will be no negative impacts on the ANSI feature or its *ecological function*.
- 3.2.4.3 *Areas of Natural and Scientific Interest* that have been identified by the Ministry of Natural Resources are considered open ecological files. Further evaluation may take place with respect to their boundaries or their significance at any time.
- 3.2.4.4 *Linear infrastructure* authorized under an environmental assessment process may be permitted in Provincially Significant Earth Science Areas of natural and scientific interest if there is no reasonable alternative location and they are designed to avoid or minimize negative impacts.
- 3.2.4.5 Notwithstanding Policy 3.2.4.1, *mineral aggregate operations* may be permitted within provincially significant ANSIs identified in this Plan, if it has been demonstrated that there will be no negative impact to the natural feature or its *ecological functions*. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with the policies of this Plan.

### 3.3 RESIDENTIAL AREAS

***Intent:***

The intent of this Plan is to protect and enhance the existing character of Wainfleet's hamlets and residential areas through the policies of the residential designations while, at the same time, permitting new housing that is compatible with that existing character, and can improve the quality of life of existing and future residents of Wainfleet.

In addition to protecting the existing character of the Township's residential areas and Hamlets, it is also the intent of the Residential Areas policies to encourage the creation of sustainable, walkable, and accessible hamlets and residential areas.

***Goals:***

- To accommodate a variety of lifestyles and aging in place by encouraging a broad range of housing choices.
- To protect and enhance the character and image of existing residential areas and hamlets.
- To foster attractive communities and a sense of place.

***Objectives:***

1. To encourage and facilitate the production of a range of dwelling types and forms of tenure, including housing that is affordable to the existing and future residents of Wainfleet.
2. To encourage high quality building design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.
3. To create relatively compact, walkable residential areas and hamlets.

***Policies:***

#### **3.3.1 General Residential Designation Policies**

- 3.3.1.1 The following policies apply to the Village Residential and Lakeshore Residential designations.

### 3.3.1.2 Communal Housing

- a) Communal housing offers services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities, to residents living in shared and/or private suites.
- b) Communal housing forms may include nursing homes, homes for the aged, retirement homes, retirement lodges, boarding houses, continuum of care developments, seniors' accommodations and similar forms of service-oriented, communal housing but does not include *Group homes*, hotels or motels. Communal housing may also be considered institutional uses.
- c) Where communal housing is permitted in the Official Plan it shall be subject to the following criteria:
  - i) The building is compatible with *adjacent housing* in terms of height, massing, and overlook;
  - ii) Adequate setbacks, buffering, and landscaping are incorporated to minimize potential compatibility issues;
  - iii) Adequate on-site parking is provided;
  - iv) The feasibility of the proposed water supply and sewage disposal systems is demonstrated through appropriate technical studies;
  - v) There is adequate access to the site from an opened and maintained public road, and it will not create a traffic hazard; and
  - vi) New and expanded communal housing shall be subject to Site Plan Control.

### 3.3.1.3 *Group homes*

- a) The following types of *group homes* administered under Provincial legislation shall be permitted to establish in any residential zone or residence in the Township subject to the criteria of Section 3.3.1.3 b):
  - i) Approved *group 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;
  - vii) Homes for individuals who have physical disabilities when the Province licenses, funds or approves such a *group home* program; and
  - viii) Transitional housing and community resource centres for individuals who are socially disadvantaged.
- b) *Group homes* referred to in Section 3.3.1.3 a) shall be permitted subject to the following criteria:
  - i) The home contains a maximum of 6 residents exclusive of staff;

- ii) The home is licensed and / or approved under Provincial statute and is in compliance with municipal by-laws; and,
- iii) *Group Homes* listed in 3.3.1.3 a) shall be permitted as of right in the implementing Zoning By-law except that transitional housing and community resource centres for individuals who are socially disadvantaged will required a rezoning.

#### 3.3.1.4 ***Secondary suites***

*Secondary suites* shall be permitted in all Residential Area designations, and shall be subject to the following criteria and the regulations of the Zoning By-law:

- a) Only one *secondary suite* per single detached, semi-detached, or townhouse dwelling is permitted;
- b) The secondary suite may be contained within the primary residential dwelling or in a building or structure accessory to the residential dwelling, but not in both;
- c) Adequate on-site parking for both residential units is provided;
- d) The *secondary suite* complies with Provincial building and fire code requirements; and,
- e) The exterior appearance of the primary residential dwelling is unaltered to accommodate the unit.

#### 3.3.1.5 ***Home occupations***

*Home occupations* are permitted in all Residential Area designations provided:

- a) The use is accessory and subordinate to the residential use of the property,
- b) It is operated by residents of the household on the lot;
- c) It does not include outdoor storage or display of goods, materials or products;
- d) The use does not substantially alter the residential nature of the property or the appearance of the dwelling; and
- e) The proposed use meets the provisions of the zoning by-law with regard to such matters as off-street parking, signage, specific uses and maximum floor area.
- f) Obtain approval from the Ministry of the Environment if the home occupation contributes emissions to the atmosphere.
- g) Obtain approval from the Ministry of the Environment if waste, beyond that classified as domestic waste, is produced by the home occupation.

#### 3.3.1.6 ***Bed and breakfast establishments***

New *bed and breakfast* establishments are permitted in all Residential Area designations provided that:

- a) The use is clearly secondary to the residential use of the property,

- b) It is operated by residents of the household on the lot;
  - c) It contains no more than three guest rooms;
  - d) The use shall not have a *negative impact* on the enjoyment and privacy of neighbouring properties;
  - e) The proposed use meets the provisions of the zoning by-law with regard to such matters as parking facilities, signage; and,
  - f) Any additions to the building or parking area to accommodate the *bed and breakfast* use shall be compatible with the character and image of the surrounding neighbourhood and shall be subject to Site Plan Control.
- 3.3.1.7 Notwithstanding Section 3.3.1.6 c), new *bed and breakfast* establishments containing up to six guest bedrooms may be permitted through a site-specific Zoning By-law Amendment, which demonstrates the feasibility of sustainable private servicing and compatibility with *adjacent housing*;
- 3.3.1.8 The Township may require licensing of all *bed and breakfast* establishments through which building code and fire regulation matters can be addressed.
- 3.3.1.9 **Day care facilities**  
Day care facilities containing more than five children may be permitted in all Residential Area designations through an amendment to the Zoning By-law, provided such uses are:
- a) Subject to Site Plan Control;
  - b) Licensed by Niagara Region;
  - c) Located on an Arterial or Collector Road;
  - d) Adequately buffered from *adjacent housing* ;
  - e) Compatible with the character and image of the surrounding neighbourhood; and
  - f) Able to provide adequate parking and on-site drop-off/pick-up facilities.

### 3.3.2 Village Residential Designation

#### *Permitted Uses:*

- 3.3.2.1 Within the Village Residential Designation, delineated on **Schedules B1 through B8**, permitted uses may include:
- a) Single detached dwellings and *secondary suites*;
  - b) Converted dwellings subject to Section 3.3.2.10;
  - c) *Home occupations* subject to Section 3.3.1.5;
  - d) Public and private utilities;

- e) Parks and open spaces;
- f) *Bed and breakfast* establishments subject to Section 3.3.1.6;
- g) Day care facilities subject to Section 3.3.1.9;
- h) Communal Housing subject to Section 3.3.1.2;
- i) *Group homes* subject to Section 3.3.1.3; and,
- j) Small scale institutional uses.

**General Policies:**

- 3.3.2.2 Residential building forms shall not exceed a height of 2 storeys.
- 3.3.2.3 All new residential *development* shall respect the character and image of the surrounding residential area in accordance with the design policies of Section 3.3.6.
- 3.3.2.4 New *development* shall front directly on a public road.
- 3.3.2.5 Multiple new lots are encouraged in depth on new roads rather than in strips along main roads.
- 3.3.2.6 The minimum lot size for new lots shall be 1.0 hectare, unless it can be demonstrated through a hydrogeological study that the necessary *on-site sustainable private servicing* can be accommodated on the smaller lot with no negative impacts on surface and/or ground water features. Where it is feasible to have smaller lots, such lots shall be promoted and encouraged. However, lot sizes shall be no less than 0.4 hectares.
- 3.3.2.7 The hydrogeological study referred to in Section 3.3.2.6 shall demonstrate that:
- a) Soil and land area capabilities are sufficient to meet the Ministry of the Environment's *Procedure D-5-4 Technical Guideline*.
  - b) Ground water quantity and quality for drinking water are capable of providing potable water supply; and,
  - c) The septic system and well are situated a safe distance from each other.
- 3.3.2.8 Where a smaller lot size is justified through a hydrogeological study, the minimum lot size shall be reflective of the results of the hydrogeological study including the consideration of new septic disposal technologies along with the character and lot size pattern within each Hamlet, while also contributing where possible to a compact hamlet area.
- 3.3.2.9 Where new local roads are required, the Township shall encourage a lotting pattern that minimizes the length of roads through reduced lot frontage, while being reflective of the pattern of lot frontages in the Hamlet.

- 3.3.2.10 The Township may require applicants for new lots to submit:
- a) A stormwater management plan and a sediment and erosion control plan which addresses the requirements set out in Section 5.2; and,
  - b) A landscape analysis illustrating how natural features of the site, including healthy trees will be retained and protected.
- 3.3.2.11 Converted dwellings consisting of multiple dwelling units in a house form building may be permitted through a site-specific zoning amendment provided it is demonstrated that *sustainable private services* are feasible and that sufficient parking and landscaping can be provided.

### 3.3.3 Lakeshore Residential Designation

#### *Permitted Uses:*

- 3.3.3.1 Within the Lakeshore Residential Designation, delineated on **Schedules B and B9**, permitted uses may include:
- a) Seasonal and full year single detached dwellings, and *secondary suites*;
  - b) Tourist cabins and resorts;
  - c) *Home occupations* subject to Section 3.3.1.5;
  - d) Public and private utilities; and,
  - e) Parks and open spaces;
  - f) *Bed and breakfast* establishments subject to Section 3.3.1.6; and
  - g) *Group homes* subject to Section 3.3.1.3.

#### *General Policies:*

- 3.3.3.2 Residential building forms shall not exceed a height of 2 storeys.
- 3.3.3.3 All new residential *development* shall respect the character of the surrounding residential area in accordance with the design policies of Section 3.3.6.
- 3.3.3.4 To ensure new lots are located on roads of suitable condition to allow for necessary road maintenance, and ability to access with emergency vehicles, the Zoning By-law shall identify all private roads of suitable condition on which new lots could be permitted.
- 3.3.3.5 The minimum lot size shall be 1.0 hectare, unless it has been demonstrated through a hydrogeological study to the satisfaction of the Township that the necessary on-site *sustainable private servicing* can be accommodated on a smaller lot with no negative impacts on surface and/or ground water features.
- 3.3.3.6 The hydrogeological study referred to in Section 3.3.4.5 shall demonstrate that:

- a) Soil and land area capabilities are sufficient to meet the Ministry of the Environment's *Reasonable Use Guidelines*;
  - b) Ground water quantity and quality for drinking water are capable of providing potable water supply; and,
  - c) The septic system and well are situated a safe distance from each other.
- 3.3.3.7 Where the hydrogeological study referred to in Sections 3.3.4.5 and 3.3.4.6 determines that a septic system is feasible on a smaller lot, the new lot shall be no smaller than 0.4 hectares.
- 3.3.3.8 For new lots, holding tanks shall not be permitted as a means of sewage disposal.
- 3.3.3.9 Where additional units are proposed on an existing or new lot, the maximum permitted density shall be one unit per hectare, unless it has been demonstrated through a hydrogeological study to the satisfaction of the Township that additional units can be accommodated to a maximum of 2.5 units per hectare.
- 3.3.3.10 Expansion of existing dwellings shall not be permitted:
- a) On lots fronting on substandard private roads,
  - b) Where the Building Code would not permit an expansion to an existing dwelling on a holding tank, or
  - c) Where the lot is insufficient in size to meet the Ministry of Environment's *Reasonable Use Guidelines* for septic systems.
- 3.3.3.11 The zoning by-law shall establish a maximum coverage for all residential buildings, tourist cabins and resorts in the Lakeshore Residential Zone. The maximum coverage shall vary by lot size with a lower coverage permitted on larger lots. On smaller lots the maximum coverage needs to be reflective of the need to accommodate a septic system, building, and appropriate setbacks.

***Site-specific Exception:***

- 3.3.3.12 Notwithstanding any other policies to the contrary, on lands located in part of lots 16 and 17, Concession 1, a residential development on approximately 10.3 hectares of land shall be:
- a) Permitted to a maximum of 41 units; and
  - b) Permitted through a plan of condominium on *sustainable private services* subject to the following servicing requirements:
    - i) The Condominium Corporation shall be responsible for the operation, maintenance and costs associated with the *sustainable private services* with adequate provision for replacement of these systems in the future;
    - ii) In the event that the Ministry of the Environment requires the Region to be included in an assumption agreement with the Condominium Corporation for these systems, the conditions of the assumption

agreement shall be to the satisfaction of the Region, and the Township of Wainfleet shall be responsible for full cost recovery for communal water and sewer services;

### 3.3.4 Mobile Home Park Designation

#### *Permitted Uses:*

- 3.3.4.1 Within the Mobile Home Park Designation, delineated on **Schedules B**, permitted uses may include:
- a) Mobile homes; and
  - b) Open space, recreational and public uses which are necessary to serve the mobile home park.

#### *General Policies:*

- 3.3.4.2 An amendment to the Official Plan is required to permit new Mobile Home Parks in areas not designated for such uses.
- 3.3.4.3 Mobile Home Parks will be permitted only within Hamlets and shall not be established as a separate community in the Countryside.
- 3.3.4.4 Mobile Home Parks shall be considered as a form of permanent residential *development*. Mobile Home Parks shall not be designated for seasonal accommodation.
- 3.3.4.5 Mobile Home Parks will be owned and/or managed as a single unit by the park operator.
- 3.3.4.6 Ownership and responsibility for the maintenance of internal roads, servicing systems, communal areas and buildings, as well as general park management, including snow clearance, garbage collection, landscaping, etc., shall be the responsibility of the management of the park.
- 3.3.4.7 Individual mobile homes within a park shall have frontage on internal roads built to a width and standard approved by the local municipality.
- 3.3.4.8 A minimum of 10 percent of the gross acreage of a Mobile Home Park shall be provided in a consolidated area for recreational purposes.
- 3.3.4.9 Suitable landscaping shall be provided throughout the park as well as an appropriate landscape buffering around the park. The areas used by landscaped buffering shall not be considered as part of the parkland dedication requirement of Section 3.9.
- 3.3.4.10 Adequate tenant and visitor parking shall be provided, with a minimum of one parking space per mobile home site and one visitor space for every mobile home site.

- 3.3.4.11 The minimum site size for individual mobile home sites within a Mobile Home Park on full communal services shall be 465 square metres. In the case of mobile home parks which are not on full communal services, the minimum site size for mobile homes shall be adequate to meet the requirements of the Ministry of the Environment regarding individual *sustainable private services* but shall not be less than 700 square metres.

### 3.3.5 Design Policies for Residential Areas

- 3.3.5.1 It is an objective of this Plan to:

- a) Enhance the livability and physical appeal of the Township through the quality, layout and attractiveness of the both public streetscapes and private spaces and buildings.
- b) Ensure that *development* within residential areas reflects and fits in with the established character.
- c) Create a built environment which provides:
  - i) Sensitive integration of new *development* with existing *development*;
  - ii) Visual diversity, interest and beauty; and
  - iii) A well-defined public realm, including an interconnected open space network.

- 3.3.5.2 Where the Township chooses to use Site Plan Control or architectural control to guide the built form of new residential dwellings, the Township shall apply the following guidelines :

- a) Ensure that building entrances and the “active” part of a façade, such as porches and windows to main living spaces address the street;
- b) Minimize the impact of garages and their presence in the overall building form by providing a limitation on the width of garages in relation to the width of the lot, and by setting the garage back behind the front face of the building;
- c) Contain high quality building and landscaping materials;
- d) Include generous and quality streetscaping features, such as fencing and tree planting that blend in with or improve the existing streetscape;
- e) Promote built form that reflects or improves upon the variety of façade details and materials of adjacent houses, such as porches, windows, cornices and other details; and
- f) Reduce shadow, microclimate and privacy impacts.

- 3.3.5.3 New lots and/or the location of new dwellings on a lot shall:

- a) Maintain the established rhythm of lot frontages on *adjacent housing* lots;

- b) Provide a building height that reflects the pattern of heights of *adjacent housing*;
  - c) Provide for a similar lot coverage to *adjacent housing* to ensure that the massing or volume of the new dwelling reflects the scale and appearance of *adjacent housing*. This coverage may be less than that permitted by the zoning by-law under Section 3.3.4.9;
  - d) Maintain the predominant or average front yard setback for *adjacent housing* to preserve the streetscape edge, and character; and
  - e) Provide for similar side yard setbacks to preserve the spaciousness on the street.
- 3.3.5.4 In order to maintain views of the waterfront, view corridors towards the lake from Lakeshore Road shall be identified and protected through the siting of buildings on the lot, the location of driveways and the establishment of generous side yard setbacks.
- 3.3.5.5 The Township recognizes that Lakeshore Road is an important corridor that spans the entire Township. Its bucolic character is a key feature in the overall rural and recreational image of Wainfleet. To maintain and support this character, new lots and dwellings shall maintain the setbacks that currently exist and provide for tree planting which preserve Lakeshore Road's rural wooded character.

## 3.4 COMMERCIAL AREAS

### *Intent:*

Commercial Areas are largely concentrated in the Hamlets of Wainfleet, and Chambers Corners and to a lesser extent Becketts Bridge and Winger. It is intended that these commercial areas continue to serve the convenience needs of residents in the hamlets and surrounding rural community.

Some tourist-related commercial establishments also exist in the Lakeshore Area. New commercial uses will be directed to the Hamlets except that new tourist commercial uses will be permitted in the Lakeshore Area.

### *Goals:*

- To direct commercial uses to the hamlets in order to provide convenient service centres and create social gathering places.
- To provide convenient commercial services to meet the needs of hamlet residents and surrounding rural communities.

### *Objectives:*

1. To ensure that new commercial *development* is compatible with and reflects the small town and rural character of Wainfleet.
2. To enhance the appearance and encourage maintenance of commercial and residential buildings and areas.
3. To encourage the provision of pedestrian and bicycle oriented streetscapes.

