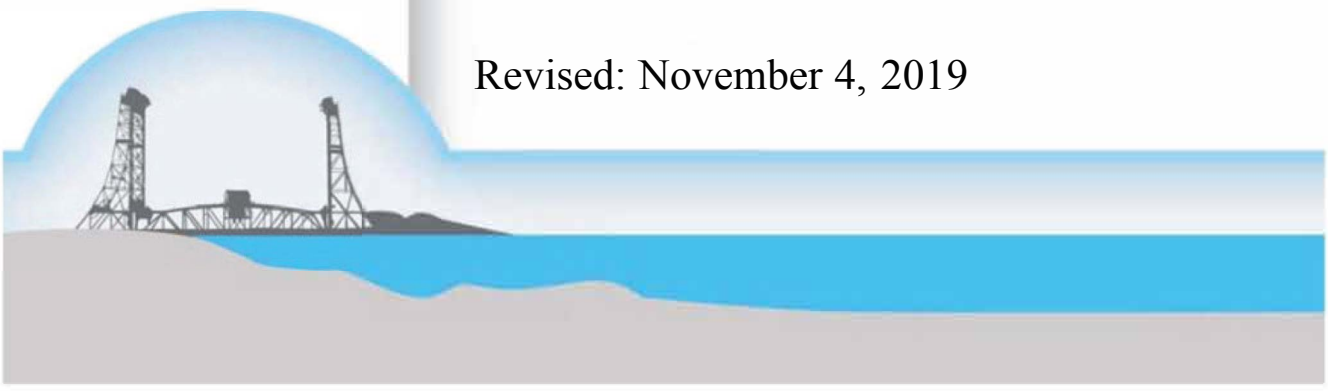
THE CORPORATION OF THE CITY OF WELLAND

OFFICIAL PLAN

Revised: November 4, 2019



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AMENDMENT NUMBER	BY-LAW NUMBER	BY-LAW DATE	APPROVAL DATE	PURPOSE
1	2012-64	February 25, 2013	OMB ORDER Issue Date February 25, 2013	High Density Residential Section 4.2.3.20.A (529 South Pelham Road
2	2013-95	July 16, 2013	August 13, 2013	Low Density Residential Section 4.2.3.20.C
3	2013-104	August 12, 2013	September 10, 2013	Medium Density Residential Section 4.2.3.20.D (Coyle Creek Estates Phase 6 Subdivision
4	2013-110	August 27, 2013	September 26, 2016	Area 3: Canadian Tire Financial Site Section 6.7.3.1 to 6.7.3.4 (475, 55 and 635 Princes Charles Drive)
				Low Density Residential Section 4.2.2.2.B
				Parks, Open Space and Recreational Section 6.2.2.1.B
				Site Plan Control Section 7.8.1 (Various City-owned Facilities)
5	2013-118	September 10, 2013	October 10, 2013	High Density Residential Section 4.2.3.20.E (1 Griffith Street)
6	2014-89	July 15, 2014	August 7, 2014	Community Commercial Corridor Section 4.4.3.13.B (152 Hellems Avenue and 131 Young Street)

7	2014-138	October 7, 2014	November 11, 2014	Core Natural Heritage System, Open Space & Recreation, Low Density Residential, Medium Density Residential, Area Specific Low Density Residential and Area Specific Medium Density Residential Section 4.4.3.13.D (Sparrow Meadows Estates Subdivision)
8	2015-58	May 19, 2015	File closed by OMB September 21, 2015 June 23, 2015	Community Commercial Corridor Section 4.4.3.13.E (142 and 144A Thorold Road)
9	2015-58	May 19, 2015	File closed by OMB September 21, 2015	Community Commercial Corridor Section 4.4.3.12.E (170 Hellems Avenue)
10	2015-118	October 13, 2015	November 13, 2015	Mapping Changes (Vanier Estates)
11	2015-120	October 13, 2015	November 13, 2015	Rural Employment Area Section 5.2.2.5.A (566 Ridge Road)
12	2017-28	April 4, 2017	May 4, 2017	Health and Wellness Cluster Section 4.5.3.9 (16 Steel Street)
13	2017-66	June 10, 2017	July 20, 2017	Mapping Change (383 Aqueduct Street)
14	2017-91	August 22, 2017	September 23, 2017	Mapping Change (40 McCabe Avenue)
15	2018-30	March 6, 2018	April 7, 2019	Mapping Change (570 River Road)
16	Currently In Process			

17	2018-89	July 24, 2018	August 17, 2018	Mapping Change (309 Chaffey Street)
18	2018-104	September 25, 2018	October 25, 2018	Mapping Change (East of Viger Drive, Canal View Heights Condominium)
19	2019-16	February 19, 2019	March 13, 2019	Employment Areas Section 4.3.3.9 Mapping Change (210 Primeway Drive and 790 River Road)
20	2019-99	August 6, 2019	September 4, 2019	Mapping Change (897 Niagara Street)
21	2019-60	May 21, 2019	June 19, 2019	Affordable Housing Section 4.2.3.10

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1 INTRODUCTION

1.1 HISTORICAL CONTEXT FOR THE OFFICIAL PAN

1.1.1 Location

The City of Welland is located in the heart of Niagara Peninsula, south of Lake Ontario and north of Lake Erie. Via highway, Welland is approximately seventy-five minutes from Toronto and within thirty minutes of Buffalo, New York. Welland is bounded by the City of Thorold and the Town of Pelham to the north, the City of Port Colborne to the south, the Township of Wainfleet to west and the Cities of Niagara Falls and Fort Erie to the east.

1.1.2 History

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

In 1824, a sod-turning by Mr. George Keefer, President of the Welland Canal Company marked the beginning of the Welland Ship Canal. In 1829, when a wooden aqueduct was built to carry the Welland Canal over the Welland River, a true urban presence of settlement came to be. The settlement was called Aqueduct or The Aqueduct. On November 14, 1844, following the replacement of the wooden aqueduct with one of stone, the name of the settlement was changed to Merrittsville in honour of a prominent local politician, the Honourable William Merritt. Merritt was a veteran of the War of 1812, a local merchant and one of the key drivers behind the Canal project and later became a member of Canada's Parliament (1832). The settlement was incorporated

Above: The Honourable William Merritt.

as the Village of Welland on July 24, 1858. Incorporation as a Town took place on January 1, 1878, and as a City on July 1, 1917.

Above: Aerial view of Welland, 1960. Below: Welland in 2009.

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

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

Welland's boundaries have changed considerable over the years. Since incorporation as a City on July 1, 1917, the first expansion of City boundaries took place on January 1, 1950,

when approximately 300 acres of Thorold Township were annexed to the City. Through on-going expansions and annexations, the City of Welland has grown to its current size of approximately 86 square kilometres.

1.1.3 Official Plan History of Welland

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

Above: Trails and parks along the waterfront

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

Above: Civic Square, Downtown Welland

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

1.2 PLANNING CONTEXT FOR THE OFFICIAL PLAN

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

1.2.1 Conformity with Provincial Policy Statement

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

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

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

The Growth Plan for the Greater Golden Horseshoe (also referred to as "Places to Grow" or "P2G") provides a broad twenty-five year land use vision for the communities in

Ontario's Greater Golden Horseshoe area. The vision is one of compact settlement and development patterns which are capable of providing diverse opportunities to work, live and participate in community life. Under P2G's policies, the majority of the new growth is expected to be accommodated in existing urban areas, with a specific focus on directing growth to strategically located intensification areas. Greenfield development is to be planned at higher densities and the conversion of rural/agricultural lands to urban uses will only be permitted under strict conditions. P2G is intended to be used by all levels of government.

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

1.2.3 Conformity with Region of Niagara Policy Plan

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

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

1.3 PURPOSE OF THE OFFICIAL PLAN

The City of Welland Official Plan provides a 20-year land use vision for the community and is supported by a set of broad strategic community directions. The Official Plan helps

the community achieve its long-term vision by implementing a range of local, regional and provincial policies, plans and strategies.

One main purpose of the Official Plan is to guide local growth and development, doing so by designating land for various land uses and providing policies that will guide the development and use of land city-wide. The Official Plan is also the mechanism by which more detailed neighbourhood-scale plans, such as secondary plans and community improvement plans, are established and implemented. The use and development of individual parcels of land is also influenced by the Official Plan, which establishes more specific regulatory measures related to land division, zoning and development of sites than those generally regulated by the *Planning Act*. In addition to this, the Official Plan is also expected to be used as:

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

While this Official Plan provides a 20 year vision for the City, it is intended that this document be reviewed and updated on a five year basis to ensure provincial and regional conformity, to monitor progress and make modifications as required.

1.4 HOW TO READ THIS PLAN

The Policies of this Plan (Sections 2-7) should be considered in their entirety when making decisions.

The Official Plan is structured as follows:

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

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

Chapter 3 Growth Management Policies provides a series of planning-related policies for managing the long term growth of the City. This Chapter includes important planning considerations, such as population, household and employment forecasts as well as a series of strategic policies for accommodating growth.

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

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

Chapter 6 City-Wide Land Use Policies describes the different designations of land which apply throughout the urban and Agricultural and Rural area as well as offering guiding policies on other elements related to spatial planning and development. These designations and policies help ensure that Welland is a well-planned community.

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

The Definitions explain the planning terminology used in the Official Plan to ensure harmony with planning terminology used in the *Planning Act*, Provincial Policy

Statement, Growth Plan for the Greater Golden Horseshoe, and Regional Niagara Policy Plan.

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

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

2 COMMUNITY STRATEGIC DIRECTIONS

2.1 COMMUNITY STRATEGIC DIRECTIONS

2.1.1 Overview

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

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

2.2 A LEADERSHIP COMMUNITY

2.2.1 Background

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

2.2.2 Strategic Directions

i. Welland will lead by example by understanding change and implementing innovation (through policies, practices, programs, studies, tools and technology) that allow it to benefit from change.
ii. Welland may implement demonstration projects to emphasize its leadership position and bring attention to its leadership activities.
iii. Welland will share its successful approaches with other municipalities for the betterment of the Region.
iv. Welland will encourage its citizens, individuals, businesses, groups and agencies to partner in leadership initiatives which take advantage of the benefits gained by pooling resources for positive change.
v. Welland will encourage leadership and innovation in the four pillars of sustainability: environment, economy, society, and culture.
vi. Welland may prioritize the resources allocated to change and innovation to support positive trends and manage needs during times of transition.

2.3 A COMPLETE COMMUNITY

2.3.1 Background

Complete communities meet all people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also an important component of a complete community. Complete communities provide a lifetime of opportunities for living, working, wellness, education, entertainment and recreation. The City of Welland aspires to be a complete community.

2.3.2 Strategic Directions

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

ix. Welland will encourage residential and non-residential development which is considered attractive to youth and young families, supports family-building, and allows for aging-in-place.
x. Welland will encourage the development of places of employment which are matched to the sectoral clusters in which youth are seeking jobs.
xi. Welland will promote neighbourhood design and a transportation system which is accessible to all citizens, including, but not limited to, youth, young families, and senior citizens.
xii. Welland will identify gaps in the system which supports youth, young families, and seniors, and address those gaps through the provision of programs, services, amenities, and facilities.
xiii. Welland will encourage planning and design which helps all citizens to achieve independence and dignity.

2.4 AN ECONOMIC GATEWAY

2.4.1 Background

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

2.4.2 Strategic Directions

i. Welland will be a leader in promoting economic prosperity.
ii. Welland will continue to strategically position itself as part of Ontario's Economic Gateway Centre and will promote a comprehensive action program which recognizes the evolution of its existing manufacturing base and focuses on creating Welland's distinctiveness.
iii. Welland will encourage cross-border trade and the efficient movement of people and goods.
iv. Welland will encourage the provision of land and infrastructure for continued sustainable development of tourist facilities.
v. Welland will work, in partnership with all levels of government, to ensure that attractive employment lands are provided and protected in Welland which create job opportunities and economic diversity, allowing growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media.
vi. Welland will support investment in the Downtown so that it continues to be an attractive destination for residents and visitors, and functions as a vibrant, mixed-use neighbourhood linked to the recreation opportunities in, and around, the Welland Recreational Waterway.
vii. Welland will encourage and support entrepreneurs in the implementation of a Health and Wellness economic cluster and other feasible health and wellness endeavours.

viii. Welland will promote the strengthening of a Health and Wellness economic cluster by providing flexible land use policies and zoning which will support this cluster in the vicinity of King Street South and Lincoln Street.

ix. Welland will support and promote the growth of transportation and logistics and the advanced manufacturing sector by strategically locating employment lands in close proximity to the Highway 406 and Highway 140 corridors.

x. Welland recognizes the important economic and social contribution of agricultural and farm related businesses and activities. The City will support agriculture and farm related businesses by protecting prime agricultural lands and discouraging land fragmentation.

2.5 A SUSTAINABLE CITY

2.5.1 Background

Governments, institutions, businesses and residents of sustainable cities understand that they are part of a regional and global ecosystem, and that decisions made locally can have impacts globally. The citizens of Welland also know that the decisions they make today will affect future generations; therefore, there is a preference for making choices about society, environment and economy that have little, or no, negative impact and create a Welland which will benefit the citizens of tomorrow.[1]

2.5.2 Strategic Directions

i. Welland will be a leader in promoting sustainability. It will set an example for other local municipalities by implementing technologies (e.g., LED streetlights), policies, guidelines, and practices which support a shift to sustainability among citizens, businesses, agencies, and government.

ii. Welland will protect and enhance natural features by providing a planning policy framework which maintains and improves natural heritage features and corridors within a broader linked natural heritage system.

iii. Welland will promote and implement programs which maintain and improve the local air quality in the municipality and contribute to improving the regional air quality.

iv. Welland will promote and implement programs which maintain and improve the quality of the land and its nutrients, including the remediation of brownfield sites.

v. Welland will promote and implement programs which maintain and improve the quality of surface water and groundwater, and promote conservation of water resources. It will support the efforts to restore the health of lakes, rivers and watercourses (for example, the Niagara River Remedial Action Plan and agricultural best practices for manure run-off management).

vi. Welland will encourage the planning and design of sites, areas and neighbourhoods to reduce greenhouse gas emissions as a means to reducing

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

the human influence on climate change, including, but not limited to, the application of Leadership in Energy and Environmental Design (LEED) standards.

vii. Welland will consider the potential impacts of climate change and encourage citizens, businesses, and organizations to take measures to adapt to climate change.

viii. Welland will make decisions which result in little or no negative impacts to local air, land, and water to help create a community which benefits current and future generations. Where a decision must be made which involves impacts to local air, land, and/or water, then Welland will ensure that the negative impacts are mitigated to the fullest extent possible.

ix. Welland will consider, and where appropriate, support and/or implement new technology which contributes to improvements in the quality of local air, land, and water.

x. Welland will protect its prime agricultural lands, support the production of locally grown foods and promote "buy-local" initiatives.

2.6 A SAFE, HEALTHY AND ACCESSIBLE CITY

2.6.1 Background

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

2.6.2 Strategic Directions

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

2.7 A PROUD AND ATTRACTIVE CITY

2.7.1 Background

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

2.7.2 Strategic Directions

i. Welland will be a leader in promoting city pride and attractiveness.

ii. Welland will protect elements of its built and cultural heritage through the means provided by the *Ontario Heritage Act* and by involving Heritage Welland in the land use planning process, whenever necessary.

iii. Welland will encourage efforts which support the celebration, commemoration, expression, and modern interpretation of its heritage and culture, including providing venues for heritage and cultural events.

iv. Welland will strengthen its arts and cultural enterprises and initiatives to improve its attractiveness as a community in which to live, work, and visit.

v. Welland will protect lands with archaeological significance in accordance with the Provincial Policy Statement and other directives.

vi. Welland will promote heritage and culture by adopting urban design guidelines which help sites, areas and neighbourhoods connect to the rest of the City, interface with the surrounding natural environment, and become aesthetically pleasing places.

2.8 A GOOD NEIGHBOUR

2.8.1 Background

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

2.8.2 Strategic Directions

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

3 GROWTH MANAGEMENT

3.1 WELLAND'S GROWTH MANAGEMENT STRATEGY

To prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources, the City recognizes that growth should be directed in a strategic manner. The foundation of the City's growth management strategy is to direct all urban growth to lands within the designated Urban Area Boundary. Growth and development within the Urban Area Boundary will be on land serviced with municipal water and sanitary wastewater services. While the City generally promotes urban growth and development throughout the Urban Area, it also supports growth and development within several strategic locations. The Downtown is the City's primary growth node and the City encourages appropriately planned infilling and intensification within its Downtown. The City also encourages appropriately planned infilling and intensification along the Welland Recreational Waterway, brownfield and greyfield areas and areas with access to planned or existing transit services. The City also supports compact and transit supportive development on its designated Greenfield Areas. Lastly, while the majority of the City's long term growth will occur within its Urban Area, the City also recognizes that a small of amount growth and development will occur within the Agricultural and Rural Area. This small amount of rural growth should be compatible with Welland's rural landscape and should be sustained by rural service levels. Rural growth should be concentrated on existing lots of record and lands with existing access to water services within the vicinity of Cooks Mills, allowing the City to protect its valuable agricultural lands and linked natural heritage system in order to prevent land fragmentation and degradation of natural systems.

3.2 PLANNING OBJECTIVES

The growth related objectives of this Plan are:

i. To direct urban growth to lands located within the designated Urban Area.
ii. To preserve prime agricultural lands and direct rural growth to existing developed area in the vicinity of Cooks Mills.
iii. To protect stable neighbourhoods by directing more dense development to the Downtown and strategically located intensification areas within Welland's Built-Up Area.
iv. To encourage the redevelopment of brownfield areas.

v. To prevent urban development in inappropriate areas, thus contributing to the conservation of resources, such as provincially significant wetlands, aggregate resource areas, cultural heritage resource areas, prime agricultural lands and the linked natural heritage system.
vi. To build compact, mixed-use, transit supportive, pedestrian friendly areas within the Built Up Area and Greenfield Areas.
vii. To provide a framework for transforming Welland into a complete community.
viii. To ensure the availability of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.
ix. To prohibit the establishment of new settlement areas.

3.3 GROWTH FORECAST

3.3.1 Population Forecast

The future population growth for the City of Welland is provided below. The Official Plan's land use designations and policies are based on serving this anticipated population growth.

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

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

3.3.2 Housing Forecast

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

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

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

3.3.3 Housing Distribution

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

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

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

3.3.4 Employment Forecast

The future employment growth for the City of Welland is provided below. The Official Plan's land use designations and policies are based on serving this anticipated growth.

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

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

3.3.5 Land Supply

Based on the population and housing forecasts within this Plan, or updates undertaken from time to time by the Region, the City will maintain, at all times, a minimum supply of 10 years worth of residential development. The supply of residential lands shall comprise of a mix of intensification and greenfield lands.

3.4 CITY STRUCTURE

3.4.1 Composition

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

3.4.2 Urban Area

3.4.2.1 Planned Function

The City of Welland's Urban Area is delineated by an Urban Boundary. The Urban Boundary controls the limits of urban development and provides private sector investors with development certainty, as this Boundary clearly demarcates the lands which are intended to be served with full municipal services (and those which are not) within the time-frame of this Plan.

3.4.2.2 Composition

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

3.4.2.3 Built Boundary and Greenfield Areas

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

3.4.2.4 Delineation of Urban Boundary and Built Boundary

The City of Welland's Urban Boundary and Built Boundary are delineated on **Schedule A**. When the City of Welland undertakes a comprehensive review of the Official Plan, the Urban Boundary will be reviewed and updated according to the policies of Section 3.5 of this Plan. The Province of Ontario is responsible for reviewing and updating Built Boundaries within the Greater Golden Horseshoe.

3.4.3 Agricultural and Rural Area

3.4.3.1 Planned Function

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

3.4.3.2 Composition

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

3.4.3.3 Delineation of Agricultural and Rural Area

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

3.4.4 Intensification and Brownfield Redevelopment

3.4.4.1 Intensification

3.4.4.1.A Intensification Defined

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

3.4.4.1.B The Importance of Intensification

Intensification is an appropriate means of accommodating growth since it makes better use of existing serviced land. The increase in housing units and employment created by intensification is also considered a good approach to maintaining and improving vibrancy.

3.4.4.1.C Intensification Strategy

Intensification of residential and employment areas will be encouraged since it offers opportunities for economic development; is a viable approach to reducing the amount of Greenfield land needed for growth; takes advantage of already serviced but underutilized land; and helps to improve the vibrancy and aesthetics of Welland's existing areas. Intensification is encouraged throughout the Built Up Area, however, the strategic location for intensification projects should generally be within the Downtown, on brownfield sites, along the Welland Recreational Waterway and along key transit corridors within the City as these areas are considered to be the most appropriate locations for intensification. Refer to Schedule A, which identifies Welland's strategic intensification areas and the Built Up Area.

3.4.4.1.D Intensification Target

The City will plan to meet its local municipal intensification target of 40% as recommended by the Regional Municipality of Niagara[2]. Achieving the 40% target means that 40% of all annual housing development should occur within the City's Built-Up Area after 2015. Welland's intensification unit target, based on the housing forecasts in Policy 3.3.3, is 1,975 units (2016-2031).

3.4.4.1.E Achieving the Intensification Target

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

i. Designating lands with intensification potential in this Plan as Medium or High Density Residential, or as mixed-use through an Area Specific Policy;
ii. Providing land use compatibility Policies in this Plan to ensure that intensification occurs in an appropriate manner;
iii. Providing Policies in this Plan which allow for appropriate infilling throughout the Built-Up Area;
iv. Providing Policies in this Plan which allow for the creation of secondary suites;
v. Providing financial incentives for reinvestment in strategic locations through Community Improvement Plans (Downtown Community Improvement Plan and Brownfield Community Improvement Plan);

[2] The Region of Niagara assigned each municipality with its own unique intensification target. Cumulatively, the local municipal targets add up to a Region-wide target of 40%.

vi. Making strategic investments in public realm and infrastructure within the Downtown and other intensification areas;

vii. The City will identify Intensification Nodes and Corridors and develop accompanying policies before the next 5 year review of the Welland Official Plan. The criteria for identifying Nodes and Corridors will be based upon a Nodes and Corridors study to be undertaken by the City. Proposed policies will address planned function, scale and design to ensure that the corridor allows for a mix of uses at transit supportive densities; and,

viii. The preparation of secondary plans or master plans for Nodes and Corridors, where appropriate.

