

Town of Grimsby



Official Plan



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(i)

Approved by Ontario Municipal Board

May 12, 2012

LIST OF AMENDMENTS

AMENDMENT NO. 1

This site specific amendment affects the lands located at 120 Livingston Avenue.

The purpose of the amendment is to modify the Low Density Residential Designation, to permit the establishment of a law office at 120 Livingston Avenue.

This amendment was approved by Town of Grimsby Council on the 3rd day of December 2012.

AMENDMENT NO. 2

This site specific amendment affects the lands located on the north side of Livingston Avenue, east of Slessor Blvd. (68, 70, 72 Livingston Avenue).

The purpose of the amendment is to modify the High Density Residential designation to permit the following additional uses on the subject lands: an unlicensed restaurant and a veterinary clinic/animal hospital.

This site specific amendment was approved by Town of Grimsby Council on the 31st day of October 2013.

AMENDMENT NO. 3 (A)

This amendment affects the lands located in the Winston Neighbourhood Secondary Plan being bound by the Hamilton-Grimsby boundary to the west, Lake Ontario to the north, the Regional water treatment plant to the east and the Queen Elizabeth Way to the south.

The purpose of this amendment is to amend the Low Density Residential Mixed Use – Medium Density Mixed Use and High Density designations. To facilitate the creation of a pedestrian oriented “Main Street”, neighbourhood commercial area along Winston Road and to revise the commercial permission in the Low Density Residential Mixed Use, Medium Density designations. Schedule F of the Official Plan is amended by adding a “Main Street” overlay to illustrate the Winston Road “Main Street” area.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 19th day of May 2015.

AMENDMENT NO. 3 (B)

This amendment affects the lands located at 25 Bartlett Avenue.

The purpose of the amendment is to change the designation of the subject lands from Low Density Residential Area to Medium Density Residential Area.

This site specific amendment was approved by the Ontario Municipal Board on the 22nd day of February 2016.

AMENDMENT NO. 4

This site specific amendment applies to the southerly portions of lands known municipally as 8, 12, and 16 Concord Place.

The purpose of this amendment is to amend the extent of the Employment Overlay of the Winston Road Neighbourhood Secondary Plan, Section 11 of the Official Plan, to facilitate the development of a portion of an apartment complex that will contain 360 residential units on lands that are within an Employment Overlay Designation of a Mixed Use - High Density Area. The prestige employment potential of the area that is subject to the modified Employment Overlay will be transferred to the recently approved but unbuilt office building located immediately to the west.

Schedule F of the Official Plan is amended by reducing the depth of the Employment Overlay on the subject property by approximately half to accommodate the proposed apartment complex.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 19th day of December 2016.

AMENDMENT NO. 5

This site specific amendment applies to lands on the north side of North Service Road, east of Lakelawn Road (560 North Service Road).

The purpose and effect of this amendment is to modify the Mixed Use – Medium Density designation in the Winston Road Neighbourhood Secondary Plan (Section 11 of the Official Plan) by establishing a site-specific maximum height requirement of 15 storeys on the subject lands.

This amendment was approved by the Ontario Municipal Board on the 27th day of December 2017.

AMENDMENT NO. 6

This amendment applies to all of the lands of the Grimsby GO Station Secondary Plan area, generally being bound by the Queen Elizabeth Way to the north, Hunter Road to the west, portions of Roberts Road to the east and Livingston Avenue and Main Street to south.

The purpose of this amendment is to amend the Town of Grimsby Official Plan to promote intensification and redevelopment in proximity to the future Grimsby GO rail station by establishing mixed use designations and adopting new policies within a new Grimsby GO Station Secondary Plan area.

This amendment was adopted by Town of Grimsby Council on the 20th day of February 2018, and modified and approved by the Regional Municipality of Niagara Council on the 3rd day of May 2018, in accordance with Section 17 of the Planning Act, R.S.O. 1990.

AMENDMENT NO. 7

This amendment applies to all lands within the Town of Grimsby.

The purpose of this amendment is to amend policies in Section 9.4 (Height and Density Bonus Provisions), as well as Sections 3.4.4.3, 9.12.3 and 11.3.3.2 of the Official Plan to provide the Town with new policy direction in regards to Height and Density Bonus Provisions of Section 37 of the Planning Act.

Associated with this amendment is a Zoning By-law Amendment (By-law 18-51) and an implementation guideline document for future Section 37 applications.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 16th day of July 2018.

AMENDMENT NO. 8(A)

This site-specific amendment applies to the lands known as 361 South Service Road, located south of the Service Road and east of Casablanca Boulevard.

The purpose of this amendment is to modify the permitted uses of the Service Commercial Area policies to allow retail and clinics uses that are less than 5,000 square metres on the subject lands.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 6th day of April, 2020.

AMENDMENT NO. 8(B)

This site-specific amendment applies to the lands known as 362 and 398 North Service Road, located north of the Service Road and east of Casablanca Boulevard.

The purpose of this amendment is to reduce a portion of the Employment Overlay on Schedule F- Winston Road Neighbourhood Secondary Plan on the western side of the property and modify the Development Policies of the Mixed Use – High Density Designation in the Winston Road Neighbourhood Secondary Plan to allow a range in height between 12 and 22 storeys for apartment buildings.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 6th day of April, 2020.

AMENDMENT NO. 9

This site-specific amendment applies to the lands at 21-23 Main Street East and 6 Doran Avenue, located on the north side of Main Street East and east of Ontario Street.

The purpose of this amendment is to modify the General Policies of the Downtown – Main Street designation to allow a maximum building height of four storeys along Main Street East and Doran Avenue, allow residential apartments on the first storey and a minimum combined floor area of

600 square metres of non-residential uses.

This amendment was approved by the Local Planning Appeal Tribunal (LPAT) on the 25th day of January, 2021.

AMENDMENT NO. 10

This site-specific amendment applies to the lands at 4 Windward Drive, located north of Windward Drive, south of Winston Road and east of the North Service Road.

The purpose of this amendment is to modify the Development Policies of the Medium Use – High Density designation of the Winston Road Neighbourhood Secondary Plan to allow a maximum height of 19 storeys on a portion of the lot, and allow a maximum density of 4.98 times the lot area.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 3rd day of August, 2021.

AMENDMENT NO. 11

This amendment affects the lands located in the Grimsby Beach Secondary Plan which is generally bound by Baker Road North to the west, Lake Ontario to the north, Park Road North to the east and the Queen Elizabeth Way to the south. This amendment excludes the lands located at 33 Victoria Terrace.

The purpose of this amendment is to provide policies and directions to manage growth and development in Grimsby Beach that recognize the cultural heritage resources and character of the area.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 4th day of April, 2022, and the appeal was partially withdrawn by the Ontario Land Tribunal for the amendment on the 6th of January, 2023. The appeal remains in effect for the lands at 33 Victoria Terrace until that matter is resolved.

AMENDMENT NO. 12

This amendment applies to all lands within the Town of Grimsby, providing specific permissions for uses in the Rural and Agricultural Areas and Employment Areas.

The purpose of this amendment is to provide further clarification regarding permissions for indoor cultivation of cannabis in Agricultural and Rural Areas and Employment Areas.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 6th day of September, 2022.

AMENDMENT NO. 13

This site specific amendment applies to the lands at 41 Livingston Avenue, located on the south-easterly corner of the intersection at Livingston Avenue and Kidd Avenue.

The purpose of this amendment is to change the designation to Medium Density Residential Area

and to permit a facility for specialized housing needs.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 4th day of July, 2023.

AMENDMENT NO. 14

This site specific amendment applies to the lands at 9 Windward Drive, located south of Windward Drive, north of the Queen Elizabeth Way, and to the east of North Service Road.

The purpose of this amendment is to permit residential uses at 9 Windward Drive.

This amendment was approved by Town of Grimsby Council in accordance with Section 17 of the Planning Act, R.S.O. 1990, on the 4th day of July, 2023.

DATE OF OFFICE CONSOLIDATION – SEPTEMBER 20, 2023

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1.0 INTRODUCTION

1.1 PURPOSE

The general purpose of the Official Plan is to provide goals, objectives and policies, which will guide decision making by Council on land use matters. Where necessary, the Plan also provides guidance with respect to social, economic and environmental matters that are relevant to land use matters.