### *Policies:*

#### **3.4.1 Village Commercial Areas**

##### *Permitted Uses:*

3.4.1.1 Within the Village Commercial Areas, delineated on **Schedules B1 through B8**, permitted uses may include:

- a) Retail stores;
- b) Personal services;
- c) Food markets;
- d) Automotive, machinery and farm implement sales and service;
- e) Hardware and farm supply sales;
- f) Business and professional offices;
- g) Restaurants;
- h) Hotels and motels;

- i) Theatres;
- j) Clubs or halls;
- k) Places of amusement or recreation; and
- l) Secondary residential apartment units.

### ***General Policies***

- 3.4.1.2 Parking areas located adjacent to the street shall be screened through landscape and other appropriate screening treatment.
- 3.4.1.3 Loading docks will be screened and oriented away from residential areas.
- 3.4.1.4 Adequate setbacks, fencing and landscape screening shall be provided abutting residential properties.
- 3.4.1.5 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses as demonstrated through an illumination study.
- 3.4.1.6 The Zoning By-law shall incorporate adequate lot provisions to regulate commercial uses including setbacks from property lines, off-street parking requirements, landscaped area requirements; buffering requirements adjacent to residential areas, prohibition of nuisances, control over outside storage, and control of lighting for parking areas.
- 3.4.1.7 Applications for new commercial uses shall demonstrate through a hydrogeological study to the satisfaction of the Township that on-site sustainable private water and sanitary services can be provided to the proposed use with no negative impact on surface and/or ground water features.
- 3.4.1.8 Within the Wainfleet Village, commercial uses will be directed to locate close to the street line with minimal setbacks in order to create a pedestrian oriented retail area. Parking shall be located to the side or rear of the building.
- 3.4.1.9 Properties containing secondary residential apartment units shall provide adequate amenity space exclusively for the use of the residents of the unit(s).
- 3.4.1.10 All *development* within this designation shall be subject to Site Plan Approval in accordance with the policies of Section 8.3 of this Plan.
- 3.4.1.11 The design of new commercial *development* shall be in accordance with Section 3.4.3.

### 3.4.2 Tourist Commercial Areas

#### *Permitted Uses:*

- 3.4.2.1 Within the Tourist Commercial Areas, delineated on **Schedules B and B9**, permitted uses may include:
- a) Restaurants;
  - b) Personal services;
  - c) Food markets;
  - d) Convenience stores;
  - e) Other small-scale retail stores oriented to the tourist trade; and
  - f) Tourist accommodation.

#### *General Policies:*

- 3.4.2.2 New commercial uses serving the broader community shall be directed towards Hamlets, but new commercial uses catering to the seasonal residential and tourist trade may be permitted in the Lakeshore Area through amendment to this Plan.
- 3.4.2.3 Parking areas located adjacent to the street shall be screened through landscape and other appropriate screening treatment.
- 3.4.2.4 Loading docks will be screened and oriented away from residential areas.
- 3.4.2.5 Adequate setbacks, fencing and landscape screening shall be provided abutting residential properties.
- 3.4.2.6 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses as demonstrated through an illumination study.
- 3.4.2.7 The Zoning By-law shall incorporate adequate lot provisions to regulate commercial uses including setbacks from property lines, appropriate off-street parking requirements, landscaped area requirements, buffering requirements adjacent to residential areas, prohibition of nuisances, control over outside storage, and control of lighting for parking areas in certain cases.
- 3.4.2.8 Not all of the uses, set out in Section 3.4.2.1 may be permitted on all commercial designated properties. It is intended that the implementing Zoning By-law will establish more detail on the range of permitted uses on each property or group of properties.
- 3.4.2.9 Applications for new commercial uses shall demonstrate through a hydrogeological study to the satisfaction of the Township that on-site sustainable private water and sanitary services can be provided to the proposed use with no negative impacts to surface and/or ground water features.

- 3.4.2.10 Commercial uses will be directed to locate close to the street line with minimal setbacks in order to create a pedestrian presence. Parking shall be located to the side or rear of the building.
- 3.4.2.11 *Development* and design of new commercial *development* shall be in accordance with Section 3.4.3.

### 3.4.3 Design Policies for Commercial Areas

- 3.4.3.1 Site plan control shall be required for all commercial *development* to give the Township greater control over the form and appearance of commercial uses. The site plan approval process shall consider matters relating to the arrangement of buildings on the site and to exterior design including the character, scale, colour, building materials, appearance and design features of the buildings.
- 3.4.3.2 All new commercial *development* within Village Commercial Areas shall demonstrate sensitivity to the existing architectural styles, building materials and scale, and should enhance the rural village character of the hamlets.
- 3.4.3.3 In order to reinforce streets as primary public spaces, the locations of parking, driveways and service entrances and loading areas need to be carefully considered and coordinated with the locations for pedestrian entrances. As such, public parking facilities, service access points, loading areas and any visible garbage containers and/or mechanical equipment shall to be located in a manner that has a minimal physical impact on sidewalks and accessible open spaces.
- 3.4.3.4 Parking facilities for bicycles shall be provided in convenient locations and shall meet the following design criteria: secure, lighted, highly visible, and where possible sheltered. The location and design of bicycle parking shall minimize any impediments with other systems such as pedestrian and emergency vehicles.
- 3.4.3.5 Where feasible, shared access driveways and/or common laneways serving parking at the rear of commercial buildings shall be provided.

### 3.5 INDUSTRIAL AREA

**Intent:**

Agriculture is Wainfleet's main industry. In addition, a number of industries are located in scattered locations throughout the Township. It is the intent of this Plan to recognize those uses but also to encourage and permit new industrial development in the Hamlets with a particular emphasis on agricultural related industrial uses. The Industrial Area designations are shown on **Schedule B, B1** and **B5**.

**Goal:**

- To encourage and facilitate agricultural related industries in order to enhance employment opportunities, and to strengthen the Municipality's tax base.

**Objectives:**

1. To provide opportunity for new and expanded industries servicing the agricultural community.

**Permitted Uses:**

3.5.1.1 Within the Industrial Area designation, delineated on **Schedule B and B9**, permitted uses may include:

- a) Manufacturing including processing, assembling, and fabricating;
- b) Processing of agricultural products;
- c) Servicing, rental and repair of industrial and farm implement machinery;
- d) Storage and Warehousing; and
- e) Agricultural research.

3.5.1.2 Retail uses shall be prohibited except for accessory retail sales of goods manufactured or produced on the premises.

3.5.1.3 Uses within Industrial Areas shall be limited to primarily dry industrial uses, which do not require significant amounts of water in their operation and do not produce significant amounts of effluent.

3.5.1.4 Notwithstanding Section 3.5.1.1, the lands on the east side of Chambers Corners north of Forks Road shall be used only for an agricultural related industrial use.

**General Policies:**

3.5.1.5 Proposals for new industrial *development* shall demonstrate, to the satisfaction of the Township that, where required the site can be provided with adequate individual water supply, sanitary sewage disposal and drainage systems in accordance with Section 5.1.

- 3.5.1.6 The Zoning By-law shall incorporate adequate lot provisions to regulate industrial uses including setbacks from property lines, parking requirements, landscaped area requirements, buffering and set-back requirements adjacent to residential areas and other *sensitive land uses*, limitations on outside storage, limitation on accessory retail sales area, and control of lighting for parking and storage areas.
- 3.5.1.7 Land use compatibility with adjacent uses, particularly residential and institutional uses and any sensitive environmental areas, shall be a key consideration in the review of zoning and site plan applications for new industrial uses on designated properties and for the review of applications for new industrial designations. The potential influence area and *minimum separation distance* requirements set out in the Ministry of Environment D-6 guidelines, as updated from time to time, shall be considered in this review. An air quality study is required to be submitted to the Township for proposals where *sensitive land uses* are within the potential influence area of a new industrial use. Substantial buffer planting, berming, setbacks and/or fencing adjacent to residential and other *sensitive land uses* may be required to ensure compatibility.
- 3.5.1.8 Industrial *development* shall comply with the applicable requirements of the Ministry of the Environment regarding air and noise emissions as well as waste storage and disposal.
- 3.5.1.9 Site Plan Control will be applied to all new development and additions to existing development.
- 3.5.1.10 In the review of applications for site plan control approval, the following design principles shall be adhered to:
- a) Parking and loading areas shall be restricted to side and rear yard;
  - b) Outdoor storage of products and/or equipment shall generally be prohibited but in special circumstances and under strict control may be permitted in the rear yard only;
  - c) All permitted assembly, manufacturing, and warehouse operations shall be within wholly enclosed buildings; and
  - d) Adequate landscaping and buffering shall be provided especially in close proximity to existing residential uses as per Section 3.5.1.6.
- 3.5.1.11 For the Industrial Area designation located on the west half of Lot 1, Concession 1, a noise study shall be prepared, in accordance with Ministry of Environment guidelines. The study shall make recommendations for site design measures shall provide a satisfactory degree of attenuation of railway noise for the benefit of nearby residential and commercial uses and such measures shall be secured through a site plan agreement.
- 3.5.1.12 The storage and use of hazardous liquid or leachable chemicals including petrochemicals not classified as waste shall be regulated in accordance with the

regulations and guidelines of the Ministry of Environment. Site specific hydrogeological and stormwater studies shall be required for new industries to ensure no impact on the groundwater and surface water from the proposed use. Such studies shall be completed to the satisfaction of the Township in consultation with the Niagara Peninsula Conservation Authority. The implementing zoning shall set out specific requirements for the storage of such liquids and chemicals including provisions for containment of accidental spills, which are adequate to prevent contamination of surface and groundwater.

- 3.5.1.13 Conversions of Industrial designated lands within Hamlets to a non-employment designation and use shall only be considered by the Township through a *municipal comprehensive review* where it has been demonstrated that:
- a) The land is not required for employment purposes over the long term;
  - b) There is a greater need for the conversion to the non-employment use;
  - c) The Township will meet its employment forecasts established in the Official Plan;
  - d) The conversion will not adversely affect the overall viability of the remaining Industrial Area designation;
  - e) The conversion will not adversely affect the achievement of other policies of this Plan;
  - f) No land use conflicts are created and provincial guidelines with respect to noise and air quality can be met;
  - g) There is existing or planned *infrastructure* to accommodate the proposed use; and,
  - h) Where required, the lands can be remediated as necessary for the proposed use and that a Record of Site Condition be submitted.
- 3.5.1.14 The lands on the east side of Chambers Corners north of Forks Road shall not be severed into smaller parcels but reserved for large agricultural related industrial users. The lands shall only be zoned for such use when the proposed user submits an application.

### 3.6 EXTRACTIVE INDUSTRIAL AREA

**Intent:**

It is the intent of the Extractive Industrial Area as identified on **Schedule B** to permit and accommodate *mineral aggregate operations*.

**Goals:**

- To permit and accommodate *mineral aggregate operations*.

**Objectives:**

1. To protect *mineral aggregate resources* and existing *mineral aggregate operations* from incompatible land uses and activities.
2. To protect adjacent development from negative impacts.

**Permitted Uses:**

3.6.1 Within the Extractive Industrial Area designation, delineated on **Schedule B**, permitted uses may include:

- a) Uses normally associated with *mineral aggregate operations*, including but not limited to, stripping, berm construction, planting and landscaping, drilling, blasting, haulage, crushing, screening, washing, stockpiling, storage, loading, weighing, equipment parking, repair and maintenance office facilities, importing and blending *aggregate* materials, environmental and safety control facilities and *rehabilitation*;
- b) Forestry, agriculture and conservation uses;
- c) Ancillary uses, including but not limited to, asphalt plants, concrete plants, *aggregate* transfer stations, stockpiling and blending with *aggregate* materials such as salt, salt sand mixtures and recycled road materials which are not primary and integral components of *aggregate* extraction but which are often associated with the *aggregate* industry; and
- d) Temporary and portable asphalt, concrete and crusher plants.

**General Policies:**

3.6.2 A Zoning By-law amendment and license site plan amendment shall be required for permanent ancillary land uses, and applicants shall demonstrate that:

- a) Adjoining lands are protected from the negative effects of a reduced water supply, changes to stream flows and water quality, noise, dust, odour, lighting and unsightly storage;
- b) The environment is protected from negative effects of dust, chemical spills, run-off or contamination of surface or groundwater, impacts on the quality and quantity of surface and groundwater systems; and

- c) Access can be obtained directly to a road capable of carrying the anticipated truck traffic.
- 3.6.3 The *Aggregate Resources Act* and all amendments and regulations thereto, shall apply to all Extractive Industrial operations within the Township.
- 3.6.4 Setback distances for licensed operations are set out by regulation in the *Aggregate Resources Act*. Similarly, all proposed *development* adjacent to a licensed *quarry* must maintain a minimum setback of 500 metres from the *quarry* operation. All proposed *development* adjacent to a licensed *pit* must maintain a minimum setback of 300 metres from the *pit* operation. . The above distances may be reduced if proponents of any proposed adjacent *development* can demonstrate through studies that any potential hazards or land use conflicts with adjacent Extractive Industrial operations can be eliminated through the incorporation of special planning design and construction techniques like landscaping, buffering, setbacks or other mitigation measures. Proposed development shall demonstrate that it will not result in the preclusion or hindrance of the expansion of the *mineral aggregate operation* or its continued use or will not be incompatible for reasons of nuisance, public health, public safety or environmental impact.
- 3.6.5 The establishment of new *pits* or quarries, or the expansion of existing *pits* and quarries beyond lands which are currently licensed, shall require an amendment to the Official Plan and Zoning By-law.
- 3.6.6 Applications for a new or expanded Extractive Industrial Area designation shall provide the following information for consideration by the Township:
- a) The effect on the water resources, the Natural Heritage System and the Natural Environmental designations within 120 metres of the subject lands through the preparation of an *EIS*, and a hydrogeology study;
  - b) The effect on ground water and existing wells surrounding the property;
  - c) A rehabilitation plan as per Section 3.6.8;
  - d) A site *development plan*, which includes the following information:
    - i) The shape, topography, contours, dimensions, size and location of the property to be redesignated and/or rezoned as well as the extent of adjacent property held for future *pit* or *quarry* operations,
    - ii) A description of the surrounding lands including land uses, location and use of buildings and structures, fences, significant natural features and wells within a distance of 120 metres and other lands owned by the applicant;
    - iii) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property,
    - iv) Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks,
    - v) Drainage provisions,

- vi) All entrances and exits,
  - vii) As far as possible, ultimate *pit development* or *quarry* development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate *rehabilitation*, and where possible intended use of the land after the extractive operations have ceased, and
  - viii) Cross-sections through the deposit and the estimated quality and quantity of the resource;
- e) The haulage routes proposed to and from the site, the traffic volumes anticipated and a traffic impact study;
  - f) The effect of the operation on nearby residents including noise, dust and vibration concerns;
  - g) The effect on *archaeological resources* and cultural resources;
  - h) A Planning Assessment Report, which assess land use compatibility and policy conformity issues including the relevant policies of this Plan, except that demonstration of need shall not be required;
  - i) For applications on lands currently designated Agricultural Area, the applicant shall further demonstrate that the *rehabilitation* of the site will be carried out whereby substantially the same areas and same average soil quality, including soil capability for agriculture are restored; and
  - j) Such other relevant matters, as Council deems necessary.
- 3.6.7 In consideration of an application for a new or expanded Extractive Industrial Area designation Council shall be satisfied that extraction can be carried out with minimal social and environmental cost.
- 3.6.8 All proposals for new licensed *mineral aggregate operations* shall include plans for *rehabilitation*. These *rehabilitation* plans shall:
- a) Provide for progressive sequential *rehabilitation* wherever feasible;
  - b) Be prepared in detail by a recognized expert under the *Aggregate Resources Act* prior to any approvals being given;
  - c) Be compatible with the long-term uses permitted by the Official Plan;
  - d) Provide a detailed agricultural *rehabilitation* plan where lands have a Class 1, 2 or 3 soil capability. *Rehabilitation* must ensure that substantially the same acreage and same average soil quality including soil capability for agriculture are restored; and
  - e) Consider the surrounding land uses and approved land use designations and recognize the interim nature of extraction.
- 3.6.9 Notwithstanding Section 3.6.8 d) and Section 3.6.6 i), a detailed agricultural *rehabilitation* plan on lands with Class 1, 2 or 3 soil capability is not required if:

- a) There is substantial quantity of mineral *aggregates* below the water table warranting extraction; or, the depth of planned extraction in a *quarry* makes restoration of pre-extraction agricultural capability unfeasible; and
  - b) Other alternatives have been considered by the applicant and found unsuitable. The considerations of other alternatives shall include resources in areas of the Canada Land Inventory Class 4 to 7 soils, resources on lands not yet developed and identified as Hamlets, and resources on *prime agricultural land* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3; and
  - c) *Agricultural rehabilitation* in remaining areas will be maximized.
- 3.6.10 Where a new *mineral aggregate operation* or an expansion to an existing operation is proposed within the corridor component of the Natural Heritage System as delineated on **Schedule A**, an Environmental Conservation Area as delineated on **Schedule B**, or within *adjacent lands*, an *Environmental Impact Study* shall be prepared which will include consideration of:
- a) Whether connectivity can be maintained or enhanced before, during and after mineral *aggregate* extraction,
  - b) Whether significant hydrologic features and functions can be maintained or enhanced before, during and after mineral *aggregate* extraction; and,
  - c) How significant natural heritage features and *ecological functions* that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in that particular setting or eco-district.
- 3.6.11 In providing comments to the Ministry of Natural Resources on an application for license under the *Aggregate Resources Act*, the Township shall consider the need for screening, setbacks, fencing, hours of operation, surface and groundwater monitoring, noise, air quality, traffic control, *rehabilitation*, vibration from blasting, the cumulative effects of the proposed license area together with existing licensed areas on agriculture, environment features, commercial and residential areas and such other relevant matters as are considered appropriate by the Township.
- 3.6.12 In considering an application to amend the Official Plan and Zoning By-law, Council shall consult with Provincial Ministries and any other agency having jurisdiction to ensure that the activities of, and *rehabilitation* of, an extractive operation will be carried out in accordance with the appropriate legislation and to ensure that the effects on the social and *natural environment* are properly considered.
- 3.6.13 Despite any other provision, the Township, Niagara Region, and the Provincial Ministry of Transportation, or any agent of the foregoing, may, for public road

purposes, use any lot for the extraction and processing of *aggregate* material, by means of *wayside pits and quarries*, and for the use of portable asphalt plants and portable concrete plants without Planning Act approvals, except on any lot zoned for residential purposes, *natural environmental* or on any lot immediately adjacent to a lot zoned for residential purposes. Such uses shall be permitted through a Provincial permit under the Aggregate Resources Act and subject to the following information being provided for Council's consideration:

- a) Proposed haul routes;
- b) The proximity of the *wayside pit or wayside quarry* or portable asphalt plant to the project(s) it will supply;
- c) Impacts on adjacent land uses and residents;
- d) The site plan and operation of the proposed *wayside pit or quarry* or portable asphalt plant;
- e) Type of *rehabilitation*;
- f) Availability of alternate *aggregate* resources; and,
- g) The impact of the operation on the environment, including ground and surface water quality and quantity.