3.4.4.1.F Design

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

i. Development within the Downtown, 4.1.2.2;
ii. Medium Density development, 4.2.2.3.D;
iii. High Density development, 4.2.2.4.C;
iv. General infilling and intensification, 4.2.3.1;
v. Redevelopment within existing neighbourhoods, 4.2.3.6; and/or,
vi. Any other relevant design policy contained within this Plan.

3.4.4.1.G Intensification Inventory and Monitoring

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

3.4.4.1.H Implementation

Amendments to the Zoning By-law will be considered to facilitate development on intensification sites. The City will also develop a set of Urban Design Guidelines to ensure that development is attractive and consistent with the surrounding neighbourhood and overall vision of this Plan.

3.4.4.1.I Phasing

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

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

3.4.4.2 Brownfield Redevelopment

3.4.4.2.A Brownfields Defined

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

3.4.4.2.B The Importance of Brownfields

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

3.4.4.2.C Brownfields

The City actively supports brownfield redevelopment. An estimated 200 hectares of Brownfield lands are located throughout Welland, primarily along the Welland Recreational Waterway. The City supports the reuse and redevelopment of its brownfield areas[3].

3.4.4.2.D Implementation

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

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

3.4.4.2.E Incentives

Incentive Programs[4] offered to overcome the impediments to brownfield redevelopment include:

i. Environmental Site Assessment Program;
ii. Brownfield Tax Assistance Program;
iii. Brownfield Rehabilitation Grant Program;
iv. Brownfields Planning and Building Fees Refund Program; and,
v. Brownfields Development Charge Exemption Program.

3.4.4.2.F Leadership

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

3.4.4.2.G Brownfield Inventory and Monitoring

The City will monitor and maintain an inventory of brownfield sites. Efforts will be focused on revitalizing priority sites listed in the inventory.

3.4.5 Greenfield Development

3.4.5.1.A Greenfield Areas Defined

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

3.4.5.1.B The Importance of Greenfield Development

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

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

3.4.5.1.C Greenfield Development Strategy

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

3.4.5.1.D Greenfield Density Target

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

3.4.5.1.E Achieving the Density Target

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

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

3.4.5.1.F Design

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

3.4.5.1.G Greenfield Inventory and Monitoring

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

3.4.5.1.H Implementation

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

3.4.5.1.I Phasing

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

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

3.5 URBAN AREA EXPANSION

3.5.1 Comprehensive Review Required for Urban Boundary Expansion

To formulate a recommendation for expansion of the Urban Boundary, the City will undertake a comprehensive review in accordance with the requirements of Policy 3.5.2 and Regional Niagara Policy Plan to determine whether additional lands are needed for the 20 year period of this Plan to accommodate housing and employment demand. The findings and recommendations of the comprehensive review shall be documented in a Growth Management Study.

3.5.2 Need for Expansion

Urban Boundary expansions shall only be permitted through co-ordinated local and Regional amendments as part of a municipal comprehensive review that reflects the Regional market area, growth projections, allocations and intensification and density targets by the Region and Provincial Plan where:

i. Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated urban lands to accommodate projected needs within the Regional market and the City of Welland.;
ii. The expansion makes available sufficient lands for a time horizon not exceeding 20 years based on the analysis outlined above. The timing of the expansion and phasing of development within the Greenfield Area will not adversely affect the achievement of the intensification target, density targets or any other Policies of this Plan.

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

iv. In prime agricultural areas:
    a. The lands do not comprise specialty crop areas;
    b. There are no reasonable alternatives; and,
    c. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.

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

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

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

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

3.5.3 Approval

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

3.5.4 Implementation

Where it has been demonstrated that there is need for an Urban Area expansion, the City shall prepare a Secondary Plan for the new urban lands. Refer to Section 7 of this Plan for the requirements of a Secondary Plan.

3.6 NEW SETTLEMENT AREAS

3.6.1 Establishment of New Settlement Area

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

4 URBAN AREA LAND USE POLICIES

4.1 DOWNTOWN WELLAND

4.1.1 Planning Objectives

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

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

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

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

4.1.1.3 Support a Mix of Uses in the Downtown

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

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

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

4.1.1.5 To Make Downtown the Primary Location for Intensification and Redevelopment

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

4.1.1.6 To Attract Public and Private Sector Investment into the Downtown

The City aims to revitalize its Downtown through continued public and private sector investment into the Downtown.

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

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

4.1.1.8 Increase Safety, Security and Cleanliness

Through design and a program of regular upkeep and maintenance, the City aims to maintain and enhance safety, security and cleanliness of the Downtown.

4.1.2 Land Use Policies

4.1.2.1 Downtown

4.1.2.1.A Planned Function

The Downtown is the City's preeminent mixed use node and is intended to serve a variety of complementary functions. The Downtown is intended to accommodate the broadest diversity of uses and the greatest concentration of activity. The Downtown is the location for important institutional uses, niche shops and specialty retail uses, cultural and entertainment uses, businesses and offices, high density residential uses and parks and open spaces. The Downtown is also intended to function as a neighbourhood and include a variety of uses which support the population living in and around the downtown. The limits of the Downtown area shown on Schedule B.

4.1.2.1.B Permitted Uses

Permitted uses within the Downtown include commercial uses such as minor and major retail, personal services and professional services (excluding drive-through, auto related uses such as auto body shops, repair shops), entertainment and hospitality uses (excluding motels), major offices and small offices. Other permitted uses within the Downtown include General Institutional uses, transit and transportation uses, Parks and Open space, Low, Medium and High Density Residential Uses. Individual properties and buildings may contain more than one of the above-noted uses.

4.1.2.1.C Scale

Downtown development should generally contain buildings which are medium (3 to 4 stories) and high-rise (5 to 8 stories) in height. High-rise buildings should be located away from stable neighbourhoods adjacent to the Downtown.

4.1.2.2 Design

4.1.2.2.A Mixed Use Development Form

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

4.1.2.2.B Streetscape Improvements and Public Realm

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

4.1.2.2.C Landmarks

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

4.1.2.2.D Pedestrian Linkages

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

4.1.2.2.E Service Access

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

4.1.2.2.F Improvements

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

4.1.2.2.G Views and Vistas

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

4.1.2.2.H Open Storage

No open storage shall be permitted within the Downtown.

4.1.3 Additional Policies

4.1.3.1 Parking

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

4.1.3.2 Cash-in-Lieu

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

4.1.3.3 Intensification

The Downtown is intended to serve as the primary location for residential intensification. Intensification and redevelopment within the Downtown should address the policies of this Plan.

4.1.3.4 Intensification Supporting Transit Centre

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

4.1.3.5 Intensification Form and Main Street Sense of Place

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

4.1.3.6 Façade Improvement

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

4.1.3.7 Heritage Preservation

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

4.1.3.8 Land Use Compatibility

Provision shall be made for adequate buffering, including noise attenuation, to mitigate any possible adverse effects of uses in the Downtown on adjacent residential areas. Special studies, including traffic, noise, vibration, shadow and lighting, may be required, upon the request of the City, in an effort to mitigate any potential adverse impacts. Policy 4.2.3.6 provides additional guidance related to infilling and intensification shall apply to the Downtown. Intensification within the Downtown shall also be consistent with the Policies of Section 6, which provide protection for the Natural Heritage System and natural hazards.

4.1.3.9 Bonusing

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

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

4.1.3.10 Agreements

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

4.2 HOUSING AND RESIDENTIAL

4.2.1 Planning Objectives

4.2.1.1 Provide for the Orderly Growth and Distribution of Residential Areas

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

4.2.1.2 Efficient and Logical Development Pattern

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

4.2.1.3 Residential Uses Ranging in Type and Tenure

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

4.2.1.4 Residential Uses Ranging in Affordability

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

4.2.1.5 Support the City's Existing and Planned Residential Fabric

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

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

The City will ensure that there is a sufficient supply of serviced residential land to provide at least a three (3) year supply of residential Greenfield and intensification units, in accordance with the Provincial Policy Statement. In particular, to make an

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

4.2.1.7 Support Existing Areas and Designations

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

4.2.1.8 Promote Opportunities for Intensification and Redevelopment

The City will promote opportunities for residential intensification and redevelopment on lands located within the Built Up Area of the City.

4.2.1.9 Develop New Sustainable Neighbourhoods

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

4.2.1.10 Develop Attractive, Accessible and Pedestrian Friendly Neighbourhoods

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

4.2.2 Land Use Policies

4.2.2.1 Residential Hierarchy

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

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

4.2.2.2 Low Density Residential

4.2.2.2.A Planned Function

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

4.2.2.2.B Permitted Uses

Permitted uses include single-detached, semi-detached, triplex, townhouse and duplex housing units. Elementary schools and places of worship are permitted. Neighbourhood commercial uses may also be permitted, in accordance with the Commercial policies of Section 4.4 of this Plan. Home-based businesses may be permitted as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

4.2.2.2.C Scale

Low Density Residential lots shall accommodate low-rise dwellings which do not cause significant issues with casting of shadows, obstruction of views and privacy for adjacent lots.

4.2.2.2.D Design

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

4.2.2.3 Medium Density Residential

4.2.2.3.A Planned Function

The Medium Density Residential designation is intended to provide housing for residential development at a minimum density of 25 dwelling units per net hectare of land and a maximum density of 60 dwelling units per net hectare of land.

4.2.2.3.B Permitted Uses

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

4.2.2.3.C Scale

Medium Density Residential lots shall accommodate low-rise dwellings which do not cause significant issues with casting of shadows and obstructions of views for adjacent lots.

4.2.2.3.D Design

Medium Density Residential will be encouraged to have front porches or covered entrances. Attached garages on housing units should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages. Buildings should incorporate landscaping in all yards which provide a buffer between the building and adjacent sensitive land uses. Parking areas shall be located in the side or rear yard and/or underground or structured parking. Where underground or structured parking is provided, an amendment to this Plan is not required for increased density, provided that proposed built form is consistent with the design policies of this Plan. The site will be designed to provide for the collection and storage of recyclable wastes on site.

4.2.2.4 High Density Residential

4.2.2.4.A Planned Function

The High Density Residential Designation is intended to provide housing for residential development at a minimum density of 61 dwelling units per net hectare of land and a maximum density of 125 dwelling units per net hectare of land. High Density Residential uses will generally be located close to, or within, activity nodes (or be planned as a catalyst for an activity node within a Secondary Plan or Master Plan) where the intensity of residential development supports commerce and

transit ridership, and generates pedestrian traffic to enliven neighbourhood streets.

4.2.2.4.B Permitted Uses

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

4.2.2.4.C Scale

High Density Residential lots may accommodate medium-rise and high-rise apartments where the issues of casting of shadows, obstruction of views, and privacy for adjacent lots need to be managed and potential negative impacts minimized. Generally, High Density Residential buildings should be between 5 and 8 stories. Density and building heights are intended to decrease as the distance of the building from activity nodes increases.

4.2.2.4.D Design

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

4.2.3 Additional Policies

4.2.3.1 Design Policies for Existing Neighbourhoods

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

4.2.3.2 Design Policies for New Neighbourhoods

New neighbourhoods will be planned to support the Region's density target of a combined 50 residents and jobs per gross hectare on designated Greenfield lands. New neighbourhoods shall have clearly defined character with built form and landscaping which meets, or exceeds, the standards established by other development in the region. New neighbourhoods should be visually interesting by discouraging repetitive built form and incorporating a variety of building materials, landscaping, open space and environmental and natural and built heritage features. New neighbourhoods will be encouraged to incorporate energy efficiency initiatives such as energy efficient materials, energy-appropriate landscaping treatments, infrastructure innovations (including but not limited to LED street lights), consideration of building orientation and a transportation network which reduces dependency on the automobile. The City will encourage place-making and more specific design requirements for new neighbourhoods through tools such as secondary plans, urban design guidelines and accessibility design guidelines.

4.2.3.3 Location and Design of Elementary School Sites

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

4.2.3.4 Location and Design of Places of Worship

Where possible, places of worship should be located on arterial or collector roads within walking distance of transit stops. Places of worship should provide on-site

parking located at the rear or side of the building and adequately and safely accommodate vehicular and pedestrian traffic entering on site. Parking should be located at the side or the rear of the building. Proposals for developing new places of worship may require the applicant to submit a traffic impact study, lighting study, parking study and other studies deemed appropriate by the City.

4.2.3.5 Prevention of Neighbourhood Isolation

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

4.2.3.6 Infill and Intensification Development

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

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

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

4.2.3.7 Locational Criteria for High Density Residential

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

4.2.3.8 Conversion of High Density Residential Sites

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

i. If the municipality has achieved its 20 year target for intensification; or,
ii. If other suitable lands yielding the same or greater development potential as the down-designated site are up-designated to high density as compensation.

4.2.3.9 Live/Work Opportunities

Medium density and high density residential units designed for live/work may be permitted subject to Site Plan Approval and provision of sufficient parking. Live/work development is encouraged to locate on collector and arterial roads and/or in an area planned for intensification.

4.2.3.10 Affordable Housing

i. The City will work with the Regional Municipality of Niagara, not-for-profit housing agencies and the private sector to ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households.

ii. The City will target 30% of all new housing units constructed over the long term to consist of affordable housing units to be constructed in both intensification areas and throughout the built-up area and also in Greenfield areas.

iii. The City will also consider the inclusion of regulations in the Zoning By-law which would support the provision of affordable housing.

iv. The demolition or conversion to freehold or condominium ownership of residential rental properties containing six or more dwelling units shall not be permitted unless all of the following conditions are satisfied:

   a. The rental vacancy rate by dwelling/structure type for the City of Welland as defined and reported yearly through the CMHC Rental Market Survey has been at or above 3 per cent for the preceding two-year reporting period;

b. The building for which conversion is proposed meets the requirements of the property standards by-law, the Ontario Building Code, and any other applicable law, or will be upgraded in accordance with these standards and requirements;

c. Where demolition occurs, replacement rental housing units are provided for those units that are demolished; and

d. The requirements of any applicable Provincial legislation or regulation, as amended, are met.

4.2.3.11 Accessible Housing

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

4.2.3.12 Group Homes

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

i. Approved homes;
ii. Homes for special care;
iii. Supportive housing programs;
iv. Accommodation for adult mental health programs;
v. Accommodation services for individuals with a developmental disability;
vi. Satellite residences for seniors; and,
vii. Homes for individuals who have physical disabilities, where the Province licenses, funds or approves such a group home program.

Transitional housing for individuals who are socially disadvantaged and community resource centres will require a rezoning.

4.2.3.13 Accessory Dwelling Units

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

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

4.2.3.14 Garden Suites

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

4.2.3.15 Student Accommodation

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

4.2.3.16 Monitoring and Target Setting

The City of Welland will monitor the pace of residential Greenfield and intensification development. It will use tools (such as a Built Boundary mapping, Community Improvement Plans, controlling expansions of the Urban Boundary,

etc.) to attain a minimum of 40% of all residential development occurring annually in the built up area by 2015 and beyond. The City may implement a phasing strategy to address any surplus designated Greenfield residential land.

4.2.3.17 Urban Design Guidelines

Until such time that urban design guidelines are completed by the City, it will direct development proponents to the Regional Municipality of Niagara's Model Urban Design Guidelines and encourage that the guidelines regarding lot layout, building form and massing, architectural treatment, parking, etc., be implemented, where feasible.

4.2.3.18 Bonus Zoning

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

4.2.3.19 Density Requirements

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

4.2.3.20. Exceptions

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

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

(700 CANAL BANK STREET)

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

4.2.3.20.D Notwithstanding the permitted uses of Section 4.2.2.2.B, semi-detached, freehold triplexes and street townhouses at a minimum density of 18.4 units per net hectare shall be permitted on the lands described as Part of Block 82 and Part of Lot 44, Plan 59M-374.
(COYLE CREEK ESTATES SUBDIVISION – PHASE 6)

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

4.3 EMPLOYMENT AREAS

4.3.1 Planning Objectives

4.3.1.1 Provide for the Orderly Growth and Distribution of Employment Areas

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

4.3.1.2 Provide a Range of Uses within Employment Areas

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

4.3.1.3 Support Existing and Planned Employment Hierarchy

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

4.3.1.4 Encourage Quick Transitions in Employment Areas

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

4.3.1.5 Make Efficient Use of Land

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

4.3.1.6 Promote Opportunities for Intensification and Redevelopment

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

4.3.1.7 Protect Employment Areas

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

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

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

4.3.1.9 Minimize Adverse Impacts Associated with Industrial Uses

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

4.3.1.10 Enhance the Image of Employment Areas using Urban Design

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

4.3.1.11 Promote a Gateway Employment Area

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

4.3.2 Land Use Policies

4.3.2.1 Employment Hierarchy

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

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

4.3.2.2 General Industrial Area

4.3.2.2.A Planned Function

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

4.3.2.2.B Permitted Uses

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

4.3.2.2.C Design

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

4.3.2.3 Light Industrial Area

4.3.2.3.A Planned Function

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

4.3.2.3.B Permitted Uses

Permitted uses include light-manufacturing, light-assembly, research and development, warehouses and wholesaling, indoor storage, offices related to industrial uses, as well some commercial uses such as heavy equipment sales and services, repair shops and services and lumber yards. Minor retail, personal and professional service commercial uses which are scaled to serve the immediate needs of the employees of the immediate employment area, are also permitted. Only a limited amount of outdoor storage is permitted, subject to the Policy 4.3.2.3.C. Raw goods and materials, or waste materials shall be in wholly enclosed structures.

4.3.2.3.C Design

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

4.3.2.4 Gateway Economic Centre

4.3.2.4.A Planned Function

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

4.3.2.4.B Permitted Uses

Permitted uses include uses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturer's showrooms, light manufacturing, light assembly, laboratories, research and development, training facilities, hospitality uses and other similar uses. Minor retail, personal and professional service commercial uses which are

scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complementary to the aforementioned uses are also permitted. Raw goods and materials, or waste materials shall be in wholly enclosed structures.

4.3.2.4.C Design

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

4.3.3 Additional Policies

4.3.3.1 Employment Land Conversion

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

i. There is a need for the conversion (as defined by the City in Policy 4.3.3.2);
ii. The municipality will meet the employment targets allocated to the City pursuant to this Plan;

iii. The conversion will not adversely affect the overall viability of the City's Employment Areas and the achievement of the intensification target, density targets and other Policies of this Plan;
iv. There is existing, or planned, infrastructure in place to accommodate the proposed use;
v. The lands are not required, over the long term, for employment purposes for which they are designated; and,
vi. Cross jurisdictional issues have been considered.

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

4.3.3.2 Defining the Need for Conversion

The City will determine whether or not there is need for a particular conversion. In doing so, the City will consider "need" within the context of broader public interest and within the context of the Community Strategic Directions of this Plan as well as other Policies of this Plan.

4.3.3.3 Infilling and Intensification

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

4.3.3.4 Balancing Demand and Supply

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

4.3.3.5 Gateway Economic Centre Master Plan or Secondary Plan

To ensure co-ordinated development over the long-term, the City may work with neighbouring local municipalities, the Region, and the Province to prepare a Master Plan or Secondary Plan for Welland's portion of the Gateway Economic Centre which will address land use compatibility, urban design, multi-modal transportation linkages, energy efficiency, environmental standards and constraints (including the contaminated sediment in Lyons Creek East see Policy

6.7.5), economic development and tourism, social needs, phasing, financing and implementation. The resulting Master Plan or Secondary Plan may form part of the Official Plan.

4.3.3.6 Industrial Traffic

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

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

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

4.3.3.8 Accessory Residential

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

4.3.3.9 Exceptions

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

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

4.4 COMMERCIAL AREAS

4.4.1 Planning Objectives

4.4.1.1 Provide for the Orderly Growth and Distribution of Commercial Areas

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

4.4.1.2 To Provide a Range of Commercial Uses

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

4.4.1.3 Support the City's Existing and Planned Commercial Structure

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

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

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

4.4.1.5 Promote Intensification and Support Existing Areas and Designations

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

4.4.1.6 Promote Opportunities for Mixed Use Development

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

4.4.1.7 Develop Attractive, Accessible and Pedestrian Friendly Spaces

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

4.4.1.8 Minimize Potential Negative Impacts

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

4.4.2 Land Use Policies

4.4.2.1 Commercial Structure

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

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

4.4.2.2 The Downtown

The Downtown is where specialized commercial retail, office and service uses are focused. As a mixed used node, it is different from all other nodes within the City, functioning as the cultural, community and administrative centre of the City. Combined with recreational and residential uses, it is the most diverse area of the City. Section 4.1 of this Plan provides detailed land use policies for the Downtown.

4.4.2.3 Regional Shopping Node

4.4.2.3.A Planned Function

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

4.4.2.3.B Permitted Uses

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

4.4.2.3.C Scale

The Regional Node should be planned to accommodate approximately585,000 square feet of enclosed commercial space within the Seaway Mall and an additional500,000 square feet of commercial space surrounding the Mall along Niagara Street for a total of approximately 1.085 million square feet of gross floor area commercial space.

4.4.2.3.D Design

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

4.4.2.4 Eastern Approach

4.4.2.4.A Planned Function

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

4.4.2.4.B Permitted Uses

East Side

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

West Side

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

4.4.2.4.C Scale

The Eastern Approach will be planned to provide for a total of up 448,000 square feet of commercial retail and complementary service type uses, comprised of the following:

East Side

i. One 177,500 square foot department store;
ii. One 101,000 square foot home and auto supply store; and
iii. 45,000 square feet non-department store DSTM and/or complementary service type uses.