The Plan has the following specific purposes:

- a) To state the long term vision for the Town;
- b) To delineate a municipal structure as the framework for future growth;
- c) To establish general community goals and objectives to guide future land use changes in the municipality, and contribute to the achievement of the vision and municipal structure;
- d) To establish consistent with these goals and objectives, specific policies to guide future change, while maintaining the desired qualities of the Town;
- e) To identify a pattern of compatible land use activities consistent with the goals, objectives and *development* policies;
- f) To ensure that the level of services provided is consistent with the financial capabilities and resources of the municipality;
- g) To provide land use policies of a local nature to facilitate decision making by Council, the municipal administrators, and the Committee of Adjustment when administering matters such as the Zoning By-law, site plan control, applications for building permits, plans of subdivision and land severances;
- h) To inform other levels of government of the municipal policies, and to provide a context for these groups to co-ordinate their future plans and requirements with those of the Town; and
- i) To inform the private sector of the municipal policies, and to provide a context for this group to determine their future plans and requirements.

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

1.2 THE PLANNING PERIOD

The planning period of the Grimsby Official Plan is **20 years**, to the year **2031**. However, the Plan shall be reviewed every 5 years to determine if it is still providing adequate and appropriate direction to Council, the public and others involved in the *development* of the Town.

1.3 ASSUMPTIONS

- a) Grimsby will develop as a complete community, and reduce out-commuting by providing an appropriate mix and range of employment opportunities and community services and facilities to its residents to meet long-term needs.
- b) A range of small and medium size industries and new retail and service *developments* will be attracted to the community because of good highway accessibility, valuable highway visibility, a vibrant downtown, market opportunities and other factors.
- c) Agriculture will continue to be a significant economic activity and land use, particularly south of the Escarpment, and non-farm *development* in *all* areas outside the settlement areas will continue to be restricted to protect the agricultural industry.
- d) The majority of the residential *development* in the Town will continue to consist of low rise housing, but new *development* will provide a greater proportion of multiple unit housing than in the past to meet the needs of the different socio-economic population groups, to create compact settlements, and to meet established *intensification* targets.
- e) The Town will achieve a population of approximately 33,000 by 2031. The majority of this population will be concentrated in the urban portion of the community north of the Escarpment.
- f) The projected population will require an expansion to the Baker Road Pollution Control Plant, but generally without any significant increase in other municipal services. The projected population will be accommodated within the existing Urban Boundary as shown on **Schedule A**.
- g) There are a number of areas in the Town that contain significant natural features or *hazardous sites* where *development* should be restricted.

1.4 INTERPRETATION

- 1.4.1 Locations, boundaries or limits described in the text or indicated on **Schedules A, B, B1 to B3, D and E** are intended to be approximate only, except where they are bounded by roads, railway lines, or other clearly defined physical features.
- 1.4.2 The location of roads on **Schedule C**, shall be considered as approximate only. Amendments to this Plan, therefore, will not be required in order to make minor adjustments or deviations to the location of roads provided that the general intent of this Plan is maintained.
- 1.4.3 It is not intended that this Plan be amended unless substantial evidence can be presented which will justify such an amendment is based on good planning.

- 1.4.4 In determining whether or not an amendment to the Plan is appropriate, regard shall be had to the Vision, and Municipal Structure goals, objectives and policies, under Section 2, as well as the policies, study requirements and evaluation criteria within the respective land use category under Section 3, and the implementation policies found in Section 9.
- 1.4.5 Wherever a use is permitted under a land use designation, it is intended that ancillary uses, and buildings, structures and facilities normally incidental, accessory or essential to the primary permitted use may also be permitted including the site modifications required to accommodate them.
- 1.4.6 In the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, and the Escarpment Urban Area designations on **Schedule B**, the outer boundary of the designation, that is the boundary which does not abut another Escarpment designation on **Schedule B** is fixed and inflexible, and can be changed only by an amendment to the Niagara Escarpment Plan. It is formed by a combination of such features as roads, railways, electrical transmission lines, municipal and property boundaries, *lot* lines, rivers and topographic features.

The internal boundaries between these Escarpment designations however, are less definitive except where they are formed by such facilities as roads, railways, and electrical transmission lines. These internal boundaries are not intended to be site specific and should not be used for accurate measurement. The exact delineation of designation boundaries on specific sites will be determined by the Niagara Escarpment Commission through the application of the designation criteria utilizing the most detailed or up-to-date information available, and confirmed through site inspections. Such designation boundary interpretations will not require amendments to the Niagara Escarpment Plan.

The Niagara Escarpment Commission is the authority responsible for interpreting and administering the Niagara Escarpment Plan.

- 1.4.7 Appendices in this Official Plan are for the purpose of providing background information or explanation, and are not statutory components of the Official Plan.
- 1.4.8 Where this Plan makes reference to a Provincial Act, a Provincial Plan, an Ontario Regulation or Guideline, or a Provincial Policy such reference shall include any subsequent amendments or replacements.
- 1.4.9 The Official Plan for the Town of Grimsby approved by the Minister of Municipal Affairs on June 30, 1988 is hereby repealed including all amendments thereto.

2.0 MUNICIPAL STRUCTURE

Intent

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

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

The Municipal Structure forms the broad pattern defining the community and provides the strategic framework within which more detailed land use descriptions can be established. Land use designations and policies, contained in Section 3.0 of this Plan, implement the strategic direction of these structural elements as set out in the policies of this section.

The key structural elements of the Municipal Structure are illustrated on **Schedule A** and described in Section 2.3.

Other strategic policies, contained in this Section include growth management; housing; and economic *development* policies, including criteria for monitoring progress towards the various population, employment and housing targets of the Official Plan, for testing the continued appropriateness of those targets, and for urban boundary expansions.

These policies enable the Town to take future action, if and when necessary, to consider expansion of the urban settlement area to provide adequate land areas for these purposes. Criteria are also included here and elsewhere in the Official Plan for evaluating *development* proposals and for addressing such matters as compatibility, capacity and impact on the strategic intent of the Town.

As dynamic forces, including those that may not be foreseen today, continue to impact upon the Town, and as Council considers future amendments to this Plan, special regard shall be had to this section. As such, applications for changes to land use designations shall be evaluated in terms of their conformity with the structural goals, objectives and policies of this Section.

2.1 THE VISION

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

“Grimsby’s future will build on its small town scenic character through managed growth that will provide for a greater choice for housing, alternative modes of transportation, increased employment, a vibrant downtown and an accessible public waterfront. Grimsby’s natural heritage, cultural heritage, and arts will be celebrated and protected. The existing urban settlement area of Grimsby will be intensified in a few key areas while respecting the small town character and cultural heritage of the Town. Small-scale infill will be promoted in other parts of the urban settlement area but will be sensitive to the surrounding housing character. The Downtown will be enhanced as a vibrant and clean place where people can live, work, dine, and shop in a small town atmosphere. A thriving *employment area* will be focused along the QEW corridor.

Growth will complement the significant natural features of the Town, protect and strengthen the scenic beauty that is provided by the backdrop of the escarpment, the Lake Ontario waterfront, and the rural countryside. Increased public access to, and use of the shoreline will be a draw for community gathering and will be linked to an interconnected parks and trail system.

Transportation choices will be improved with an efficient and connected road network and a future public transit service anchored on Downtown and potential future GO Transit service along the QEW and/or the railway corridor.

Grimsby will continue to be a healthy community through supportive policies to encourage active lifestyles and alternative means of transportation such as walking.

Grimsby’s countryside ambiance will be maintained through support for the viability of the farming community. Growth will be based on prudent *infrastructure* planning and strong policies that will define where growth will occur, preserve the *natural environment*, maintain the quiet and peaceful countryside and foster the building of an active, attractive and walkable urban community.”

2.2 MUNICIPAL STRUCTURE PRINCIPLES

The strategic intent of this Plan is further guided by the following principles.

The Natural Environment and Scenic Beauty

1. Protect and enhance Grimsby’s natural open spaces and scenic beauty.
2. Sustain, protect, and enhance significant natural features and open space areas in the community.
3. Create a waterfront that is celebrated and accessible to all.
4. Restrict *development* in areas of flooding, erosion, natural heritage significance, significant hydrological constraint or in areas that may impact lake water intake.
5. Maintain a healthy natural environment for present and future generations.

6. Apply an ecosystem-based approach to planning and decision-making.
7. Protect, improve or restore water resources.
8. Support and encourage environmental stewardship and restoration.

Housing Options and Affordability

9. Ensure a wide range of housing types and location opportunities to accommodate future residents and to meet a diversity of incomes and demographics.