3.6.14 Any designated Agricultural Area used for a *wayside pit or wayside quarry* shall be rehabilitated back to agriculture and shall have substantially the same acreage and same average soil quality including soil capability restored for agriculture.

3.6.15 Existing *wayside pits and wayside quarries* shall be protected from the *development* of incompatible land uses on adjacent properties.

### 3.7 POSSIBLE EXTRACTIVE INDUSTRIAL AREA

**Intent:**

It is the intent of the Possible Extractive Industrial Area as identified on **Schedule B** to recognize the area that may be suitable for *quarry* purposes in the future.

**Goals:**

- To recognize new opportunities for mineral resource extraction for the short-term and long-term.

**Objectives:**

1. To protect mineral *aggregate* resources from uses that may hinder future resource extraction.

**Permitted Uses:**

- 3.7.1 Within the Possible Extractive Industrial Area, delineated on **Schedule B**, permitted uses may include *agricultural uses* only.

**General Policies:**

- 3.7.2 The Township will consider applications to redesignate this area for extractive industrial purposes in accordance with the requirements of Section 3.6. No extractive industrial use shall be permitted without an amendment to this Plan.

### 3.8 MINERAL AGGREGATE RESOURCE AREAS AND NATURAL GAS RESOURCE AREAS

#### *Intent:*

Mineral Aggregate Resource Areas are areas with known potential for *aggregate* resource extraction, and Natural Gas Resource Areas are areas with known potential for natural gas production. These areas are shown on **Schedule F**. The Mineral Aggregate Resource Areas and the Natural Gas Resource Areas require protection to allow the opportunity for future utilization of the resource. It is intended that these areas be protected for long-term use.

#### *Goals:*

- To recognize the local, regional and provincial significance of mineral *aggregate* and natural gas resources.

#### *Objectives:*

1. To protect mineral *aggregate* resources and natural gas resources from uses that may preclude or hinder future resource extraction.
2. To avoid hazardous conflict between natural gas wells and land uses.
3. To promote conservation of mineral aggregate resources by making provisions for the recovery of these resources wherever feasible.

#### *Permitted Uses:*

- 3.8.1 Within Mineral Aggregate Resource Areas and Natural Gas Resource Areas, permitted uses may be governed by the underlying land use designations delineated on **Schedule B** but subject to the additional policies of this Section.
- 3.8.2 Natural gas wells and associated facilities, including facilities for the underground storage of natural gas are permitted in Rural and Agricultural Areas shall be developed in accordance with the *Oil, Gas and Salt Resources of Ontario Operating Standards* as set out in *Ontario Regulation 245/97* of the *Oil, Gas and Salt Resources Act*. Proponents of new natural gas wells, facilities, and underground storage shall consult with the Township and the Region of Niagara at the time of application to the Ministry of Natural Resources.

#### *General Policies:*

- 3.8.3 The identification of Mineral Aggregate Resource Areas in **Schedule F** recognizes resources with known potential for future extraction. The identification of these areas does not enable new *pits* and quarries to be established without an amendment to the Official Plan and Zoning By-Law. No new extractive industrial use, new *pits* and

- quarries, or expansion of an existing licensed *pit* or *quarry* outside of the Extractive Industrial Areas as identified on **Schedule B** shall be permitted without an amendment to this Official Plan.
- 3.8.4 Any application to amend this Official Plan to permit the licensing and operation of a *pit* or *quarry* shall be subject to Section 3.6 of this Plan and the requirements of the *Aggregate Resources Act, RSO 1990*, as amended.
- 3.8.5 Council recognizes that the presence of gas resources in the Municipality can provide a significant contribution to the local economy. Accordingly, natural gas exploration and extraction activities are encouraged throughout the Municipality subject to the provisions of the *Water Resources Act* and the *Oil, Gas and Salt Resources Act* and their attendant regulations.
- 3.8.6 When considering *development* applications outside of Hamlets within the Mineral Aggregate Resource Areas and Natural Gas Resource Areas, Council shall give consideration to the potential for interference with the continuation or expansion of existing *aggregate* and natural gas operations, the future extraction of *aggregate* and natural gas resources, the need for and alternate locations for the proposed use, the extent to which other existing uses would limit extraction in the area, and the extent of licensed *aggregate* reserves in the Township.
- 3.8.7 In areas adjacent to or in known deposits of mineral *aggregate* resources or Petroleum resource areas (oil, natural gas), development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if the applicant submits, to the satisfaction of Council, a Mineral Aggregate and/or Petroleum Impact Study that concludes:
- a) Resource use would not be feasible; or
  - b) The proposed land use or development serves a greater long term public interest; and
  - c) Issues of public health, public safety and environmental impact are addressed.
- 3.8.8 Council recognizes that:
- a) The presence of old, improperly capped gas wells can pose hazards to human health and safety and property; and
  - b) The erection of buildings and structures too close to existing gas wells can result in potential land use conflicts.
- 3.8.9 In reviewing *development* proposals such as zoning by-law amendments, subdivision plans and land severances, Council shall require the proponent to consult with Niagara Region and the Petroleum Resources Centre of the Ministry of Natural Resources to determine:
- a) The presence of any gas wells (both active, suspended and abandoned) within 75 meters or greater of the application;

- b) Any potential hazards these wells pose to the proposed *development*; and
  - c) The means by which these hazards may be overcome, including the need for *development* setbacks, and/or capping methods.
- 3.8.10 As a condition of development approval, the Township shall require the proponent of development in areas with known suspended or abandoned wells, to assess the state of the wells. If improperly abandoned wells are discovered, the proponent of development shall properly plug the well in accordance with *Ontario Regulation 245/97 of the Oil, Gas and Salt Resources Act*, as amended.
- 3.8.11 The location and siting of new buildings should avoid locations near suspended or abandoned natural gas wells in order to reduce hazards to public health and safety that are normally associated with suspended or abandoned natural gas wells, unless it can be demonstrated that development can safely occur.
- 3.8.12 *Development* outside of Hamlets within 75 metres of active natural gas wells, as illustrated in **Schedule F**, and associated facilities shall demonstrate that the proposed land use will not adversely affect the continuation and expansion of existing natural gas resource operations.
- 3.8.13 The location and regulation of gas wells will be controlled by the Ministry of Natural Resources, in accordance with the provisions of the *Oil, Gas and Salt Resources Act*. Council may include provisions in the Zoning By-law:
- a) To establish setbacks for buildings and structures from gas wells; and
  - b) To control the location of uses ancillary to the *development*.
- 3.8.14 A stormwater management plan and sediment and erosion control plan shall not be required for a new *mineral aggregate operation* or expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the *Aggregate Resource Act*.

### 3.9 PARKS AND OPEN SPACE

**Intent:**

It is the intent of this Plan to provide a network of public open spaces, facilities and trails.

**Goals:**

- To encourage active, healthy, and social lifestyles.
- To maintain and improve Wainfleet's open space and recreational resources.

**Objectives:**

1. To provide physical and visual access to the Lake Erie waterfront and recognize the township-wide significance of the waterfront as an open space amenity.
2. To conserve and protect shoreline lands and valley lands for recreational use, where possible.
3. To provide a system of parks and open space areas which can adapt to changing public needs and preferences.
4. To provide an interconnected system of trails for pedestrian and bicycle use including linkage with the Region of Niagara Bikeways Network, and the Greater Niagara Circle Route.
5. To establish a neighbourhood park in each hamlet as a means to encourage active lifestyles.

**Permitted Uses:**

- 3.9.1 Permitted uses on lands designated Parks and Open Space, delineated on **Schedule B, B3** and **B9** may include passive and active recreational uses, conservation uses, public campgrounds and public *infrastructure*.

**General Policies:**

- 3.9.2 Lands designated Parks and Open Space are identified on **Schedule B, B3** and **B9** include Township parks, other publicly owned lands and some privately owned lands, including roads that lead to the Lake Erie shoreline used for private parkland purposes. It is the intent of Council to retain Township-owned lands in public ownership and to use these lands for public recreation purposes.
- 3.9.3 Public recreational uses along the Gord Harry Conservation Trail and the Welland Feeder Canal shall include linear activities such as trail systems and bicycle paths, as delineated on **Schedule D**. Potential for a historical interpretative centre adjacent to the canal in the Wainfleet Village area is recognized and encouraged.

- 3.9.4 It is an objective of the Township to establish more neighbourhood parks to encourage active lifestyles. The Township shall acquire more parkland to accommodate active recreational uses, through the parkland dedication requirements of the *Planning Act*.
- 3.9.5 The Township may accept land contributing to the parkland dedication requirements of the *Planning Act*, which provides a dual function of park facilities and stormwater control for infrequent storm events.
- 3.9.6 Hazard lands, *wetlands*, *floodplains*, lands designated or capable of being designated Environmental Protection Area or Environmental Conservation Area, residual lands or pedestrian walkways and bike routes shall not be accepted as parkland dedication except along the Lake Erie Shoreline.
- 3.9.7 Parkland dedication will occur in accordance with the provisions of the *Planning Act*, including the use of the alternative parkland dedication requirement. Accordingly, dedication of 5% of lands proposed for residential *development* and 2% of lands proposed for commercial, institutional and industrial *development* shall be required.
- 3.9.8 The Township may accept cash-in-lieu of parkland at its discretion, and shall use any funds collected to either enhance the supply of public parkland, or improve the facilities within any existing Township-owned park or recreation facility.
- 3.9.9 For *developments* proposing three or more lots along the Lake Erie waterfront, the required parkland dedication shall be located along the water's edge, although the Township may also accept cash-in-lieu of parkland, as set out in Section 3.9.8, at its discretion where the required parkland dedication would be small and isolated.
- 3.9.10 In order to ensure public waterfront access, the Township will endeavour to not sell public lands, along the Lake Erie shoreline, that are being used for waterfront public access unless it facilitates a suitable alternative that provides for improved access nearby.
- 3.9.11 Any new Parks and Open Space designations that incorporate lit facilities will be buffered from adjacent residential uses in order to minimize impacts.
- 3.9.12 It is expected that privately owned Parks and Open Space lands will continue to contribute to the visual open space of the Township.
- 3.9.13 The Township may undertake a parks and recreation master plan; the results of which may be incorporated into this Plan.

### 3.9.14 Design Policies for Parks and Open Space

3.9.14.1 New Parks and Open Space shall be safe and accessible for all. Accordingly, new Parks and Open Space shall be designed according to the following criteria:

- a) Parks should have significant road frontage to provide public views into the park, and ensure public safety;
- b) Pedestrian access to parks should be clearly defined with landscape or architectural elements to ensure an appealing park presence;
- c) Park design should ensure visual privacy for adjoining residents;
- d) Where fencing is required, the design should be consistent around the perimeter of the park;
- e) Street trees should be planted along the edge of parks, while not screening the view into parks;
- f) Seating and shade areas should be designed in concert with pathways and play areas; and,
- g) Parking facilities for bicycles shall be provided in convenient locations and shall meet the following design criteria: secure, lighted, highly visible, and where possible sheltered. The location and design of bicycle parking shall minimize any impediments with other systems such as pedestrian and emergency vehicles.

3.9.14.2 In addition to the design criteria of Section 3.9.14.1, the following general criteria shall apply to trails:

- a) Trails for pedestrians and cyclists should be accessible for all and of a sufficient width to accommodate both cyclists and pedestrians. Pedestrian-only-trails may be of narrower width;
- b) Trails will be designed to accommodate a range of users and abilities. Slopes, where possible, should be under 5 percent. The use of permeable materials shall be encouraged in trail construction in areas where sufficient drainage exists;
- c) Trails should be clearly signed regarding permitted use and speed. Way finding signage shall be provided throughout the trail network. The Township will work with other agencies to implement local, Regional and Provincial trail networks in the Township.
- d) Benches and garbage receptacles should be provided at trailheads and at regular intervals along the route; and,
- e) Trails located in proximity to sensitive natural features should incorporate interpretive signage at various locations to promote stewardship initiatives that will protect and enhance the features and functions of the *natural environment*.

### 3.10 RESORT RECREATIONAL

**Intent:**

Private recreational and resort establishments are major destinations for visitors of Wainfleet and contribute to the economic activity of the Township. The Resort Recreational designation as delineated on **Schedule B** and **B9** recognizes existing private recreational establishments, and provides direction for future recreational opportunities.

**Goals:**

- To recognize resort recreational opportunities.
- To support Wainfleet's potential as a recreation-tourist area.

**Objectives:**

1. To provide opportunity for private recreational establishments.
2. To provide for a range of recreational activities that are suitable to Wainfleet's rural character, and compatible with surrounding *agriculture operations*.
3. To ensure compatibility with surrounding residential and *agricultural uses*.

**Permitted Uses:**

- 3.10.1 Permitted uses on lands designated Resort Recreational, delineated on **Schedules B** and **B9** may include resorts, tourist cabins and other tourist accommodations, golf courses, and campgrounds.

**General Policies:**

- 3.10.2 Council shall exercise discretion in the zoning of Resort Recreational areas in order that the scenic values and the open space character and quality of the Resort Recreational areas may be protected in the best interests of both the recreation-tourist industry and the entire community.
- 3.10.3 The Township recognizes that resort recreational opportunities mostly exist, and will likely continue to locate in the Lakeshore Area or the Rural Area of the Countryside. Accordingly, new Resort Recreational areas may be permitted in the Rural Area subject to the direction of Section 2.3.6. In addition, new or redeveloped resort recreational establishments must address matters of compatibility with the surrounding rural character and *agriculture operations* including compliance with the *minimum separation distance formulae*.
- 3.10.4 In addition to Section 3.10.3, new or redeveloped resort recreational establishments shall ensure compatibility in terms of scale and built form with the character of the surrounding residential uses in, or adjacent to the Lakeshore Area and within the Rural Area of the Countryside.

- 3.10.5 New Resort Recreational areas and the redevelopment and expansion to existing resort recreational establishments may be required to provide a transition and / or buffer on the property to ensure compatibility with existing residential uses *and agricultural operations*.
- 3.10.6 New resort recreational establishments shall demonstrate no adverse impact to water resources and to natural features and functions.
- 3.10.7 Proposals for new resort recreational uses shall demonstrate, to the satisfaction of the Township, that the site can be provided with adequate *sustainable private services*, in accordance with Section 5.1.
- 3.10.8 New resort recreational uses shall be subject to site plan control.
- 3.10.9 The maximum built form density of Resort Recreational areas shall be addressed in the implementing zoning by-law on a site specific basis. When determining the appropriate density on the site, consideration shall be given to:
- a) Compatibility with adjacent uses and character;
  - b) Clustering of new uses in the resort recreation designation to provide a buffer adjacent to surrounding areas and uses; and
  - c) Providing a transition in height and density to surrounding areas.
- 3.10.10 New golf courses may only be permitted in the Rural Area of the Countryside through an Official Plan and Zoning By-law Amendment, which redesignates the site Resort Recreational. The Township shall consider the following matters in the review of applications for new golf courses:
- a) A minimum size of 10 hectares;
  - b) Compliance with the *minimum distance separation formulae*;
  - c) Suitable screening and buffering from adjacent uses and roads, as determined in part through a golf ball spray analysis;
  - d) The suitability of groundwater supply for irrigation is demonstrated through a hydrogeological study including demonstration that there will be no impact on adjacent wells or on the *ecological function* of nearby Natural Environmental Area features;
  - e) The feasibility of *sustainable private services* is demonstrated through appropriate technical studies;
  - f) Adequate access to the site from an opened and maintained public road is provided, and it is demonstrated through appropriate traffic studies that it will not create a traffic hazard; and
  - g) Any accessory commercial use shall be located to minimize conflict with surrounding uses.

### 3.11 HAZARD LAND AREA

#### *Intent:*

The Hazard Land Area includes areas that have inherent physical hazards such as flood susceptibility, steep slopes, erosion susceptibility, or other physical condition, which is severe enough to cause property damage and/or potential loss of life if the lands were to be developed with habitable buildings or structures.

The Hazard Land Area includes flood and erosion prone lands along the Lake Erie shoreline and flood and erosion prone lands along Big Forks Creek, Welland River, and other smaller streams flowing into Lake Erie as shown on **Schedules B** through **B9** as well as known *hazardous sites*.

#### *Goals:*

- To restrict *development* in those areas of the Township where physical hazards could cause property damage and/or loss of life.

#### *Objectives:*

1. To direct *development* away from areas of natural hazards.
2. To prohibit *development* where there is an unacceptable risk to public health or safety or of property damage.
3. To minimize the risk of personal injury, loss of life or property damage, and to minimize public costs and social and economic disruption from natural hazards.
4. To ensure that *development* and *site alteration* do not create new hazards, or aggravate existing ones.

#### *Permitted Uses:*

- 3.11.1 The Hazard Land areas, delineated on **Schedules B through B9** is an overlay designation and applies in addition to the other identified designations.
- 3.11.2 Lands shown as Hazard Land include lands potentially unsafe for *development* due to *flood hazard*, erosion hazard, *hazardous sites* or steep slopes.
- 3.11.3 Within lands shown as Hazard Land Area, permitted uses may be limited to *agricultural uses* excluding new buildings, non-intensive recreational uses such as pedestrian trails, forestry, wildlife and *fisheries management*, essential transportation and *utility* facilities, open space, existing uses, flood and/or erosion control works, watershed management, and other passive non-structural uses which do not affect flood flows except as otherwise permitted in the policies of this section. Other recreational uses may be permitted only where the subject use is permitted in the underlying land use designation and in keeping with the requirements of the Provincial Policy Statement and the regulations of the Niagara Peninsula Conservation Authority.

- 3.11.4 Where the Hazard Land Area overlays an Environmental Protection Area or Environmental Conservation Area designation, *agricultural uses* shall be limited to existing uses and forestry, fish, wildlife or conservation management uses may also be permitted in accordance with Section 3.1.