West Side

i. One 124,500 square foot home improvement store (including 50,700 square feet of storage, 17,500 square feet for a garden centre and 56,300 square feet for a home improvement store).
ii. Other uses (see 4.4.2.4.B) are also permitted on the site.

4.4.2.4.D Minimum Floor Size

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

4.4.2.4.E Design

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

4.4.2.5 Community Commercial Node

4.4.2.5.A Planned Function

Community Commercial Nodes are intended to serve as a local focus for commercial activity at sites distributed across the City to serve community commercial functions with free-standing commercial uses and small plazas on larger lots that are generally anchored by supermarket facilities or a large retailer. Community Commercial Nodes will serve the needs of local residents in living in areas within relative close proximity to the Node.

4.4.2.5.B Permitted Uses

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

4.4.2.5.C Scale

Community Commercial Nodes should be planned to accommodate up to 185,000 square feet of commercial space.

4.4.2.5.D Design

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

4.4.2.6 Community Commercial Corridor

4.4.2.6.A Planned Function

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

4.4.2.6.B Permitted Uses

Community Commercial Corridors permit uses to serve the travelling public with a range of retail, office, and service commercial uses, excluding a supermarket anchor, but including a diversified mixture of specialty retail, specialty food, business and professional services, personal services, places of worship, automotive commercial uses(such as service stations, auto dealerships, auto repair shops, but excluding auto wreckers), hospitality uses (such as hotels and motels, banquet halls and private clubs), places of entertainment, restaurants, private and commercial schools.

4.4.2.6.C Design

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

4.4.2.7 Neighbourhood Commercial

4.4.2.7.A Planned Function

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

4.4.2.7.B Permitted Uses

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

4.4.2.7.C Location Criteria

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

4.4.2.7.D Scale

Neighbourhood Commercial areas should fit within the context of the surrounding neighbourhood. Individual areas should not exceed 20,000 square feet of gross floor area.

4.4.3 Additional Policies

4.4.3.1 Infill and Intensification Development

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

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

4.4.3.2 Balancing Demand and Supply

The City of Welland will support its commercial structure by carefully monitoring the demand and supply for retail commercial goods. This will be achieved by exercising control over expansions to existing designated retail areas. New retail

areas or expansions to existing retail areas shall be tied to market demand as per the policies outlined in 4.4.3.3 and 4.4.3.5.

4.4.3.3 Drive Through Facilities

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

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

4.4.3.4 Service Stations

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

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

vi. Where car wash facilities are provided, locate stacking lanes so that they are screened and out of view from the public street and away from street frontages;

4.4.3.5 Major Applications

Market Impact Studies and Peer Reviews are required for all major applications, including expansions and redevelopment proposals. The City, in consultation with the Region, reserves the right to determine what constitutes a major application based on a series of qualitative and quantitative criteria. Generally, major applications are defined as any application greater than 30,000 square feet. However, size alone should not be considered the sole factor in determining what constitutes a major application. Applications proposing less than 30,000 square feet may still be considered a "major application" within the context of any one of the following:

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

4.4.3.6 Exceptions

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

4.4.3.7 Market Impact Studies and Peer Reviews

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

4.4.3.8 Proposed Amendments

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

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

4.4.3.9 Coordination

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

4.4.3.10 Zoning By-Law

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

4.4.3.11 Site Plan Control

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

4.4.3.12 Gross Floor Area

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

4.4.3.13 Exceptions

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

i) 297 King Street; described as Part of Lots 55 & 56, Plan 559, west side of Canal Street (now King Street); Part of Lot 76, Plan 559, south side of Crowland Street (now Albert Street); Part of Lot 77, Plan 559, north side of Park Street; all being Part 1, 59R-5730; Welland.

ii) 359 King Street; described as Part of Lots 50, 51 & 52, Plan 559, west side of Canal Street (now King Street); Part of Lot 78, Plan 559, south side of Park Street, Part of Lot 79, Plan 559, north side of Lincoln Street (AKA Concession Road); Part of Road Allowance Between Concessions 5 & 6 Crowland, (Closed by By-law TW3903) All Being PT 3, 59R-5730; Part of Road Allowance Between Concessions 5 & 6 Crowland, (Closed by By-law RO534510) Part 5, 59R-5730; S/T RO634698 Welland.

Permitted commercial uses shall be the same as those provided for under Subsection 4.4.2.6.B of this Plan. The policies of Section 4.2.2.4 and 4.2.3 shall apply to guide the overall development of the building.

4.4.3.13.B Notwithstanding the permitted uses under Section 4.4.2.6.B dwelling units are permitted over a permitted non-residential use for the lands located at 152 Hellems Avenue and 131 Young Street.
(152 HELLEMS AVENUE AND 131 YOUNG STREET)

4.4.3.13.C Notwithstanding the permitted uses under Section 4.4.2.6.B dwelling units are permitted over a permitted non-residential use for the lands located at 142 and 144A Thorold Road.
(142 AND 144A THOROLD ROAD)

4.4.3.13.D In addition to the permitted uses under Section 4.4.2.7.B gas stations and business offices are also permitted uses for the lands located at the north-west and south-west corners of South Pelham Road and Webber Road.
(SPARROW MEADOWNS ESTATES SUBDIVISION)

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

4.5 INSTITUTIONAL AREAS

4.5.1 Planning Objectives

4.5.1.1 Provide an Appropriate Supply of Institutional Lands

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

4.5.1.2 Provide a Range of Institutional Uses

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

4.5.1.3 Support Existing Institutional Areas and Designations

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

4.5.1.4 Promote Opportunities for Intensification and Redevelopment

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

4.5.1.5 Promote the Development of a Health and Wellness Cluster

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

4.5.1.6 Encourage Context-Sensitive Design

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

4.5.2 Land Use Policies

4.5.2.1 Institutional

4.5.2.1.A Planned Function

General Institutional uses are intended to serve the immediate neighbourhood, a collection of neighbourhoods or the entire City, and provide social or cultural

services such as education, health care, social housing, and religious worship for residents.

4.5.2.1.B Permitted Uses

Permitted uses include public and private secondary schools, post-secondary educational institutions, daycares, health care facilities, civic facilities, cultural facilities, social housing, places of worship, cemeteries, assisted living, care facilities and retirement homes for senior citizens[5] and other public or community facilities.

4.5.2.1.C Design

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

4.5.2.2 Health and Wellness Cluster

4.5.2.2.A Planned Function

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

[5] Assisted living and retirement homes are not licensed by the Province.

4.5.2.2.B Permitted Uses

Permitted uses within the Health and Wellness Cluster are hospital and hospital related uses associated with the care and treatment of patients, medical offices, clinics, medical and health related retail businesses, fitness operations, housing related to the medical / health care use, long term care facilities, extended care accommodations, independent living accommodations, social housing, seniors housing, civic facilities, post-secondary educational institutions and recreational uses.

4.5.2.2.C Design

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

4.5.3 Additional Policies

4.5.3.1 Institutional as Employment

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

4.5.3.2 Encouraging Master Plans for Large Institutions

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

4.5.3.3 Accessory Residential

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

4.5.3.4 Location and Design of Secondary School Sites

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

4.5.3.5 Location and Design of Places of Worship

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

4.5.3.6 Large Institutional Uses

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

4.5.3.7 Emergency Service Facilities

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

located on an arterial or collector roads. The siting of new facilities shall also consider the potential impacts on adjacent users.

4.5.3.8 Medium and High Density Institutional Design

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

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

4.5.3.9 Exceptions

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

5 AGRICULTURAL AND RURAL AREA LAND USE POLICIES

5.1 AGRICULTURE

5.1.1 Planning Objectives

5.1.1.1 Protection of Prime Agricultural Lands

The City will protect prime agricultural lands by appropriately designating them and discouraging their redesignation or severance.

5.1.1.2 Agriculture as an Important Economic Activity

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

5.1.1.3 Agriculture Supporting Green Energy

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

5.1.1.4 Support farm diversification

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

5.1.1.5 Avoid Conflicts with Non-Farm Uses

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

5.1.2 Land Use Policies

5.1.2.1 Planned Function

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

5.1.2.2 Permitted Uses

Permitted uses include normal farm practices, agriculturally-related activities, nurseries, greenhouses, conservation, forestry and infrastructure of a linear nature. Secondary uses are also permitted. Secondary uses are secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm

operation on the property. Secondary uses that are proposed outside of existing on-farm buildings, including the farm residence, shall be subject to site plan control to ensure that the additional development is the appropriate scale, and is appropriately located to have the least impact on the primary agricultural operation and meet the requirements of Section 6.1 regarding impact on the natural environment. Production of energy from renewable resources on agricultural lands may be permitted provided that the proposed operations comply with the requirements of the *Green Energy Act*.

5.1.3 Additional Policies

5.1.3.1 Limitations on Lot Creation

5.1.3.1.A Lot Creation for Legal, Technical or Farm-Related Purposes

Lot creation for legal, technical or farm-related purposes shall be limited to:

i. Conveying a residence surplus to a farming operation as a result of a farm consolidation, provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance;
ii. A lot line adjustment for legal or technical reasons, such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot; or
iii. A consent to convey for a farm parcel, provided that the resulting parcels are both for agricultural uses and the size of the resulting parcels is a minimum of 40 hectares (100 acres).

5.1.3.1.B Lot Creation for Infilling Purposes

The City will not consider site specific amendments to this Policy. Infilling may be permitted on lands designated for Agriculture where all of the following conditions exist:

i. Infilling takes place between two existing residential dwellings which are no more than 100 metres apart;
ii. The lot has direct access to existing municipal water services which were in place as of the date of adoption of this Plan (May, 4, 2010) and as depicted in Schedule D of the Plan;
iii. The lot maintains a minimum 45 metre frontage on an existing public road;
iv. The lot has a minimum useable lot area of 0.5 hectares;
v. The application is accompanied by supporting studies, including, but not limited to, a Planning Justification Report, Geotechnical Study, Environmental

Impact Study and any other study required by the City, Region of Niagara and the Niagara Peninsula Conservation Authority which demonstrate that there will be no negative impact of the proposed new lot on surrounding land uses, the natural environment, infrastructure and water quality and quantity;

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

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

5.1.3.2 Dwellings for Farm Help

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

5.1.3.3 Home-Based Businesses

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

5.1.3.4 Minimum Distance Separation

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

5.1.3.5 Removal of Agricultural Lands

Non-agricultural uses should not be located in Agricultural Areas. However, applications for individual non-agricultural uses may be considered. These applications will require an Amendment to this Plan and may require an Amendment to the Region of Niagara's Policy Plan. Applications shall be subject to the following conditions:

i. That there is demonstrated need for the additional land to be designated within the planning horizon of this Plan; this can be demonstrated by surveying the

capacity of similar land uses to accommodate demand within the City and/or Region. Mineral aggregate operations would not be required to demonstrate need;

ii. That the proposed use is considered to be desirable;
iii. There are no reasonable alternatives for the proposed use within the Urban Area;
iv. There are no reasonable alternatives on lands with lower agricultural priority within the Agricultural and Rural Area;
v. There are no conflicts with surrounding land uses and that any land use compatibility issues can reasonably be mitigated;
vi. That the proposed application is supported by any required supporting studies;
vii. That the proposed use complies with all other Policies of this Plan; and,
viii. Extraction of mineral aggregate resources is permitted as an interim use, subject to Policy 5.3.3.5 when considering the suitability of a new or expanded mineral aggregate operation.

5.1.3.6 Value Added Activities

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

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

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

5.2 RURAL EMPLOYMENT AREA

5.2.1 Planning Objectives

5.2.1.1 Complement Local Agricultural Production

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

5.2.1.2 Provide Economic Development

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

5.2.2 Land Use Policies

5.2.2.1 Planned Function

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

5.2.2.2 Permitted Uses

Permitted uses include outdoor storage, warehousing, shipping/receiving, lumber yards or processing of agricultural products and goods / materials supporting farm operations, as well as farm machinery sales and repair, which do not, or will not, require the extension of municipal water or sewer services. Bed and breakfast and farm-based tourism establishments may also be permitted.

5.2.2.3 Scale

Rural Employment lots shall accommodate low-rise buildings which do not detract from, or cause, a negative visual impact to the rural landscape.

5.2.2.4 Design

The use of good quality exterior building materials and substantive landscaping shall be encouraged on lands designated Rural Employment. Rural Employment uses near sensitive land uses will incorporate buffering, massing, and screening, as well as controls for noise, vibration, odour, dust / debris, and light emissions which minimize impacts on the nearby sensitive uses. Small parking areas may be provided in the front yard, however large parking areas shall be located to the side or rear of the building incorporating appropriate landscaping and/or screening.

Siting of buildings shall be set back appropriately from natural hazards, features and wooded areas as per the Policies of this Plan and City's Zoning By-law.

5.2.2.5 Exceptions

5.2.2.5.A In addition to the uses permitted under Section 5.2.2.2 Permitted Uses, dry industrial uses and a Motor Vehicle Repair Shop Class A are also permitted.
(566 Ridge Road)

5.3 MINERAL AGGREGATE RESOURCES

5.3.1 Planning Objectives

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

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

5.3.1.2 Provide for the Rehabilitation of Mineral Aggregate Operations

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

5.3.1.3 Ensure Land Use Compatibility Issues are Addressed

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

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

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

5.3.1.5 Provide a Clear Policy Framework for Evaluating Applications

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

5.3.1.6 Orderly Extraction

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

5.3.2 Land Use Policies

5.3.2.1 Planned Function

Mineral Aggregate Resources are sand, gravel, stone, shale, limestone, rock or other material used for the purposes of construction, industrial, manufacturing, maintenance and landscaping. The planned function of the Mineral Aggregate Resource Area is to provide opportunities for mineral extraction.

Schedule "G" identifies areas where there are known mineral aggregate resources. Extraction of these resources is subject to approval pursuant to the Aggregate

Resources Act and an amendment to this Plan. Such an amendment would include the identification of the mineral aggregate operation on Schedule "G" and the provision of site specific policies within Section 5.3 of this Plan. Site specific policies shall permit the mineral aggregate operation and list any other permitted land use.

5.3.2.2 Permitted Uses

The area shown as Mineral Aggregate Resource Area on Schedule G to this Plan may be used for the extraction of mineral aggregates that are found in a natural state on the site, subject to Policy 5.3.2.1. Mineral aggregate operations may refine and process the raw materials extracted from the site in order to produce semi-finished or finished goods. Rehabilitation of abandoned extractive mineral aggregate operation sites as required under the *Aggregate Resources Act* or successor thereto will be in accordance with the Policies 5.3.3.5, 5.3.3.7 and 5.3.3.8, as applicable. Existing uses and uses in accordance with the land use designation for the lands that are identified as Mineral Aggregate Resource Area are permitted.

5.3.2.3 Location

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

5.3.3 Additional Policies

5.3.3.1 Protection of Mineral Aggregate Resources

In areas within 300 metres of or in known deposits of mineral aggregate, proposed development or site alteration that would preclude or hinder the establishment of new or an expansion to an existing mineral aggregate operation or access to the resources shall only be permitted through the completion of a Mineral Aggregate Resource Study which determines the following:

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

5.3.3.2 Land Use Compatibility and Adjacent Uses

Mineral aggregate operations shall be protected from development that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. Where *Planning Act* approvals are required for development within 300 metres, the City shall require studies to demonstrate land use compatibility, including appropriate setbacks and buffer distances.

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

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

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

i. A completed application for a Regional Policy Plan Amendment, in accordance with the Region's Policy Plan Amendment Fee Schedule (as amended from time to time), and all necessary supporting documents, reports as required;
ii. A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
iii. An application to amend the City's Zoning By-law and all the necessary supporting documents and reports;
iv. The provision of a detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereto;
v. The applicant will pre-consult with the City of Welland, Region of Niagara, the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources, as well as any others specified by the City of Welland, to establish the supporting documents and reports. Such documents and reports will be completed by a qualified individual based on clear, reasonable and attainable standards and guidelines, and will be consistent with the Reporting Standards

under the Aggregate Resources Act where appropriate. This may include, but may not be limited to the following:

i. Planning Justification Report including conformity to the City Official Plan, the Region of Niagara Policy Plan, and Provincial policy;
ii. *Traffic and Haul Route Impact Study* demonstrating that any additional traffic and road improvements will not have unacceptable impacts on the safe and efficient use of the road network, on adjacent land uses, the planned function of the City of Welland, on cultural landscapes, or on environmentally sensitive features;
iii. Social Impact Assessment;
iv. Any and all environmental investigations as specified by this Plan and appropriate regulatory approval agencies;
v. *Visual Impact Report*;
vi. *Cultural Heritage Impact Assessment and/or Archeological Resource Assessment;*
vii. Water Resources Study which will include surface water impacts, groundwater impacts, surface/groundwater interaction impacts, and impacts on adjoining private wells;
viii. Noise and Vibration;
ix. Air Quality;
x. *Progressive Rehabilitation Master Plan*;
xi. Site Plan;
xii. Public Consultation Plan;
xiii. Monitoring Study;
xiv. Agricultural Impact Assessment;

vi. The location, topography, contours, dimensions and acreage of the property proposed for an extractive industrial operation, as well as the extent of adjacent property which may be intended for future pit or quarry operations;
vii. The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for extraction operation;
viii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
ix. The location, quality and estimated quantity of mineral aggregate resources;

x. Existing and anticipated final grades of excavation and excavation setbacks within the site;
xi. Surface water diversion, storage and drainage provisions;
xii. All entrances, exits and proposed routes to be used by associated transport;
xiii. Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the land after the extractive operations have ceased; and,
xiv. Other information as the City deems necessary.

5.3.3.4 Evaluation of Applications and Amendments

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

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

5.3.3.5 Applications on Agricultural Land

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

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

ii. The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible;
iii. Other alternatives have been considered by applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1, 2, and 3; and,
iv. Agricultural rehabilitation in remaining areas will be maximized.

5.3.3.6 Modifications to Existing Site Plans

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

5.3.3.7 Progressive Rehabilitation Master Plan

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

5.3.3.8 Rehabilitation in Environmental Areas

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

5.3.3.9 Cultural Heritage

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

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

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

5.4 RURAL

5.4.1 Planning Objectives

5.4.1.1 To recognize existing rural development.

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

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

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

5.4.1.3 Maintain rural character.

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

5.4.2 Land Use Policies

5.4.2.1 Planned Function

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

5.4.2.2 Permitted Uses

Farm related uses and a variety of non-agricultural development may be located within the Rural area, subject to meeting the land use compatibility criteria outlined in Policy 5.4.3.1. Certain types of low intensity, non-agricultural development such as rural residential uses, recreational, public and institutional uses are permitted.

5.4.3 Additional Policies

5.4.3.1 Rural Development Criteria

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

i. Individual lot size and shape, soil conditions, drainage and topography are suitable for the satisfactory long term operation of a private waste disposal system, in accordance with the requirements of the Ministry of the Environment.

ii. The water supply meets the requirements of the Ministry of the Environment or its agents, and the Medical Officer of Health.
iii. The proposed development will not reduce water quality and/or quantity or interfere with natural farm drainage systems.
iv. The site does not have problems of flooding, erosion, unstable slopes and is not comprised of organic soils.
v. The proposed development has adequate access to the City's road network, but locations must not jeopardize the operation of the system.
vi. The proposed development meets all other applicable Policies of this Official Plan.

5.4.3.2 Lot Creation

Infilling may be permitted on lands designated for Rural where all of the following conditions exist:

i. Infilling takes place between two existing residential dwellings which are no more than 100 metres apart;
ii. The lot maintains a minimum 45 metre frontage on an existing public road;
iii. The lot has a minimum useable lot area of 0.5 hectares;
iv. The application is accompanied by supporting studies, including, but not limited to, a Planning Justification Report, Geotechnical Study, Environmental Impact Study and any other study required by the City, Region of Niagara and the Niagara Peninsula Conservation Authority which demonstrate that there will be no negative impact of the proposed new lot on surrounding land uses, the natural environment, infrastructure and water quality and quantity; and,
v. The lot meets all other provisions of the City's Zoning By-law.

5.4.3.3 Minimum Distance Separation

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

5.4.3.4 Long Term Pattern

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

5.4.3.5 Implementation

5.4.3.5.A Servicing

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

5.4.3.5.B Zoning

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

6 CITY-WIDE LAND USE POLICIES

6.1 ENVIRONMENT

6.1.1 Planning Objectives

6.1.1.1 Maintain a Healthy Natural Environment for Present and Future Generations

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

6.1.1.2 Conserve Welland's Distinctive Natural Character

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

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

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

6.1.1.4 Foster and Promote Cooperation

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

6.1.1.5 Support and Encourage Environmental Stewardship and Restoration

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

6.1.2 Land Use Policies

6.1.2.1 Core Natural Heritage System

6.1.2.1.A Planned Function

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

6.1.2.1.B Permitted Uses

Permitted uses within the Core Natural Heritage System include forest, fish and wildlife management uses, 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. In addition to the above, small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities which will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System are permitted. Activities within these lands may be subject to a permit from the Conservation Authority, (refer to NPCA Regulation 155/06, as amended). Existing agricultural uses are also permitted to continue within the Core Natural Heritage System.