Controlled Growth

10. Provide for controlled and efficient growth that takes advantage of existing *infrastructure*, and prevents sprawl.
11. Promote efficient *development* and land use patterns which minimize land consumption through compact *development* in areas best able to accommodate it.
12. Permit strategic *intensification* and infill in appropriate areas with high quality design that is sensitive to the surrounding character of the neighbourhood.
13. Sustain the financial well being of the Town by minimizing servicing costs from new *development* and creating financial arrangements where new *development* pays for itself.
14. Avoid *development* and land use patterns that would prevent the efficient expansion of settlements.
15. Ensure that *infrastructure* and public service facilities are or will be available to meet the needs of the residents by planning for these facilities concurrent with the *development* process and ensuring *development* charges and other financial arrangements are updated to deliver the facilities.

More Ways to Travel

16. Promote an urban structure that is less dependent on cars, and encourages alternative modes of transportation such as public transit, cycling, and walking.
17. Develop and maintain a transportation system that will provide for the safe, convenient and efficient movement of people and goods while providing a variety of transportation options.

Accessibility for All

18. Improve accessibility for youth, persons with disabilities, and the elderly through municipal standards and site plan requirements.

Economic Growth

19. Protect and promote employment lands, and maintain access to the QEW corridor for employment uses.

20. Provide opportunities to attract a healthy mix of employers to Grimsby and to create a viable economic base.

More Recreation Opportunities

21. Create an interconnected parks and trail system.
22. Coordinate and enhance recreational facilities throughout the community, including cycling and pedestrian trails, connections to Lake Ontario, and connections to major recreational parks and facilities.

Protect The Small Town Feel

23. Protect the small town character and feel of Grimsby.
24. Protect and enhance a vibrant Downtown where people can live, work, dine, and shop while maintaining a small town atmosphere.
25. Promote an appropriate balance between economic *development* opportunities and the protection and enhancement of the historic character of the Downtown.

Design and Culture

26. Enhance the Town's public and private realm through urban design guidelines.
27. Protect Grimsby's culture and heritage.
28. Design sites to provide for the collection and storage of recyclable wastes on site.

Grimsby's Rural Character

29. Support and protect the rural and farming community.

2.3 MUNICIPAL STRUCTURE ELEMENTS

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

- a) The Urban Settlement Area and containing:
 - i) The Urban Settlement Area Boundary,
 - ii) The *Built Boundary*,
 - iii) Designated Greenfield Areas,
 - iv) Major Intensification Areas and the Downtown, and
 - v) *Stable Residential Neighbourhoods*;
- b) The Hamlets;
- c) The Natural Heritage System;
- d) The Countryside;
- e) The Niagara Escarpment Plan; and,
- f) The Greenbelt Plan.
- g) The Lake Ontario Shoreline

2.3.2 The Urban Settlement Area

Intent:

The Urban Settlement Area is the primary focus of, and location for urban growth within the Town of Grimsby. It is intended to provide for a broad range of housing opportunities, commercial facilities and services, recreation, culture, government facilities and services and employment opportunities.

Goals:

- To accommodate the majority of the future growth within the Grimsby Urban Settlement Area.

Objectives:

1. To permit growth to occur in a controlled, orderly fashion on full municipal services.
2. To ensure that the land uses in the Urban Settlement Area contribute to and respect Grimsby's cultural heritage and small town character.
3. To ensure that the Downtown will be enhanced as a vibrant place to live, work, and play.
4. To recognize the Downtown as the primary location for retail shopping, entertainment, restaurants and personal services including professional and government offices, which serve the residents of the Town.

Policies:

2.3.2.1 Key structural elements within the Urban Settlement Area include:

- a) The urban settlement area boundary, which is fixed and shall only be changed through a *municipal comprehensive review* that is undertaken every 5 years as part of the Official Plan Review. The settlement area boundary cannot be expanded into areas designated as Specialty Crop Area, b) The *built boundary*, which represents the extent of lands within the urban boundary, which were considered built upon as of July 2006. The Minister of Energy and Infrastructure establishes the *built boundary*. Any *development* within the *built boundary* is considered *intensification* and contributes to the *intensification* target of this Plan;
- c) Between the *built boundary* and the urban boundary lies the *designated greenfield area*, which is largely undeveloped and in which the designated greenfield density targets of this Plan apply;
- d) Major *intensification* areas represent two areas where the majority of *intensification* will be directed;
- e) The Downtown represents one of the two major *intensification* areas but it plays a more significant role in the municipal structure than simply as a location for *intensification*. It is also the primary location for retail goods and services and is the perceived centre of the Town and its meeting place; and,
- f) The *stable residential neighbourhoods* represent the existing residential neighbourhoods within the *built boundary*. These areas are intended to remain stable with change that is in keeping with the established character of the neighbourhoods.

2.3.2.2 **Urban Settlement Area Boundary**

Schedule A illustrates the Urban Settlement Area boundary which serves to distinguish between areas intended for future urban *development* and areas where agriculture or other rural uses are intended to remain predominant over the long term.

2.3.2.3 The Urban Settlement Area will accommodate the majority of residential and employment growth within the municipality on the basis of full municipal services.

2.3.2.4 **Built Boundary**

Schedule A also delineates the *built boundary* for the Town of Grimsby. *Development* within the *built boundary* contributes towards the *intensification* target in Section 2.4.4. However, within the *stable residential neighbourhoods*, *intensification* will be limited. An *intensification* strategy in Section 2.4.6 sets out the means to achieve the *intensification* target.

2.3.2.5 **Designated Greenfield Area**

Lands situated between the *built boundary* and the Urban Settlement Area boundary, are recognized as “*designated greenfield areas*”. *Development* within these areas

shall as a whole achieve the minimum *designated greenfield area* density target of Section 2.4.3. *Development* within the *designated greenfield areas* shall also meet the applicable land use policies as delineated on **Schedule B** and in applicable secondary plans as well as the urban design policies of Section 3.4.7.

2.3.2.6 Major Intensification Areas

Schedule A also identifies as key structural elements, two Major *Intensification* Areas: the Downtown and the Casablanca interchange area. These two areas will be the primary focus for *intensification* and shall be planned and designed to meet the *intensification* targets set out in the *intensification* strategy in Section 2.4.6.

2.3.2.7 The detailed land use direction for the Casablanca interchange area is set out in the Winston Secondary Plan in Section 11 and the Grimsby GO Transit Station Secondary Plan in Section 12.

2.3.2.8 The Downtown

The Town shall encourage *intensification* in the Downtown. However, such *intensification* shall consider the compatibility criteria of Section 3.5.6, support the small town atmosphere, and preserve and maintain the Downtown's cultural heritage.

2.3.2.9 In addition to being a major *intensification* area, the Downtown shall also serve as the commercial centre of the Town, its meeting place and place of socialization, and as the recognized core of the Town. The policies of this Plan and any amendments thereto shall endeavour to strengthen these key strategic functions of the Downtown.

2.3.2.10 Stable Residential Neighbourhoods

Outside of the major *intensification* areas and the *Employment Areas*, the majority of the Urban Settlement Area within the *built boundary* is considered a stable residential neighbourhood. *Stable residential neighbourhoods* are intended to retain their existing character with limited change. This does not mean that new housing must mimic the character, type and density of existing housing but rather it shall fit into and reinforce the stability and character of the neighbourhood. Within this area, infill and *intensification* may be permitted where it respects the scale and built form of the surrounding neighbourhood, conforms to the land use policies of Section 3.4, and meets the compatibility criteria in Section 3.4.7.

2.3.3 The Hamlets

Intent:

The Hamlets include the Kemp and Mountain Road Hamlet, and the Grassie Hamlet. It is intended that these areas provide economic, social and commercial functions to the surrounding rural community, retain their current small village character, and accommodate limited new *development* on private water and private septic systems.

Goals:

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

Objectives:

1. To permit limited residential, commercial, industrial, institutional and recreation uses to serve the residents of each Hamlet Settlement and the surrounding agricultural / rural community.
2. To permit limited infilling of Hamlet Settlements subject to the policies of this Plan.