**General Policies:**

- 3.11.5 *Hazardous lands* and sites identified and mapped by the Niagara Peninsula Conservation Authority are designated as Environmental Protection Areas on the **Schedule B**. Where an application for *development* or *site alteration* is made and such 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.
- 3.11.6 *Development*, including the creation of *new* lots, shall not be permitted in areas identified as susceptible to *flood hazard* as defined by the *Provincial Policy Statement* and regulated by the Niagara Peninsula Conservation Authority, except for uses which by their nature must locate within the *floodway* such as flood or erosion control works.
- 3.11.7 Notwithstanding the provisions of Policy 3.11.6, extensions, enlargements or reconstructions of existing buildings and structures 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 "Fill, Construction and Alteration to Waterways Regulation" (as amended) or its successor, and subject to the Conservation Authority's approval.
- 3.11.8 Any building which is located in the *flood plain* that has been destroyed for reasons other than flooding may be allowed to be rebuilt, subject to the requirements of the Niagara Peninsula Conservation Authority's *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 155/06*, as updated time to time, provided the building cannot be relocated to an area outside of the *flood plain*. The Niagara Peninsula Conservation Authority regulation areas are generally illustrated in **Appendix 3**.
- 3.11.9 *Development* shall generally be directed to areas outside of *hazardous sites* such as areas of *unstable* soils, organic soils or *unstable* bedrock. *Development* and *site alteration* will not be permitted on *hazardous sites* unless a geotechnical engineering study prepared and signed by a qualified engineer has demonstrated to the satisfaction of the Township in consultation with the Niagara Peninsula Conservation Authority that the *development* is feasible.
- 3.11.10 *Development* will generally be directed to areas outside of *hazardous lands* adjacent to river and stream systems, which are impacted by erosion hazards. The determination of the erosion hazard limit will be based on a combined influence of the: stable slope allowance; erosion access allowance; and *flooding hazard* limit or

meander belt allowance. A geotechnical engineering study, prepared to the satisfaction of the Township, the Niagara Peninsula Conservation Authority, and the Niagara Region, shall be required to support any *development* located within the erosion hazard limit.

3.11.11 *Development* will generally be directed to areas outside of *hazardous lands* adjacent to Lake Erie, which are impacted by flooding and erosion hazards. Development and site alteration shall not be permitted within the dynamic beach hazard limit of Lake Erie. The hazard area along Lake Erie is defined by the furthest landward limit of the *flooding hazard*, erosion hazard, and *dynamic beach* hazard, as follows:

- a) The determination of the *flooding hazard* limit along the shoreline of Lake Erie shall consider:
  - i) The average annual high water mark,
  - ii) The flood allowance for wave uprush, and
  - iii) The flood allowance for other water related hazards such as ice piling and ice jamming;
- b) The erosion hazard limit shall be determined when considering:
  - i) The stable slope allowance, and
  - ii) The average annual recession, and the erosion allowance; and
- c) The *dynamic beach* hazard limit will be determined by the *flooding hazard* limit and an associated allowance. Development and site alteration shall not be permitted within the dynamic beach hazard limit of Lake Erie.

3.11.12 A hazard land study, prepared to the satisfaction of the Township and Niagara Peninsula Conservation Authority, may be required to support any *development* within the Hazard Land Area adjacent to Lake Erie. The hazard land study shall measure the extent of the hazard as per Section 3.11.11.

3.11.13 Areas of steep slopes can be a constraint to *development*. These are generally slopes exceeding 15%. Applications for *development* shall identify areas of steep slopes and assess the constraints to *development*. *Development* will not be permitted on areas of steep slopes unless a geotechnical analysis has demonstrated, to the satisfaction of the Township in consultation with the Niagara Peninsula Conservation Authority, that the slopes are stable and safe and *development* is feasible.

3.11.14 In the circumstances described in Section 3.11.8 to 3.11.15, *development* and *site alteration* may be permitted on portions of *hazardous lands* or *hazardous sites*, provided the Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

- a) Development and site alteration will be in accordance with provincial flood proofing standards, protection works standards and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

- c) New on-site or off-site hazards will not be created or existing ones aggravated; and
  - d) No adverse environmental impacts will result.
- 3.11.15 Some existing lots, buildings and structures are located within the flooding and erosion hazard limits as identified by the Niagara Peninsula Conservation Authority. Minor additions to existing buildings in the *flood plain* may be permitted provided that:
- a) They are of a peripheral nature (such as decks, and porches); and, provided that,
    - i) They are properly anchored to prevent flotation,
    - ii) They are not subject to major damage by flooding, and,
    - iii) Flood flows and flood water storage are not impeded; and,
  - b) They meet the following criteria:
    - i) Any addition to the ground floor area of an existing Building shall not exceed 20 per cent of the *original ground floor area* or 28 square metres, whichever is the lesser,
    - ii) The existing flood depths and flood velocities do not exceed the criteria set out in the Niagara Peninsula Conservation Authority's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document*,
    - iii) All openings in the ground floor of the building are to be located above the *regulatory flood* elevation,
    - iv) Vehicular and pedestrian *ingress/egress* is not to be flooded to a depth greater than 0.3 metres under the *regulatory flood* event, and
    - v) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition.
- In general, any *development* permitted will be subject to provincial and watershed standards and procedures for a hazard land *development*.
- 3.11.16 Despite Sections 3.11.7 through 3.11.12, in no case shall the following uses be permitted on *hazardous lands* and *hazardous sites*:
- a) Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
  - b) Essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; and
  - c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- 3.11.17 Where *development* is not permitted in a hazard area as per Section 3.11.5 through 3.11.11, the hazard area shall be zoned to recognize the hazard nature of the lands.

- 3.11.18 Approvals for any *development* within lands designated Hazard Land shall also require the prior written approval of the Niagara Peninsula Conservation Authority.
- 3.11.19 In cases where there is a discrepancy with the flood lines shown on the land use schedules of this Plan and the lines mapped / approved by the Niagara Peninsula Conservation Authority, the lines shown on the Authority's maps shall be used.
- 3.11.20 The Niagara Peninsula Conservation Authority administers the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 155/06*, under the *Conservation Authorities Act (O. Reg. 155/06)*. These regulated areas include such areas as *floodplains*, erosion areas, *wetlands*, shorelines, and *watercourses*, which are generally illustrated in **Appendix 3**. A permit is required from the Niagara Peninsula Conservation Authority prior for any *site alteration, development, interference with wetlands* and alterations to shorelines and *watercourses*.
- 3.11.21 In many cases, the Hazard Land lines shown on the Schedules are an approximation of the potential hazard. To determine if a property is actually susceptible to a natural hazard, such as flood, erosion or wave uprush, the Niagara Peninsula Conservation Authority should be contacted and a site-specific natural hazard study may be required.
- 3.11.22 Not all *floodplains* within Wainfleet have been mapped by the Niagara Peninsula Conservation Authority, or have been delineated on **Schedules B** through **B9** particularly along smaller watercourses. Where no *flood plain* mapping is available and the Niagara Peninsula Conservation Authority has a *flood hazard* concern, the applicant will be required to determine the limits of the 100-year flood on the subject property.
- 3.11.23 Along valleylands where the valley bank height is equal to or greater than 3 metres, the following provisions apply:
- a) A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the Conservation Authority, shall be required for all new structures, including swimming pools and subsurface sewage disposal systems, and for *site alterations*.
  - b) Where the Conservation Authority finds evidence of slope instability or where the angle of the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance), a geotechnical report prepared by a qualified engineer shall be submitted with an application for new *development* or *site alteration*. A setback 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.
  - c) Within Hamlets, the Township 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.

- d) Where possible, existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed.
- e) New lots created through plan of subdivision, plan of condominium or consent shall not extend below the top of the valley slope as determined by the Conservation Authority. Lands below the top of the valley slope shall be maintained as one block in a plan of subdivision or plan of condominium. Dedication of these lands for conservation purposes either to the Township or to another *public agency* is encouraged.

### 3.12 INSTITUTIONAL AREA

**Intent:**

The intent of this Plan is to recognize new and existing institutional uses within the Township.

**Goals:**

- To provide institutional uses that are conveniently located, and compatible with adjacent uses.

**Objective:**

1. To ensure that institutional uses are located in a manner that maximizes accessibility to residents and compatibility with adjacent uses.

**Permitted Uses:**

- 3.12.1 Within the Institutional Area designation, delineated on **Schedules B through B9**, permitted uses may include:
- a) Facilities related to federal, provincial, regional or municipal government service delivery and administration;
  - b) Places of worship;
  - c) Educational and recreational facilities;
  - d) Accessory housing related to the institutional use; and,
  - e) Cemeteries.

**General Policies:**

- 3.12.2 All new *development* and/or redevelopment shall be subject to Site Plan Control. Any *re-development* of an existing institutional use, which would involve an expansion of the Gross Floor Area by more than 15 percent shall also be subject to Site Plan Control.
- 3.12.3 Evaluation of an application for a new Institutional designation will be based on conformity with the following criteria:
- a) Incompatibilities with surrounding uses, particularly residential uses, can be mitigated in an acceptable manner through the provision of buffering, landscaping and/or engineering solutions or other similar approaches;
  - b) Preparation of a traffic impact study, which outlines potential impacts of traffic on surrounding areas;
  - c) The scale of the buildings are compatible with the character and image of the surrounding area; and

- d) The site can be provided with *sustainable private services* and drainage systems in accordance with Section 5.1.
- 3.12.4 Facilities related to federal, provincial, regional or municipal government service delivery and administration, along with education facilities should be located within the Hamlet areas.
- 3.12.5 Where a location outside of a Hamlet is proposed for a new Institutional use, the application must demonstrate the matters set out in Section 3.12.3, 3.1.3.10 and 3.1.4.6.
- 3.126 The Township will continue to work with other levels of government and agencies to ensure that sufficient level of public services are provided to the residents of Wainfleet.

# 4.0 ENVIRONMENTAL MANAGEMENT

## 4.1 HEALTHY LANDSCAPE

### **Intent:**

In making land use decisions, consideration of the environment is not limited to the lands within the Natural Heritage System or on lands designated Environmental Protection or Environmental Conservation. The intent of this policy section is to ensure environmental implications of land use decisions be considered throughout the Township of Wainfleet to achieve a sustainable and healthy landscape.

### **Objectives:**

1. To conserve Wainfleet's distinctive natural character.
2. To apply an ecosystem-based approach to planning and decision-making.
3. To foster and promote cooperation among public agencies, private landowners and community groups.
4. To support and encourage environmental stewardship and restoration.
5. To maintain a healthy natural environment for present and future generations.

### **Policies:**

4.1.1 An ecosystem approach shall be employed in the consideration of all land use matters and shall address:

- a) The interrelationships among air, land, water, plant and animal life, and human activities;
- b) The health and integrity of the broader landscape, including impacts on the *natural environment* in neighbouring jurisdictions; and
- c) The long term and cumulative impacts on ecosystems.

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

Where more than one policy in Section 3.2 and 4.0 applies to a planning application, all of the applicable policies are to be addressed, with the more environmentally restrictive policies applying where there are conflicts.

4.1.3 The Township will collaborate with the Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an

- environmental database and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.
- 4.1.4 Where major changes in land use policy are being considered such as a hamlet boundary expansion or a secondary plan, the Official Plan shall require an Environmental Planning Study. An Environmental Planning Study shall include:
- a) An environmental inventory and assessment;
  - b) A recommended environmental management strategy to maintain, enhance and restore ecological health and integrity within the study area;
  - c) A recommended *development plan* identifying where *development* may take place, environmental features and functions to be maintained or restored, and appropriate policies;
  - d) Recommendations for amendments to the Official Plan; and
  - e) A monitoring plan to assess environmental health during and after *development*.
- 4.1.5 When a significant development such as a golf course, a residential subdivision or a large commercial, industrial or institutional development is proposed that requires a number of different environmental studies a report shall be submitted with the application providing an integrated review of the environmental issues and the interrelationships among them. Such a report shall not be required where an equivalent review has been prepared for the proposal under Federal or Provincial legislation such as the Environmental Assessment Act or the Aggregates Resources Act review.
- 4.1.6 Features listed in 3.2.1.1 and 3.2.2.1 that exist outside of the designated land areas shall be protected as provided in Section 3.2.

## 4.2 WATER RESOURCES

### ***Intent:***

Water resources include both surface water, i.e. lakes, rivers and streams, and ground water, i.e. aquifers. The intent of this Plan is to protect, improve and restore the quality and quantity of ground and surface water resources.

### ***Objectives:***

1. To improve or restore the quantity and quality of ground and surface water resources.
2. To maintain or restore natural stream form and flow characteristics in the Wainfleet's *watercourses*.

**Policies:**

- 4.2.1 *Development and site alteration* shall be restricted in the vicinity of significant groundwater recharge and areas of *high aquifer vulnerability* so that the safety, quality and quantity of ground water is protected. Areas of potential significant groundwater recharge are schematically delineated in **Appendix 1**. Areas of *high aquifer vulnerability* have been mapped by the Niagara Peninsula Conservation Area, as shown in **Appendix 2**.
- 4.2.2 Areas of significant groundwater recharge and discharge can have implications for *development*. However, the scale of mapping available makes it difficult to quantify the significance of the recharge or discharge function in these areas and the implications for *development*. As such, more detailed hydrogeological studies may be required through secondary plan studies, and/or prior to approval of any site specific applications for Official Plan Amendment or rezoning. New or expanding *mineral aggregate operations* shall be required to complete a hydrogeological study in accordance with Policy 3.6.6. It shall be used to identify and refine groundwater recharge / discharge areas and areas of *high aquifer vulnerability*, to assess impact from *development* and to protect the hydrological integrity of significant groundwater recharge and discharge functions.
- 4.2.3 The hydrogeological studies required in Section 4.2.2 above shall be completed to the satisfaction of the Township and the Niagara Peninsula Conservation Authority and shall:
- a) Identify and refine groundwater recharge / discharge areas and areas of *high aquifer vulnerability*;
  - b) Quantify the significance and sensitivity of the recharge or discharge function in these areas;
  - c) Assess the hydrologic implications on nearby *watercourses*, wetlands and drainage systems;
  - d) Assess potential impacts on nearby natural features and their *ecological functions* from changes in groundwater recharge or discharge; and,
  - e) Recommend mitigation measures to protect the hydrological integrity of significant groundwater recharge and discharge functions and areas of *high aquifer vulnerability* to ensure no net *negative impacts*.
- 4.2.4 As watershed and ground water studies identify surface and ground water features, hydrologic functions and natural heritage features and areas necessary for the ecological and hydrologic integrity of Niagara's watersheds, the Township in consultation with the Niagara Region and Niagara Peninsula Conservation Authority and shall consider appropriate amendments to this Plan.
- 4.2.5 *Development and site alteration* shall only be permitted if it can be demonstrated that it will have no *negative impacts*, including cross-jurisdictional and cross-watershed impacts, on:

- a) The quantity and quality of surface and ground water;
  - b) The functions of ground water recharge and discharge areas, aquifers and *headwaters*;
  - c) The natural hydrologic characteristics of *watercourses* such as base flow;
  - d) Natural features or *ecological functions* of the Natural Heritage System or its components due to changes in surface or ground water resources;
  - e) Natural drainage systems, stream forms and shorelines; and
  - f) Flooding or erosion.
- 4.2.6 Mitigative measures and/or alternative *development* approaches may be required in order to protect, improve, or restore *surface water features*, sensitive ground water features and their *hydrologic functions*.
- 4.2.7 The Township shall promote the efficient and sustainable use of water resources in all new *developments* and municipal operations.
- 4.2.8 Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Region and the Township of Wainfleet that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet existing and planned uses.

### 4.3 SHORELINES

#### ***Intent:***

The Lake Erie shoreline is a valued attribute of Wainfleet for its residents and visitors. It is the intent and goal of the Official Plan to protect and maintain the Lake Erie shoreline as a celebrated public amenity.

#### ***Objectives:***

1. To maintain and, where possible, improve public access to open space along Niagara's shorelines.
2. To maintain the Lake Erie shoreline in as natural a condition as possible and to promote environmental protection, restoration and enhancement.
3. To implement Federal and Provincial agreements related to the protection and/or restoration of the Great Lakes.

#### ***Policies:***

- 4.3.1 Public access to the Lake Erie shoreline shall be maintained and enhanced. Road closings that would reduce public access shall not be permitted unless a suitable new access is provided nearby. Road stubs that lead to the Lake Erie shoreline shall be maintained as public access points.

- 4.3.2 Landowners shall be encouraged to maintain the Lake Erie shoreline in a natural state by:
- a) Maintaining or establishing a naturally vegetated buffer strip along the shoreline; and
  - b) Using non-structural shoreline protection such as bioengineering with native vegetation.
- 4.3.3 Where *development* and/or the creation of new lots or units is proposed along the Lake Erie shoreline:
- a) Public access to the shoreline shall be provided where feasible;
  - b) Efforts shall be made to maintain a view of the shoreline from beyond the *development*;
  - c) Where feasible, the shoreline should be maintained in, or restored to, a naturally vegetated state; and
  - d) As part of the parkland dedication requirement, suitable shoreline lands should be dedicated to the Township in accordance with Sections 3.9.7 and 3.9.9; and
  - e) A permit will be required from the Niagara Peninsula Conservation Authority as per Section 3.11.20.
- 4.3.4 *Development* and *site alteration* shall not be permitted in the dune areas along the Lake Erie shoreline unless they are in compliance with other policies in this Plan and it has been demonstrated that they will not have a significant *negative impact* on the natural features and *ecological functions* of the dunes or on adjacent properties. An *Environmental Impact Study* in accordance with Section 8.9 shall be required for any planning application in the dune areas.

## 4.4 MUNICIPAL DRAINS

### ***Intent:***

The intent of this section is to recognize the importance of municipal drains to the agricultural land base, and to maintain their integrity.

### ***Objectives:***

1. To support design, construction, and maintenance of municipal drains.
2. To avoid detrimental effects on farmland from flooding.
3. To avoid detrimental effects on *fish habitat*.