6.1.2.1.C Components of the Core Natural Heritage System

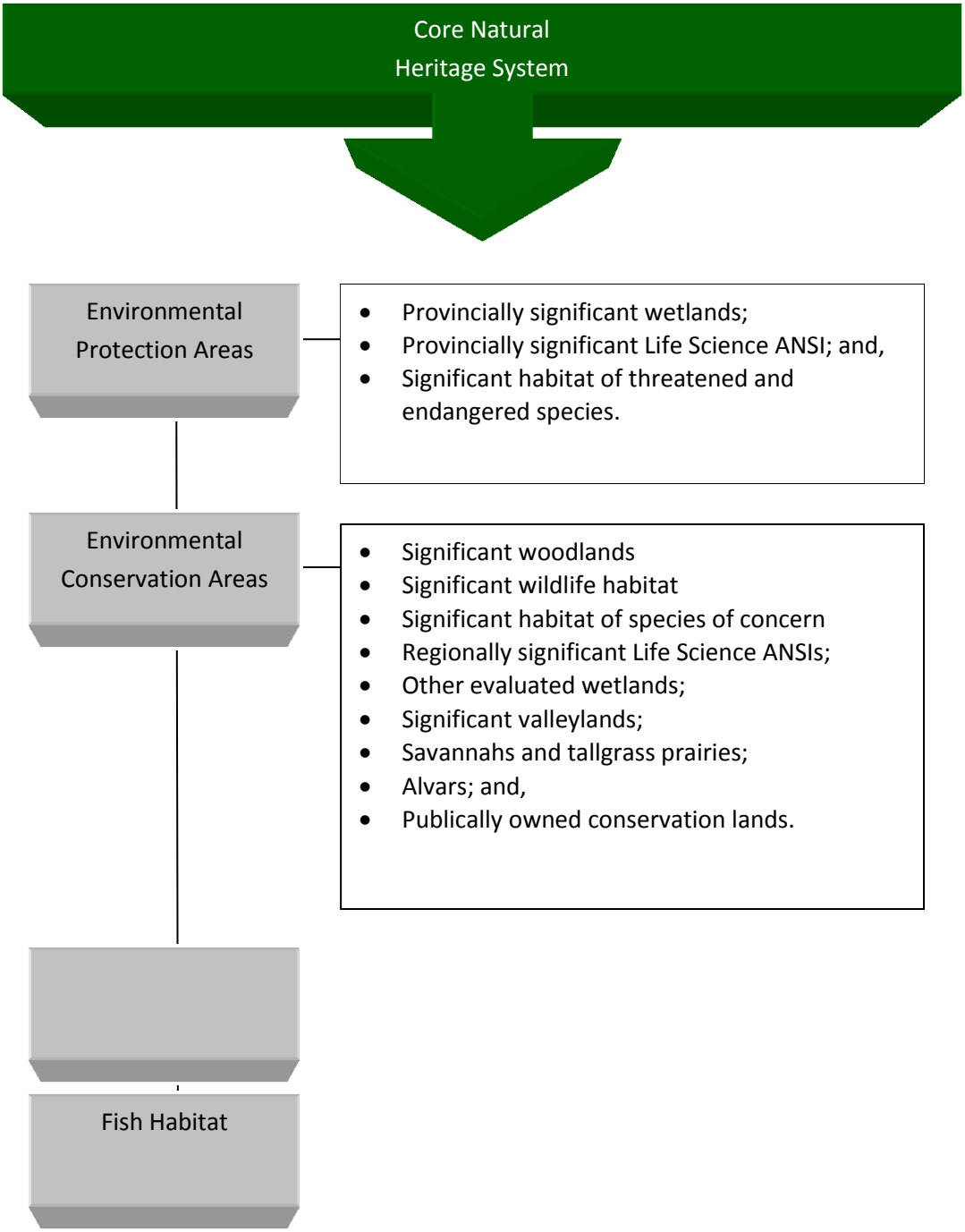
The Core Natural Heritage System consists of:

i. Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
ii. Natural Heritage Corridors connecting the Core Natural Areas;
iii. Fish Habitat.

6.1.2.1.D Policy Framework

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

Figure 6.1: Components of the Core Natural Heritage System



6.1.2.1.E Environmental Protection Area

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

6.1.2.1.F Environmental Conservation Area

Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tall grass prairies; alvars; and publicly owned conservation lands.

6.1.2.1.G Natural Heritage Corridors

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

6.1.2.1.H Fish Habitat

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

6.1.2.1.I Location

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

6.1.2.2 Delineation of the Core Natural Heritage System

6.1.2.2.A Delineation of Features and Modifications

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

6.1.2.2.B Consideration of Refinements

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

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

6.1.2.2.C Significant Habitat of Threatened and Endangered Species

Mapping of the significant habitat of threatened and endangered species is not included in **Schedule C** and **Schedule C1**. The significant habitat of threatened and endangered species will be identified through the Planning and Development review process. Where such habitat is identified, development and site alteration shall be subject to the policies for Environmental Protection Areas.

6.1.2.2.D Additional Features Not Mapped

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

the criteria for identification as Core Natural Heritage System components, the appropriate Core Natural Heritage System policies shall apply. If a feature meeting the criteria for identification as a Core Natural Heritage System component is identified through an evaluation under Policies of this Plan or through other studies, it shall be considered for inclusion in the Core Natural Heritage System through an Amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning Application, the appropriate Core Natural Heritage System Policies shall apply.

6.1.2.2.E Significant Woodlands

Significant woodlands have one or more of the following criteria:

i. Contain threatened or endangered species or species of concern;
ii. In size, be equal to or greater than 2 hectares, if located within or overlapping the Urban Area Boundary or 10 hectares, if located within the Agricultural and Rural Area;
iii. Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
iv. Contain older growth forest and be 2 hectares or greater in area;
v. Overlap or contain one or more of the other significant natural heritage features listed in Policies 6.1.2.1.C; or,
vi. Abut or be crossed by a watercourse or water body and be 2 ha or more in area.

6.1.2.3 Design, Development and Site Alteration

6.1.2.3.A General Approach to Development and Site Alteration

New development 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. New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

6.1.2.3.B General Development and Site Alteration within the Core Natural Heritage System and Adjacent Lands

Development and site alteration within the Core Natural Heritage System and in adjacent lands , where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Section 6.1.3.1 as well as the Core Natural Heritage System Policies.

6.1.2.3.C Development and Site Alteration within the Core Natural Heritage System and Adjacent Lands

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

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

a) forest, fish and wildlife management;
b) conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and
c) small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System.

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

Development and site alteration may be permitted without an amendment to this Plan in Environmental Conservation Areas, Natural Heritage Corridors, and on all adjacent lands (set out in Table 6-1) if it has been demonstrated that, there will be no negative impact on the natural features or their ecological functions. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with the Policies of this Plan (see Policy 7.11.5).

Where it is demonstrated that all, or a portion of, 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 adjacent land, then the restrictions on development and site alteration set out in this Policy do not apply.

Table 6-1: Core Natural Heritage System Components and Adjacent Lands

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

6.1.2.3.D Development and Site Alteration within Natural Heritage Corridors

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

6.1.2.3.E Linear Uses

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

6.1.2.3.F No Net Loss of Productive Capacity of Fish Habitat

Within Fish Habitat and/or adjacent lands as specified in **Table 6-1**, 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. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans. First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating, the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by the Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Agricultural cultivation does not require planning approval and is not subject to these requirements.

6.1.2.3.G Municipal Drains

The City recognizes that the primary function of the Municipal Drains is to provide drainage for agricultural lands. These drains also may be used to convey irrigation water for agricultural use. Welland supports design, construction and maintenance of Requisition and Petition Drains authorized under the *Drainage Act* in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas and fish and wildlife habitat. The City of Welland supports ongoing drain maintenance and shall carry out drain maintenance in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains. Where development, site alteration or building is proposed adjacent to a Municipal Drain, then a setback of 15 metres in width measured from the stable top of bank shall be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health. A narrower setback may be permitted where it has been demonstrated, to the satisfaction of the City and the Niagara Peninsula Conservation Authority, that there will not be a significant negative impact on the maintenance and functioning of the drain.

6.1.2.3.H Tree Saving Plan

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

6.1.2.3.I Tree Saving Plan Requirements

The Tree Saving Plan will:

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

6.1.2.3.J Expansion to an Existing Use

Subject to other Policies in this Plan, an expansion to an existing use located within an Environmental Conservation Area or Fish Habitat or adjacent lands to a Core Natural Heritage System Component as identified in **Table 6-1** may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. If the expansion involves a substantial intensification in land use, or increase in the land area devoted to the use, the proponent shall prepare an Environmental Impact Statement. Expansions to existing uses within the Core Natural Heritage System may require a permit from the Niagara Peninsula Conservation Authority.

6.1.2.3.K Integration of Natural Features and Use of Native Species

New development should maintain or enhance the natural features and functions of a site, including the planting of native species.

6.1.2.3.L Agricultural Uses

Agricultural uses, existing as of the date of adoption of this Plan, may continue within the Core Natural Heritage System and adjacent lands as identified in Table 6-1. New farm buildings, or structures and expansions to existing farm buildings or structures, are permitted within Environmental Conservation Areas, within Fish Habitat and within lands adjacent to a Core Natural Heritage System Component as identified in Table 6-1 and subject to the other Policies in this Plan and the following provisions:

i. If the proposal is small in scale, and it has been demonstrated that there is no reasonable alternative, that the proposal is directed away from the feature to the maximum extent possible and negative impacts on the natural feature and ecological functions have been minimized; or
ii. If the proposal is large in scale, involving major intensification in land use or a major increase in land area, it is subject to policies 6.1.2.1.B and 6.1.2.3.A to F.

No new agricultural uses shall be permitted to occur within the Core Natural Heritage System.

6.1.2.3.M New Lot Creation

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

6.1.2.3.N Residential Lot Creation

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

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

6.1.2.3.O Mineral Aggregate Operations

Notwithstanding Policy 6.1.2.3.C, mineral aggregate operations may be permitted within provincially significant life sciences ANSIs, 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 (see Policy 7.11.5).

Where a new mineral aggregate operation, or an expansion to an existing operation is proposed within a provincially significant life science ANSI Environmental Conservation Area, a Natural Heritage Corridor, Fish Habitat or within adjacent lands as set out in **Table 6-1** the Environmental Impact Study will include consideration of:

i. Whether the following will be maintained or enhanced before, during and after mineral aggregate extraction,
    - Connectivity among Core Natural Areas and hydrologic features; and,
    - Significant hydrologic features and functions; and,

ii. How significant natural heritage features and ecological functions which would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value which are representative of the natural ecosystem in that particular setting or ecodistrict.

6.1.2.3.P Natural Features in Abutting Municipalities

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

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

6.1.2.3.Q Resolving Conflicts

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

6.1.2.3.R Lands Regulated By the Niagara Peninsula Conservation Authority

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

6.1.3 Additional Policies

6.1.3.1 Healthy Landscape

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

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

6.1.3.2 Natural Vegetation and Wildlife

6.1.3.2.A Forest Cover Targets

Welland will support efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:

i. 30% of the land area in Welland in forest cover or wetland, with at least 10% of each subwatershed in wetland; and,

ii. A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in Welland. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.

6.1.3.2.B Woodland Protection and Conservation

Welland supports conservation and improvement of woodlands by:

i. Enacting and maintaining a tree cutting By-law regulating the destruction or injuring of trees in woodlands less than 1.0 hectare in size; and,
ii. Where a woodland is greater than 0.5 hectares in size is located on, or adjacent to, lands which are the subject of an application for a plan of subdivision, a consent, site plan approval or a development permit, the applicant shall be required to prepare a Tree Saving Plan as a condition of approval. A grading or building permit shall not be issued unless the Tree Saving Plan has been approved by the City. If an Environmental Impact Study has been approved for the development, the Tree Saving Plan shall be in accordance with the recommendations of the EIS and in accordance with the City and Regional By-laws as well as Policy 6.1.2.3.i).

6.1.3.3 Water Resources

6.1.3.3.A Maintain the Quantity and Quality of Water Resources

Development and site alteration shall only be permitted if they will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:

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

Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so

that the safety and quality of municipal drinking water will be protected or improved.

6.1.3.3.B The Welland Water Treatment Plant Intake Protection Zone

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

6.1.3.3.C Source Water Protection, Groundwater and Watershed Studies

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

6.1.3.3.D Efficient and Sustainable Use of Water

Efficient and sustainable use of water resources shall be promoted, including practices to conserve water and protect, or enhance, water quality.

6.1.3.3.E Combined Sewer Overflows

Combined sewer overflows have significant environmental impacts on water quality. Elimination of overflows shall be a priority of the City.

6.1.3.3.F General Stormwater Management Practices

The City will ensure that stormwater management practices help to minimize stormwater volumes and contaminant loads by maintaining or increasing the extent of permeable and vegetative surfaces.

6.1.3.3.G Stormwater Management and Sediment and Erosion Control Plan

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

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

6.1.3.3.H Stormwater Management and Sediment and Erosion Control Guidelines

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

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

A Stormwater Management Plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services. Generally, Stormwater Management Facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat or key hydrologic features.

6.1.3.3.I Permits to Take Water

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

6.1.3.3.J No Significant Adverse Impacts

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

6.1.3.4 Air Quality and Climate Change

6.1.3.4.A Energy Conservation

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

6.1.3.4.B Flexibility in Development Approvals Process

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

6.1.3.4.C Climate Change

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

6.1.3.5 Landforms, Geology and Soil

6.1.3.5.A Development and Site Alteration

Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) and adjacent lands within 50 metres if it has been demonstrated that there will be no negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI. Where an amendment to the City's planning documents, or a major development is proposed within an Earth Science ANSI, adequate information shall be submitted with the application respecting:

i. Site topography, significant geological features and stratigraphic exposures; and,
ii. Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.

6.1.3.5.B Linear Public Utilities

Linear public utilities and infrastructure may be permitted within an Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid, or minimize, negative impacts.

6.1.3.5.C Site Alteration By Law

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

6.1.3.6 Natural Hazards

Hazardous lands and sites identified and mapped by the Niagara Peninsula Conservation Authority are shown on **Schedule C2**. **Schedule C2** provides additional information indicating the specific types of hazardous lands and sites designated at each location. 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.

6.1.3.6.A Development and Site Alteration in Hazard Lands

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

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

i. A minimum setback of 7.5 metres from the stable top of the valley slope, as surveyed by the applicant and approved by the Conservation Authority, shall be required for all new development and site alteration.
ii. Where the Conservation Authority finds evidence of 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. The valley shall be maintained in a natural state and there shall be no disturbance of grades or vegetation below the top of bank or within the setback area from the top of bank.

iii. Within the Urban Area, the City supports the maximum use of land for development while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback, provided that a geotechnical report submitted by the applicant, and approved by the Conservation Authority, finds that the reduced setback, with mitigative measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no development or site alteration will be permitted below the top of the valley bank.

iv. Existing vegetation should be maintained within the setbacks required under this Policy. Vegetation below the top of the valley slope shall not be disturbed.

v. For newly created lots on Greenfield or brownfield sites, the rear lot lines or side lot lines (as the case may be) shall be set back 7.5 metres from the Authority approved top of slope. The City of Welland shall encourage dedication of these lands for conservation purposes, either to the appropriate local municipality or to another public agency where there is a willing recipient.

vi. For newly created infill lots within the Built Up Area, a reduction in valleyland setback may be considered where the new lots do not require the construction of new roads (public or private), adequate municipal water and sewer capacity is available on the existing road frontage and the subject site does not result in the creation of more than two lots. Furthermore, a Geotechnical investigation shall demonstrate that infringement within the setback area, with mitigative measures, can be accommodated on-site while maintaining bank stability and no adverse environmental impacts. In no case shall development be permitted beyond the top of bank down the slope.

6.1.3.6.B Hazardous Sites

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

i. Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
ii. Essential emergency services such as those provided by fire, police and ambulance stations and electrical substations; and
iii. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

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

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

6.1.3.7 Collaboration

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

6.1.3.8 Priorities for Ecological Restoration

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

6.2 PARKS, OPEN SPACE AND RECREATION

6.2.1 Planning Objectives

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

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

6.2.1.2 Plan and Maintain a Hierarchy of Parks

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

6.2.1.3 Link Important Destination

The City will ensure the provision of a continuous path / open space system to physically link important destinations within the City.

6.2.1.4 Protect the Waterfront

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

6.2.1.5 Adapt to Citizen Needs

The City will encourage facilities which are multi-purpose and adaptable, so that investments in open space and recreation are cost-effective for the municipality over the long-term and are able to continually meet the needs of Welland's changing demographic base.

6.2.2 Land Use Policies

6.2.2.1 Parks, Open Space and Recreation Facilities

6.2.2.1.A Planned Function

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

6.2.2.1.B Permitted Uses

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

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

6.2.2.1.C Park Hierarchy

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

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

6.2.2.1.D Open Space Linkages

The City, wherever possible, shall develop a well-maintained open space system which links important destinations, such as the Downtown, activity centres, residential neighbourhoods, workplaces, waterfront areas, and parks using trails, natural areas, bicycle paths and sidewalks.

6.2.2.1.E Standards of Provision

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

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

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

[2]An undetermined portion of the City-wide Parks shall be comprised of lands within the City's Natural Heritage System.

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

6.2.2.1.F Design of New Parks and Facilities

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

i. Parks and trails shall be integrated into the overall design of an area to ensure an optimal location for the citizens being served;
ii. Any landscaping and topographical modifications as may be required in the provision of parks by a developer shall be coordinated, as soon as possible, by the developer prior to the dedication of the lands for park purposes;
iii. Landscaping of parks, where appropriate, should use native plantings and species;
iv. Efforts shall be made to alleviate any negative impacts (e.g., light pollution) to adjacent lands;
v. The design of parking areas shall take into consideration the users of the open space or recreational facilities and minimize conflicts between vehicular and pedestrian traffic;
vi. The open space or facility shall have reasonable street frontage and be accessible;

vii. New open spaces will be coordinated with school sites, wherever feasible, to facilitate joint use of recreational amenities;
viii. In areas where more than 30% of the land is still vacant, open space in accordance with the standards of provision will be required;
ix. In neighbourhoods where there is a deficiency of open space, the creation of open space from underutilized or brownfield sites may be considered on a site-by-site basis or as part of a secondary plan;
x. The design and programming of open spaces and recreational facilities will consider and implement techniques to optimize the safety and security of all users; and,
xi. Guidelines for the design of open spaces and recreational facilities which address elements of Crime Prevention Through Environmental Design (CPTED) may be prepared in consultation with the public, stakeholder groups, and the Niagara Regional Police.

6.2.2.1.G Redesignation of Lands

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

6.2.2.1.H Trail Connections

Where a trail linkage in an open space system crosses an arterial or collector road, a marked pedestrian/bicycle crossing, grade-separated crossing, or other crossing safeguard shall be provided.

6.2.2.1.I Golf Courses

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

i. All buildings, structures, landform alterations and works are located outside the Core Natural Heritage System;
ii. The development ensures that natural ecological systems and processes are maintained and enhanced;

iii. The development minimizes disruption to existing landforms, landscape features and natural features, and demonstrates how all features are being preserved to the greatest possible degree;
iv. Maintains or enhances the quality and quantity of ground and surface water resources;
v. Maintains or enhances the site's ground water recharge function;
vi. Maintains or enhances the site's existing aquatic ecosystem and terrestrial ecosystem functions;
vii. Issues with traffic and servicing have been adequately addressed;
viii. The buildings and structures are appropriate in terms of scale, location, character, and architectural design;
ix. A sustainable design strategy describing what measures will be implemented, including, but not limited to, water conservation and nutrient management measures, to reduce the golf course's environmental impact during operations; and,
x. The development complies with the Minimum Distance Separation formulae.

6.2.3 Additional Policies

6.2.3.1 Public Park Land Dedication

6.2.3.1.A Required Dedication or Contribution

In accordance with the *Planning Act*, as a condition of development approval, the City of Welland may require the applicant to dedicate up to 5% of the gross area for the provision of public open space, other than roads, in residential developments, and up to 2% for commercial or industrial developments. Also, in accordance with the *Planning Act*, as a condition of development approval, the City of Welland may require the applicant to dedicate one (1) hectare for every 300 dwelling units. This required dedication may take the form of land or as a cash-in-lieu payment to the City's reserve fund to be calculated as of the day prior to the issuance of a Building Permit.

6.2.3.1.B Application of Surpluses

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

the erection or repair of buildings and the acquisition of machinery for park or other public recreational purposes.

6.2.3.1.C Collaboration with Partners

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

6.3 WELLAND RECREATIONAL WATERWAY

6.3.1 Planning Objectives

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

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

6.3.1.2 Maintain Public Access to the Waterfront

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

6.3.1.3 To Support Economic Development and Quality of Life Improvements

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

6.3.1.4 To Support the Greater Niagara Circle Route and Welland Canals Parkway

The City will encourage the implementation of the Welland Recreational Waterway Master Plan as a component of the Welland Canals Parkway and as a key connection to the Greater Niagara Circle route.

6.3.2 Land Use Policies

6.3.2.1 Vision

Through the Welland Recreational Canal Corporation, the City of Welland has established the Welland Recreational Waterway as "an exciting, attractive, well used and self-sustaining recreational waterway which is fully integrated into the fabric and life of the City of Welland," as articulated in the Welland Recreational Waterway Master Plan.

6.3.2.2 Planning in Conformance with the Master Plan

The planning and development of the Welland Recreational Waterway, and the development of lands adjacent to the Welland Recreational Waterway, shall generally be in conformance with the Welland Recreational Waterway Master Plan.

Planning and development within these lands may require a permit from the Niagara Peninsula Conservation Authority.

6.3.2.3 Permitted Uses

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

6.3.2.4 Design

The development of the Welland Recreational Waterway shall be guided by the following development principles.

6.3.2.4.A Provide a clean and safe environment

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

6.3.2.4.B Development which Supports the Healthy Landscape Policies of this Plan

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

6.3.2.4.C Support a Mix of Uses

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

6.3.2.4.D Diversity of Uses

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

6.3.2.4.E Maintain Public Access

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

6.3.2.4.F Link Neighbourhoods to the Waterway

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

6.3.2.4.G Support a Variety of Modes

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

6.3.2.4.H Safe and Accessible

Development of the lands within the Welland Recreational Waterway should ensure safe and accessible access for all persons.

6.3.2.4.I Attractive Design

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

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

6.3.2.4.J Archaeological Preservation

The City has a special regard for the Welland Canals System. Any proponent for development, redevelopment or site alteration on lands within or adjacent to the Welland Canals System, will require an archaeological assessment. Significant archaeological resources shall be conserved by removal and documentation, or by preservation on site, and other measures may be required to ensure that the heritage integrity of the Canals system is preserved and promoted.