Policies:

- 2.3.3.1 Two hamlets exist, as delineated on **Schedule A**: the Kemp and Mountain Road Hamlet generally located at the intersection of Kemp and Mountain Roads; and the Grassie Hamlet, which is generally located on Mud Street, between Alway and Inglehart Roads.
- 2.3.3.2 Hamlets will primarily be comprised of large *lot* single detached dwellings on private services, small scale local-serving commercial uses, churches, schools and other local *institutional uses* and parks, open space and recreational uses.
- 2.3.3.3 *Development* shall occur in accordance with the specific policies of the Kemp and Mountain Road Secondary Plan as set out in Section 10 and **Schedule E**. *Development* in the Grassie Hamlet will take place in accordance with the policies of this Plan.
- 2.3.3.4 In keeping with the municipal strategy to direct growth to the fully serviced Urban Settlement, growth in Hamlets will be limited to infill.
- 2.3.3.5 The Grassie Hamlet and the northern portion of the Kemp and Mountain Road Hamlet are located adjacent to the Specialty Crop Area designation. Expansions of existing hamlets into the Specialty Crop Area designation are prohibited.
- 2.3.3.6 New residential and commercial growth, including new infill *lots*, will not be permitted unless accompanied by a Hydrogeological study to the satisfaction of the Town and the Region. Applications for multi-lot *development* shall also be accompanied by an evaluation of servicing alternatives including justification for the proposed form of servicing.
- 2.3.3.7 Despite the policies of Section 2.3.3.6 (f) and 2.3.3.7, it is the policy of the Town and the Region not to assume ownership of communal sewage servicing systems. The effect of this policy may be to preclude future proposed *development*.
- 2.3.3.8 Commercial uses sufficient to support the convenience and day-to-day needs of the Hamlet and the surrounding agricultural/rural community, and a variety of cultural opportunities should be encouraged.

2.3.4 The Natural Heritage System

Intent:

A Natural Heritage System is the broad system of natural features and *linkages* that create an overall connected system. Outlying natural features not connected to the linked system are also significant to the natural heritage system as they provide functional linkages between connected features. The development of a Natural Heritage System (NHS) is the current and preferred approach to protecting natural heritage. In the past, environmental features have often been protected as discrete and often isolated patches, with little regard for their role and function in the larger landscape. A Natural Heritage System recognizes the interdependence of natural features, for instance with respect to the movement of flora and fauna among them, and their role in enhancing surface and groundwater quality. A Natural Heritage System thus seeks to maintain connections among natural features such that their existing functions are maintained or enhanced.

The Natural Heritage System, as illustrated in **Schedule A** represents environmental features and functions of significance to the Town along with areas where it is desirable to maintain a connected natural system. This includes many of the Core Natural Areas that are designated as Environmental Protection Area and Environmental Conservation Area on Schedule B, but only those that can form part of the linked system are illustrated as part of the Natural Heritage System on **Schedule A**.

The Provincial Greenbelt Plan also delineates a Natural Heritage System. That system has been incorporated into the Town's Natural Heritage System with some minor adjustments in the Winston Road Neighbourhood Secondary Plan area.

As such, the Natural Heritage System includes the Niagara Escarpment Natural Areas, the Greenbelt Plan Natural Heritage System, as well as Environmental Protection Area and Environmental Conservation Area designations outside of the Greenbelt Plan Area that can be linked to the system. These designations are linked to the Natural Heritage System through the "Potential Natural Heritage Corridors" identified in the Niagara Region Official Plan and as shown in **Appendix 2**. Schedule B identifies other Core Natural Areas that are not part of this connected system but may have functional linkages to it.

The Natural Heritage System is only one component or layer addressing the protection of natural features. Significant natural features or Core Natural Areas within the Town, including Key Natural Heritage Features and Key Hydrologic Features within the Greenbelt Plan, are designated Environmental Protection Area and Environmental Conservation Area depending on the level of protection accorded to the features. The majority of these natural features are contained within the Natural Heritage System set out in **Schedule A**.

The Natural Heritage System Objectives set out below will provide the context for implementing the environmental policies in this Plan. In making decisions concerning planning, development and conservation the Town shall consider impacts not only on the designated natural heritage features, but also ecological functions, surface and ground water features and Hydrogeological function."

Goals:

- To protect and enhance the *natural environment* of the Town.

Objectives:

The Natural Heritage System objectives outlined in this section are the basis for the Environmental, Water and Natural Heritage policies throughout this Plan.

1. To maintain, restore and enhance the long term ecological health, integrity and biological diversity of the Natural Heritage System and its contribution to a healthy natural environment.
2. To recognize the linkages among natural heritage features and ground and surface water resources.
3. To maintain, restore and where possible improve, the functional connections among natural heritage features (i.e., improve the ability for flora and fauna to move within the Natural Heritage System).
4. To contribute, where possible, to the quality and quantity of surface water and ground water and the function of sensitive ground water recharge/discharge areas, aquifers and headwater areas within the Town, through the protection of environmental features within a Natural Heritage System.
5. To identify surface water features, ground water features, hydrologic functions and natural heritage features and areas, and the linkages and related functions among them, which are necessary for the ecological and hydrological integrity of the Town's watersheds.
6. To promote the rehabilitation of the Natural Heritage System, including linkages among existing natural heritage features.
7. To conserve the natural character, form, and function of environmental features within a Natural Heritage System, as a means of sustaining and promoting the natural heritage of the Town of Grimsby.

Policies:

- 2.3.4.1 *Development and site alteration* may be permitted within the Natural Heritage System located within the Greenbelt Plan, as illustrated on **Schedule A**, if it is not prohibited by other Policies of this Plan including those for Environmental Protection Areas in Section 3.1.1 and Hazard Land Areas in Section 3.2, and it has been demonstrated through an *Environmental Impact Study* prepared in accordance with Section 9.18 that:
- a) Connectivity along the system and between Environmental Protection Areas, and key hydrologic features is maintained, or where possible, enhanced;
 - b) The removal of natural features not identified as Environmental Protection Areas, or key hydrologic features will be avoided and such features should be incorporated into the planning and design of the proposed use whenever possible;
 - c) The disturbed area of any site does not exceed 25 percent, and the impervious surface 10 percent, of the total developable area, except for

recreational uses and *mineral resource* uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;

- d) At least 30 percent of the total developable area of the site will remain or be returned to *natural self-sustaining vegetation*, recognizing that standards for mineral *aggregate* operations, wayside pits and quarries are established through the Non-Renewable Resources Policies in the Greenbelt Plan and Section 3.11 of this Plan;
- e) Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings; and
- f) Existing and new agricultural, agricultural-related and *secondary uses* are permitted within the Natural Heritage System located within the Greenbelt Plan and are not subject to the conditions set out in this Policy but are subject to the other Policies in this Plan including those for the Environmental Protection Area in Section 3.1.1.
- g) There will be no negative effects on key natural heritage features or key hydrologic features or their functions.
- h) Where non-agricultural uses are contemplated within the Natural Heritage System, applicants shall demonstrate that:
 - i. *Connectivity* along the system and between *key natural heritage features* or *key hydrologic features* located within 240 metres of each other is maintained or enhanced; and
 - ii. Buildings or structures do not occupy more than 25 percent of the total developable area and are planned to optimize the compatibility of the project with the natural surroundings.

2.3.4.2 The Natural Heritage System located outside of the Greenbelt Plan, as illustrated on **Schedule A**, is schematic and shall be refined if and when land use changes are proposed, except as it relates to Environmental Protection Areas and Environmental Conservation Areas where the policies of Section 3.1.1 and 3.1.2 govern the establishment of boundaries. At that time, the spatial extent and functional requirements of *linkages* shall be determined through a watershed plan, Secondary Plan and / or *Environmental Impact Study (EIS)* process and the boundaries of the Natural Heritage System refined using the following principles:

- a) Incorporate Environmental Protection and Environmental Conservation designated features, as set out in Sections 3.1.1 and 3.1.2, among which functional *linkages* can be established;
- b) Natural Heritage corridors and potential natural heritage corridors shall be considered in the development review process. For natural heritage system features and corridors outside of the Greenbelt (as illustrated on **Schedule A**), development should be located, designed and constructed to maintain, and, where possible, enhance the ecological functions of Corridors in linking Natural Areas or an alternative corridor should be developed;
- c) Maintain connections between open water features (e.g., ponds and small lakes) and upland woods;

- d) Wherever possible, include coldwater streams, headwater *wetlands* and associated *woodlands*;
 - e) Provide for *linkages* that extend outside of the Town boundaries as generally delineated on **Schedule A**;
 - f) Link *woodlands* that occur along *watercourses*; and
 - g) Evaluate the role of smaller *woodlands* and meadows, and the *linkages* among them and other Natural Environmental Area features, and incorporate them into the Natural Heritage System where appropriate.
- 2.3.4.3 Where studies undertaken as per Section 2.3.4.1 delineate lands to be protected from *development* in order to maintain the linkage function, these *linkages* will be considered to form part of the Natural Heritage System and shall be designated Environmental Conservation Area as per Section 3.1.2 unless the lands meet the criteria for the Environmental Protection designation.
- 2.3.4.4 In some cases, connections may extend through lands that are currently in agricultural use, and may also cross roads. Where no land use changes are contemplated, the protection and enhancement of *linkages* within the Natural Heritage System through land stewardship and restoration shall be encouraged.
- 2.3.4.5 Environmental Protection Areas and Environmental Conservation Areas, which form part of the Natural Heritage System, are shown on **Schedule B** and shall be protected and designated through the land use policies of Section 3.1.
- 2.3.4.6 Further refinements to the Town's Natural Heritage System that would result in reduction of the Greenbelt Natural Heritage System are prohibited.