***Policies:***

- 4.4.1 The primary function of the municipal drains delineated on **Appendix 4** is to provide drainage for agricultural lands and for other residential properties and Hamlets. These drains also may be used to convey irrigation water for *agricultural use*. The Township supports ongoing drain maintenance in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains and the *Drainage Act* RSO 1990.
- 4.4.2 Where a Municipal Drain is identified as having *fish habitat* in **Schedule B**, ongoing maintenance of the Municipal Drain shall continue to be permitted in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains and the *Drainage Act* RSO 1990.
- 4.4.3 Where *development* or *site alteration* is proposed adjacent to a Municipal Drain that is identified as *fish habitat*, the policies of Section 3.2.3 apply.
- 4.4.4 Where *development* or *site alteration* is proposed adjacent to a Municipal Drain not identified as *fish habitat*, a building setback a minimum 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 buffer may be permitted where it has been demonstrated to the satisfaction of the local municipality and the Niagara Peninsula Conservation Authority that there will not be a significant *negative impact* on the maintenance and functioning of the drain.

## 4.5 SUSTAINABILITY AND ENERGY CONSERVATION

***Intent:***

It is the intent of this Plan to support and promote sustainable development and energy efficiency by encouraging the reduction of energy consumption, endorsing the *development* of walkable residential areas, encouraging green building designs and by promoting innovative forms of alternative and renewable energy.

***Objectives:***

1. To promote sustainability practices which reduce air pollutants and greenhouse gas emissions, and reduce impact on the natural environment.
2. To encourage *development* which minimizes energy consumption and emphasizes the use of renewable energy sources providing there are no adverse effects.

***Policies:*****4.5.1 Sustainable *Development***

Sustainability is a fundamental provincial objective and important land use planning principle. The Township encourages sustainable *development*, and shall:

- a) Promote the creation of walkable Hamlets and residential areas that encourage a range of uses in each Hamlet to meet day-to-day needs;
- b) Provide for bicycle facilities inclusive of off road treatment (bike lanes and paved shoulders), off road trails/paths and adequate bicycle parking in order to improve connectivity and expand the cycling network;
- d) Preserve open space, farmland, and significant environmental areas;
- e) Utilize building and plant materials native to the Region;
- f) Provide for parks and recreational facilities within the Hamlets;
- g) Promote the use of green building technologies in new *developments*;
- h) Promote a culture of conservation of water and energy;
- i) Promote energy efficient outdoor lighting and minimize glare on adjacent properties; and
- j) Promote the use of rain barrels for roof run-off.

**4.5.2 Energy Conservation**

The Township shall promote energy efficiency through the following efforts:

- a) Investigate means to reduce energy consumption in all Township-owned, maintained, and/or operated facilities and equipment;
- b) Identify alternative measures to improve the energy efficiency of municipally owned buildings, and consider the potential for on-site electricity generation as allowed by the *Green Energy and Green Economy Act*;
- c) Co-operate with the appropriate public and private agencies to inform the public of energy concerns and promote energy conservation;
- d) Encourage through site planning and building design innovative ideas relating to energy conservation and renewable energy production;
- e) Encourage new *developments* to identify opportunities for *alternative energy systems*;
- f) Promote, where practicable, the consideration of topography and landscaping in the design of residential, commercial and industrial subdivisions and the orientation of buildings for proper sun and wind orientation;
- g) Encourage the retrofitting of older energy inefficient buildings;

- h) Encourage the use of appropriately selected and located vegetation that will reduce the energy consumption of buildings;
- i) Encourage buildings to be designed to maximize access to direct sunlight during winter daylight hours and for potential solar collector panels; and
- j) Encourage *development* patterns that support and encourage walking and cycling, and the reduction of automobile trips.

#### 4.5.3 Renewable Energy

- 4.5.3.1 When a new renewable energy generation facility is proposed in the Township, the Township shall hold a public information meeting to assist in providing input to the municipal consultation component of the renewable energy generation facility approval process.
- 4.5.3.2 Where proponents of renewable energy generation facilities require the use of municipal rights of way for the transmission of electricity, proponents shall obtain approval for such use from the Township.
- 4.5.3.3 The Township recognizes the potential of the Lake Erie shoreline to produce wind energy. The effects of approval of a number of renewable wind energy projects may have implications on future land uses in the Lakeshore Area and such effects shall be reviewed and considered in the next 5-year review of the Official Plan.

## 4.6 WASTE DISPOSAL AREAS

### *Intent:*

The Waste Disposal Assessment Area as shown on **Schedule C** identifies closed sanitary landfill sites and the Waste Disposal Assessment Area within 500 metres (1,640 feet) of the closed landfill site. It is the intent of this policy section to provide guidance for future *development* in and around the closed landfill sites.

### *Objectives:*

1. To recognize the inherent health and environmental impacts associated with landfill sites.
2. To provide direction for proposed *developments* within 500 metres of the Township's closed landfill sites.

### *Policies:*

- 4.6.1 Where *development* is proposed on or within 500 metres of a the Closed Sanitary Landfill Site, as delineated on **Schedule C**, such *development* will be subject to the following policies:

- a) Written approval has been received from the Ministry of Environment that the development satisfies the provisions of the *Environmental Protection Act, R.S.O. 1990*, where the lands were used previously for waste disposal purposes, and then, only if twenty-five (25) years or less have elapsed since the cessation of landfilling;
  - b) Studies have been carried out to the satisfaction of the Township, Niagara Region in consultation with the Ministry of the Environment that demonstrates that there will be no adverse effects to persons and property from the Closed Sanitary Landfill Site. Such studies may include ground and surface water (hydrogeology and hydrology) studies, and methane gas migration studies, and shall be completed in accordance with the Ministry of Environment's Guideline D-4 Land Use On Or Near Landfills and Dumps, as amended or replaced from time to time;
  - c) The Township, in consultation with Niagara Region, shall require the construction and phasing of all *development* to coincide with the control of any problems identified by the studies;
  - d) The Township, after consultation with the Region, shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of all structures;
  - e) Notwithstanding the above policies, permitted *agricultural uses* may be established within the Waste Disposal Assessment Area, other than on the landfill site itself, without the approval of the Ministry of the Environment.
  - f) As a condition of final site plan or subdivision approval, odour, noise control measures and warning clauses may be required.
- 4.6.2 Lands within the Waste Disposal Assessment Area, as delineated on **Schedule C** shall be zoned in a holding category, which does not permit new buildings or structures. When such areas are deemed suitable for *development* subject to the applicable policies of this section the holding symbol may be lifted.
- 4.6.3 When updating the Zoning By-law, there will be a holding provision added to the parcel known as Part of Lots 1 and 2, Concession 5 and 6 requiring the provision of an environmental site in accordance with Section 8.8.1.

## 4.7 LANDFORM CONSERVATION

### *Intent:*

It is the intent of this policy section to protect Regionally Significant Earth Science *Areas of Natural and Scientific Interest*, significant landforms and geological features, and conserve soils.

### *Objectives:*

1. To protect Regionally significant earth science areas of natural and scientific interest
2. To prevent development and site alteration that will have negative impacts on a feature or its *ecological functions*, or pose hazards to life or property.

### *Policies:*

- 4.7.1 *Development or site alteration* within or adjacent to Regionally Significant Earth Science *Areas of Natural and Scientific Interest* shown on Schedule E shall be accompanied by an Environmental Impact Study that demonstrates there will be no *negative impacts* on the natural features or *ecological functions* for which the area is identified.
- 4.7.2 *Infrastructure* including *linear infrastructure* may be permitted within a Regional Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid or minimize *negative impacts*.
- 4.7.3 The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- 4.7.4 In the review of *development* applications, the following *development* guidelines shall be considered:
- a) New roads should be designed to harmonize with the existing topography to the extent possible, thus minimizing changes;
  - b) The removal of vegetation along shorelines should be discouraged; and
  - c) Views from and of locally significant landforms should be protected.
- 4.7.5 As a condition of *development* approval, applicants shall identify planning, design, grading and construction practices that avoid negative impacts on the landform feature and its *ecological function* or, if not possible, keep disturbance of the landform feature to a minimum.

- 4.7.6 Planning applications shall integrate natural features and natural vegetation, into *development plans*.
- 4.7.7 As a condition of *development* approval, Council may require measures to conserve topsoil and reduce or mitigate soil erosion.
- 4.7.8 Alteration By-laws to protect and control the placing or dumping of fill; the removal of topsoil and vegetation; and the alterations to the grade of land may be adopted.

# 5.0 INFRASTRUCTURE AND ROADS

## 5.1 SERVICING

### *Intent:*

It is the intent of this Plan to ensure a healthy community through adequate water supply and sewage disposal, and promote sustainable and environmentally supportive communities.

### *Objectives:*

1. To ensure that all *development* in the Township is adequately and appropriately serviced.
2. To ensure that all *development* in the Township is sustainable and environmentally responsible, and contributes to a healthy community.
3. To ensure that all *development* is within the fiscal abilities of the Township over the lifecycle of the related infrastructure.

### *Policies:*

5.1.1 Communal water and sanitary sewer services are permitted where they are consistent with sustainable private servicing policies of this Plan. It is not intended that the Region or the Township become a party to a default responsibility agreement for such services. However, communal water and communal sanitary sewer services may be considered through a site-specific official plan amendment where matters such as long-term maintenance and responsibility are addressed. The Township recognizes existing communal water and sanitary sewer services such as the water system in Long Beach and the communal system approved for the Lakewood Beach Development on Lot 17, Concession 1.

5.1.2 *Development* and the creation of new lots in the Township shall only be permitted where:

- a) The Township and the Niagara Region Public Health Department are satisfied by means of a hydrogeological study conducted by a suitably qualified consultant that there is an adequate supply of potable water; and,
- b) The Township is satisfied that the lot size, soils, drainage and siting of the buildings will permit the installation of *sustainable private systems* that meets the Ministry of Environment *reasonable use guidelines* and will not have negative impacts on surface or ground water features.

5.1.3 In the event that municipal water and sanitary services are provided to the Lakeshore Area, the following shall be required:

- a) All new *development* in the Lakeshore Area and Burnaby Hamlet shall connect to municipal water and sanitary services; and,
  - b) An area specific *development* charge for the Lakeshore Area and Burnaby Hamlet shall be created to finance long-term municipal *infrastructure* investments over its anticipated lifecycle.
- 5.1.4 The Township shall prepare a Township-wide *development* charge by-law to finance *infrastructure*, such as roads and community facilities, throughout the municipality.

## 5.2 STORMWATER MANAGEMENT

### **Intent:**

Management of stormwater is important not only to minimize downstream flooding but also to reduce the impact of *development* on surface water quality. It is the intent of this plan to reduce flooding and ensure that new *development* incorporates the highest level of stormwater management feasible in accordance with Provincial, Regional and Township standards.

### **Objectives:**

1. To ensure that all *development* in the Township reduce, and mitigate adverse impact on water quality.
2. To promote *Best Management Practices* and *low impact development*.

### **Policies:**

- 5.2.1 Land use planning policies and decisions shall be coordinated with, and support related water initiatives such as Watershed Management Plans.
- 5.2.2 Proposed *development* shall not adversely affect water quality and quantity, and where possible prevent adverse impacts, as measured by indicators such as: minimum base flow, oxygen levels, suspended solids, temperature, bacteria, nutrients, hazardous contaminants etc., in accordance with applicable Provincial policies and guidelines.
- 5.2.3 *Best management practices* and stormwater management techniques shall be implemented in accordance with applicable Provincial policies and guidelines.
- 5.2.4 All new *developments* shall incorporate generally accepted *Best Management Practices* in the design of stormwater management plans, which shall be the highest level determined to be technically and economically feasible, and shall meet the following criteria:
- a) No net reduction in surficial aquifer recharge or discharge;

- b) Minimize, or where possible prevent, potential for contamination of groundwater and surface water;
  - c) Minimize alterations to the natural drainage boundaries;
  - d) No creation of new flood or erosion problems or aggravation of existing flood or erosion problems;
  - e) Minimize pollutant loadings to the *watercourses*, including phosphorus, in accordance with the water quality targets that are established from time to time;
  - f) Net gain of *fish habitat*;
  - g) Minimize changes to base flow quality and quantity in receiving *watercourses*;
  - h) Where possible enhance natural vegetation along stream corridors;
  - i) Minimize vegetation removal, grading and soil compaction;
  - j) Minimize impervious surfaces; and,
  - k) Incorporate enhanced stormwater management design.
- 5.2.5 A stormwater management plan and sediment erosion control plans shall be prepared by a qualified engineer.
- 5.2.6 An application for more than 5 new lots, or for industrial, commercial and institutional *development* with impervious areas of over 1,000 sq. m. or with chemical storage and for golf courses shall be required to submit a stormwater management plan that includes:
- a) Design of stormwater management facilities which may include ditches, and lot level controls;
  - b) Grading plan;
  - c) Pre and post *development* discharge;
  - d) Impact on surface water quality and quantity, i.e., temperature, base flow, fisheries and mitigating measures;
  - e) Means of controlling erosion during and after construction;
  - f) How *development* will maintain or enhance base flow and maintain storage levels during periods of minimum base flow;
  - g) Impact on groundwater quality and quantity;
  - h) Consideration of *Best Management Practices* criteria as set out in Section 5.2.4;
  - i) Consideration of Low Impact Development (LID) approaches as set out in Section 5.2.7;
  - j) Demonstration of how the water quality objectives and targets that are

established from time to time are met; and

- k) Demonstration that the matters in Section 4.2.4 are addressed.
- 5.2.7 Individual lot level approaches are encouraged to reduce runoff volume and to treat stormwater runoff on-site by filtering out pollutants through *Low Impact Development (LID)* approaches. In particular, the following LID approaches are encouraged:
- a) Conservation of natural features;
  - b) Reducing impervious areas;
  - c) Use of bioretention areas;
  - d) Use of rain gardens;
  - e) Use of green roofs;
  - f) Use of rain barrels and cisterns;
  - g) In corporation of vegetated filter strips; and
  - h) Use of porous pavements or permeable pavements.
- 5.2.8 Maximizing opportunities for stormwater management at the site level using the LID approaches of Section 5.2.7 are recommended for all new land uses.

### 5.3 ROADS

#### ***Intent:***

It is the intent of this Plan to ensure an adequate transportation system to facilitate the movement of people and goods within and through the Township including walking and cycling, and also to recognize the interrelationships between land use and transportation. The policies of this Section should be read in conjunction with **Schedule D**.

#### ***Objectives:***

1. To promote and support safe, convenient, efficient, aesthetic and economical transportation systems for all modes of transport for the movement of people and goods.
2. To provide a road system which, in conjunction with the Provincial and Regional road systems, will give convenient access throughout all parts of the Township and adjacent areas.
3. To promote and support walking and cycling as modes of transportation.
4. To protect all planned or future transportation, and/or infrastructure corridors in order to ensure development does not preclude or negatively affect the future use of these corridors.

**Policies:**

- 5.3.1 The road network as shown on **Schedule D** is based on the establishment of a hierarchy of roads which reflects the following principles:
- a) The overall Township road network should integrate and function in harmony with the road networks of adjoining municipalities, the Regional road system and the Provincial Highway system;
  - b) Provincial Highway 3 provides for large volumes of traffic through the Township;
  - c) Arterial roads permit the movement of traffic through and within the Township;
  - d) Collector roads provide access to specific areas and individual sites within the Township and carry traffic between arterial roads and local roads; and
  - e) Local roads provide access to individual sites and carry traffic between individual sites and collector roads.
- 5.3.2 The Township shall continue its program of road maintenance and improvements to existing road alignments and intersections. Minor road realignments and widenings shall not require an amendment to the Plan.
- 5.3.3 The movement of heavy or over-sized vehicles on roads within the Township, particularly in residential areas, shall be regulated by by-law and enforced. In addition, the parking and storage of heavy or over-sized vehicles in residential areas shall be prohibited.
- 5.3.4 No buildings or structures will be permitted on any lot that does not have frontage and direct access to an open, improved public road which is maintained on a year round basis except as provided for in Section 3.3.3.4.
- 5.3.5 Roads may be permitted within or adjacent to *Provincially Significant Wetland*, subject to the requirements of the Municipal Engineers Association's Class Environmental Assessment (MEA) in consultation with the Ministry of Natural Resources and the NPCA.
- 5.3.6 The Township shall encourage shared parking facilities, the use of service roads, and shared driveways, where feasible, to reduce direct access to Township roads.
- 5.3.7 The Township shall permit rural cross-sections (ditches and no curb and gutter) on Hamlet roads to reduce infrastructure costs associated with *back-lot-development*.
- 5.3.8 **Provincial Highways**
- 5.3.8.1 This road designation applies to Highway 3, which is under the jurisdiction of the Ministry of Transportation of Ontario. Pre-consultation will occur with MTO on development applications in order to address key matters such as highway access, the

- review of stormwater management plans, and the completion of necessary traffic studies.
- 5.3.8.2 The construction, maintenance and design of Provincial Highways are not subject to the requirements of this Plan. However, the Township shall review any proposed widenings, realignments or new construction and advise the Province of any concerns or take other action as necessary.
- 5.3.8.3 In addition to all the relevant municipal requirements, all *development* adjacent to and within 400 metres of Provincial Highways is subject to the requirements, minimum setbacks, and permits of the Ministry of Transportation.
- 5.3.8.4 Consideration shall be given, where appropriate, to reducing the number of driveways along Provincial Highways through the provision of service roads, shared driveways, and common off-street parking areas.
- 5.3.8.5 Reverse lotting shall be discouraged and only permitted where there is no other alternative.
- 5.3.8.6 The Township recommends that the Province provide wide paved shoulders for use by slower moving farm vehicles where appropriate, and to offer safe access for on-road cycling.
- 5.3.9 **Regional Arterial Roads**
- 5.3.9.1 This road designation applies to roads under the jurisdiction of Niagara Region.
- 5.3.9.2 The construction, maintenance and design of Regional Arterial Roads are not subject to the requirements of this Plan. However, the Township shall review any proposed widenings, realignments or new construction and advise the Region of any concerns or take other action as necessary.
- 5.3.9.3 Regional Arterial Roads are intended to be major transportation routes connecting to and from areas outside of the Township and carrying significant heavy volumes of inter-municipal traffic.
- 5.3.9.4 The planned right-of-way width of Regional Arterial Roads shall be consistent with the Niagara Region Policy Plan, as amended from time to time.
- 5.3.9.5 Wider rights-of-way may be required due to topographic constraints, to accommodate daylight triangles or at major intersections to accommodate additional turning lanes as per the Niagara Region Policy Plan, as amended from time to time.
- 5.3.9.6 Notwithstanding Section 5.3.9.4, in areas with lower traffic volumes or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because

- of building locations, a reduced roadway right-of-way width may be provided, subject to consultation with the Township.
- 5.3.9.7 Road width, design and intersection improvements shall be designed so as to encourage through traffic to use these routes rather than collector or local roads.
- 5.3.9.8 Direct access to abutting properties will generally be limited. New *development* adjacent to arterial roads including plans of subdivision shall be designed to avoid direct access through service roads or other alternative access means wherever possible (subject to Regional approval) and shall limit the number of intersections. In the Countryside (see **Schedule A**), existing accesses and accesses into farm properties will continue to be permitted subject to Regional approval.
- 5.3.9.9 Reverse lotting shall be discouraged and only permitted where there is no other alternative.
- 5.3.9.10 In the case of abutting commercial properties, direct access may be permitted, but such access shall be controlled with regard to the geometric requirements for visibility, grades and curvatures so as not to create a safety hazard and shall be subject to Regional approval.
- 5.3.9.11 The Township may request the Region to provide wide paved shoulders for use by slower moving farm vehicles, and to offer safe access for on-road cycling.
- 5.3.9.12 It is proposed that intersection improvements such as pavement realignment, provision of turning lanes and other measures will be undertaken at the intersection of arterial and collector roads and various local roads as traffic conditions warrant and as suitable financing is available for such improvements. Where an arterial or collector road intersects a local road, the improvements shall be designed to favour traffic on the arterial or collector road.
- 5.3.10 **Collector Roads**
- 5.3.10.1 The planned right-of-way width of Collector Roads shall be consistent with the Niagara Regional Policy Plan..
- 5.3.10.2 Collector roads shall be designed to promote efficient traffic circulation at reduced speeds and to encourage the use of arterial roads by high volume through traffic.
- 5.3.10.3 Consideration shall be given to appropriate measures to reduce or discourage excessive vehicular traffic on collector roads in developed areas.
- 5.3.10.4 Direct access to abutting properties shall be minimized to the extent possible.
- 5.3.10.5 The Township may consider providing wide paved shoulders for use by slower moving farm vehicles, and to offer safe access for on-road cycling.