6.3.2.5 Residential Development

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

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

6.3.2.6 Downtown Node

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

6.3.2.7 Multi-Use Trail

An open space / park land system incorporating a multi-use trail shall be developed, wherever possible, along the Welland Recreational Waterway and Welland River within the Downtown area.

6.3.2.8 Impacts of Adjacent Development

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

6.3.2.9 Environmental Constraints

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

6.3.2.10 Financial Support

Where possible, lands or funds from parkland dedication obtained from development near to the Welland Recreational Waterway will be directed to

enhancing or subsidizing the infrastructure, facilities, and equipment for the Welland Recreational Waterway.

6.4 TRANSPORTATION

6.4.1 Planning Objectives

6.4.1.1 To Provide a Transportation System which Supports a Variety of Modes

The City aims to reduce dependence on the automobile and develop a diverse transportation system which supports a variety of transportation modes, including road, rail, transit, cycling, pedestrian modes and transportation demand management modes.

6.4.1.2 To Provide an Integrated Transportation System

The City will encourage and plan for an integrated transportation system which allows for cost-effective and efficient movement of people and goods in a manner compatible with existing and future land uses.

6.4.1.3 To Create a Responsible Transportation System

The City will encourage a transportation system in Welland which supports economic development and social inclusion, with minimum social and environmental disruption.

6.4.1.4 To Ensure a Coordinated Transportation System

The City will encourage other municipalities, agencies, and stakeholders in the transportation system to coordinate and cooperate towards optimizing the transportation system.

6.4.1.5 To Protect Future System Needs

The City will anticipate, designate and protect transportation rights-of-way and areas required for future transportation facilities in cooperation with the Province, Region and neighbouring municipalities.

6.4.1.6 To Plan for a Safe Transportation Network

The City will plan its transportation network as a safe and accessible system. Additionally, the City will ensure that its transportation network also provides fast and efficient routes for emergency response purposes.

6.4.2 Policies

6.4.2.1 Roads

6.4.2.1.A Road Classification

All roads within the municipality are classified according to their function as expressways, arterials, collectors and local roads as shown on Schedule "E". This hierarchy of roads is intended to optimize the roadway network and provides the following:

i. Accommodation of intra-city, regional and inter-city traffic with minimal disruption to the quality of life of local residents;
ii. Direct large volumes of commercial and truck traffic around residential areas;
iii. Allow for logical vehicular movement throughout the City; and,
iv. Facilitate the establishment of public transit and on-street cycling routes.

6.4.2.1.B Definitions for Roadway Classifications

The following definitions shall serve as guidelines for roadway classifications within the City:

i. Expressway: a median or fully divided provincial highway or undivided provincial highway with full access control serving large volumes of inter-city traffic at high speeds.
ii. Arterial Road: a divided or undivided road primarily used for traffic movement and servicing moderate to large volumes of inter-City and/or through traffic at moderate speeds.
iii. Collector Road: an undivided road where traffic movements and land access are of equal importance and serving moderate volumes of traffic at moderate speeds.
iv. Local Road: an undivided road primarily used for land access and serving low volumes of traffic.

6.4.2.1.C Right-of-way Widths

Generally, the planned minimum right-of-way widths for roads should be:
30.0 metres for arterial roads;
24.5 metres for collector roads; and,
20.0 metres for local roads.

6.4.2.1.D Alternative Designs

In circumstances where a road is proposed to be less than these minimum standards, the City will ensure that:

i. The planned function of the road is capable of accommodating anticipated travel demand;

ii. Municipal services, including maintenance and emergency services can be delivered in a safe and efficient manner;

iii. The proposed right of way is consistent with planned adjacent land uses; and,

iv. The road design is consistent with the Objectives and Policies of Section 6.4 of this Plan.

6.4.2.1.E Planned Widenings

The right-of-way widths in Policy 6.4.2.1.C indicate the amount of land which may be required as part of the development approval process. **Schedule F** shows the location of the planned road widenings. **Table 6.3** lists roads which may require widenings to achieve their right-of-way widths. Also refer to the Regional Policy Plan for additional information on Regional Road widenings.

Table 6-3: Planned Road Widenings, City of Welland
Atlas Avenue Biggar Road – East of Moyer Road Broadway Brown Road Burgar Street Canal Bank Street – Ontario Road to Forks Road Clare Avenue – Gaiser Road to North City Limit Colbeck Drive Crowland Avenue Division Street Doans Ridge Road East Main Street Elm Street First Avenue Fitch Street – West of First Avenue Forks Road – Kingsway to west limits of the City of Welland Gaiser Road – South Pelham Road to Colbeck Drive

Table 6-3: Planned Road Widenings, City of Welland
Hagar Street – Burgar Street to Wellington Street Hellems Avenue Humberstone Road – West of Prince Charles Drive South Humberstone Road – Townline Tunnel Road east to Southworth Street Keefer Road King Street Lincoln Street Memorial Park Drive Miller Road Moyer Road Netherby Road – East to Townline Tunnel Road Netherby Road – Reaker Road to Rusholme Road Niagara Street Ontario Road Plymouth Road Prince Charles Drive North and South Quaker Road – South Pelham Road to St. Lawrence Drive Reaker Road – South of Netherby Road Rice Road Ridge Road – Rusholme Road to Highway No. 140 River Road Riverside Drive Ross Street Schisler Road South Pelham Road Southworth Street Thorold Road Townline Tunnel Road Webber Road Wellington Street West Main Street Willson Road – North of Endicott Terrance to Willsonway Willsonway Woodlawn Road

6.4.2.1.F Development Subject to Widening

No new development or redevelopment will be permitted which does not front on a public road of an acceptable standard of construction. As a condition of

development approval, the City will require that sufficient lands be conveyed to provide for a road right-of-way in accordance with the classification set out above.

6.4.2.1.G Lands to be Dedicated

Unless otherwise specified in this Plan, a dedication of land to widen a roadway will be taken equally from both sides of the road allowance measured from the centreline of the roadway. In certain circumstances, where factors such as topography and existing development dictate, it may be necessary to require more than half of the widening on one side of the road allowance.

6.4.2.1.H Prioritizing Road Improvements

All existing roads shall be brought up to the approved municipal standards for roadways. However, it is recognized that, due to the expense of undertaking such works, this may not be achieved for many years. Priority will be given to those areas where the residents or businesses indicate that they are prepared to assist the City through the application of the *Local Improvement Act*, or where it is desirable to carry out the improvements in conjunction with other public works in the vicinity.

6.4.2.1.I Road Improvement Criteria

Notwithstanding the above, road improvements can have a significant impact on the character of the neighbourhood. Therefore, the City shall undertake road improvements when:

i. The need is demonstrated through an analysis and public consultation regarding the safety, efficiency, affordability, diversity, land use impact, and integration of the transportation system;
ii. The resulting road improvements through the design process shall improve the liveability of affected residential areas by:
    a. Reducing the use of local streets in residential areas by cut-through traffic;
    b. Minimizing conflicts between local and through traffic; and,
    c. Minimizing any adverse impacts on the social and natural environment of adjacent lands.

6.4.2.1.J Roadway Functional Principles

To improve the designated functions of the roadway system, the following general principles shall be used:

i. Where feasible, direct access from individual properties on arterial roads will be restricted to enhance the flow of traffic and minimize the negative impacts on abutting properties and pedestrian movement;
ii. The spacing of intersections between arterial and collector roads will be appropriate to accommodate traffic control devices;
iii. The spacing and possible reduction of driveways on arterial roads through the use of controlled joint access and common off-street parking facilities;
iv. Discouraging the intersection of local roads with arterial roads;
v. Controlling the number and design of driveways for multi-residential and commercial uses on collector and arterial roads;
vi. Encouraging service roads for low density residential uses abutting arterial roads, and, where appropriate, collector roads; and,
vii. Consideration of various traffic calming and management measures to reduce through-traffic on local streets and to promote safer streets.

6.4.2.1.K Provisions for Road Design

Where appropriate, the design of roads shall include provisions for:

i. Pedestrians, by way of sidewalks to promote safety and reduce pedestrian-vehicle conflicts;
ii. Bicycles and other non-motorized vehicle traffic, by way of bicycle lanes, pre-paved boulevards, etc.
iii. Aesthetic and noise reducing applications, by way of tree planting, landscaping, street furniture, berms, etc., where necessary;
iv. Universal access and ease of movement with minimal physical and psychological obstacles, by way of sloped curbs, level entranceways, minimal grade changes, etc.

6.4.2.1.L Truck Traffic Management

Truck traffic shall be managed by:

i. Directing it away from, or around, residential or sensitive areas where the road capacities are inadequate or where there is a potential for noise and/or safety hazards, and, in particular, designate, establish and monitor truck routes in coordination with the Region;

ii. Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the City;
iii. Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

6.4.2.2 Transit

6.4.2.2.A Promote Transit Usage

In the interests of overall energy conservation, environmental protection, and public mobility, the City shall promote the use of public transit, wherever possible.

6.4.2.2.B Transit within Walking Distance

The City shall facilitate the provision of local transit services within a reasonable walking distance of all urban land uses. The City may require that 90% of the new residential and non-residential units in a proposed subdivision are within 400 metres of a transit stop.

6.4.2.2.C Linking Land Uses with Transit

In the planning of transit service, the City shall consider the location of the following types of uses and the appropriateness of transit linkages between these uses:

i. Concentrations of housing, employment and retail;
ii. Concentrations of schools and other developments which may generate high volumes of transit users;
iii. Terminals for inter-city transportation systems;
iv. Major medical, social service, or community service facilities;
v. Parks, multi-use trails, theatres, museums, and other arts, culture, and recreation facilities.

6.4.2.2.D Tools to Encourage Transit Use

The City shall encourage the use of public transit by:

i. Encouraging intensification in the vicinity of established transit routes, as well as in, and around, the Welland Transit Terminal;
ii. Requiring that new development provide convenient and direct access to public transportation facilities;

iii. Integrating pedestrian linkages, trails, and intersections of major roadways with transit stops;
iv. Providing for universal access so that users with varying needs have the fullest access possible to the transit system; and,
v. Supporting an on-going investment in transit vehicles which provide transit user safety and comfort, and takes advantage of new technology.

6.4.2.2.E Design of Stops and Transfer Locations

New transit stops and transfer locations will be designed to offer comfort, amenities and safety considerations (including, but not limited to, seating areas, weather protection, and lighting). A program of upgrading existing transit stops and transfer locations to standards, as applicable, is encouraged.

6.4.2.2.F Reducing Automobile Reliance

New major development or redevelopment will incorporate transit and pedestrian systems aimed at reducing the reliance on the automobile.

6.4.2.2.G Parking Reductions to Support Ridership

Reduced parking requirements may be supported for development fronting corridors which have major transit service, as a means to encourage transit ridership and transit cost-effectiveness.

6.4.2.2.H Considering Transit in Road Design

Roadway design proposals shall consider and incorporate transit service needs and requirements.

6.4.2.3 Cycling

6.4.2.3.A Cycling System for Welland

The City shall implement, in a staged program, the development of a continuous and safe system of on-street and off-street cycling trails.

6.4.2.3.B Cycling Considerations during Road Projects

The design of new, and reconstruction of existing, arterial and collector roads shall consider bicycle movements by ensuring that such projects incorporate cycling facilities. New on-street cycling routes on arterial or collector roads will be

designed to buffer the effect of high traffic volumes through wide cycling lane widths, paving materials, special demarcation, etc.

6.4.2.3.C Cycling Considerations at Bridge Crossings

The City will consider and accommodate, as much as possible, the needs of cyclists on bridge crossings.

6.4.2.3.D Cycling Considered during Development

Development applications shall be reviewed to ensure that cycling linkages are incorporated into the design of the development in a safe and efficient manner, wherever warranted. In all new development and redevelopment, consideration shall be given to safe and secure bicycle movements and bicycle parking facilities.

6.4.2.3.E Zoning Requirements for Cycling

The Zoning By-law may require development in certain Zones to provide a minimum number of bicycle parking facilities and may specify whether these facilities are required to be weather-protected.

6.4.2.3.F Cycling Advisory Committee

The City may establish an Advisory Committee to seek advice and input on issues related to cycling, from time-to-time.

6.4.2.3.G Funding Support for Cycling Trails

The City may provide funding for implementing a cycling trails system by allocating a portion of the City's budget on an annual basis for this purpose.

6.4.2.4 Pedestrians

6.4.2.4.A A Safe, Convenient and Attractive System

Transportation facilities, including the construction of new roads and reconstruction of roads, shall include safe, convenient and attractive pedestrian systems such as sidewalks, corner ramps, pedestrian signals and appropriate lighting. A continuous sidewalk/walkway system providing accessible, safe, convenient and enjoyable walking for all users shall be developed and maintained.

6.4.2.4.B Pedestrian-Friendly Streets

The development of pedestrian-scale streets and streetscapes which are safe, convenient and attractive will be supported through measures such as providing wide sidewalks, sheltered transit stops, street furniture, canopies on buildings, landscaping, locating retail and personal service uses at street level, and supporting building design which provides shelter and other amenities.

6.4.2.4.C Required New Sidewalks and Walkways

The City will require that new subdivisions provide sidewalks and walkways, as per the City's municipal standards manual, as deemed appropriate. Pedestrian crossing signals will be required at all signalized intersections.

6.4.2.4.D Transition between Sidewalks and Walkways

There should be a smooth transition between sidewalks and pedestrians walkways, with appropriate signage provided for pedestrian walkways.

6.4.2.4.E Connection to Transit Stops

Sidewalks will be required to link directly to new transit stops.

6.4.2.4.F Reducing Walking Distances

Sidewalks, walkways, and trails shall be designed in a manner to reduce the walking distances between residential development and transit, recreational/community facilities, schools and commercial facilities. This requirement shall be evaluated at a variety of scales.

6.4.2.4.G Sidewalk Requirements within the Right of Way

For new or reconstruction, sidewalks shall be provided as follows:

i. On both sides of arterial roads;
ii. On both sides of collector roads; and,
iii. On at least one side of all local roads, (except cul-de-sacs, unless the cul-de-sac can connect to a destination such as a school, park, etc., in which case the sidewalk will be required on the side of the street which provides the most direct pedestrian route to the destination).

6.4.2.4.H Sidewalks Serving Certain Land Uses

Sidewalks are considered essential near bus stops, schools, community facilities, and institutions, and should be provided on both sides of the streets.

6.4.2.4.I Extension of Sidewalks

As a condition of approval, a sidewalk shall be required beyond the limits of a proposed subdivision to complete connection to the following:

i. An existing sidewalk;
ii. Isolated sections of sidewalk created by development; and,
iii. An intersection, walkway or logical ending point where the length of the sidewalk is reasonable.

6.4.2.4.J Upgrading Pedestrian Facilities

The City will undertake a program of sidewalk reconstruction to upgrade existing walkways and to provide new walkways in established areas. Upgrades to existing walkways and the construction of new walkways shall be safe, accessible, well-lighted and have a relative degree of visibility. Priority will be given to those areas adjacent to schools, community centres, neighbourhood commercial areas, and public transit stops.

6.4.2.5 Railways

6.4.2.5.A Rail to Support Industry

The City shall support the location of rail service to meet the needs of industrial uses within the City. It will further encourage multi-modal connections to rail as a means of supporting economic development .

6.4.2.5.B Surplus Railway Lands

The City, together with the railway authority, will identify potential reuse of railway lands which becomes surplus to the railway's needs. Where appropriate, the City will consider the use of surplus railway lands for new trails and open space uses.

6.4.2.5.C Mitigating Conflicts with Rail

The City, together with the railway authority, the Region, and other agencies, will identify where conflicts exist between rail, vehicles, cyclists, pedestrians, and adjacent land uses and will implement appropriate measures to mitigate the conflict, wherever possible.

6.4.2.5.D Level Crossings

The City will identify those level crossings requiring grade separations and seek appropriate government assistance for such construction. At the same time, the City will identify those level crossings which are hazardous to public safety and will seek appropriate measures to improve and/or close such crossings.

6.4.2.5.E Required Studies

Where development is proposed adjacent to a rail corridor, the City together with the railway authority, will consider the impact of the development on the rail corridor and may require studies (including, but not limited to, snow, noise, vibration, air quality studies) to demonstrate that the rail corridor's function is not negatively impacted and that potential negative impacts of the rail corridor on the proposed land use can be mitigated.

6.4.2.6 The Welland Canal

6.4.2.6.A Authority

The St. Lawrence Seaway has jurisdiction for the area within the Welland Canal. The City will work with Transport Canada and the St. Lawrence Seaway Authority on matters related to the Welland Canal which affects the City and its citizens.

6.4.2.6.B Importance of the Welland Canal

The City recognizes the significance of the Welland Canal as an important goods movement corridor and the environmental benefits of shipping as a mode of goods movement.

6.4.2.6.C Canal-Side Development

The City, where possible, will encourage and support the St. Lawrence Seaway Authority in its on-going efforts to improve the economic and environmental impacts of the Welland Canal. In particular, the City will encourage development adjacent to the canal which supports this Plan's strategic goals and objectives related to establishing a multi-modal economic driver in Welland.

6.4.2.6.D Mitigation of Impacts

The City will require that new development, which may be considered a sensitive land use and is located adjacent to the canal, shall be subject to appropriate

technical studies and that appropriate mitigation measures are provided as a condition of development approval.

6.4.2.6.E Heritage Value

The Welland Canal is recognized as having a built and cultural heritage value to the City and opportunities will be sought to promote and celebrate this heritage.

6.4.2.6.F Partnership

Dialogue between the City of Welland, Regional Municipality of Niagara, and the St. Lawrence Seaway authority is encouraged on matters of mutual interest where the potential solutions will benefit from partnership and cooperation.

6.4.2.7 Accessibility

6.4.2.7.A Mobility for All Persons

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

6.4.2.7.B Accessible Design for New Buildings

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

6.4.2.7.C Development Review Considerations

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

i. Requiring driveway and sidewalk slopes at a ratio of 1:12, height to length;
ii. Requiring sidewalk curb cuts at all intersections;
iii. Requiring that paving changes (e.g. interlocking brick, tactile strips, etc.) be incorporated at grade changes and intersections;
iv. Requiring designated parking spaces for persons with disabilities, as specified in the Zoning By-law;
v. Encouraging any other features appropriate to ensure that barrier-free design is provided and,

vi. Where appropriate, circulating the Application to an Accessibility Advisory Committee for comment.

6.4.2.7.D Preparation of Guidelines

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

6.5 INFRASTRUCTURE AND UTILITIES

6.5.1 Planning Objectives

6.5.1.1 To Provide an Adequate Amount of Space to Accommodate the Needs of Infrastructure and Utilities

The City will ensure there is a sufficient amount of land designated to accommodate infrastructure and utilities.

6.5.1.2 To Reduce Potential for Land Use Compatibility Issues Related to Infrastructure

The City will ensure issues related to land use compatibility are addressed.

6.5.1.3 To Ensure the Safe and Efficient Provision of Power, Cable and Telecommunication Facilities

The City will work with the appropriate providers to ensure the safe and efficient provision of power, cable and telecommunications in an environmentally acceptable manner.

6.5.1.4 To Ensure that there is a Sufficient Planned Supply of Municipal Water and Sanitary Sewage Services

The Region of Niagara is responsible for providing a supply of municipal sanitary sewer and water services within the City. The City will work closely with the Region to ensure there is a sufficient planned supply of sanitary and water services to meet long term growth projections outlined in this Plan. The City recognizes the Region's Water and Wastewater Master Servicing Plan and Public Utilities Policies in the Regional Policy Plan, as amended from time to time.

6.5.1.5 To Ensure the Sustainable Planning, Design and Development of Water and Sanitary Sewage Services

The City will ensure that these systems are provided in a sustainable manner (i.e. they can be sustained by the water resources upon which such services rely) and that they are financially viable and protect human health and the natural environment.

6.5.1.6 To Ensure that all Development within the City is Appropriately Serviced

The City will ensure all new development within the Urban Area occurs on lands with access to full municipal services and necessary utilities. For lands outside of

the Urban Area, the City will ensure that development, where necessary, complies with the standards of, and are subject to, the approval of all applicable authorities / agencies.

6.5.1.7 Improve Water Quality and Reduce Stormwater Runoff

The City aims to improve water quality and reduce stormwater run-off by promoting innovative techniques for stormwater management.

6.5.1.8 Encourage Innovation and New Technology

In the provision of infrastructure and utilities, the City will encourage the use of innovative techniques and new technology.

6.5.2 Policies

6.5.2.1 Planned Function

The planned function of the Infrastructure and Utility designation is to allow for the efficient and effective use of land to accommodate utilities and infrastructure.

6.5.2.2 Permitted Uses

Uses include public and/or privately owned facilities, including water and sanitary sewage facilities, Stormwater Management Facilities, pumping stations, hydro corridors, communications/telecommunications infrastructure and facilities and transmission towers. These facilities are permitted in all land use designations, subject to the Policies of this Plan.

6.5.2.3 Design

The built form of new infrastructure and utility facilities will be in harmony with the character of the surrounding area and will be appropriately landscaped.

6.5.2.4 Water and Sanitary Sewerage

6.5.2.4.A General Water Supply

The City will work closely with the Region to ensure there is a sufficient planned supply of water capacity within the treatment plant to serve Welland and accommodate the long term growth projections included in this Plan.

6.5.2.4.B Water Supply within the Urban Area

All new development within the Urban Area is required to be connected to the water system as a condition of development.

6.5.2.4.C Water Outside of the Urban Area

New development outside of the Urban Area which is consistent with other Policies of this Plan will only occur in instances where the City is satisfied that there is an on-site source of clean and sustainable water which is capable of serving the proposed development.

6.5.2.4.D General Sanitary Sewerage

The City will work closely with the Region to ensure there is a sufficient reserve capacity within the sanitary treatment plant to serve Welland and accommodate the long term growth based on the projections in this Plan.

6.5.2.4.E Sanitary Sewage Supply within the Urban Area

All new development within the Urban Area is required to be connected to the sanitary sewage system as a condition of development.