2.3.5 The Countryside

Intent:

The Countryside area delineated on **Schedule A** represents lands outside the Urban Settlement Area and the Hamlets that are designated Agricultural Area, Rural Area, Escarpment Rural Area, Escarpment Protection Area, Specialty Crop Area, Institutional, and Parks and Open Space on **Schedule B**. It is the intent of this Plan to preserve and protect *prime agricultural areas and specialty crop areas*, maintain the viability of farming and preserve the rural farm character within the Countryside Area. With a growing urban community, it is recognized that increased conflicts will likely occur between the farm operations and non-farm and urban uses. These potential conflicts need to be minimized to the extent possible through the application of the policies of this Plan.

Goals:

- To preserve the rural farm character within the countryside.
- To preserve *prime agricultural areas* for a wide variety of *agricultural uses*.

Objectives:

1. To protect specialty crop and prime agricultural areas for long-term use for agriculture.
2. To encourage and provide for a broad range of agricultural uses and rural uses.
3. To direct development to the Urban Settlement Area and the Hamlet Settlements, but where rural land uses cannot be located in these settlements to direct such uses to the Rural Area designation.
4. To ensure the rural farm lifestyle is respected and preserved.

Policies:

- 2.3.5.1 The Countryside shall be delineated predominantly into four designations on the **Land Use Schedule B**. These designations shall include Specialty Crop - Tender Fruit and Grape Lands, Agricultural Area, Rural Area, and Escarpment Rural Area as per Sections 3.3.2, 3.3.3, 3.3.4, and 3.3.5 respectively. As well, other site-specific designations in the Countryside recognize existing Institutional and Parks and Open Space uses. Development and site alteration may be permitted in the Countryside area if it is not prohibited in accordance with Section 3.1 of the Official Plan.
- 2.3.5.2 The Town shall direct *development* to the Urban Settlement Area and the Hamlet Settlements, except where necessary for *development* related to the management or use of resources, resource based recreational activities and rural land uses that cannot be located in Urban and Hamlet Settlements. In this respect, rural, non- *agricultural uses* shall be limited and only permitted pursuant to the general direction of this section and the Rural Area land use policies of Section 3.3.4.
- 2.3.5.3 The Town shall avoid matters of incompatibility which may arise between farming operations and the non-*agricultural uses* through compliance with the minimum distance separation formulae, buffering in urban areas abutting farm operations, and providing means to minimize traffic conflicts on Town roads.
- 2.3.5.4 The Town shall encourage a full range of agriculture uses, agricultural-related uses and *secondary uses* within the Countryside, and subject to the other policies of this Plan, permit them in the land use designations and zoning by-law.
- 2.3.5.5 Home industries, home occupations, farm gate sales, fruit and vegetable markets and other activities which produce value-added agricultural products from the farm operation shall be permitted throughout the Countryside in order to assist the farming community supplement their incomes as per the policies of this plan.
- 2.3.5.6 New rural, resource-based commercial and industrial uses, recreational uses, tourism uses and *institutional uses*, may be permitted in the Countryside Area through an Official Plan Amendment, provided it is demonstrated that:
- a) The proposed use is a rural land use that cannot be located in the Hamlets or Urban Settlement Area;
 - b) The proposed use is related to the management or use of resources or resource-based recreation;

- c) The proposed site is not designated Specialty Crop within the Greenbelt Plan Area;
 - d) The proposed use is directed to *Rural Areas* where possible;
 - e) To the extent feasible, impacts on surrounding agricultural operations are mitigated, and the use shall comply with the minimum distance separation formulae; and
 - f) If in the Agricultural Area designation, the proposed use shall meet the requirements of Section 3.3.3.9.
- 2.3.5.7 New non-farm, rural residential uses shall not be permitted within Specialty Crop Area or Agricultural Area designations, and in only limited circumstances in the Rural designation as per the policies of the Rural Area designation.
- 2.3.5.8 Despite the Specialty Crop Areas illustrated on **Schedule B**, not all areas of this designation are necessarily suitable to produce specialty crops. The boundaries of the Specialty Crop Areas should be considered for refinement at the time of the Province's 10-year review of the Greenbelt Plan.
- 2.3.5.9 Analysis of impacts of the proposed new uses on the Natural Heritage System and Natural Hazards is required if the property falls within the lands adjacent to these features and any recommended buffers through the preparation of an EIS. Permits from the Conservation Authority under Regulation 155/06 may be required where there is development or site alteration proposed within areas regulated by the Conservation Authority.

2.4 GROWTH MANAGEMENT

Intent:

The settlement boundaries, as illustrated on **Schedule A** and further delineated on **Schedule B**, are an important defining feature of the Municipal Structure. The settlement boundaries serve to distinguish between the Urban Settlement Area and the Hamlets intended for existing and/or future *development*, and the surrounding Countryside areas where agriculture will remain the predominant use. Sufficient land shall be included within the settlement boundaries to accommodate the anticipated population and employment needs of the Town for the 20-year time frame of this Official Plan. In order to ensure a continuous 10-year supply of residential land and a competitive housing market, additional land may be needed within the time frame of the Official Plan.

The continued adequacy of the settlement boundaries shall be assessed during each successive five-year review of the Official Plan, as required by *The Planning Act*. If necessary, a settlement boundary may be adjusted by amendment to this Plan as shown to be warranted by those reviews in accordance with the Regional Policy Plan and Places to Grow.

Goals:

- To maintain settlement boundaries that contain sufficient land to accommodate growth anticipated by this Official Plan over the **20-year** time frame of the Official

Plan until 2031 as outlined in RPPA 2-2009 (Schedule B) – Niagara Region Population, Household and Employment Targets by municipality. The figures in Schedule B are targets to be used for the purposes of planning growth.

- To develop as a complete balanced community with a diverse mix of land uses, where residents have the opportunity to live, work and play in the community.

Objectives:

1. To ensure an orderly progression of urban development, and an efficient use of land, infrastructure and services.
2. To create a balanced community where employment opportunities are consistent with the available labour force. This is generally considered a ratio of 1 employee for every 3 residents.
3. To focus employment growth in the QEW Highway corridor.
4. To direct the majority of the population growth to the Urban Settlement Area and a limited amount to the Hamlets.
5. To encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement Area and to a limited extent within the Hamlets.
6. To accommodate development which protects the health of Lake Ontario, the Escarpment, Air Quality, and the Natural Heritage System, minimizes negative impacts on climate change and promotes energy efficiency

Figure 1

Niagara Region, Population, Household and Employment Targets by Local Municipality, 2006-2031

Municipality	Forecast Period	Total Households	Total Population	Total Population with Undercount	Persons Per Unit (PPU)	Total Employment	Total Employment including NPPOW	Total Employment Activity Rate
GRIMSBY	2006	8745	23900	24900	2.85	7510	8270	0.33
	2011	9620	26000	27000	2.81	8500	9320	0.35
	2016	10560	28300	29400	2.78	9240	10090	0.34
	2021	11260	29800	31000	2.75	9530	10390	0.34
	2026	11870	30900	32100	2.70	9810	10680	0.33
	2031	12240	31500	32800	2.68	10180	10040	0.34

Note: Figure 1 is Deferred by Region of Niagara.

Policies:

- 2.4.1 The projected population for the Town of Grimsby by the year 2031 is **32,800** people. The Urban Settlement Area will accommodate the majority of residential and employment growth within the municipality while limited growth may occur within the Hamlet Settlements.
- 2.4.2 The projected employment for the Town by the year 2031 is 11,040 jobs. In order to achieve the employment objective of one job for every three residents, an employment target of 2,800 jobs will need to be achieved by 2031. A proportion of those jobs are to occur within the Employment Area designation through greenfield development and the intensification of existing development. The remainder of the employment will be located in the urban areas through commercial, institutional, home occupation and government related jobs and in the Countryside through agricultural and rural related jobs.

Note: Policy 2.41 and Policy 2.42 are Deferred by Region of Niagara.