### 5.3.11 Local Roads

- 5.3.11.1 This road designation applies to roads under the jurisdiction of the Township.
- 5.3.11.2 The planned right of way widths of Township Local Roads shall be 20 metres.
- 5.3.11.3 Notwithstanding 5.3.11.2, in areas with lower traffic volumes or in presently built up areas where the wider right of way is likely to be difficult to obtain because of building location, a reduced road right of way width may be provided, subject to consultation with the Township.
- 5.3.11.4 Existing and future Local Roads provide land access and generally carry low volumes of traffic most of which has either an origin or destination along its length. Local Roads are generally designed to discourage through traffic.
- 5.3.11.5 Improvements to the road system and road construction and reconstruction should be carried out in accordance with suitable standards. Council will consider the adoption of the Canadian Good Roads Association Geometric Design Standards (Transportation Association of Canada) for rural and urban roads.
- 5.3.11.6 Traffic calming initiatives may be implemented, on local roads, to reduce traffic infiltration into neighbourhoods.
- 5.3.11.7 Where appropriate, the Township will provide paved shoulders for use by slower moving farm vehicles, and to offer safe access for on-road cycling.

## 5.4 WALKING, CYCLING, AND TRAILS

### *Intent:*

The Township recognizes that walking and bicycling are essential components of a well-balanced, multi-modal transportation network. It is the intent of this Plan to encourage an active and healthy community through the development of a system of trails that offer safe access to dedicated off and on-road cycling routes and pedestrian walkways where appropriate. It is also the intent of this Plan to promote the Township of Wainfleet as a premier tourism destination through the provision of a safe cycling system that is connected to its Hamlets and recreational areas.

### *Objective:*

1. To promote the concept of Complete Streets and provide for safe on-road and off-road cycling, and multi-purpose trail opportunities where practical and feasible.

**Policies:**

- 5.4.1 A continuous pedestrian and cycle trail system is identified on **Schedule D**. The trail system component of **Schedule D** includes both on-street and off-street routes.
- 5.4.2 The Township will work with the Region, the private sector and the Province to build context-sensitive and Complete Streets which safely and comfortably accommodate motorists, pedestrians, people with disabilities, the elderly and cyclists.
- 5.4.3 The Township shall require *development* and redevelopment proposals to facilitate pedestrian and cycling opportunities through the provision of pedestrian and cycling facilities, where appropriate.
- 5.4.4 Draft plans of subdivision and site plans shall identify linkages to the trails identified on **Schedule D** and, where determined appropriate by the Township, dedicate additional off-road trail linkages and/or on-road cycling lanes in order to connect to the existing trail system and to community services and facilities, particularly schools, parks, and other open spaces.
- 5.4.5 The Township shall provide clear definition of cycling routes through the provision of signage for the Gord Harry Conservation Trail, and other cycling routes, where feasible.
- 5.4.6 The Township will take a comprehensive approach to addressing the needs of cyclists by undertaking the following efforts:
- a) Identify high priority corridors for cycling;
  - b) Ensure integration and compatibility with the road network;
  - c) Harmonize policies to support cycling;
  - d) Provide safe cycling education initiatives for cyclists, motorists and pedestrians;
  - e) Enforce safe cycling practices; and
  - f) Promote and encourage cycling.
- 5.4.7 At the time of the 5-year review of the Official Plan, as set out in Section 8.1, the Township will review opportunities to improve and expand upon the cycling network identified on **Schedule D**, through opportunities to add missing links and develop off-road trails and on-road routes offered by unopened road allowances, hydro rights-of-way, existing or abandoned rail corridors, electrical transmission corridors, open green space development and future roadway improvements.
- 5.4.8 The Township will support the promotion and delivery of cycling tourism to help achieve sustainable economic, environmental and social benefits, in a partnership approach with others in order to market Wainfleet and the Niagara Region as a premier cycling tourism destination.

- 5.4.9 The Township will meet with the Province to encourage the provision for a bike lane on Highway 3 linking Wainfleet Village to Chambers Corners.

## 5.5 UTILITIES

### *Intent:*

It is the intent of this Plan to recognize and allow for the provision of public and private *utilities* to serve the Township.

### *Objective:*

1. To ensure that *utilities* are located in a manner that maximizes their performance while limiting any land use incompatibilities.

### *Policies:*

- 5.5.1 *Utility* services will be permitted in all land use designations except the Environmental Protection Designation where *utilities* are governed by Section 3.2.1.11.
- 5.5.2 The Township will plan for *utilities* concurrently with the development process and will encourage utility providers to phase their services in tandem with development.
- 5.5.3 The Township will encourage *utility* providers to plan for and install *utilities* in a coordinated and integrated basis in order to be more efficient, cost effective and avoid unnecessary over-digging and disruption to the municipal right-of-ways.
- 5.5.4 *Utility* providers shall confirm, through the development approval process, whether they will be providing services to support the proposed development and appropriate locations for the *utility* services.
- 5.5.5 *Utility* providers shall be encouraged to consider innovative methods of containing *utility* services on or within streetscape features, and avoiding streetscape clutter.

## 5.6 ACCESSIBILITY

### *Intent*

It is the intent of this Plan to provide everyone with the opportunity to participate in all aspects of the Township.

### *Objectives*

1. To provide all residents and visitors with equal opportunity to participate in all aspects of the Township.
2. To improve accessibility for persons with disabilities by removing and/or preventing barriers which restrict their full participation in society.

### *Policies*

- 5.6.1 The Township of Wainfleet will comply with the Accessibility for Ontarians with Disabilities Act, as amended from time to time. The Township will consider and implement accessible design measures in the planning on new sites, public facilities, neighbourhoods and areas.
- 5.6.2 The Township shall strive to improve the mobility of all persons to make conditions safe for walking, wheelchair movement, and specialized transit.
- 5.6.3 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, railings, visible signage and ramps at building entrances.
- 5.6.4 In the review of development applications, the Township will address accessibility needs by:
- a) Requiring driveway and sidewalk slopes at a ratio of 1:12, height to length;
  - b) Requiring sidewalk curb cuts at all intersections where sidewalks are provided;
  - c) Requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;
  - d) Requiring disability parking spaces, as specified in the Zoning By-law;
  - e) Encouraging any other features appropriate to ensure that barrier-free design is provided; and,
  - f) Where appropriate, circulating the Application to the Township's Accessibility Advisory Committee.
- 5.6.5 The Township may prepare specific design guidelines for accessibility and/or ensure that accessible design is addressed when preparing design guidelines for neighbourhoods.

## 6.0 NOISE, AIR QUALITY, AND VIBRATION CONTROL

### ***Intent:***

Certain areas within the Township of Wainfleet are subject to high levels of noise, air emission, and vibration from road, rail, air traffic, and industrial operations. *Development*, particularly residential *development*, must be controlled in these areas to ensure the safety and health of residents.

### ***Goals:***

- To reduce the incompatibility of land uses and to improve the quality of life of residents who reside near sources of noise and vibration.

### ***Objectives:***

1. To control *development* in areas subject to high levels of noise, odour, dust or other airborne pollution, and vibration to ensure the health of Township residents.

### ***Policies:***

- 6.1 All *development* for *sensitive land uses* proposed adjacent to or in proximity of major facilities/uses (i.e. Provincial highways, Regional arterial roads, Provincial Highways, railways, grain elevators, quarries, or other sources of noise, odour, dust, and/or other nuisance effects) or development proposals for new major facilities/uses in proximity to existing *sensitive land uses* shall be required to undertake the appropriate studies, to the satisfaction of the Township and Niagara Region, in accordance with the Ministry of Environment guidelines and regulations.
- 6.2 Appropriate measures shall be undertaken to mitigate any adverse effects that were identified through the studies in this Section.
- 6.3 Further, as a condition of final site plan or subdivision approval, the recommended noise control measures set out in the studies undertaken in this section shall be included in a site plan control agreement or a subdivision agreement and implementation of the noise control measures shall be the responsibility of the developer/land owner. Any noise mitigation measures for residential developments adjacent to Highway 3 are the responsibility of the developer/owner.
- 6.4 Where the noise studies required in this Section indicate that anticipated outdoor or indoor sound levels on the site or within the buildings under consideration would exceed the Ministry of the Environment guidelines, the Township will require tenants

and purchasers to be notified by way of appropriate warning clauses in development agreements and in all Agreements of Purchase and Sale or Lease.

## 6.5 Railways

6.5.1 All proposed *development* within 500 metres of an active railway right-of-way or 1km of rail yard shall be required to undertake a noise impact study, to the satisfaction of the Township and the Region of Niagara, in accordance with the Ministry of Environment guidelines and the appropriate railway company guidelines and shall ensure that the matters set out in Sections 6.2 to 6.5 are addressed. Appropriate measures shall be undertaken to mitigate any adverse effects from noise that were identified.

6.5.2 All proposed *development* adjacent to an active railway or rail yard shall ensure that appropriate safety measures, such as setbacks, berms and security fencing, are provided to the satisfaction of the Township in consultation with the appropriate railways.

6.5.3 Prior to the issuance of a building permit for *sensitive land uses*, the implementing zoning by-law shall require a noise impact study to be completed on all vacant lots of record within 500 metres of the rail yard.

6.5.4 Lands adjacent to, or in proximity to, an active railway or rail yard shall be zoned in a holding category, which does not permit new *sensitive land uses* until a noise impact study is completed. When such areas are deemed suitable for *development* subject to the applicable policies of this section, the holding symbol may be lifted.

## 6.6 Aircraft

6.6.1 Those lands contained within Lots 10, 11 and 12, Concession 6, and Lots 12 and 13, Concession 5, are under the influence of the operations of the Welland/Niagara Central Airport. *Development* within this area shall be restricted due to aircraft noise and certain height limitations in order to protect the health, safety and welfare of the inhabitants of the Township.

6.6.2 The impact of aircraft noise on lands in the vicinity of the Welland/Niagara Central Airport is a recognized *development* constraint, especially relating to new residential *development*. Development proposed within the area set out in Section 6.6.1 shall undertake a noise impact study to the satisfaction of the Township and Region of Niagara. Depending on the noise impact study conclusions, *sensitive land uses* may not be permitted.

6.6.3 The reconstruction of existing land uses within the vicinity of the airport will be permitted; however, the relocation of those uses, which are incompatible with airport operations, will not be encouraged.

- 6.6.4 Permitted buildings or structures constructed within the area defined in Section 6.6.1 shall not exceed a height that would penetrate the “approach surface” or the “transitional surface” of runway 05-23, as identified in the Welland-Port Colborne Airport Master Plan.
- 6.6.5 The aircraft traffic at Skydive Burnaby is limited and it is not feasible to establish noise contours as a guide to areas where *development* should be restricted. However, development of new *sensitive land uses* within one kilometre of Skydive Burnaby shall undertake a noise impact study to the satisfaction of the Township and Region of Niagara and up-to-date information on flight activity shall be taken into account. Based on this information, where deemed necessary in consultation with the Ministry of the Environment, noise attenuation measures may be required as a condition of approval.
- 6.7 **Vibration Control – Railway**
- 6.7.1 Applicants for residential *development* within 30 metres of an active railway right-of-way or rail yard shall be required to undertake a vibration study, to the satisfaction of the Township and the Region of Niagara, in accordance with the Ministry of Environment guidelines and the appropriate railway company guidelines. Appropriate measures shall be undertaken to mitigate any adverse effects from vibration that were identified.
- 6.7.2 Further, as a condition of final approval, the vibration control measures defined in the study, where approved by the Township in consultation with the Ministry of the Environment, shall be included in a site plan control agreement or a subdivision agreement.

# 7.0 CULTURAL HERITAGE AND ARCHAEOLOGY

## ***Intent:***

Certain sites, structures, buildings and environments, which are of historical, cultural or architectural significance in the Township of Wainfleet, such as the Feeder Canal should be preserved. In addition, Council has endorsed a Region of Niagara initiative to request the Federal Government designate the Feeder Canal as a National Historic Site. The Heritage Conservation policies are intended to preserve, maintain and enhance the heritage resources of Wainfleet. These Heritage Conservation policies are designed to guide the Township in the management of these heritage resources.

## ***Goals:***

- To protect cultural heritage resources which are important to the identity and character of Wainfleet.

## ***Objectives:***

1. To protect and preserve heritage resources having architectural and historical merit within the context of the Township including the original architectural detail wherever feasible.
2. To develop and encourage creative, appropriate, and economic uses of heritage resources throughout the Township of Wainfleet.
3. To consider social and community needs in the *preservation*, restoration, and utilization of cultural heritage resources.
4. To encourage and develop private and public financial resources and techniques in the *preservation*, restoration, and utilization of heritage resources.
5. To promote the use of heritage for the education, pleasure, and welfare of the residents of the Township and its visitors.

## ***Heritage Protection Process:***

7.1 The Township shall conserve *significant built heritage resources* and significant cultural landscapes.

7.2 The Township shall establish a register of *built heritage resources* and heritage conservation districts that are of cultural heritage value or interest, after consulting with the heritage committee. The register shall list all properties situated in Wainfleet that have been designated by the Township or by the Minister and shall contain, with respect to each property:

- a) A legal description of the property;
  - b) The name and address of the owner; and
  - c) A statement explaining the cultural heritage value or interest of the property and a description of the *heritage attributes* of the property.
- 7.3 The register may also include *built heritage resources* that have not been designated but that the Township believes to be of cultural heritage value or interest.
- 7.4 The Township shall appoint a heritage committee to identify the register of *built heritage resources*.
- 7.5 The heritage committee shall identify the register of *built heritage resources*, based on the criteria provided in Section 7.9 and may also identify significant *cultural heritage landscapes*.
- 7.6 The Township may by by-law designate a property or a district to be of cultural heritage value or interest in accordance with the following process:
- a) The property or district meets the respective criteria set out in Sections 7.9 and 7.14 ;
  - b) Council has consulted with the heritage committee as per Section 7.4; and
  - c) Proper notice of intention has been given, in accordance with Sections 29 and 41 of the *Ontario Heritage Act*, 1990.
- 7.7 Council may exercise its legislative authority to control the demolition and alteration of heritage resources. Where Council has through by-laws designated individual buildings or districts under the *Ontario Heritage Act*, or established an area of Demolition Control under Section 33 of the *Planning Act* R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.
- 7.8 Council, with the advice and assistance of the heritage committee, will regulate and guide alterations and additions of heritage resources that are included in the register as set out in Sections 7.2 and 7.3.

***Cultural Heritage Resources:***

- 7.9 A heritage site may be determined to hold cultural heritage value or interest where some or all of the following characteristics have been identified:
- a) An association with an historic event or person;
  - b) A building or structure with distinguishing architectural characteristics on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings or structures and the relation of such factors to similar features of the buildings in the immediate surroundings;

- c) A building with substantial remaining original materials and workmanship;
  - d) A natural feature or landmark;
  - e) It would be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated; and
  - f) the extent of the original materials and workmanship remaining would be important to that designation.
- 7.10 The Township may seek the acquisition of easements on properties of architectural or historical significance in order to assure the *preservation* of these properties.
- 7.11 Council shall support applications for funds from senior government programs to assist individual property owners with building improvements.
- 7.12 *Development* and *site alteration* applications on lands adjoining or contiguous to a protected *heritage property* shall demonstrate that the *heritage attributes* of the *protected heritage property* will be conserved. Mitigation measures and/or alternative *development* approaches may be required in order to conserve the heritage attributes of the *protected heritage property* affected by the adjacent *development* or *site alteration*. If Council determines that such *development* or redevelopment will detract from or indirectly impair the character, quality, amenities, or stability of the residential areas in a way that cannot be mitigated, the *development* or redevelopment shall not take place.
- 7.13 Encouragement may be given to proposed commercial *development* to incorporate a building, or group of buildings with historic character or architectural value and to proposals which utilize buildings or lands serving obsolete functions and which are therefore, underutilized or vacant.