6.5.2.4.F Sewage outside of the Urban Area

New development outside of the Urban Area which is consistent with other Policies of this Plan will only occur in instances where the City is satisfied that the proposed lot size, topography, soils, drainage and siting will permit a Ministry approved sustainable on-site private waste collection system.

6.5.2.4.G Lot Creation and Sustainable Private Services

It is the objective of this Plan to ensure that all new lot creation establishes, and maintains in perpetuity, sustainable private services wherever municipal water and/or wastewater services are not available.

6.5.2.4.H Cisterns

A privately maintained cistern and/or sewage disposal holding tank shall not be considered sustainable private services for the purposes of this Plan. No new lot creation shall be approved which is solely dependent upon the use of a cistern/and/or a holding tank.

6.5.2.4.I Sustainable Private Services

All new development located outside the Urban Area boundary shall provide sustainable private services. The land owner is responsible for the maintenance, upkeep and repair of all private water supply and sewage disposal systems in accordance with applicable legislation.

6.5.2.4.J Phasing

Schedule D shows the areas within the City which are serviced and those which will be serviced in the future.

6.5.2.4.K Location

New water or wastewater facilities shall be located so as to reduce any potential negative impacts on surrounding uses and should not be located near sensitive land uses. The siting of new facilities is subject to requirements of the *Environmental Assessment Act*.

6.5.2.4.L Communal Systems

Private communal sewage services and private communal water services are prohibited.

6.5.2.4.M Default Responsibility Agreement

The City will not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal water supply or sewage treatment system as may be required pursuant to Ministry of the Environment guidelines whether or not the existing or proposed development is permitted by this Plan or the Zoning By-law.

6.5.2.4.N Service Failures

In the event that there are service failures of private systems outside of the Urban Area, the City will undertake a comprehensive review of its Official Plan and revisit the Growth Management Strategy to assess the implications of expanding full municipal services into rural areas where failures have occurred.

6.5.2.5 Stormwater

6.5.2.5.A Stormwater Water Management Plan

A Stormwater Water Management Plan and Sediment Erosion Control Plan, prepared and signed by a qualified engineer, may be required depending on the scale, location and other site specific issues related to a proposed development. Requirements for Stormwater Management and Sediment Erosion Control Plans are set out in Section 7 of this Plan.

6.5.2.5.B Innovative Techniques

The City encourages the use of innovative techniques to reduce the need for large stormwater management facilities, thereby reducing run-off and improving water quality. Innovative techniques include, but are not limited to, rainwater harvesting systems (rain barrels and cisterns), green roofs, landscape systems and vegetated swales, downspout disconnection and permeable surfaces.

6.5.2.5.C Location

Stormwater Management Facilities should generally be located at the edge of neighbourhoods; at the interface with natural areas; and/or within large public open spaces, including community parks. Stormwater Management Facilities should not be located within the Core Natural Heritage System.

6.5.2.5.D Naturalization

Where appropriate, Stormwater Management Facilities shall be naturalized, making use of native plants and species.

6.5.2.5.E Integration

Stormwater Management Facilities shall be designed to have a high level of public exposure and should be integrated in, and contribute to, the enhancement of the neighbourhood's public realm. Where appropriate, Stormwater Management Facilities should be designed so that approximately 50% of the perimeter is adjacent to public areas such as parks, trails and public road right of ways.

6.5.2.5.F Safety

The design and layout of stormwater management facilities shall address issues related to safety and shall be designed with gentle slopes in areas with direct

access. Areas with steeper slopes shall not have direct access and shall be designed to include overhangs, railings and dense plantings.

6.5.2.5.G Guidelines

Stormwater Management Plans should be prepared according to the City's and NPCA's current standards, including the NPCA's Stormwater Management Manual (or it predecessor) and the City of Welland's Municipal Standards Manual (or its predecessor).

6.5.2.6 Power, Telecommunications and Other Cabled Services

6.5.2.6.A Location

New development will have local service power lines, communications/telecommunications infrastructure and other cabled services located underground in road rights-of-way, where feasible.

6.5.2.6.B Land Use Compatibility

The City will encourage utility installations for telecommunications towers to be located outside of residential areas, where feasible. In instances where the facilities are of a scale and function which is perceived to present significant issues related to land use compatibility, infrastructure which must be located within residential areas or within close proximity to residential areas shall be designed to be compatible with the adjacent and surrounding land uses.

6.5.2.6.C Design

Where feasible, the City will seek to have local service power lines, communications/telecommunications infrastructure and other cabled services located underground. Above ground shall be sited to reduce their visual impact on the streetscape and/or screened using street furniture and landscaping. The City encourages utility providers to consider innovative methods of containing utility services within streetscape features such as gateways, lamp posts, transit shelters, etc, when determining appropriate locations for large utility equipment and utility cluster sites.

6.5.2.6.D Location and Siting of Large Utility Equipment

The City will ensure that appropriate locations for large utility equipment and cluster sites have been determined and that consideration be given to locational

requirements for larger infrastructure within public rights of ways, as well as easements on private property.

6.5.2.6.E Permissions

Utility infrastructure shall be permitted in all land use designations, subject to the policies of this Plan.

6.5.2.6.F Servicing

The City will ensure that adequate utility networks, are or will be, established to serve the anticipated development through discussions with public and/or private utility providers.

6.5.2.6.G Coordination

The City encourages all utilities to be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruptions.

6.5.2.7 Power Generation Facilities and Green Energy

Welland will encourage and support alternative and renewable-source energy generation facilities which are developed in accordance with this Plan and Provincial and Federal legislation, policies, and regulations. Proposed developments will be encouraged to locate in areas where their adverse impacts on adjacent lands and natural features are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation facilities which are primarily buildings (e.g., cogeneration plant) may be encouraged to develop on brownfield sites. When evaluating proposals for alternative energy generation facilities the City will consider the following:

i. Location of facility;
ii. Size and scale of proposed facility;
iii. Potential for land use compatibility issues with adjacent land uses and potential for adverse impacts related to air, noise, odour, vibration etc;
iv. Potential for perceived risks to human health and safety; and,
v. Any additional considerations.

Developments which fall under the jurisdiction of the *Green Energy Act* do not require an Amendment to this Plan. Development may require a permit from the Niagara Peninsula Conservation Authority.

6.5.2.8 Energy Conservation

Welland shall encourage and support energy conservation, district heating and combined heat and power, and the on-site use of alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies, and regulations, and where all potential negative impacts to adjacent lands are mitigated.

6.5.2.8.A Energy Conservation Measures for Infrastructure

The City will also encourage the application of energy conservation measures in the infrastructure and utility servicing of new buildings and in the rehabilitation and upgrading of existing neighbourhoods, buildings and structures. The City will encourage and support water conservation methods (such as efficient landscape irrigation, low water consumption fixtures, etc.) in the development of new sites and buildings and in the rehabilitation and upgrading of existing sites and buildings.

6.5.2.8.B Passive Solar Gain

The City will encourage development to optimize opportunities for passive solar gain by providing guidance related to building orientation, the placement of trees and landscaping and the selection of building materials.

6.5.2.8.C Energy Conservation Design Guidelines

The City may establish energy conservation design guidelines to encourage, or require, future development to implement energy conservation measures.

6.5.2.9 Site Plan Control

The development of all new infrastructure and utilities are subject to Site Plan Control.

6.6 ARTS, CULTURE AND HERITAGE

6.6.1 Planning Objectives

6.6.1.1 Maintain and Enhance our Cultural and Heritage Resources and Landscapes

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

6.6.1.2 Encourage Quality Design

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

6.6.1.3 Recognize Districts with Cultural Heritage Attributes

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

6.6.1.4 Increase the Profile of and Support for Arts and Culture

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

6.6.2 Policies

6.6.2.1 General Conservation

Conservation of landscapes, important views and vistas, sites, buildings or structures of cultural heritage, historical, architectural, or archaeological merit shall be encouraged throughout the City, wherever possible.

6.6.2.2 Advisory Committee

Heritage Welland shall be consulted on matters relating to heritage resources.

6.6.2.3 Heritage Inventory

The City shall maintain an inventory of buildings of architectural and/or historic interest for the purposes of designating, by By-law, selected properties for preservation and protection from alteration pursuant to the *Ontario Heritage Act*.

6.6.2.4 Use of Heritage Designations

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

6.6.2.5 Heritage Designations for Specific Properties

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

6.6.2.6 Heritage Designations for Districts

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

6.6.2.7 Conservation Easements

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

6.6.2.8 Alteration of Heritage Properties

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

6.6.2.9 Partnership Funding for Heritage

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

6.6.2.10 Regard for Heritage Resources during Development

All new development shall have regard for heritage resources by conserving, accommodating and incorporating heritage resources in development and

redevelopment proposals. Existing landmark or heritage trees, tree lines, hedge lines, or fence lines shall be considered, evaluated, and where possible, integrated in the design of any development or redevelopment.

6.6.2.11 Retention of Designated Heritage Properties

Designated properties shall be retained as part of any new development or redevelopment to ensure that the heritage value of the building and/or lands is not compromised.

6.6.2.12 Public Works Compatibility with Heritage Resources

Consideration shall be given to the effects of public works and development on buildings, infrastructure, sites and areas of historical, architectural, scenic or archaeological importance prior to the approval of public works and proposals for development. At the discretion of the Manager of Planning and Development Services, emergency repairs to infrastructure within buildings, sites and areas of historical, architectural, scenic or archaeological importance may not require a permit.

6.6.2.13 Roadway Changes and Heritage Resources

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

6.6.2.14 Archaeological Resource Assessment

A minimum Stage 1 Archaeological Assessment will be required and submitted to the Province and the Region of Niagara for review where development is proposed on lands with archaeological potential.

6.6.2.15 Additional Archaeological Resource Assessments

Depending on the aforementioned Stage 1 Archaeological Assessment, the City may require that Stage 2 to Stage 4 Assessments be conducted. The findings and recommendations of Archaeological Assessments shall be adhered to and, where appropriate, incorporated into development plans.

6.6.2.16 Celebrating Ethnic Composition

Council encourages and promotes the City's ethnic composition through festivals, exhibits, ethnic days, themed streetscaping of neighbourhoods, etc.

6.6.2.17 Supporting the Arts, Culture and Heritage

The City will support initiatives which enhance, expand and support existing and new arts and cultural activities in Welland.

6.6.2.18 Public Art

The City encourages and supports the display of art in public places as a means of enhancing the public realm, enriching the visual experience of residents and visitors and promoting Welland's culture.

6.6.2.19 Mobility and Accessibility Improvements to Heritage Buildings

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

6.7 AREA SPECIFIC POLICY AREAS

6.7.1 Area 1: Region of Niagara Landfill Site

6.7.1.1 Planned Function

Area 1 is the Humberstone landfill operated by the Regional Municipality of Niagara and is planned to function as a landfill for municipal household solid waste.

6.7.1.2 Permitted Uses

The permitted uses for Area 1 are limited to those uses which are associated with the operation of a landfill. The operations of the landfill site are subject to the legislative requirements of the *Environmental Protection Act*.

6.7.1.3 Design

The City encourages improvements to the design of the site which improve screening and buffering through the use of trees, vegetation and berming. The City also supports any improvements which help to reduce the potential for impacts associated with noise, dust and odour. Setbacks for adjacent land uses shall be consistent with the Ministry of the Environment policies and guidelines for landfill sites.

6.7.2 Area 2: Former Atlas Landfill Site

6.7.2.1 Planned Function

Area 2 is the former Atlas Steel landfill site and is presently being operated as a landfill for building and construction materials and brownfield soils. Area 2 is planned to function as a repository for building and construction waste and brownfield soils.

6.7.2.2 Permitted Uses

The permitted uses for Area 2 are limited to those uses which are associated with the operation of a landfill and open space uses. The operations of the landfill site are subject to the legislative requirements of the *Environmental Protection Act*.

6.7.2.3 Design

The City encourages improvements to the design of the site which improve screening and buffering through the use of trees, vegetation and berming. The City

also supports any improvements which help to reduce the potential for impacts associated with noise, dust and odour. Setbacks for adjacent land uses shall be consistent with the Ministry of the Environment policies and guidelines for landfill sites.

6.7.3 Area 3: Canadian Tire Financial Site

6.7.3.1 Planned Function

As a whole, Area 3 is planned to function as an area for revitalization and intensification by accommodating a range of appropriate uses, including residential, offices, service commercial ancillary to residential uses, government, recreational and institutional uses. The intent is to provide a variety of built forms and uses generally proposed for the entire area; however, it is not intended that all of the uses will be permitted in all areas of the development.

6.7.3.2 Permitted Uses

Permitted uses within the Amendment Area shall include medium (including semi-detached dwellings) and high density residential uses (including, for example, semi-detached dwellings, triplexes, townhouses and apartment buildings), business and professional offices, service commercial (ancillary to the permitted residential uses), institutional, government and recreational uses in a variety of built forms. Mixed use development is encouraged throughout the Amendment Area including within buildings.

6.7.3.3 Residential Density

The residential density range shall be 25 to 125 dwelling units per net hectare based upon the proportion of the overall site dedicated to residential use. The maximum building height shall not exceed eight (8) storeys. The maximum density and/or height may be increased subject to the Bonus Zoning provisions set out in Section 7.4.5 of the Official Plan, as amended from time to time.

The City will only consider removing lands from medium and/or high density residential development where other suitable lands, yielding the same or greater development potential as the down-graded site, are identified, and redesignated to a density of a similar nature as compensation.

6.7.3.4 Design

Area 3 includes several different parcels which could be developed by different Developers, depending on future ownership. The City expects that the development of individual parcels will maintain a consistent overall design approach based on the following:

- A high standard of site(s) design shall be applied to the Amendment Area. The City shall consider the application of Smart Growth principles, Region of Niagara Model Urban Design Guidelines and City Design Guidelines for development proposals.

- Enhanced landscaping shall be provided, wherever possible, throughout the Amendment Area, including at entranceways and within parking areas. The use of entrance features and signage is also encouraged.

- The scale and design of the area should create an attractive, safe, pedestrian friendly built environment/community allowing for convenient movements internal to the development, as well as to the trail system along Prince Charles Drive North, to adjacent neighbourhoods and to the commercial area to the south.

- Buildings along the Prince Charles Drive North interface shall create an enhanced streetscape by being located close to the easterly property line.

- Parking areas should not be located between the façade of principal buildings and the easterly property line (interface with Prince Charles Drive North) and should be screened from view using landscaping and/or other buffering measures satisfactory to the City.

- Parking areas shall include pedestrian infrastructure as an integral element of their design to ensure safe vehicular and pedestrian movements. Landscaped areas internal to the parking areas shall be provided to reduce the overall impact/mass of surface parking areas.

- Barrier free (physically accessible) design will be required.

- Access to the site(s) will be from Prince Charles Drive North and shall be encouraged to be shared/consolidated access points, where possible, to the satisfaction of the City.

- Reverse lots are prohibited facing Prince Charles Drive North.

The City will ensure the protection of existing residential uses on adjoining lands while also ensuring any impacts to future residential development are minimized by the use of landscaping and/or other buffering measures satisfactory to the City along the respective interfaces.
(475, 555 AND 635 PRINCE CHARLES DRIVE)

6.7.4 Area 4: Former John Deere Site and Adjacent Lands

6.7.4.1 Planned Function

Area 4 includes two large sites - the site of the former John Deere plant and the adjacent vacant property to the east. The John Deere plant is designated General Industrial while the currently vacant parcel is designated Low Density Residential. As of the writing of this Plan, the City, in an attempt to commit to its leadership in green technology, is contemplating innovative future uses for both sites. The City intends to undertake a land use study for these lands and develop a new land use vision for Area 4. The planned function of the Area 4 Specific Designation is to allow for the existing designations and permissions to persist in the short term, while it is expected that a new vision for these lands will be developed in future and incorporated into the Official Plan.

6.7.4.2 Permitted Uses

Permitted uses on the lands on the east side of Area 4 are limited to those uses permitted under the Low Density Residential designation. The lands on the west side of Area 4 are limited to those uses permitted under the General Industrial Designation. In is anticipated that the City's future land use study will confirm the existing designations and permissions and/or develop a new set of permissions consistent with a new vision.

6.7.4.3 Design

The design policies for General Industrial apply to the lands within Area 4 designated for General Industrial purposes. The design policies for the portion designated for Low Density purposes are as follows:

i. Encourage a variety of building types and designs;
ii. Encourage energy efficient designs for plans of subdivision, site plans, buildings and public works;
iii. Promote barrier free design;
iv. Promote safe and attractive streetscapes through street lighting, pedestrian linkages, bicycle paths, tree planting, gateway (entrance) features, building location, orientation, height, massing and facades;
v. Encouraging safe and efficient pedestrian and vehicular movements through the design of subdivisions and site plans;
vi. Encouraging the use of alternative engineering and road design standards as deemed appropriate by the City;
vii. Encouraging transit supportive design of subdivisions and buildings.

Future design policies for Area 4 will be developed through the land use study to be undertaken by the City.

6.7.4.4 Need for a Land Use Study

The City will undertake a land use study for the lands within Area 4 to address the following:

i. Potential for land use compatibility issues arising from existing designations;
ii. Potential environmental constraints;
iii. Potential opportunities for accommodating green technology initiatives;
iv. Potential opportunities for agri-business uses;
v. Potential opportunities for mixed-use development; and,
vi. Potential opportunities for Brownfield redevelopment.

The land use study may recommend new Policies for the lands within Area 4 and may also require the preparation of a Secondary Plan.

6.7.5 Area 5: Lyon's Creek East

6.7.5.1 Planned Function

Area 5 is an overlay designation which covers the limits of the Lyons Creek East Contaminated Sediment Strategy area. The Lyons Creek East Contaminated Sediment Strategy was developed as part of the Niagara River Remedial Action Plan, which identified portions of Lyons Creek East as having contaminated sediment on the creek bottom. This Policy provides direction for future land use change occurring on lands which fall within the limits and in the Subwatershed that flows into the Lyons Creek East Contaminated Sediment Strategy area, identified as Area 5 on Schedule B.

6.7.5.2 Permitted Uses

There are a range of land uses within Area 5, including Agricultural, Core Natural Heritage System, Light Industrial, Gateway Economic Centre, Industrial, Transportation and Infrastructure. For a specific list of permitted uses, refer to corresponding land use designation and associated Policies contained within this Plan.

6.7.5.3 Design

Future development or site alteration of lands within and that drain into Area 5 shall have no impact on the existing deposits of contaminated sediments on the bottom of Lyons Creek East. During the planning and approval stage of any proposed development in the area of contaminated sediment, redevelopment or site alteration, specific consideration shall be given to the potential impacts of:

i. Stormwater flows and runoff;
ii. Construction; and,
iii. Maintenance and operations occurring on the lands of any new development.

For proposed development, redevelopment or site alteration that occurs on lands outside of, but drain into Area 5, consideration shall be given to the potential impacts of stormwater flows and runoff.

6.7.5.4 Other Policies

6.7.5.4.A Consideration of the Niagara River Remedial Action Plan and the Lyons Creek East Contaminated Sediment Management Strategy

When undertaking any operations or projects within Area 5, the City will consider the Niagara River Remedial Action Plan and the Lyons Creek East Contaminated Sediment Management Strategy.

6.7.5.4.B Sediment Management and Remediation

The City supports the management and remediation of contaminated sediments through natural recovery, within Lyons Creek East.

6.7.6 Area 6: Priestly Site

6.7.6.1 Planned Function

Area 6 is a potential brownfield redevelopment area and former location of Priestly. Area 6 is located on the north side of East Main Street. Area 6 is planned to function as a mixed use area, accommodating residential, office and commercial uses.

6.7.6.2 Permitted Uses

Permitted uses within Area 6 include medium and high density residential, office, and service commercial uses. Generally, uses should be mixed within buildings, with commercial uses on the ground floor and office or residential uses on upper floors.

6.7.6.3 Design

For medium and high density residential uses, the design Policies of this Plan apply. For mixed use development, the following general design policies apply to Area 6:

i. Buildings should be oriented towards the street edge, with a minimal setback so as to create a strong street edge;
ii. The majority of surface parking should be located at the side or rear of the building(s);
iii. Drive through facilities are not permitted; and,
iv. Pedestrian connections to adjacent areas should be provided.

6.7.6.4 Need for a Land Use Study

The City will undertake a land use study for the lands within Area 6 to address the following:

i. Potential opportunities for mixed use development;
ii. Potential environmental constraints;
iii. Potential opportunities for brownfield redevelopment;
iv. Potential for land use compatibility issues; and,
v. Potential opportunities and issues related to commercial development.

The land use study may recommend new Policies for the lands within Area 3 and may also require the preparation of a Secondary Plan.

7 IMPLEMENTATION

7.1 GENERAL

Where the Policies in this Section identify requirements or standards, they are intended to express the minimum expectations for implementation of this Official Plan and should specific land use Policies dictate higher standards elsewhere in this Plan, then those higher standards shall prevail.

7.2 PLANNING STUDIES

7.2.1.1 Studies, Resources and Findings

The City may undertake planning studies, from time-to-time, in order to monitor progress of planning initiatives, understand new trends, ensure an appropriate response is provided for issues which may arise, or for any other purpose deemed suitable by the General Manager, Planning and Development Services, Committee or Council. The City will dedicate sufficient resources, or seek partnership funding, for planning studies so that the work can be undertaken with appropriate professional diligence. The City may implement the findings of a planning study with a follow-up Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or any mechanism deemed appropriate.

7.2.1.2 Studies by Other Agencies

Should other agencies undertake planning studies which may have implications to Welland, the municipality will encourage that its interests be represented on an advisory committee, steering committee, etc. If deemed appropriate, the municipality may also contribute resources to assist with the study.

7.3 SECONDARY PLANS

7.3.1.1 Impetus for Secondary Plans

The City of Welland may undertake a planning study and implement a Secondary Plan in order to guide the development or redevelopment of a specified area of the municipality. The Secondary Plan provides a greater level of detail than provided by the Official Plan. Examples of situations which may warrant a Secondary Plan include, but are not limited to:

i. Large areas for Greenfield development;
ii. Older residential, non-residential or mixed use areas which are in transition or experiencing land use compatibility issues;

iii. Residential, non-residential or mixed uses areas which are experiencing pressure for land use conversion or intensification; and/or,
iv. Areas which have been designated for heritage protection under the *Heritage Act*.