- 2.4.3 The Town shall target for an average gross density target of 50 jobs and persons per gross hectare within the *designated greenfield area*. This assumes a density of 25 jobs per gross hectare on the *Employment Area* component of the *designated greenfield area*. Though the Town of Grimsby's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, it is realized that not every site will be able to achieve that target. The Town will have the flexibility on a site by site basis however; the Town will closely monitor its Greenfield developments to ensure that Grimsby's overall Greenfield target will be achieved.
- 2.4.4 The Town shall target for approximately **80 per cent** of new *dwelling units* to be provided through *intensification* after 2015.
- 2.4.5 New and updated secondary plans shall identify additional opportunities for infill with appropriate compatibility criteria. Such studies shall protect and maintain *stable residential neighbourhoods* from infill and *intensification* that are out of keeping with the physical character of those neighbourhoods.
- 2.4.6 To achieve the target set out in Section 2.4.4, the Town shall implement the following Intensification Strategy:
- a) Encourage infill and *intensification* throughout the *built-up area* of the Urban Settlement Area to achieve higher densities than what currently exist within the Intensification Area subject to the other policies of the intensification strategy and this Plan;
 - b) Direct the majority of *intensification* to two major *intensification* areas in the Downtown and Casablanca interchange area;
 - c) Set a minimum density target within the Casablanca interchange area through the implementing Secondary Plan;
 - d) Infill and *intensification* within the *stable residential neighbourhood* component of the Urban Settlement Area may be permitted where it respects and reinforces the stability of the residential neighbourhoods and is of a scale and built form that reflects the surrounding neighbourhood. The tests of

- appropriate infill and *intensification* shall be determined through the compatibility criteria set out in Section 3.4.7;
- e) Permit and encourage the creation of *secondary suites* within the Urban Settlement Area subject to the policies of Section 3.4.1.10;
 - f) All *intensification* and infill *development* within the *built boundary* shall be subject to site plan control to ensure that the built form and physical look of the built form is compatible with the neighbourhood; and
 - g) To facilitate *intensification*, the Town may offer *development* incentives such as:
 - i) Reduced parkland dedication requirements;
 - ii) Reduced parking standards;
 - iii) Reduced Development Charges; and,
 - iv) Pre-zoning by the Town
- 2.4.7 Planning for *infrastructure* and public service facilities shall be integrated with the planning for *development*, both *intensification* and greenfield *development*, to ensure that public *infrastructure* and services are available to meet current and projected needs while being provided in an efficient and cost-effective manner.
- 2.4.8 Expansions to the Urban Settlement Area shall only occur through co-ordinated local and Regional amendments as part of a comprehensive review that reflects the Regional market, growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan. Such review shall include the preparation of a Growth Management Study.
- 2.4.9 A Growth Management Study undertaken during the 5-year review shall consider the following matters:
- a) The population, employment and allocated growth projections of the Region, the Region's allocated growth and any revisions to Schedule 3 of the Growth Plan for the Greater Golden Horseshoe.
 - b) Statistical records of housing unit completions in previous years.
 - c) Statistical records of the amount of vacant employment land absorbed in previous years.
 - d) Comparison of employment versus population to determine the Town's success in moving towards its employment target.
 - e) Comparison of these actual *development* trends to those forecast in Niagara Region's Growth Management Strategy titled, *Niagara 2031: A Strategy for a Healthy, Sustainable Future*, December 2008.
 - f) Determination of the amount of undeveloped land, including residential and employment designated lands, remaining within the *designated greenfield area*, and the potential to accommodate future population and employment through redevelopment, infilling or *intensification* of developed lands within the *built boundary* of the Urban Settlement Area and the Hamlets.
 - g) Assessment based on population forecasts and actual *development* trends, of whether there is sufficient residential land designated to maintain a

continuous 10-year supply of land for housing until the next 5-year review. The Growth Management Study should ensure that, at the mid-point of the planning period, there is sufficient land within the settlement boundaries to accommodate the projected housing needs for up to 20 years. Analysis of supply should consider not just quantitative matters, but also qualitative matters including providing a full range of housing to meet the varying needs and preferences of current and future population and households.

- h) Assessment, based on the employment forecasts and actual *development* trends, of whether there is sufficient land to achieve the employment target ratio and whether the available inventory is adequate and suitable to meet the diverse needs of potential industrial users. Such analysis should consider both the qualitative and quantitative aspects of the vacant industrial inventory, including the available range in size, exposure, accessibility and other factors.
- i) Changes in Regional or Provincial Policy and other legislative matters that may arise.
- j) If any of the above-noted requirements in paragraphs f) or g) cannot be achieved, then a Settlement Boundary Expansion Study should be initiated by the Town in accordance with Places to Grow.

2.4.10 When undertaking a Settlement Boundary Expansion Study, the Town shall consider the following matters in assessing potential areas for expansion:

- a) The size of the expansion proposed is to be determined after considering:
 - i) The quantum of additional population and employment that is needed to meet the Regional population targets and which cannot be met through existing designated greenfield lands and opportunities for *intensification* within the *built boundary* as determined through the Growth Management Study in Section 2.4.9;
 - ii) A compact, transit supportive urban form which can accommodate a range and mix of housing types within the proposed expansion; and
 - iii) The ability to meet a minimum density target of not less than 50 residents and jobs per gross hectare while also providing an appropriate transition to *adjacent residential* areas and a housing form in keeping with the character of the settlement area.
 - iv) 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 within the Town of Grimsby.
- b) The expansion makes available sufficient land for a time horizon not exceeding 20 years based on the analysis above.
- c) Alternatives for settlement expansion shall not include lands designated as *Specialty Crop Areas*.
- d) Alternatives for settlement expansion shall only include lands designated Agricultural Area where it has been demonstrated that there are no reasonable alternatives which avoid prime agricultural lands or which are on lower priority agricultural lands.

- e) Alternatives for settlement expansion shall protect existing licensed *aggregate* operations and/or demonstrate that the proposed expansion will not result in the preclusion or hindrance of the establishment of new mineral *aggregate* operations or access to mineral *aggregate* resources within high potential resource areas.
- f) A comparative assessment, including Minimum Distance Separation from agricultural operations which are adjacent or close to the settlement area is undertaken to determine the impact of the alternative settlement expansions on agricultural operations adjacent or close to the alternative settlement expansions, and to show that any impacts from the preferred expansion are mitigated to the extent feasible.
- g) Alternatives for settlement expansion protect significant *natural environmental* features, demonstrate that the Natural Heritage System can be maintained and refined, address the environmental policies of the Regional Policy Plan and minimize the potential impact on the quality or quantity of ground water and surface water.
- h) The expansion maintains or moves significantly towards a minimum of one full-time job per three residents.
- i) The areas considered for expansion form logical extensions of the urban settlement area.
- j) Areas considered for expansion are physically suitable in terms of topography, soil and drainage characteristics.
- k) The expansion can be feasibly serviced by transportation *infrastructure*, transit, municipal sewage and water services, and storm water management, in an efficient, financially and environmentally sustainable and cost-effective manner and a strategy for the approval, staging, and financing of the *infrastructure* for the expansion is developed.
- l) Opportunities to optimize existing *infrastructure* and public service facilities, wherever feasible and cost effective, are considered prior to consideration of new *infrastructure* and public service facilities. As well, the proposed expansion area should offer the most efficient alternative for utilizing existing community facilities where capacity is available.
- m) The timing of the expansion and the phasing of *development* within the *designated greenfield area* will not affect the achievement of the *intensification* and density targets.
- n) Intensification will be phased in over time to ensure a balance of redevelopment and Greenfield development. The municipality will work with the Region to ensure that an adequate amount of Regional services are in place within its intensification areas to support growth.

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 Town 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; and,
 - iii. Develop a phasing strategy for its Greenfield and Intensification Areas.
- o) The location of designated Natural Heritage *Hazard Lands*, as defined by the policies and mapping of Section 3.2, and conformity with Natural Heritage and Hazard Land policies.
- 2.4.11 Options for accommodating settlement area boundary expansions are limited as a result of the Greenbelt Plan, which surrounds much of the Urban Settlement Area. Grimsby's Urban Area is delineated as a Town/Village in the Greenbelt Plan. The Town of Grimsby in conjunction with Niagara Region will explore urban expansion opportunities in accordance with the requirements of the Provincial Greenbelt Plan and Provincial Policies.
- 2.4.12 The establishment of new settlement areas is not permitted.
- 2.4.13 Intensification Areas are to be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. These may include, employment, commercial, recreation, institutional and other compatible land uses in relative proportions dependent on area characteristics and the intended critical mass of residential development.
- 2.4.14 Intensification Areas are to be planned so as to be transit supportive and link intensification opportunities with existing or planned future transit hubs and active transportation routes.