***Heritage Conservation Districts:***

- 7.14 A Heritage Conservation District may be identified to hold cultural heritage value or interest where some or all of the following characteristics have been identified:
- a) The majority of the buildings reflect an aspect of local history by nature and historical significance of setting;
  - b) The majority of the buildings are of a style of architecture or a method of construction significant historically or architecturally to the Township, Region or Province;
  - c) The district contains other important physical, environmental or aesthetic characteristics that, in themselves, are not sufficient for designation, but which lend support in evaluating the criteria for designation;
  - d) The district is an area of special association that is distinctive within the Township and as a result, contributes to the character of Wainfleet; and,

- e) The boundaries of a heritage conservation district shall be defined by such factors as changes in land use, building or environmental character, and topography or traffic corridors.
- 7.15 Prior to the designation of a Heritage Conservation District, the Township shall:
- a) Adopt a by-law designating the study area for the purpose of designating the Heritage Conservation District;
  - b) Prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives, establish criteria for controlling demolition and regulating design;
  - c) Hold at least one public meeting with respect to the proposed Heritage Conservation District Plan; and
  - d) Pass a by-law designating the area as a Heritage Conservation District.
- 7.16 A Heritage Conservation District Plan shall include:
- a) A statement of the objectives to be achieved in designating the area as a Heritage Conservation District;
  - b) A statement explaining the cultural heritage value or interest of the Heritage Conservation District;
  - c) A description of the *heritage attributes* of the heritage conservation district and of properties in the district;
  - d) Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
  - e) A description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under Section 42 of the *Ontario Heritage Act, 1990*.
- 7.17 The Township may establish design principles for buildings in proximity to Heritage Conservation Districts or Heritage Conservation designated buildings.

***Archaeological Resources:***

- 7.18 *In areas of archaeological potential*, the Township shall, require an Archaeological Assessment for all new *developments* and *site alterations* as set out in Section 7.19 and if necessary the *preservation* or rescue excavation of *archaeological resource* as set out in Section 7.20.
- 7.19 An archaeological assessment shall be prepared prior to submission of an application for *development*. Where the study identifies *areas of archaeological potential*, all further assessment, reporting and fieldwork will be undertaken by a licensed archaeologist and shall be provided at the time of submission of an application for

- plan of subdivision or site plan approval. If *archaeological resources* are identified in the assessment, the application shall include a conservation plan to conserve any *archaeological resources* identified for protection.
- 7.20 *Development and site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* will be conserved by removal and documentation, or by *preservation* on site. Where significant *archaeological resources* must be preserved on site, only *development and site alteration*, which maintains the heritage integrity of the site, are permitted.
- 7.21 The Township will have regard for known *built heritage resources*, significant *cultural heritage landscapes* and known *archaeological resources* in the undertaking of municipal public works, such as roads and *infrastructure* projects carried out under the Municipal Class Environmental Assessment (EA) process.
- 7.22 It is understood that there may be some locations within the Township with potential marine archaeological remains. Accordingly, the Township may require an archeological survey prior to approving a development proposal where they may be potential for marine archaeological remains. The survey shall be conducted by a licensed marine archaeologist to the satisfaction of the Township and the Ministry of Culture pursuant to the *Ontario Heritage Act*. Any marine archeological resource that is identified must be reported to the Ministry of Tourism and Culture immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation by licensed marine archaeologists under direction of the Ministry of Culture.
- 7.23 When considering development applications along the waterfront or shoreline, the Township shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, the Township will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

# 8.0 IMPLEMENTATION

## *Intent:*

It is the intention of Council to implement this Plan by utilizing the powers conferred upon them by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. In particular, this Plan shall be implemented by means of the measures and procedures in this section.

## 8.1 OFFICIAL PLAN REVIEW

8.1.1 The Township shall review this Official Plan no later than 5 years after approval to ensure that the Plan:

- a) Conforms to provincial plans;
- b) Has regard to matters of provincial interest;
- c) Is consistent with provincial policy statements;
- d) Conforms to the Regional Policy Plan; and
- e) Confirms areas of employment and whether there is a need for conversion.

8.1.2 In addition to the requirement in Section 8.1.1, the Township, through the Official Plan review process, shall assess how the municipality has met the various targets and forecasts set out in Section 1.3 of this Plan. The Township intends to monitor and report on land supply and building permits on an ongoing basis.

8.1.3 If required, a new Development Permit System may be adopted by Council in conformity with the *Planning Act* for a specific area or land use designation, as set out in the Official Plan.

## 8.2 ZONING BY-LAW

8.2.1 A new Zoning By-law is required within three years of adoption of this Plan. As such, following adoption of this Plan, it is intended that the comprehensive Zoning By-law existing at the date of adoption of the Plan will be amended or repealed and replaced, in order to establish *development* standards and control growth within the municipality in conformity with the policies of this Plan.

It is not intended to zone each area for the ultimate use as designated on **Schedule B** and **Schedules B1 through B9**. Certain areas designated Residential, Commercial or Industrial may be zoned as an interim measure in a *development* zone permitting certain agricultural or other appropriate uses, and when such areas are deemed necessary for *development*, they will be rezoned in any appropriate category to permit the uses set forth in this Plan.

- 8.2.2 Until such time as the Zoning By-law can be amended to bring it into conformity with this Plan, the present Zoning By-law shall remain in effect. However, any amendments shall be in conformity with this Plan.
- 8.2.3 If required, interim control by-laws may be adopted by Council in conformity with Section 34 of the *Planning Act*, 1990.
- 8.2.4 Temporary use by-laws to permit uses that conform to this Official Plan may be utilized as required in conformity with the *Planning Act*, 1990.
- 8.2.5 An amendment to the Zoning By-law is required to permit the establishment of areas for uses other than those included in the implementing Zoning By-law.
- 8.2.6 The Township may attach conditions to the approval of a zoning by-law amendment to address the matters set out in future Provincial regulations.
- 8.2.7 The Township may require the owners of the lands to which a zoning by-law amendment application was made to enter into an agreement with the Township regarding the conditions set out in Section 8.2.6.
- 8.2.8 Where *development* details have not been determined or a development constraint is present that must be addressed prior to development, a “holding symbol” pursuant to the provisions of the *Planning Act* may be applied, by using the suffix “H” in conjunction with the zoning category.
- 8.2.9 A holding zone would permit only uses existing at the date of approval of the Zoning By-law until the removal of the "H" symbol. Holding provisions may be used to:
- a) Ensure that *development* occurs in the proper sequence;
  - b) Ensure appropriate provisions for sewer, water, drainage, electrical, road capacity and access;
  - c) Encourage good site plan design;
  - d) Ensure appropriate studies have been undertaken to prevent undue impact to existing uses; and/or
  - e) Provide for other conditions as deemed by Council prior to proceeding.
- 8.2.10 With the resolution of the *development* constraint(s) the “H” can be removed without a further public meeting.
- 8.2.11 By-laws may be passed, to amend the Zoning By-law and to permit the extension and enlargement of existing uses of any land, buildings or structures which do not conform with the land use classification of the Official Plan and/or of the Zoning By-law, if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the implementing Official Plan and/or

Zoning by-law came into force. Such an amending by-law, passed pursuant to Section 34(10) of the *Planning Act* shall be considered in conformity to the Official Plan.

### 8.3 SITE PLAN CONTROL

8.3.1 All of the Township of Wainfleet shall be considered a site plan control area pursuant to Section 41 of the *Planning Act*, 1990. Land uses, which are exempt from these provisions, would be:

- a) Single family and two family dwellings; and
- b) *Agricultural uses*, buildings and structures, but may be applied to greenhouses, grain dryers or farm related commercial or industrial uses.
- c) *Mineral aggregate operations*.

Council shall enact a site plan control by-law pursuant to Section 41 of the *Planning Act* to designate those lands that it considers desirable as site plan control areas.

8.3.2 Notwithstanding Section 8.3.1, all *development* within the Environmental Protection Area and the Environmental Conservation Area designations including *adjacent lands* shall be subject to a scoped site plan approval consistent with policy 8.7.3 of this Plan.

8.3.3 Notwithstanding Section 8.3.1, the following uses shall be subject to site plan control to regulate the location of the dwellings:

- a) Single family dwellings or mobile homes used for farm help houses;
- b) Single and two family dwellings that are used as a *group home*;
- c) Expansion of dwellings to accommodate a *bed and breakfast* use;
- d) Resort recreational uses; and
- e) Institutional uses.

8.3.4 As provided under Section 41(5) of the *Planning Act*, 1990, in reviewing applications for the *development* or redevelopment of sites within Residential and Commercial designations which have been designated as site plan control areas, Council may require the submission of drawings showing plan, elevation and cross section views for each residential or residential / commercial building to be erected, even where such buildings are proposed to contain less than twenty-five *dwelling units*.

8.3.5 Any expansions of buildings, within a site plan control area and involving an increase in floor area of at least 15 per cent shall be subject to the site plan control provisions of this section.

- 8.3.6 Pursuant to Section 41(7) of the *Planning Act*, Council may require the applicant to enter into one or more agreements with the Township to ensure that the facilities, works or matters under site plan control and their maintenance are provided.
- 8.3.7 It shall be the policy of Council to establish uniform site plan control policies, which shall be applied to the *development* and redevelopment of land within the established site plan control area.
- 8.3.8 The overall goals of the Township in exercising Site Plan Control are to:
- a) Enhance visual attractiveness by an appropriate use of landscaping, lighting etc;
  - b) Ensure proper grading and secure easements necessary to provide for public utilities, site drainage, and if applicable, servicing;
  - c) Control the placement and provision of required services and facilities such as driveways, parking, loading facilities, sustainable private services, garbage and recyclable waste collection and snow storage or removal areas;
  - d) Ensure the provision of bicycle parking facilities, and such facilities are secure, lighted, highly visible, sheltered, and in convenient locations;
  - e) Ensure that the conceptual design of a proposed *development* is compatible with the character or the intended character of the area;
  - f) Minimize land use incompatibility or conflict between new and existing uses;
  - g) Minimize the impact of proposed *development* on the natural heritage features and functions;
  - h) Control the character, scale, appearance and design features and sustainable design of the exterior buildings;
  - i) Control the streetscape design within the municipal right-of-way including matters such as landscaping, paving materials, sidewalk features, street furniture, waste and recycling containers, bicycle parking facilities and other similar matters; and
  - j) Ensure appropriate access, egress and safe entry design.
- 8.3.9 As a condition of the site plan approval process, Council may require, where the existing road allowance abutting the subject property is less than the required right-of-way, a minimum dedication of one-half the additional width necessary to achieve the required right-of-way.
- 8.3.10 As a condition of the site plan approval process, Council may also require at intersections, road widenings in addition to the required right-of-way to provide appropriate turning lanes as determined through a traffic impact study.

## 8.4 COMMITTEE OF ADJUSTMENT AND CONSENT GRANTING AUTHORITY

- 8.4.1 The Committee of Adjustment for the Township of Wainfleet and the appropriate consent granting authority shall be guided by the general intent and purpose of this Plan and implementing Zoning By-law in making decisions on applications pursuant to Sections 45 and 53 of the *Planning Act*.

## 8.5 PLANS OF SUBDIVISION

- 8.5.1 All lands within the Township are subject to subdivision control and part-lot control.
- 8.5.2 Council may consider passing a by-law under Section 50(4) of the *Planning Act*, 1990 deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, and which have been registered for eight years or more not to be registered.
- 8.5.3 In evaluating applications for approval of plans of subdivision, Council shall consider all matters contained in Sections 50 and 51 of the *Planning Act*, 1990 and all applicable policies specified in this plan.
- 8.5.4 Where five (5) or more new residential lots are being created, or where a new road or road extension is necessary, Council shall require *development* by registered plans of subdivision pursuant to Sections 50 and 51 of the *Planning Act*, 1990 rather than by individual land severances by consent.
- 8.5.5 The Township may as a condition of approval pursuant to the *Planning Act*, 1990, require that the owner of lands subject to a plan of subdivision enter into one or more agreements, which may be registered against the title of the subject lands.

## 8.6 SEVERANCES

- 8.6.1 No lot may be developed for any purpose that does not have frontage and direct access to an open, improved public road, which is maintained on a year-round basis except as provided for in Section 3.3.1.4. The access shall be constructed at a standard appropriate to that use and the road must be able to safely accommodate any increased traffic that may result from the proposed *development*.
- 8.6.2 Where a new lot is proposed ~~near existing agricultural operations~~ the following notification will be included as a condition of approval:

*“Due to existing and or possible future agricultural operations, the effects of noise, light, vibration, smoke, insects, dust and odours from accepted common agricultural practice may interfere with the activities or the living environment of the occupants of this property.”*

- 8.6.3 Multiple lot severance proposals generally shall not be permitted except where the proposed *development* raises few, if any, planning issues including having frontage only onto an existing public road, the availability of *sustainable private services*, adequate drainage, the protection of water resources or natural heritage features and functions, compatibility with adjacent uses and no physical limitations affecting the site.
- 8.6.4 *Development* on an existing lot on a private road may be permitted on the merits of each situation.
- 8.6.5 Applications for severances will be evaluated against all applicable policies specified in this Plan.

## 8.7 PRE-SUBMISSION CONSULTATION

- 8.7.1 Pre-consultation between the applicant and the Township is required prior to the submission of an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consents to sever, or site plan control unless the Manager of Planning determines pre-consultation is not necessary based on the scale of development or complexity of planning issues associated with the proposed application. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable.
- 8.7.2 Pre-consultation may also involve the Region, Niagara Peninsula Conservation Authority, the Province, or other agencies that may have an interest in the application as determined by the Township.
- 8.7.3 At the pre-submission consultation meeting:
- a) The list of required studies set out in Section 8.8.5 may be scoped depending on the nature of the application; and
  - b) Additional studies may be determined necessary for submission with the application based on the nature of the application.
- 8.7.4 A by-law shall be approved by Council requiring pre-consultation.
- 8.7.5 Pre-consultation shall be considered a requirement for the submission of a complete application as per Section 8.8.1.

## 8.8 COMPLETE APPLICATION REQUIREMENTS

- 8.8.1 An application for an official plan amendment, zoning by-law amendment, consent, site plan approval, draft plans of subdivision, or draft plans of condominium, will not be deemed complete, or accepted, until the following has been submitted to the Township:
- a) A complete application form;
  - b) Any information or materials prescribed by statute and regulation;
  - c) A record of pre-submission consultation;
  - d) The prescribed application fee(s);
  - e) A fees agreement to cover all required peer review costs as per Section 8.8.3 as well as all Ontario Municipal Board costs where the municipality is in favour of the application; and
  - f) All studies and/or information that may be required, as determined through pre-consultation, including but not limited to the matters outlined in Section 8.8.5.
- 8.8.2 All of the matters set out in Section 8.8.1 must be completed to the satisfaction of the Township prior to the Township accepting the application as complete. The Manager of Planning or their designate shall be responsible for determining whether a planning application is complete.
- 8.8.3 The Township may require a peer review by a qualified consultant of any of the studies required by the policies of this Plan. The Township will retain the peer reviewer at the applicant's expense through a fees agreement as per Section 8.8.1(e).
- 8.8.4 Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the Township to make this information readily available to the public and commenting agencies
- 8.8.5 Township of Wainfleet Council may require the following materials and studies to be submitted with a planning application:
- a) A planning rationale report which evaluates the proposal against the relevant goals, objectives, policies and general purpose and intent of this Plan, the *Niagara Region Policy Plan*, the *Provincial Policy Statement*, and the *Growth Plan for the Greater Golden Horseshoe*, where applicable;
  - b) A land use/market needs study;
  - c) An environmental planning study or sub-watershed study for a proposed secondary plan or boundary expansion;
  - d) An *environmental Impact Study*;
  - e) A transportation impact study;
  - f) A shadow study;

- g) Archaeological assessment;
- h) Heritage Impact Analysis;
- i) A municipal water and wastewater servicing study;
- j) A stormwater management plan and sediment and erosion control plan;
- k) A *floodplain* and hazard land study;
- l) A geotechnical engineering study including slope stability;
- m) A hydrogeology study and private servicing plans;
- n) A hydrology study;
- o) A settlement capability study;
- p) An agricultural impact assessment including a *Minimum Distance Separation* (MDS) analysis;
- q) Alternative sites for non-agricultural use assessments where a non-agricultural use is proposed in an Agricultural area to demonstrate there are no reasonable alternative locations in Hamlets or Rural Areas;
- r) An environmental site assessment and Record of Site Condition where this is known or potentially contaminated sites;
- s) Air quality study;
- t) A noise impact study;
- u) A vibration study;
- v) An illumination study;
- w) A trails plan;
- x) A parking study;
- y) A tree *preservation* plan;
- z) An urban design brief which assesses the compliance with the urban design policies of this Plan and any applicable urban design guidelines of the Region;
- aa) An extractive industrial site *development plan* and *rehabilitation plan*;
- bb) A mineral aggregate resources study where development or site alteration is proposed on lands within or adjacent to known mineral aggregate resources; and,
- cc) Other studies.

8.8.6 The studies outlined in Section 8.8.5 above and any other studies or plan referenced in this Plan (e.g. environmental planning studies or watershed plans) shall be implemented through the Planning Act and other Provincial Approvals (where appropriate).

- 8.8.7 The Township may prepare a standard “terms of reference” for studies required in Sections 8.8.5 and 8.8.6. Such terms of reference will allow for a streamlined approach to address matters of key interest and concern, leading to more responsive applications and quicker application review times.
- 8.8.8 While the identification of potentially contaminated sites is important, the policies of this Plan should not be interpreted as a commitment on the part of the Township to identify all contaminated sites. Rather, these policies should be regarded as an effort on the part of the Township to responsibly utilize available information in the planning application review process. Potentially contaminated sites may include, but are not limited to:
- a) Activities involved with the elimination of waste and other residues;
  - b) Industrial and commercial activities involving the storage, handling or use of hazardous substances such as fuels, oils, paints or solvents.
- 8.8.9 The Township requires that *development* take place only on properties where the environmental conditions do not require remediation or have been remediated and made suitable for the proposed use.
- 8.8.10 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse impacts.

As part of a planning application the Township may require development proponents to document, through a Phase One Environmental Site Assessment, the previous uses of a property or surrounding areas that is subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination. The Chief Building Official may require the same documentation for the issuance of a building permit where a change to a more sensitive use is sought or uses are the same, but no Planning Act approval is required.