7.3.1.2 Requirements for Studies Supporting Secondary Plans

The planning study and resulting Secondary Plan will address, as appropriate:

i. Land use;
ii. Natural environment;
iii. Natural and human-made risks;
iv. Transportation;
v. Water and wastewater servicing;
vi. Stormwater management (and a subwatershed or scoped subwatershed study);
vii. Mitigation of negative impacts;
viii. Climate change adaptation impacts;
ix. Sustainable design;
x. Urban design;
xi. Archaeology, built and cultural heritage;
xii. Culture;
xiii. Utilities;
xiv. Economics; ,
xv. Municipal finance; and,
xvi. Air Quality.

7.3.1.3 Stakeholder Consultation

The planning study will be undertaken with appropriate stakeholder consultation. A minimum of one Statutory Public Hearing and one Public Open House will be held in advance of the Secondary Plan's adoption.

7.4 ZONING BY-LAW

7.4.1 Conformity with Official Plan

7.4.1.1 Zoning to Conform

The Zoning By-law is one of the primary tools for implementing the Official Plan. In accordance with the *Planning Act*, the Zoning By-law shall be updated so that it is in conformity with the Official Plan.

7.4.1.2 Scope of Zoning Regulations

The Zoning By-law shall contain regulations to control the amount and type of development with respect to matters such as:

i. Permitted uses;
ii. Location of uses;
iii. Lot areas and dimensions;
iv. Floor areas;
v. Siting of development relative to the lot;
vi. The portion of the site which can be occupied by buildings or structures;
vii. Densities of residential land uses;
viii. Densities of non-residential land uses;
ix. The bulk and massing character of buildings;
x. Requirements of parking and loading areas;
xi. Requirements for landscaping; and,
xii. Any other such regulations or requirements which may be allowed to be controlled through a Zoning By-law as enabled by the *Planning Act*.

7.4.1.3 Non-Conforming or Non-Compliant Development

The City shall discourage applications to change the use of buildings or land from a legal non-conforming or legal non-compliant use where the present use is inconsistent with the policies of this Plan. The passing of a by-law or amendment shall not recognize illegal uses which are inconsistent with the policies of this Plan.

7.4.2 Interim Control By-Law

7.4.2.1 Purpose of Interim Control By-Law

Where Council has, by By-Law or Resolution, directed that a study be undertaken regarding its land use planning policies or Zoning regulations for the City or any

defined area or areas thereof, it may pass an Interim Control By-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as are set out in the By-law.

7.4.2.2 Time Limit of Interim Control By-Law

An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

7.4.3 Holding Provisions

7.4.3.1 Purpose of Holding

The Zoning By-law will incorporate provisions for Holding Zoning which may be applied on lands where the lands are pre-zoned for a use, but presently there exists a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an "H" symbol beside the land use symbol on the Zoning map.

7.4.3.2 Application of the Holding Provision

Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.

7.4.3.3 Interim Uses for Lands Subject to Holding

The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

7.4.3.4 Lifting of the Holding Provision

The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:

i. Completion of special studies related to the area, or site's opportunities or constraints, or the impact of development and mitigation thereof;
ii. The grading of the site;
iii. The provision of road infrastructure, including, but not limited to, the road base, streetlights, signage and traffic control signals;
iv. The provision of water, wastewater, or stormwater servicing for the lands;
v. Satisfying certain financial requirements of the municipality;

vi. Any other matter provided for by the provisions of the *Planning Act*.

7.4.3.5 Stakeholder Consultation

Consultation related to lifting of the Holding provision will be done in accordance with the *Planning Act*.

7.4.4 Temporary Use By-law

7.4.4.1 Purpose of Temporary Use By-law

Provided the general intent and purpose of the Official Plan are maintained, Council may pass By-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the *Planning Act*.

7.4.4.2 Considerations

In enacting a Temporary Use By-law, Council shall have regard for the following matters:

i. compatibility of the proposed use with surrounding land uses;
ii. any requirement for temporary buildings or structures in association with the proposed use;
iii. any requirement for temporary connection to municipal services and utilities;
iv. the potential impact of the proposed use on transportation facilities and traffic in the immediate area;
v. access requirements for the proposed use;
vi. parking requirements for the proposed use, and the ability to provide adequate parking on-site; and,
vii. any potential long-term impacts associated with the proposed temporary use.

7.4.4.3 Temporary Uses

In general, temporary uses, buildings and structures that are not farm related shall not be permitted in Agricultural areas. Temporary uses shall be compatible with existing and future agricultural uses, will not compromise the properties intended agricultural use and no non-farm buildings or structures are proposed.

7.4.5 Bonus Zoning

7.4.5.1 Purpose of Bonus Zoning

The City may use Bonus Zoning in accordance with the provisions of the *Planning Act* in order to permit increases in the height and/or density limits applicable to a proposed development in return for the provision of such facilities, services, or matters as are set out in the By-law.

7.4.5.2 Applicable Land Uses

Bonus Zoning provisions may be allowed for all forms of development; however, the City reserves the right to allow Bonus Zoning for only specific land use or area in order to achieve the goals of the Official Plan, Secondary Plan, etc.

7.4.5.3 Benefits Suggested for Bonus Zoning

Bonus Zoning may be offered for the provision of, but should not be expected for or may not be limited to:

i. Daycare facilities;
ii. The provision of underground parking;
iii. Parks facilities significantly above the minimums required by the City and the *Planning Act*;
iv. Recreation or community centres;
v. Specific types of housing, such as housing for low and moderate income groups, senior citizens and people with physical disabilities ;
vi. Substantial transit amenities or facilities significantly beyond those required by the City;
vii. Public art; and/or,
viii. The substantial conservation of natural, built or cultural heritage features significantly beyond those required by the respective agencies.

7.4.5.4 Mutual Benefit and Appropriate Scale

The height or density bonus should be reasonably aligned to the cost/benefit provided by the facilities, services, or matters, and must result in a substantial net benefit to the general public. Under no circumstances will the height or density bonus result in a scale of development which is incompatible with adjacent uses or exceed the capacity of municipal services. To this end, the City may place a cap on any height or density bonus offered.

7.4.5.5 Agreements

As a condition to the application of Bonus Zoning provisions to a proposed development, the owner of the subject land will be required to enter into an Agreement with the City, to be registered against the title to the land. The Agreement will deal with the facilities, services, or matters which are to be provided, the timing of their provision, and the height or density bonus to be given.

7.4.6 Zoning with Conditions

7.4.6.1 Purpose of Zoning with Conditions

The City may use Zoning with Conditions in order to encourage the specific mixing of land uses which is planned to support development, redevelopment, revitalization, or intensification in certain areas.

7.4.6.2 Applicable Land Uses

It is anticipated that Zoning with Conditions will be principally used in mixed use areas or redevelopment areas in order to achieve the goals of the Official Plan, Secondary Plan, etc.

7.4.6.3 Use of Conditions

In Zoning categories which provide for Conditional uses, the Zoning By-law will stipulate which uses are permitted and which uses are Conditional upon the existence of certain permitted uses. The Zoning By-law may place a limit on the gross floor area, height, or density of any permitted or Conditional use in Zoning categories which provide for Conditional uses.

7.4.6.4 Change in Use

If the owner intends to change the land use in a development which was permitted through Conditional Zoning resulting in non-compliance of the development with the Conditional Zoning, then the new development will only be permitted if justified by a Zoning By-law Amendment and/or Official Plan Amendment.

7.4.7 Flexible Zoning

7.4.7.1.A Mix of Housing Types

Flexible zoning refers to sites which are zoned to allow for a mix of housing types and may include any combination of two or more of the following:

i. Low density, including singles, semi-detached and duplex houses;
ii. Medium density, including townhomes, triplexes, four-plexes and low rise apartment buildings; and,
iii. High density, including medium and high rise apartment buildings.

Where the City has applied flexible zoning standards to a residentially designated property an application to amend the Official Plan is not required to permit the mix of housing types permitted in the Zoning By-law.

7.4.7.1.B Mix of Densities

Where the City has applied flexible zoning standards to a residentially designated property, the planned densities contained within the Residential Section of this Plan shall apply only to the portion of the property which is dedicated to the corresponding housing type.

7.5 GUIDELINES

7.5.1 Purpose of Guidelines

Guidelines will be prepared and may contain standards and performance criteria which are too detailed or require interpretation beyond the Policies and regulations normally appropriate in an Official Plan or Zoning By-law, respectively. Guidelines may be prepared which provide, but are not limited to:

i. Specific direction for the preparation and review of development proposals;
ii. Specific direction for the preparation of supporting studies for development proposals;
iii. Themes, approaches or intentions related to the architectural or landscape treatment of the municipality, an area, neighbourhood, or site;
iv. Themes, intentions or approaches for the planning or design of public infrastructure; and/or,
v. Themes, approaches or intentions related to sustainable design, ecological design, or climate change adaptation for the municipality, area, neighbourhood or site.

7.5.2 Stakeholder Consultation

Guidelines will be prepared with appropriate stakeholder consultation. A public open house or other public consultation may be conducted in advance of the guideline's acceptance.

7.5.3 Public Record

A record will be maintained of all guideline documents and copies of both the record and the guideline documents will be made available to the public.

7.6 PLANS OF SUBDIVISION

7.6.1 Purpose of Plans of Subdivision

As the preferred method of lot creation, Plans of Subdivision will be required for lot creation in situations where lot creation by consent is not appropriate.

7.6.2 Evaluation of Plans of Subdivision

Applications will be evaluated on the following minimum criteria:

Consistency with the Official Plan, Secondary Plan and any other applicable plans and policies;

i. Availability of servicing without undue financial commitment by the City;
ii. Suitable provision of municipal services including, but not limited to, public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
iii. Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;
iv. Integration with surrounding land uses;
v. Integration with the transportation network;
vi. Impacts to, and mitigation of, negative impacts on the natural environment;
vii. Optimization of the supply, means of supplying, efficient use and conservation of energy;
viii. The provision of appropriate urban design and landscaping for the proposed development;
ix. Compliance with applicable City guidelines; and,
x. Exposure to nearby air pollution and mitigation of impacts.

7.6.3 Conditions of Approval

As a condition of draft plan of subdivision approval, the City may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant shall be required to meet the conditions within three years which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the City shall require the proponent to enter into a Subdivision Agreement which will be registered on title.

7.6.4 Extensions of Draft Approval

7.6.4.i In considering a request for an extension to draft plan of subdivision approval, the City will work with the Regional Municipality of Niagara and the Conservation Authority to ensure that current conditions, based on new or updated policies, guidelines and community standards, are applied.

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

7.7 PLANS OF CONDOMINIUM

7.7.1 Purpose of Plans of Condominium

Plans of Condominium will be required for the creation of units, common elements and exclusive use common elements through the registration of a Plan of Condominium in accordance with the *Condominium Act* and the *Planning Act*.

7.7.2 Minimum Number of Units

The condominium will be developed with a minimum number of units to ensure adequate, reasonable, and independent operation of the condominium corporation.

7.7.3 Common Elements

Common elements in condominium corporations will be permitted unless the City requires public ownership of the lands for purposes of:

i. pedestrian or vehicular access, including any part of a public road allowance;
ii. the construction, maintenance and repair of public facilities and services;
iii. safeguarding significant natural features;

iv. planned trail systems; or,
v. the proposal is not otherwise in the public interest.

7.7.4 Vacant Land Condominium

The same considerations and requirements for the evaluation of draft plans of subdivisions shall apply to draft plans of vacant land condominiums.

7.7.5 Condominium Agreement

As a condition of draft plan of condominium approval, the City may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the City shall require the proponent to enter into an Agreement which will be registered on title.

7.8 SITE PLAN CONTROL

7.8.1 Site Plan Control Area

Council shall adopt a By-law to designate the entire area of the City as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, three unit dwelling or duplex dwellings, and additions or renovations thereto.

7.8.2 Development or Redevelopment

For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

7.8.3 Site Plan Requirements

Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the Site Plan Approval process. In accordance with the *Planning Act*, the requirement for the submission of drawings

shall also include residential buildings containing less than twenty-five dwelling units.

7.8.4 Evaluation of Site Plan Applications

The following will be considered in the evaluation of applications:

i. location, massing, and conceptual design of buildings and structures;
ii. location and design of vehicular and pedestrian access points;
iii. location and design of off-street parking and loading facilities;
iv. facilities for on-site pedestrian and vehicular circulation;
v. road widening;
vi. location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
vii. measures to minimize any loss of sunlight and privacy to adjacent properties;
viii. location and design of outdoor recreational areas;
ix. location of external facilities and works;
x. easements over, and grading of, lands;
xi. provisions for stormwater management and drainage;.
xii. facilities designed to have regard for accessibility for persons with disabilities;
xiii. matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;
xiv. the sustainable design elements on any adjoining roadway under the City's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
xv. provision for the City to enter into one or more Agreements with applicants, to ensure that development proceeds in accordance with the proposal and City requirements.

7.8.5 Site Plan Agreement

As a condition of Site Plan Approval, the City may require proponents to satisfy certain conditions. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the City shall require the proponent to enter into a Site Plan Control Agreement which will be registered on title.

7.9 CONSENT POLICY

7.9.1 Purpose of Consents

Consents may be allowed for the creation of up to two (2) new lots in the Urban Area, or in accordance with any land division Policies in the Agricultural and Rural Area.

7.9.2 Evaluation of Consents

Applications will be evaluated on the following minimum criteria:

i. Consistency with the Policies of this Official Plan;
ii. Consistency with a Secondary Plan (where appropriate), or guidelines, as well as compliance with the Zoning By-law;
iii. A Plan of Subdivision is not required;
iv. The size and shape of the lots;
v. The road access of the lots;
vi. The impact of the consent on the ability of adjacent lots to be developed;
vii. The impact of the consent on the natural environment; and,
viii. Adequacy of municipal services and utilities.

7.9.3 Conditions of Approval

As a condition of approval, proponents may be required to satisfy certain conditions as authorized by the *Planning Act*, including but not limited to:

i. The dedication of parkland or cash-in-lieu of such dedication;
ii. The dedication of any road widenings and one foot reserves as may be required by the City;
iii. Fulfillment of any financial requirements of the City;
iv. A servicing Agreement pertaining to any extension or upgrading of municipal services required by the City to accommodate the development;
v. Submission of a registered reference plan;
vi. Any other Agreements which may be necessary and which may be registered on title.

7.10 COMMUNITY IMPROVEMENT PLANS

The *Planning Act* allows municipalities to identify Community Improvement Project Areas, prepare Community Improvement Plans, and provide incentive

programs which stimulate redevelopment of lands as a means to maintain the vitality of the municipality.

7.10.1 Downtown Community Improvement Plan

7.10.1.1 Goals

The goal of community improvement in the Downtown is to reinforce the importance of the Downtown, aid in stimulating private sector redevelopment, and guide private sector development and redevelopment.

7.10.1.2 Programs, Eligibility and Funding

The Downtown CIP may offer a range of programs, including, but not limited to:

i. Facade Restoration and Improvement Loan Program;
ii. Development Charge Waiver/Exemption Program;
iii. Refund of Local Planning and Building Fees Program
iv. Residential Conversion and Intensification Loan Program;
v. Property Rehabilitation and Redevelopment Tax-Increment Grant Program;
vi. Parking Requirements Reduction Program.

The Downtown CIP will describe the eligibility criteria for obtaining funding through any of the CIP's programs. The program funding will be established by Council, but shall not place a burden on municipal finances.

7.10.2 Brownfield Community Improvement Plan

7.10.2.1 Goals

The goal of community improvement on brownfield lands is to promote the remediation, rehabilitation, adaptive re-use, redevelopment and overall improvement of brownfield sites.

7.10.2.2 Programs, Eligibility and Funding

The Brownfield CIP may offer a range of programs, including, but not limited to:

i. Environmental Site Assessment Grant Program;
ii. Brownfields Tax Assistance Program; and,
iii. Brownfields Rehabilitation Grant Program.

The Brownfield CIP will describe the eligibility criteria to obtain funding through any of the CIP's programs. The program funding will be established by Council, but shall not place a burden on municipal finances.

7.10.3 New Community Improvement Plan Areas

7.10.3.1 Criteria for New Areas

In considering the establishment of a new Community Improvement Plan Area, the City will consider any of the following criteria:

i. Conditions of existing buildings;
ii. Land use issues;
iii. Aesthetic issues;
iv. Transportation or infrastructure issues;
v. Natural or human-made environmental issues;
vi. Social or community issues;
vii. Economic issues; and,
viii. Any other relevant issues which create barriers to the repair, rehabilitation or redevelopment of underutilized or dilapidated land/buildings.

7.10.3.2 Criteria for New Community Improvement Plans

New Community Improvement Plans shall contain a statement of purpose, goals, objectives, a description of the Community Improvement Project area, a description of all programs and/or projects, an implementation plan, and a technical appendix justifying the delineation of the area and the need for the programs. The preparation and adoption of new Community Improvement Plans shall meet the minimum requirements of the *Planning Act* for public consultation.

7.11 SUPPORT STUDIES

Support studies may be required as part of planning studies or development proposals. The support studies, and when they are needed, are generally described below; however, the municipality may refine the scope or request that a support study be undertaken based on its discretion, the context of the proposed development, or input from appropriate agencies. Additional studies and peer reviews may also be required by other agencies, such as the NPCA and Region.

7.11.1 Requirements for All Studies

All studies and information submitted to the City, Region or NPCA shall be prepared by a qualified professional. Any study or report requested by the City, Region or NPCA may be subject to a peer review, where the applicant shall be responsible for all costs of peer review which shall be payable upon submission of an invoice from the City, Region and Niagara Peninsula Conservation Authority. Supporting studies shall be submitted in an electronic and hard copy format. Additional studies and peer reviews may be required by other agencies, including but not limited to the Region and NPCA, the cost of which shall also be paid for by the applicant.

7.11.2 Subwatershed Plan

7.11.2.1 Need for a Subwatershed Plan

A Subwatershed Plan provides for the maintenance of ecological function, in particular the ecological function of watercourses. Major changes in land use, such as a boundary expansion or Secondary Plan for a Greenfield Area, shall require the preparation of a Subwatershed Plan, based on terms of reference developed by the City in consultation with the Niagara Peninsula Conservation Authority.

7.11.2.2 Implementing the Recommendations of a Subwatershed Plan

The findings and recommendations of a Subwatershed Plan shall be implemented through amendments to the Official Plan and, where appropriate, secondary plans, any plan produced under the *Planning Act* or the Zoning By-law. The Subwatershed Plan should provide specific direction for:

i. The future development of the area;
ii. Servicing and infrastructure; and,
iii. Opportunities for improvement and enhancement of natural systems.

7.11.3 Master Drainage Plan

7.11.3.1 Need for a Master Drainage Plan

A Master Drainage Plan provides for the maintenance of the stormwater and ecological functions of watercourses in a large area within a subwatershed. Where a Secondary Plan, Plan of Subdivision or any applicable plan under the *Planning Act*, is being undertaken, a Master Drainage Plan may also be required, based on

terms of reference developed by the City in consultation with the Niagara Peninsula Conservation Authority.

7.11.3.2 Implementing the Recommendations of a Master Drainage Plan

The findings and recommendations of a Master Drainage Plan shall be implemented through amendments to the Official Plan and, where appropriate, a Secondary Plans, Zoning By-law and other plans provided for under the *Planning Act* (such as a Plan of Subdivision or Site Plan).

7.11.4 Stormwater Management Plan

7.11.4.1 Need for a Stormwater Management Plan

A Stormwater Management Plan provides for the maintenance of the stormwater functions of watercourses based on the impacts of site-specific or area-specific development. Where a Plan of Subdivision, Site Plan or applicable plan under the *Planning Act* is being undertaken, a Stormwater Management Plan may also be required, based on terms of reference developed in consultation with the City and the Niagara Peninsula Conservation Authority.

7.11.4.2 Implementing the Recommendations of a Stormwater Management Plan

The findings and recommendations of a Stormwater Management Plan shall be implemented through amendments to the Official Plan and where appropriate, Secondary Plans, Zoning By-law and other plans produced under the *Planning Act* (such as a Plan of Subdivision or Site Plan).

7.11.5 Environmental Impact Study

7.11.5.1 Need for an Environmental Impact Study

An Environmental Impact Study (EIS Study) is a technical assessment of a development proposal's environmental impacts on natural heritage and hydrologic features and functions. Where development or site alteration is being undertaken within the guidelines put forth in **Table 7.1**, an Environmental Impact Study shall be required.

Table 7-1: Core Natural Heritage System Components and Adjacent Lands	
Core Natural Heritage System Components	Adjacent Lands Where an EIS Shall Be Required for Development Applications.
Environmental Protection Area	
Provincially Significant Life Science Area of Natural and Scientific Interest	All lands within 50 metres.
Provincially Significant Wetland	All lands within 120 metres.
Habitat of Threatened and Endangered Species	All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.

7.11.5.2 Preparation and Submission

An Environmental Impact Study shall be prepared and signed by a qualified biologist or environmental planner in accordance with the Region of Niagara's Environmental Impact Study Guidelines. Environmental Impact Studies for lands within, or adjacent to, Environmental Conservation Areas within the Urban Area shall be prepared to the satisfaction of the City, in consultation with the Conservation Authority and the Region of Niagara. Environmental Impact Studies for lands adjacent to all other components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region of Niagara, in consultation with the City and the Conservation Authority. Refer to Section 6 of this Plan for additional details on EIS studies.

7.11.5.3 Content of an Environmental Impact Study

The specific requirements for an EIS are outlined in the Region of Niagara's Environmental Impact Study Guidelines. The required content for an EIS may be reduced where the Region of Niagara has and/or the conservation authority have been satisfied that:

i. The environmental impacts of a development application are thought to be limited; or,
ii. Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Region of Niagara.