2.5 HOUSING

Intent:

The Provincial Policy Statement (2005) requires municipalities to provide a range of housing types and opportunities to accommodate residential growth. This residential growth is to occur not only in traditional greenfield settings, but also through infill and redevelopment in the Town's existing *built-up area*. Facilitating opportunities for infill and *intensification* will require a balance to ensure that adjacent residents are not unduly impacted and the existing character of *stable residential neighbourhoods* are protected.

Goals:

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

Objectives:

1. To maintain at a minimum a 10 year supply of residential designated land in order to ensure that housing prices remain affordable.
2. To provide a range of lot sizes and densities, housing types, and tenure, provided the scale and massing of development is in keeping with the character of the surrounding neighbourhood.

3. To encourage residential intensification throughout the community as appropriate opportunities arise through infill, redevelopment, conversion or other methods of residential and mixed-use intensification provided such housing is in keeping with the scale and character of the surrounding stable residential area.

Policies:

- 2.5.1 The Town shall encourage the *development* industry to provide housing which includes a variety of *dwelling unit* types in terms of density, tenure, unit size and price including special needs housing.
- 2.5.2 The Town shall seek to maintain at all times a 10-year supply of residential designated lands. In this context, designated means in approved Secondary Plans where applicable.
- 2.5.3 The Town shall endeavour to maintain at all times a 3-year supply of housing units on lands suitably zoned to facilitate residential *intensification* and redevelopment and in registered, or draft approved plans of subdivision. The Town shall request the Region to endeavour to ensure sufficient servicing capacity to accommodate this housing.
- 2.5.4 The Town shall permit and facilitate all forms of residential *intensification* in accordance with the Intensification Strategy in Section 2.4.6.
- 2.5.5 In considering applications for infill and *intensification*, the Town shall consider the impact on adjacent residential uses including overlook and shadowing, the character of the surrounding area and the need for a transition in heights and densities adjacent to existing residential uses as per Section 3.4.7.
- 2.5.6 The Town in collaboration with the Region shall seek to facilitate the provision of *affordable housing* by:
 - a) Promoting higher density housing forms in appropriate locations, as set out in the land use designations of this Plan. Such housing is more affordable due to reduced per unit land costs; and/or
 - b) Encouraging smaller units including *secondary suites*. Such housing is more affordable due to lower construction and renovation costs; and/or
 - c) Encouraging government grants and/or subsidies, including land dedication that will reduce overall *development* costs;
 - d) Discouraging the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3 percent and the ownership housing to be created is not considered to be *affordable housing*;
 - e) Considering waiving, exempting, or providing grants-in-lieu of residential development charges, planning fees and building permit fees for new *affordable housing* in return for a commitment by the developer to meet specified affordability targets, design requirements, and, where applicable, requirements under a senior government housing program; and/or

- f) Permitting on a temporary basis, small accommodation units known as “*Garden Suites*” (also commonly known as “Granny Flats”) in a rear or side yard of a single detached *dwelling unit*;
 - g) The Town will work with Niagara Region to ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households. The Town will target 30% of all new housing units constructed over the long term to consist of affordable housing units. The Town will also consider alternative requirements for residential lot standards and required floor space in the Zoning By-law which would support the provision of affordable housing.
- 2.5.7 The Town will work with other government agencies and the private sector to promote innovative house forms and *development* techniques that will facilitate the production of housing that is affordable to the existing and future residents of Grimsby.
- 2.5.8 The Town shall monitor the production of housing on an annual basis.
- 2.5.9 The Town shall encourage developers of commercial projects to include provision for residential units as part of the *development*, where appropriate. The land use policies of this Plan shall facilitate that opportunity.

2.6 ECONOMIC DEVELOPMENT

Intent:

The long term goal of the municipality is to have one job per three residents. There is also a need to re-balance the residential/non-residential tax base within the Town. To achieve these goals it is imperative that the designated *employment areas* be preserved for employment uses. The key area to attract industry is along the Queen Elizabeth Way (QEW) highway frontage and in the vicinity of existing interchanges.

It is also the intent of this Plan to promote Grimsby as a tourism destination, and as a key component in the promotion of Niagara’s Wine Region.

Goals:

- To achieve a ratio of one job for every three residents.
- To rebalance the residential / non-residential tax base within the Town.

Objectives:

1. To actively promote the Town as an employment destination.
2. To provide for a broad range of commercial activities and services to meet the diverse needs of Grimsby’s residents, businesses and institutions, as well as those from the surrounding areas, and to generate employment, investment and municipal revenues.
3. To ensure that Grimsby becomes a complete community with a diverse mix of employment, community facilities and retail stores and services.

4. To maintain a viable employment area along the QEW highway corridor.
5. To encourage the revitalization of the Downtown as a vibrant commercial and mixed-use area.

Policies:

- 2.6.1 To achieve a high quality business image, uses located along the frontage with the QEW Highway on lands designated for employment shall be subject to a stricter level of architectural control.
- 2.6.2 The Town shall maintain and protect existing employment lands and other available lands along the QEW Highway frontage for long-term employment usage. Uses incompatible with this long-term vision should not be permitted.
- 2.6.3 The Town shall actively ensure that the Downtown Commercial Core continues to develop as a healthy, vibrant centre; and that it remains as the primary commercial activity area within the Town.
- 2.6.4 The Town shall promote the Downtown as an important *employment area* for retail, service, office and entertainment uses.
- 2.6.5 The Town shall promote Grimsby as a primary gateway into the Niagara Wine Country, and support the development of tourism and tourism related recreation within the Town.
- 2.6.6 The Town shall encourage the *development* of the Downtown as a signature tourism destination of the Niagara Wine Country, through roadway beautification efforts, and promoting design and performance standards that enhance the unique character of the Downtown.
- 2.6.7 The Town shall recognize and support its role as a retirement community, permitting housing, recreation, health and social services to meet the needs of today's seniors.
- 2.6.8 Council recognizes the importance of health care facilities within the municipality for the quality of life of its residences and in order to attract new industries. The provision of health care is not within the municipality's jurisdiction, but the Town shall endeavor to encourage and maintain a high level of health care facilities in the Town.
- 2.6.9 Long term economic prosperity should be supported by:
 - i. Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
 - ii. Maintaining and, where possible enhancing the vitality and viability of the downtown and Main Street;
 - iii. Promoting the redevelopment of brownfield sites;
 - iv. Providing for an efficient, cost-effective, reliable *multi-modal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs;
 - v. Planning so that major facilities (such as airports, transportation/transit/rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource

extraction activities) and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odor, noise and other contaminants, and minimize risk to public health and safety;

- vi. Providing opportunities for sustainable tourism development;
- vii. Promoting the sustainability of the agri-food sector by protecting agricultural resources and minimizing land use conflicts; and
- viii. Providing opportunities for increased energy generation, supply and conservation, including *alternative energy systems* and *renewable energy systems*. In *rural areas* and *prime agricultural areas*, these systems should be designed and constructed to minimize impacts on agricultural operations.

2.6.10 Major employment, commercial and other travel-intensive land uses are to be focused on sites which are well served by public transit where this exists or is to be developed, or designing these to facilitate the establishment of public transit in the future.

3.0 LAND USE POLICIES

This section sets out the land use designations that apply throughout the Town of Grimsby. Secondary Plans approved subsequent to this Official Plan shall use these designations without the need for repeating the entire policy regime that accompanies the designation. In some instances, the Secondary Plans may contain slight policy differences to recognize and regulate situations particular to a given area or to provide policies directed at a specific site.

3.1 NATURAL ENVIRONMENT

Intent:

The intent of the *Natural Environment* policies is to protect significant natural heritage features and functions for their ecological benefit, contribution to human health, and to preserve the natural heritage of the Town of Grimsby. These significant natural heritage features and functions are referred to as “Core Natural Areas”.

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

Within the Niagara Escarpment Plan Area two additional natural environment area designations apply, the Escarpment Natural Area and the Escarpment Protection Area. The Escarpment Natural Area designation includes features of the Niagara Escarpment and associated stream valleys, *wetlands* and forests that are relatively undisturbed. These contain important plant and animal habitats and geological features which are the most significant natural and scenic areas of the *Escarpment*.

The Escarpment Protection Area includes areas that are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land-use activities such as agriculture or residential *development*, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

The policies of Section 3.1 and those of Section 4.2 are to be read in conjunction and applied together in all cases.

Goals:

- To protect and enhance the *natural environment* of the Town.

- To maintain the Escarpment Natural Areas in conformity with the Niagara Escarpment Plan.