## 8.9 ENVIRONMENTAL IMPACT STUDY REQUIREMENTS

- 8.9.1 An *Environmental Impact Study (EIS)* required under this Plan shall be submitted with the *development* application and shall be prepared and signed by a qualified individual in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Niagara Regional Council. Environmental Impact Studies shall be prepared to the satisfaction of the Region, in consultation with the Township and the Niagara Peninsula Conservation Authority.
- 8.9.2 An *Environmental Impact Study* shall include the following as outlined in the *EIS Guidelines*:

- a) A description of the existing environment including: an assessment of its setting in the broader landscape and the identification, analysis and evaluation of significant natural features and *ecological functions*, surface and ground water features and *hydrologic functions*, and the *linkages* among them;
  - b) A description of the proposed *development*;
  - c) A description of measures to avoid or, if avoidance is not possible, to minimize or mitigate *negative impacts* on the Environmental Protection Area or Environmental Conservation Area, including impacts on significant natural features and *ecological functions* including linkages, and on significant surface and ground water features and *hydrologic functions*;
  - d) An assessment, with respect to standards set out in the EIS Guidelines, of the significance of the cumulative net environmental impacts expected over the long term after these measures have been implemented; and
  - e) Recommendations on the advisability of proceeding with the *development* as proposed or modified.
- 8.9.3 Where the *EIS* deals with *development* or *site alteration* on *adjacent lands*, it shall include an evaluation of the *ecological functions* of the *adjacent lands* and of expected impacts on those functions.
- 8.9.4 The required scope and/or content of an *EIS* may be reduced, after consultation with the Township, the Region, and the Niagara Peninsula Conservation Authority, where:
- a) The environmental impacts of a *development* application are thought to be limited; or
  - b) Other environmental studies fulfilling some or all requirements of an *EIS* have been accepted by the Township, the Region and the Niagara Peninsula Conservation Authority.
- 8.9.5 The Township may require an independent peer review of an *EIS* with costs to be borne by the applicant.
- 8.9.6 An *EIS* is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.

## 8.10 COMMUNITY IMPROVEMENT PLANS

- 8.10.1 The Township may designate areas as a community improvement project area and shall prepare and adopt a community improvement plan for the project area.
- 8.10.2 Community improvement plans may be prepared and adopted by the Township to achieve one or more of the following objectives:
- a) Encourage the private sector renovation, repair, *rehabilitation*, redevelopment or other improvement of lands and/or buildings, including environmental remediation, *development*, redevelopment, construction and reconstruction of

lands and buildings for *rehabilitation* purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;

- b) Maintain and improve municipal services, including roads, sidewalks, street lighting, and to provide a safe health standard for the citizens of the community;
  - c) Preserve and enhance existing commercial areas through the stimulation of private sector investment;
  - d) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, recreational and heritage facilities and amenities, and to establish new facilities where deficiencies exist to meet the needs of the citizens of the community;
  - e) Encourage the *preservation*, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;
  - f) Maintain and improve the transportation network to ensure adequate traffic flow, pedestrian circulation, and parking facilities;
  - g) Improve and maintain the physical and aesthetic qualities and amenities of the streetscape;
  - h) Encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, to encourage physical improvements to minimize the incompatibility;
  - i) Improve environmental conditions;
  - j) Improve social conditions;
  - k) Promote cultural *development*;
  - l) Facilitate and promote community economic *development*; and
  - m) Improve community quality, safety and stability.
- 8.10.3 The Township may designate by by-law one or more Community Improvement Project Area(s).
- 8.10.4 For an area to be designated as a Community Improvement Project Area, it must satisfy one or more of the following criteria:
- a) Older stable residential and commercial uses that are in need of *rehabilitation*, maintenance, or redevelopment;
  - b) Commercial and residential areas with poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design;
  - c) Vacant lots and/or underutilized properties and buildings, which have potential for infill, redevelopment or expansion to better utilize the land base;
  - d) *Preservation*, restoration, maintenance, repair, and/or *rehabilitation* of buildings, structures, and lands of heritage and/or architectural significance;

- e) Problems or deficiencies of sidewalks, curbs and/or roads;
  - f) Lack of, or deficient parks, open space and/or recreation and community facilities;
  - g) Lack of, or deficient street lighting and street furniture and other related facilities;
  - h) Lack of, or deficient off-street parking facilities;
  - i) Conflicts between existing residential *development* and adjacent transportation facilities and/or commercial, recreation, institutional, industrial and/or *agriculture operations*, in regard to such matters as noise, odour, parking, loading and traffic circulation;
  - j) The existence of, or potential for the creation of a business improvement area;
  - k) Improvement for better energy and/or renewable energy efficiency;
  - l) Known or suspected environmental contamination; and
  - m) Other significant environmental, social or community economic *development* reasons for community improvement.
- 8.10.5 The criteria in Section 8.10.4 provides the basis for identification of Community Improvement Project Areas in the Township.
- 8.10.6 The phasing of community improvements shall be prioritized according to:
- a) The financial capability of the Township to fund community improvement projects;
  - b) Availability and timing of senior government programs that offer financial assistance for community improvement efforts; and,
  - c) The timing of related capital expenditures from various municipal departments to ensure community improvements are coordinated as much as possible with departmental priorities.
- 8.10.7 Council shall adopt such special measures as may be necessary to implement the goals and objectives for Community Improvement.

## 8.11 DEFINITIONS

**Accessory value retention agriculture uses** means uses occurring on-farm that are considered integral to an *agriculture operation* and integral to retaining the value of raw agricultural products. They are divided into uses that support agricultural production including research and maintenance and management of equipment, and uses required to get raw agricultural produce for market including washing, sorting, drying, packing, packaging and similar uses.

**Adjacent housing** means the existing houses along the street, or where a new street is created, the existing houses on lots surrounding the new street.

**Adjacent lands** means 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. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives; and as defined in the table below:

<b>Natural Environment Areas</b>	<b>Adjacent lands Where an EIS Shall Be Required for Development Applications</b>
<b>Environmental Protection Area</b>	
<ul style="list-style-type: none"> <li>• Provincially Significant Life Science Area of Natural and Scientific Interest</li> <li>• <i>Provincially Significant Wetland</i></li> <li>• Habitat of Threatened and <i>Endangered Species</i></li> <li>• <i>Fish habitat</i></li> </ul>	<ul style="list-style-type: none"> <li>All lands within 50 metres.</li> <li>All lands within 120 metres.</li> <li>All lands within 50 metres.</li> <li>All lands within 30 metres of the <i>top of bank</i>.</li> </ul>
<b>Environmental Conservation Area</b>	All lands within 50 metres.

**Affordable housing** means

- a) 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;
- b) 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 at or below the average market rent of a unit in the regional market area.

Low and moderate housing means, in the case of ownership housing, households with income in the lowest 60 per cent of the income distribution for the regional market area, or in the case of

rental housing, households with income in the lowest 60 per cent of the income distribution for rental households for the regional market area.

**Aggregate** means gravel, sand, clay, shale, stone, earth or other prescribed material defined in the *Aggregate Resource Act* or its successor.

**Agriculture operation** means the carrying out of an *agricultural use* or the raising and production of primary agricultural products.

**Agricultural uses** means 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** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the agricultural operation and are required in close proximity to the agricultural operation.

**Agri-tourism uses related to agriculture** means uses that are considered *secondary uses* to a agricultural operation that involve tourist uses that have a direct relationship to the *agricultural uses* on the farm or surrounding farm uses. Such uses may include farm-mazes, seasonal festivals (for example, strawberry social, pumpkin festival, maple syrup event).

**Agri-tourism uses unrelated to agriculture** means uses that are considered *secondary uses* to a agricultural operation that involve tourism uses that are not directly related to *agricultural uses* but that benefit from a farm/rural location. Such uses may include *bed and breakfast* accommodations; dining facilities, weddings, educational tours and similar uses.

**Alternative Energy Systems** means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Animal kennel** means a building structure or premises used for the raising or boarding of dogs, cats or other household pets.

**Areas of natural and scientific interest (ANSI)** means 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.

**Archaeological resources** means 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** means areas with the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, but municipal approaches that achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Back-lot-development** means lots on a new local road situated off but taking access from the concession road.

**Bed and breakfast** means the use of a single family dwelling for the rental of rooms to the traveling public for overnight accommodation on a temporary basis.

**Best Management Practices (BMPs)** means methods, facilities and structures, which are designed to protect or improve the environment and natural heritage features from the effects of land *Development* activities. BMPs can include, but are not limited to, land use restrictions, source control of pollutants, stormwater management ponds, grassed swales, underground storage facilities, woodlot management, soil Erosion control, crop rotation, tree windbreaks and natural fencerows.

**Bona Fide Farmer** means an individual who:

- a) owns, is employed on, and manages a agricultural operation;
- b) earns a majority of his/her income from farming (the scale of the agricultural operation should be capable of generating a reasonable operating profit under "normal" economic conditions);
- c) spends a majority of his/her working time on the farm and is available to work on the farm when required by the agricultural operation;
- d) demonstrates a continuing commitment to the agricultural operation, such as through farm maintenance practices, and investment in equipment, buildings, and crops; and
- e) for the purposes of this definition, a farmer is defined as the principal operator of the farm together with his/her spouse.

**Built Heritage Resources** means 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 local, provincial or federal jurisdictions.

**Brownfield sites** mean 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.

**Conserved** means 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** means 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

**Development** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) Activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) Works subject to the *Drainage Act*.

**Development plan** means a concept plan for a proposed *development* which will include information on building envelopes, parking, access, height, loading facilities, landscaping and the relationship of the proposed *development* to the street and adjoining properties.

**Dwelling unit** means one or more habitable rooms designed for the use of one family in which sanitary and kitchen facilities are provided for the exclusive use of such family, and having a private entrance.

**Dynamic Beach** means an area of inherently *unstable* accumulations of shoreline sediment along the Great Lakes-St. Lawrence River system and large inland lakes. The dynamic beach hazard limit includes the *flooding hazard* limit plus a 30 m dynamic beach allowance.

**Ecological function** means 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.

**Endangered species** means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

**Environmental Impact Study (EIS)** means a report prepared by qualified individual(s), (engineers, biologists, planners, etc.) to address the potential impacts of *development* on natural heritage features and areas.

**Erosion hazard** means 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.

**Farm cluster** means a group of farm buildings, which includes the farm dwelling, on a property actively in *agricultural use*.

**Fish habitat** means 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.

**Fisheries management** means the management of *fish habitat* and fish population for the purpose of sustaining and improving the quality and quantity of fish.

**Flood plain** means the area, usually lowlands, adjoining the channel of a river, stream or *watercourse*, which has been or may be covered by floodwater during a regional flood or a one-in-one-hundred-year flood.

**Floodproofing standard** means 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.

**Flooding hazard** means 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:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the *flooding hazard* limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along river, stream and small inland lake systems, the *flooding hazard* limit is the one hundred year flood.

**Garden suite** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

**Groundwater feature** means 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.

**Group home:** means a supervised single housekeeping unit in a residential dwelling for the accommodation of persons, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, and the members of the group are referred by a hospital, court, government agency, recognized social service agency or health professional.

**Hazardous lands** means property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this

means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, erosion hazard or *dynamic beach* hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard*, erosion hazard or *dynamic beach* hazard limits. 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** means 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).

**Headwaters** means the source area of a stream.

**Heritage attributes** means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a *protected heritage property*.

**Heritage property** means features in or on the land or underwater and considered to be a consultable record of past human activities, endeavours or events (e.g. buildings, street furniture, engineering works, planting and archaeological sites).

**High Aquifer Vulnerability** refers to areas of 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.

**Home industry** means a small scale use, providing a service primarily to the rural or farming community and which is accessory to a single dwelling or *agriculture operation*, performed by one or more residents of the household on the same property. A *home industry* may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping.

**Home occupation** means an occupation, which provides a service as an accessory use within a single dwelling or in an addition to the dwelling or in an accessory building, performed by one or more residents of the household on the same property. Such occupations may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser, desk top publisher or word processor, computer processing provider, teacher or day care provider.

**Hydrologic functions** means 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.

**Infrastructure** means physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: sewage and water systems, sewage 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.

***Ingress/egress*** (in reference to the Niagara Peninsula Conservation Authority's *Regulatory floodplain*) means entrance/exit to a Structure within the *Regulatory floodplain*.

***Intensification*** means the *development* of a property, site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield sites;
- b) The redevelopment of vacant and/or underutilized lots within previously developed areas;
- c) Infill *development*; or
- d) The expansion or conversion of existing buildings.

***Landform Conservation*** means the prevention or limitation of negative impacts to significant landforms, geological features and soils.

***Legal or technical reasons*** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

***Linear infrastructure*** means *infrastructure* of a linear nature such as roads, hydro corridors, electrical transmission lines, railways, pipelines, and communication/telecommunication lines, but excludes infrastructure that supports raising of livestock and of other animals.

***Linkages*** (in reference to the Natural Environment designation) means areas that link natural heritage features as to allow the movement (e.g., dispersal, migration or daily movement) of plants and wildlife among them. They can occur across or along uplands, lowlands or slopes. It is critical that such connections provide all the conditions necessary to allow them to function as *linkages*. For example, this may include providing interior forest conditions for species that require this habitat for movement, or it may include breeding or reproductive habitat for slow-moving species that require more than one generation to successfully move from one natural feature to another.

***Livestock facility*** means one or more barns of permanent structures with livestock occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

***Low Impact Development (LID)*** means *development* where water run-off is minimized as a result of mitigative stormwater management measures.

**Mineral aggregate operation** means:

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
- b) for lands not designated under the *Aggregate Resources Act*, established *pits* and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and,
- c) 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 and/or Petroleum Resources Impact Study** means, where development or site alteration is proposed on lands within or adjacent to an area of known mineral aggregate resources, it shall be demonstrated that the resource use will not be hindered in the future, that the resource use is not feasible, that the proposed development or use serves a greater long term public interest and that other impacts are evaluated.

**Mineral resources** means *aggregate* and other structural materials, industrial and metallic minerals, and petroleum resources.

**Municipal comprehensive review** means an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the document the *Growth Plan for the Greater Golden Horseshoe*.

**Minimum distance separation formulae** means formulae and guidelines developed by the Province, and as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from *livestock* facilities.

**Natural Environment** means the air, land and water or any combination or part thereof, of the Province of Ontario.

**Negative impact** means

- a) Degradation to the quality and quantity of water, sensitive surface water and *groundwater features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;
- b) 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; and
- c) 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.

**Original Ground Floor Area (in reference to the Niagara Peninsula Conservation Authority's regulation area)** means the ground floor area of a building at current grade, measured by the total dimensions of the exterior face of the structure. For purposes of the Niagara Peninsula Conservation Authority's cumulative exceedence requirements, original floor area of building would be the floor area of a building that existed on or after December 8, 1988 for the purposes of buildings in the *floodplain*. For buildings in *wetlands*, the effective date is the adoption of the *Environmental Planning Manual*.

**Potentially contaminated properties** means properties where the environmental condition of the site (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment.

**Pit** means land from which unconsolidated *aggregate* has been, is being or may be excavated as defined in the *Aggregate Resources Act* or successor thereto, but does not include a *wayside pit*.

**Preservation** means the maintenance of natural or cultural heritage features in their current or original form, and the maintenance of the *natural environment* to allow natural processes to continue undisturbed by human intervention.

**Prime agricultural areas** means 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 lands** means land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Protected heritage property** means 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** means 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.

**Provincially significant wetland** means a *wetland* identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

**Quarry** means land from which consolidated *aggregate* has been, is being or may be extracted as defined in Aggregate Resource Act or successor thereto, but does not include a *wayside pit*.

**Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 155/06** means a regulation passed pursuant to Section 28 of the *Conservation Authorities Act*, R.S.O. 1980, or its successors, whereby a Conservation Authority may, among other matters, regulate:

- a) Restrict and regulate the use of water in or from rivers, streams, inland lakes, ponds, *Wetlands* and natural or artificially constructed depressions in rivers or streams;
- b) Prohibit, regulate, or require the permission of the authority to straighten, change, divert, or interfere in any way with the existing channel of a river, creek, stream or *watercourse*, or change or interfere in any way with a *Wetland*; and
- c) Prohibit, regulate or require the permission of the authority for *development* if, in the opinion of the authority, the control of flooding, erosion, *dynamic beaches* or pollution or the conservation of land may be affected by the *development*.

**Regulatory flood or Regulatory floodplain** means the 100 Year Flood.

**Rehabilitation** means the restoration of land from which *aggregate* has been excavated to its former use or condition, which is or will be compatible with adjacent uses.

**Secondary uses** means uses that 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 agricultural operation on the property.

**Secondary suite** means a second *dwelling unit* contained within an existing detached, and semi-detached dwelling or within an accessory building

**Sensitive land uses** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from noise, odour, dust, and/or other nuisance, from 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.

**Significant** means:

- a) 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;
- b) in regard to the habitat of *endangered species* and *threatened species*, means the habitat, as approved by the 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 those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- c) 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;
- d) in regard to other features and areas in Section 3.2, 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*;
- e) 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;
- f) 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; and
- g) 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.

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.

***Significant habitat of endangered and threatened species*** means the habitat, as approved by the 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 those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

***Site alteration*** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

***Specialty crop areas*** means areas where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b) A combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

***Species of Concern*** means 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** means 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. It is not intended to include small *surface water features* such as farm ponds or stormwater management ponds, which would have limited *ecological function*.

**Surplus farm residence** means where an existing dwelling, which is capable of habitation, is considered surplus and is not required for accommodation of farm help due to the consolidation of or amalgamation of two farms under one ownership.

**Sustainable private services** means a sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the Building Code Act.

**Top of bank** means the upper edge of the slope of the stream valley where the land levels off; or where there is a *flood plain*, to the top of slope above the *flood plain*.

**Trail Activities** means recreation oriented to trails, (e.g. horseback riding, cross-country skiing, hiking).

**Unstable** means slopes, which are or may be subject to erosion such as mass movement, slumping, landslides, mudflows or rock falls.

**Utility** means all public and/or private utilities including but not limited to licensed broadcasting, receiving and transmitting facilities, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, communications/telecommunications and other cabled services, or any other similar works or systems necessary to the public interest.

**Valleylands** means 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.

**Value added uses** means 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 to be small scale and related to the farm activity. *Value added Uses* may be grouped into three major components: Marketing Uses, Production Uses and Support Uses.

**Value added marketing uses** means *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).

**Value added production uses** means small scale uses that include processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.

**Value added support uses** means small scale uses that support day to day farm operation and may include machinery repairs, seed suppliers, and other uses not more appropriately accommodated in Hamlets. Support uses are intended to primarily serve the agricultural operation and surrounding local agricultural operations and are intended to remain secondary to the principal agricultural operation.

**Watercourse** means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.

**Wayside pit or wayside quarry** means lands from which consolidated or unconsolidated *aggregate* is excavated for use in a project of a public authority; and this is worked outside the limits of the right-of-way of a highway, but does not include a licensed *pit* or *quarry*.

**Wetlands** are 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.

**Wildlife habitat** means 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.

**Wildlife management** means the management of wildlife habitats for the purpose of sustaining the quantity and quality of wildlife for the benefit of people.

**Woodlands** means 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.