7.11.5.4 Implementing the Recommendations of an Environmental Impact Study

The findings and recommendations of an Environmental Impact Study shall be implemented primarily through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*. Amendments to the Official Plan or other plans may also be required.

7.11.6 Market Impact Assessment

Appealed under Section 17 (36) of the Planning Act

7.11.6.1 Need for a Market Impact Assessment

A Market Impact Study provides assurance that a proposed development is not premature and does not negatively impact the local or regional economy. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision or Site Plan is being undertaken, a Market Impact Study may also be required, based on the Policies of this Plan and terms of reference developed by the City in consultation with the Regional Municipality of Niagara. The Market Impact Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

7.11.6.2 Implementing the Recommendations of a Market Impact Study

The findings and recommendations of a Market Impact Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.7 Traffic Transportation Impact Study

7.11.7.1 Need for a Traffic Transportation Impact Study

A Transportation Impact Study provides for the maintenance of the City's transportation system given the demands in different transportation modes generated by a proposed development. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Transportation Impact Study may also be required, based on terms of reference developed by the City in consultation with

the Regional Municipality of Niagara. The Transportation Impact Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

7.11.7.2 Implementing the Recommendations of a Traffic Transportation Impact Study

The findings and recommendations of a Traffic Transportation Impact Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.8 Geotechnical Subsurface Investigation

7.11.8.1 Need for a Geotechnical Subsurface Investigation

A Geotechnical Subsurface Investigation provides for confirmation of the load-bearing capacity of soils to support development. Where a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* is being undertaken, a Geotechnical Subsurface Investigation may be required, based on terms of reference developed by the City. A Geotechnical Subsurface Investigation may also be required by the Conservation Authority as a condition of development approval or permit approval to address slope stability.

7.11.8.2 Implementing the Recommendations of a Geotechnical Subsurface Investigation

The findings and recommendations of a Geotechnical Subsurface Investigation shall be implemented through a Plan of Subdivision, Site Plan other plans produced under the *Planning Act*, and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.9 Archaeological Resource Assessment

7.11.9.1 Need for an Archaeological Resource Assessment

An Archaeological Resource Assessment provides for the documentation, protection, and conservation of the City's archaeological resources. An Archaeological Resource Assessment will be required in accordance with Section 6.6 of this Plan.

7.11.9.2 Implementing the Recommendations of a Archaeological Resource Assessment

The findings and recommendations of an Archaeological Resource Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.10 Wetland Evaluation Study

7.11.10.1 Need for a Wetland Evaluation Study

A Wetland Evaluation Study provides for the delineation of a wetland or wetlands based on field survey of the wetland feature(s). A Wetland Evaluation Study may be required where an Environmental Impact Study is required. A Wetland Evaluation Study will be undertaken by qualified persons in accordance with the Wetlands Evaluation System for Southern Ontario.

7.11.10.2 Implementing the Recommendations of a Wetland Evaluation Study

The findings and recommendations of a Wetland Evaluation Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.11 Record of Site Condition

7.11.11.1 Need for a Record of Site Condition

A Record of Site Condition, prepared and filed in accordance with the *Environmental Protection Act*, confirms the status of a site or lands with respect to contamination. Where any development is proposed, a Record of Site Condition may be required.

7.11.11.2 Implementing the Recommendations of a Record of Site Condition

The findings and recommendations of a Record of Site Condition shall be implemented through a Plan of Subdivision, Site Plan other plans produced under the *Planning Act* , or Building Permit and, where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.12 Noise and/or Vibration Study

7.11.12.1 Need for a Noise and/or Vibration Study

A Noise and/or Vibration Study provides assurance that the proposed development meets Ministry of Environment guidelines for the protection of sensitive land uses from noise and/or vibration. Where a Plan of Subdivision or Site Plan is being undertaken, a Noise and/or Vibration Study may also be required, based on terms of reference developed by the City in consultation with the Regional Municipality of Niagara, and/or the Ministry of Environment. The Noise and/or Vibration Study may be subject to a peer review, the cost of which will be recovered by the City from the proponent.

7.11.12.2 Implementing the Recommendations of a Noise and/or Vibration Study

The findings and recommendations of Noise and/or Vibration Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.13 Gas Well Location Study

7.11.13.1 Need for a Gas Well Location Study

A Gas Well Location Study provides for the hazard assessment of known or suspected former petroleum wells. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Gas Well Location Study may also be required to demonstrate that the known or suspected hazard has been mitigated in accordance with the relevant provisions of the *Oil, Gas, and Salt Resources Act*.

7.11.13.2 Implementing the Recommendations of a Gas Well Location Study

The findings and recommendations of a Gas Well Location Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.14 Tree Savings Plan

7.11.14.1 Need for a Tree Savings Plan

A Tree Saving Plan is a plan prepared for the purposes of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur. Tree Saving Plans should attempt to retain as many trees as possible. Requirements for Tree Saving Plans are provided in the Region of Niagara Tree and Forest Conservation By Law (30-2008) as amended from time to time. A Tree Saving Plan may be required to support an application for development or site alteration, where the development may have impacts on a wooded area.

7.11.14.2 Implementing the Recommendations of a Tree Savings Plan

The findings and recommendations of a Tree Savings Plan shall be implemented through the appropriate planning mechanism, such as a site plan, a plan of subdivision or other plans produced under the *Planning Act.*

7.11.15 Planning Justification Report

7.11.15.1 Need for an Planning Justification Report

A Planning Justification Report shall be required to support any proposal for development or site alteration and should demonstrate how the proposal meets the Policies and Objectives of this Plan. Where appropriate, the Report should also provide a synthesis of planning and development issues for a site or area, where the proposed development requires a number of the above-noted studies. The Report should synthesize and integrate the various findings and propose recommendations, particularly where the findings and recommendations of one study or report overlap or have implications for another study.

7.11.15.2 Implementing the Recommendations of a Planning Report

The findings and recommendations of a Integrated Planning Report shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.16 Cultural Heritage Impact Assessment

7.11.16.1 Need for a Cultural Heritage Impact Assessment

A Cultural Heritage Impact Assessment may be required to support any proposal where the development or site alteration has potential to negatively impact cultural heritage resources. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures or alternative development approaches may also be recommended.

7.11.16.2 Implementing the Recommendations of a Cultural Heritage Impact Assessment

The findings and recommendations of a Cultural Heritage Impact Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.17 Social Impact Assessment

7.11.17.1 Need for a Social Impact Assessment

A Social Impact Assessment may be required to support any proposal where development or site alteration has the potential to negatively impact on social aspects of the City. The Assessment should document any potential positive and negative impacts of the proposed development and recommend potential mitigative measures.

7.11.17.2 Implementing the Recommendations of a Social Impact Assessment

The findings and recommendations of a Social Impact Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

7.11.18 Visual Impact Assessment

7.11.18.1 Need for a Visual Impact Assessment

A Visual Impact Assessment may be required to support any proposal where development or site alteration has the potential to negatively impact views and vistas.

7.11.18.2 Implementing the Recommendations of a Visual Impact Assessment

The findings and recommendations of a Visual Impact Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act,* or other applicable acts and where required, amendments to the Official Plan, Zoning By-law and/or other plans. The Assessment should make recommendations for minimizing any potential negative impacts.

7.11.19 Growth Management Study

7.11.19.1 Need for Growth Management Study

A Growth Management Study shall be required from time to time to assess the implications of future long term population and/or employment growth. A Growth Management Study should assess the implications of future growth in relation to the City's urban boundary, intensification areas (and possibly nodes and corridors), impacts on the natural environment, transportation network, infrastructure and rural areas and any other major structural elements of the City.

7.11.19.2 Implementing the Findings of a Growth Management Study

The findings and recommendations of a Growth Management Study shall be implemented through a comprehensive review of the Official Plan and an Amendment or update to this Plan.

7.11.20 Other Studies

The City may require that any other special studies be undertaken in support of a development proposal. Where possible, the City will advise of the need for special studies during pre-consultation with the proponent regarding the proposed development. Any special study may be subject to a peer review, the cost of which will be recovered by the City from the proponent. Other potential studies which may be required might include, but are not limited to:

i. Built Heritage Impact Assessment Study;

ii. Light and Shadow Study;
iii. Environmental Site Assessment;
iv. Farm Operation and Ownership Study;
v. Alternative Sites for Non-Agricultural Uses Study;
vi. Minimum Distance Separation Study;
vii. Mineral Aggregate Resources Study;
viii. Municipal Servicing Study;
ix. Hydrological Study;
x. Financial Impact Assessment;
xi. Floodplain and Hazards Lands Study; and,
xii. Traffic and Haul Route Impact Study.

7.12 DEVELOPMENT CHARGES

7.12.1.1 Development Charge By-law

Council shall adopt a by-law to levy development charges in the City as a means to ensure that the costs of growth are borne by growth. The Development Charge By-law shall define the classes of development subject to payment of a Development Charge and what amount is to be paid.

7.12.1.2 Development or Redevelopment

Development Charges shall apply to development, or the additional development created through redevelopment.

7.12.1.3 Waiver or Exemption of Development Charge

The municipality may waive some or all of the Development Charge or exempt certain development from the Development Charge as a means to promote specific redevelopment or revitalization.

7.13 CAPITAL BUDGETS

7.13.1.1 Alignment of Budgets to the Official Plan

During the process of allocating capital budgets to short, medium, and long-term initiatives, Council will have regard for the Policies of this Plan. Where this Plan has identified priorities for change or implementation, Council will be encouraged to dedicate appropriate capital resources to these initiatives. Additionally, Council

is encouraged to seek partnership capital funding to support priorities for change or implementation of this Plan's policies.

7.13.1.2 Capital Budget for Official Plan Updates

Council will ensure that sufficient capital budget is made available to support the required five-year reviews of this Plan and any supporting special studies.

7.14 UPDATING THE PLAN

7.14.1.1 Comprehensive Review

In accordance with the Provincial Policy Statement, the City will conduct a comprehensive review for every five-year review of the Plan (whether or not an expansion to the Urban Area Boundary is contemplated) in order to keep the Plan up to date. The scope of the comprehensive review will be discussed with Council and/or the Regional Municipality of Niagara, and may be discussed with stakeholders through public consultation.

7.14.1.2 Conformity with Provincial and Regional Policies and Plans

The comprehensive review will include a discussion of provincial and regional policies and plans and identify where updates to the City Plan are needed to ensure conformity to upper-tier policies and plans.

7.14.1.3 Indicators and Strategic Directions

The comprehensive review will consider key indicators and strategic directions to help the municipality understand past progress, its current situation, and identify new planning strategies to ensure that Welland is a progressive and sustainably-developed City.

7.15 AMENDING THE PLAN

7.15.1.1 Applications to Amend the Official Plan

From time-to-time, an amendment to the Official Plan may be deemed appropriate to provide for a proposed development. In considering the suitability of the Amendment, Council will consider the following criteria:

i. Provincial and regional policies and plans;
ii. The vision, strategic directions, and goals of this Plan;
iii. Whether the amendment creates an inappropriate precedent; and,

iv. The city, neighbourhood, and immediate area impacts of the proposed land use change.

7.15.1.2 Amendments to Implement Comprehensive Review

Where a comprehensive review has identified that changes to the Plan's policies are necessary to maintain the currency of the Plan, then Council may adopt an Amendment to this Plan.

7.15.1.3 Amendments to Implement Provincial or Regional Policies and Plans

Where changes to or new Provincial or Regional policies and plans come into effect that require updates to this Plan, then Council may adopt an Amendment to this Plan.

7.15.1.4 Amendments to Implement Planning Studies

Where a planning study has been undertaken to address the needs of a specific area or recent trend, then Council may adopt an Amendment to this Plan to implement the recommendations of the study.

7.16 COMMITTEE OF ADJUSTMENT

7.16.1.1 Committee to Deal with Variances

Council has appointed a Committee of Adjustment to review and make decisions on the following matters:

i. Applications to allow a minor variance from the provisions of the Zoning By-law;
ii. Applications to allow a minor variance from the provisions of the Fence By-law;
iii. Applications to allow a minor variance from the provisions of the Sign By-law; and,
iv. Applications to allow a minor variance from the provisions of the Swimming Pool and Fence By-Law.

7.17 REQUIREMENTS TO CONSULT

7.17.1.1 Statutory Required Consultation

The City will meet all statutory requirements for public consultation in accordance with the *Planning Act*.

7.17.1.2 Pre-Consultation before Application Submission

The City requires all applicants of development and site alteration proposals to pre-consultant with the City. Pre-consultation will determine what is required to be submitted for a complete application and will provide an opportunity to discuss the nature of the application, the need for supporting studies, such as those identified in Section 7.11, and the planning approvals process. Where appropriate, pre-consultation may also require the involvement of the Region of Niagara and Niagara Peninsula Conservation Authority.

7.17.1.3 Pre-Consultation By-law

The City will pass a By-law requiring applicants to consult with the municipality in advance of submission of an application for:

i. An Official Plan Amendment;
ii. A Zoning By-law Amendment;
iii. A Plan of Subdivision;
iv. A Site Plan;
v. Minor Variance; and,
vi. Any other plan.

7.17.1.4 Complete Application

The General Manager Planning and Development Services or designate shall be responsible for determining whether a Planning Application is complete. If an Application is submitted without pre-consultation, adequate supporting information and/or reports, and any Application review fees required by the City, Region, or Niagara Peninsula Conservation Authority, or any other public agency, the Application may be deemed incomplete.

7.17.1.5 Coordination with Adjacent Municipalities

The City of Welland will work with its neighbouring municipalities, the Region and other agencies to address cross jurisdictional impacts, issues and opportunities associated with development in the City of Welland and, where appropriate, development outside of the City.

8 DEFINITIONS

Area of Natural and Scientific Interest

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. There are two types of ANSIs:

i. Earth Science Areas of Natural and Scientific Interest means areas identified by the Ministry of Natural Resources as containing some of the most significant representative examples of the bedrock, fossil and landform features in Ontario, and includes examples of ongoing geological processes.

ii. Life Science Areas of Natural and Scientific Interest means areas of land and water identified by the Ministry of Natural Resources as containing significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments.

Access standards

Methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Adjacent lands

Those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Adverse effects

As defined in the *Environmental Protection Act*, means one or more of:

i. Impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant or animal life;
ii. Harm or material discomfort to any person;
iii. An adverse effect on the health of any person;
iv. Impairment of the safety of any person;
v. Rendering any property or plant or animal life unfit for human use;
vi. Loss of enjoyment of normal use of property; and
vii. Interference with normal conduct of business.

Affordable

In the case of ownership housing, the least expensive of:

i. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
ii. Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
ii. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural uses

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing and packaging).

Agriculture-related uses

Farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Archaeological resources

Includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential

Areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province. Archaeological potential is

confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of mineral potential
Areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of natural and scientific interest (ANSI)
Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites
Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resources
One or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by the City, province or federal government.

Comprehensive review
An official plan review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which:

i. Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
ii. Utilizes opportunities to accommodate projected growth through intensification and redevelopment;
iii. Confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;
iv. Is integrated with planning for infrastructure and public service facilities; and

v. Considers cross-jurisdictional issues.

Conserved
The identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape
A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Deposits of mineral aggregate resources
An area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available
Lands designated in the Official Plan for urban residential use.

Designated vulnerable area
Areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

Development
The creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include works subject to the Drainage Act.

Disability

Means any one of the following:

i. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
ii. A condition of mental impairment or a developmental disability,
iii. A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
iv. A mental disorder, or
v. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*, 1997; ("handicap").

Ecological function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area

Those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species

A species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Wildlife in Canada (COSEWIC), as updated and amended from time to time..

Erosion hazard

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year

erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish
As defined in S.2 of the *Fisheries Act*, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat
The spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Provincial Ministry of Natural Resources.

Flood plain
For river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazard
The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water. Along river, stream and small inland lake systems, the flooding hazard limit is the one hundred year flood.

Floodproofing standard
The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway
For rivers, streams and small inland lake systems, a floodway means the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. The Floodway is the entire contiguous floodplain.

Gross density
The total number of dwelling units per hectare divided by the developable portion of a property or site. Gross density does not include lands within the Core Natural Heritage

System, but would include other forms of non-residential development (such as roads, parks, infrastructure, etc).

Ground water feature

Refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of Endangered and Threatened Species

Habitat of endangered and threatened species refers to land that,

a) Is an area where individuals of an endangered species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
b) Has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time

Hazardous lands

Property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes

The principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Hydrologic function
The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services
Individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the *Building Code Act*, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services
Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure
Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

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

i. Redevelopment, including the reuse of brownfield sites;
ii. The development of vacant and/or underutilized lots within previously developed areas;
iii. Infill development; and
iv. The expansion or conversion of existing buildings.

Low and moderate income households
In reference to ownership housing, low and moderate income households are households with incomes in the lowest 60 percent of the income distribution for the regional market area.

In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Major Office

Major office is generally defined as a freestanding office building of 10,000m^2 or greater, or with 500 jobs or more.

Mineral aggregate operation

Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;

i. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
ii. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral deposits

Areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Minimum distance separation formulae

Formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal transportation system

A transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services
A sewage works within the meaning of Section 1 of *the Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services
A municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002.

Natural heritage features and areas
Features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system
A system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Negative impacts
Degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities. In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

In regard to Earth Science Areas of Natural and Scientific Interest (ANSIs), degradation that, due to single, multiple or successive development or site alteration activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

Net Density

The total number of dwelling units per hectare divided by the developable portion of a property or site. Net density does not include lands within the Core Natural Heritage System, parkland, roads and infrastructure.

Normal farm practices

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act*, 2002 and regulations made under that *Act*.

Older Growth Forest

A relatively undisturbed forest stand containing trees over 100 years old. It may exhibit some of the characteristics of old growth forest such as an uneven-aged canopy; a range of size classes; gap succession processes; undisturbed soils; the presence of substantial standing and fallen deadwood, with the fallen deadwood present in a range of decay classes; or pit and mound topography.

One hundred year flood

For river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Partial services

Municipal sewage services or private communal sewage services and individual on-site water services or municipal water services or private communal water services and individual on-site sewage services.

Personal Services

Personal service uses are those commercial services which provide a service to individuals, and may include uses such as dry cleaners, hair dressers and barber shops, car rental agencies, car dealerships, gas stations and auto and truck repair shops.

Planned corridors
Corridors identified through provincial plans or preferred alignment(s) determined through the *Environmental Assessment Act* process which are required to meet projected needs.

Portable asphalt plant
A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant
A building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area
Areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

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

Private communal sewage services
A sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services
A non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002 that serves six or more lots or private residences.

Protected heritage property
Real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Protection works standards
The combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Public service facilities
Land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Quality and quantity of water
Measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Recreation
Leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment
The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional market area
Refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

Renewable energy systems
The production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Residence surplus to a farming operation
An existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification
Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

i. Redevelopment, including the redevelopment of brownfield sites;
ii. The development of vacant or underutilized lots within previously developed areas;
iii. Infill development;
iv. The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
v. The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River, stream and small inland lake systems
means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Secondary uses
Uses secondary to the principal use, including, but not limited to, home occupations, home industries, and uses that produce value added agricultural products from farm operations.

Service Commercial
Generally refers to personal and professional commercial services.

Sensitive
In regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses
Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. With respect to policies dealing with the identification and remediation of contaminated lands, means an institutional, residential, parkland or agricultural or other use defined in the Record of Site Condition Regulation 153/04.

Settlement areas
Urban areas within municipalities (such as cities and towns) that are:

i. Built up areas where development is concentrated and which have a mix of land uses; and
ii. Lands which have been designated in the official plan for development over the long term planning horizon.

Sewage and water services
Includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

Significant
In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

In regard to the habitat of endangered species and threatened species, means the habitat, as approved by the 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.

In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

In regard to other features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;

In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time.

In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

In regard to a change in the spatial extent of a Core Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as Fish Habitat.
Criteria for determining significance for the resources identified in Sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.
While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

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

Special needs
Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

Species of Concern
Any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources Official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperiled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time.

Surface water feature
Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Sustainable private services

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the Ontario Building Code Act and a water supply well designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the City of Welland, which are located on the same property as the buildings to which the sewage disposal system and water well provide service.

Threatened species

Any species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as Threatened by the Committee on the Status of Wildlife in Canada (COSEWIC) as updated from time to time..

Transportation systems

A system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

Utility (ies)

All public and/or private utilities (including, but not exclusive of cable television, hydro, communications/telecommunications, Canada Post etc.) or any similar works or systems necessary to the public interest.

Value Added

Uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered agriculture-related uses, and are required to be small scale and related to the farm activity. Value Added Uses may be grouped into three major components: Support Uses, Production Uses and Marketing Uses:

i. Production uses: mean value added farm related uses that include processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.

ii. Marketing uses: mean value added farm related uses that include a variety of methods of increasing the sales of raw or finished farm products. Such uses may include road side produce stands and other retail facilities for the sale of

products, pick your own facilities, agri-tourism uses (such as farm mazes, special events facilities (e.g. farm weddings) and educational facilities) and "experiential uses" (such as "working farm vacations" or culinary schools).

iii. Support uses: means uses that support day to day farm operation and may include machinery repairs, seed suppliers, and other uses not more appropriately accommodated in settlement areas. Support uses are intended to primarily serve the farm operation and surrounding local farm operations and are intended to remain secondary to the principal farm operation."

Valleylands
A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable
Surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Waste management system
Sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Watershed
means an area that is drained by a river and its tributaries.

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

Wayside pits and quarries
A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife habitat
Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands
Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. They do not include cultivated fruit or nut orchards or plantations used for the purpose of producing Christmas trees.

Please refer to the Provincial Places to Grow Plan (2006) for a complete definition of these terms.

- Built Boundary
- Complete Communities
- Designated Greenfield Area
- Gateway Economic Centre
- Greyfield Area
- Intensification Area
- Intensification Corridor
- Major Transit Station Area
- Regional Market Area

9 SCHEDULES