Objectives:

1. To promote the protection and enhancement of significant natural heritage features and functions addressing the broader Natural Heritage System and including linkages among natural heritage features and ground and surface water resources.
2. To consider the cumulative effects of new development and site alteration on the ecological features and functions of the natural environment.
3. To ensure the development review process identifies the significance of natural heritage features and evaluates the function of such features, having regard for the broader Natural Heritage system context.
4. To cooperate with the Niagara Peninsula Conservation Authority and the Region in the protection of the natural environment.
5. To promote and support the protection of environmentally significant lands through public acquisition and ownership, through the use of conservation easements by public bodies including the Town, the Region and the Niagara Peninsula Conservation Authority and through stewardship of privately owned lands.
6. To maintain and enhance the landscape quality of Escarpment features.

3.1.1 Environmental Protection Area**Features Included:**

3.1.1.1 Environmental Protection Areas shall include:

- a) *Provincially significant wetlands;*
- b) *Provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs);*
- c) *Fish habitat, and*
- d) *Significant habitat of threatened and endangered species;*
- e) *Regionally Significant Life Science Areas of Natural and Scientific Interest (ANSIs);*

3.1.1.2 Within the Natural Heritage System, located in the Greenbelt Plan Area, Environmental Protection Areas shall also include:

- a) Key Natural Heritage Features including:
 - a. *wetlands;*
 - b. *significant valleylands;*
 - c. *significant woodlands;*
 - d. *significant wildlife habitat;*

- e. significant habitat of species of concern;
- f. publicly owned conservation lands;
- g. savannahs and tall grass prairies; and,
- h. alvars;
- i. Regionally Significant Life Science *Areas of Natural and Scientific Interest* (ANSIs).

The identification of features previously unknown may take place at the time of a land use planning application or when further environmental information is available.

3.1.1.3 Within the entirety of the Greenbelt Plan Area, Environmental Protection Areas shall also include:

- a) Key Hydrologic Features including:
 - a. permanent and intermittent streams;
 - b. lakes and their littoral zones;
 - c. seepage areas;
 - d. springs, and
 - e. *wetlands*.

3.1.1.4 Environmental Protection Areas are designated on **Schedule B**. In addition, **Appendix 2** provides additional information indicating what type(s) of natural features each Environmental Protection Area includes. **Appendix 1** further identifies whether the feature meets the definition of a Key Natural Heritage Feature or Key Hydrologic Feature in the Greenbelt Plan Area.

3.1.1.5 Not all of the Key Hydrologic Features are illustrated on **Schedule B** due to lack of detailed information in all areas of the Town. When Key Hydrologic Features are identified through sub-watershed, secondary planning or other studies, the Town will consider an amendment to this Plan to delineate those features on **Schedule B** and **Appendix 1**. In the interim, where such features are identified, *development* and *site alteration* shall be subject to the policies of the Environmental Protection Area designation. The identification of features previously unknown may take place at the time of a land use planning application or when further environmental information is available.

3.1.1.6 Mapping of the significant habitat of threatened and endangered species and mapping of significant wildlife habitat is not included on **Schedule B**. Much of this habitat is likely found within the Environmental Protection and Environmental Conservation areas shown on **Schedule B** however. Significant habitat of threatened and endangered species and significant wildlife habitat will be identified through sub-watershed studies, secondary planning and review of development applications. Where such habitat is identified, *development* and *site alteration* shall be subject to the policies of the Environmental Protection Area designation.

3.1.1.7 Significant *woodlands* shall include features that meet one or more of the following criteria:

- a) Contain threatened or endangered species or species of concern;
- b) In size, be equal to or greater than:

- a. 2 hectares, if located within or overlapping the Urban Settlement Area Boundary;
 - b. 4 hectares, if located outside of Urban Settlement Area and north of the Niagara Escarpment;
 - c. 10 hectares, if located outside of the Urban Settlement Area and south of the Escarpment.
- c) Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
 - d) Contain older growth forest and be 2 hectares or greater in area;
 - e) Overlap or contain one or more of the other significant natural heritage features which comprise an Environmental Protection Area; or
 - f) Abut or be crossed by a *watercourse* or water body and be 2 or more hectares in area.

Within the Greenbelt NHS, woodland significance is to be determined in accordance with criteria established by the MNR for agricultural uses and mineral aggregate resources.

Permitted Uses:

- 3.1.1.8 Within the Environmental Protection Area designation, and any associated *vegetation protection zones* in the Greenbelt Plan Area, *development, site alteration*, and non-linear infrastructure shall not be permitted except for the following:
- a) Forest, fish and *wildlife management*;
 - b) Conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; 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.
- 3.1.1.9 Where such uses are proposed, the proponent shall be required to prepare an *Environmental impact study (EIS)* to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority in accordance with Section 9.18.
- 3.1.1.10 Notwithstanding Section 3.1.1.8, the boundaries of the Environmental Protection Area may be defined more precisely through sub-watershed or environmental planning studies, secondary planning, Environmental Impact Studies, or other studies prepared to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. A significant modification, such as a change in the classification of an Environmental Protection Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.

- 3.1.1.11 The Town shall consult with Niagara Region, the Niagara Peninsula Conservation Authority, and the Ministry of Natural Resources regarding changes to *Wetlands and ANSIs*. The Town shall consult with Niagara Region, the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources, and the Department of Fisheries and Oceans or its designate respecting changes to *Fish Habitat*.
- 3.1.1.12 *Development and site alteration* may be permitted without an amendment to this Plan on *adjacent lands*, except for those lands within the minimum *vegetation protection zones* associated with Environmental Protection Areas located in the Greenbelt Plan Area, subject to the following.
- a) It has been demonstrated through an *EIS* in accordance with Section 9.18 that, over the long term, there will be no significant *negative impact* on the feature or its function or *adjacent lands*; and,
 - b) The proposed *development or site alteration* is not prohibited by other Policies in this Plan.
- 3.1.1.13 Notwithstanding Section 3.1.1.8, within *Fish Habitat* and adjacent lands outside of the Natural Heritage System located in the Greenbelt Plan Area, *development and site alteration* may be permitted if it will result in no net loss of the productive capacity of *fish habitat* as determined by the Department of Fisheries and Oceans or its designate. First priority will be given to avoiding harmful alteration or destruction of *fish habitat* by redesigning or relocating the proposal or mitigating its impacts. The proponent shall be required to prepare an *EIS* to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Section 9.18.
- 3.1.1.14 A naturally vegetated buffer zone, a minimum 30 metres in width extending from each side of the stream shall be required adjacent to all streams containing critical *Fish Habitat* as defined by the Ministry of Natural Resources and all streams containing *Fish Habitat* within the Greenbelt Plan Area. Outside the Greenbelt Plan Area 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 the 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.
- The waters of Lake Ontario also are a significant fish habitat. Development and site alteration on adjacent lands shall be subject to Sections 3.1.1.13-15 and to the provisions respecting Environmental Protection Areas in Sections 3.1.1.15-18, 3.1.1.21-23 and 3.1.1.25.
- 3.1.1.15 Notwithstanding any other policies in this Plan, essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted within the Environmental Protection Area designation or on *adjacent lands* where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

General Policies:

- 3.1.1.16 Within the Greenbelt Plan Area, a proposal for development or site alteration within 120 metres of an Environmental Protection Area designation shall require a natural heritage evaluation and hydrological evaluation that identifies an appropriate vegetation protection zone which:
- a) Is of sufficient width to protect the natural heritage or hydrologic feature and its functions from adverse environmental impacts of the *development* or *site alteration*;
 - b) Is established and maintained as *natural self-sustaining vegetation*; and
 - c) Is a minimum 30 metres wide in the case of *wetlands*, seepage areas and springs, *fish habitat*, permanent and intermittent streams, lakes and significant *woodlands* or greater if determined appropriate by an *EIS*.
- 3.1.1.17 The *Vegetation Protection Zone* established through Section 3.1.1.16 shall be considered part of the Environmental Protection Area designation.
- 3.1.1.18 Notwithstanding Section 3.1.1.16, new buildings and structures for *agricultural uses* shall provide the minimum *vegetation protection zone* (i.e. setback) but shall not be required to establish *natural self-sustaining vegetation* within it, if the land is, and will continue to be, used for agricultural purposes.
- 3.1.1.19 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated; the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. The Ministry of Natural Resources should also be consulted where required. If the evaluation finds one or more environmental features meeting the criteria for identification as an Environmental Protection Area, the policies of Section 3.1.1 shall apply.
- 3.1.1.20 If a feature meeting the criteria for identification as an Environmental Protection Area is identified through an evaluation under Section 3.1.1.19 or through other studies, it shall be considered for inclusion in the Environmental Protection Area designation through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the policies of Section 3.1.1 shall apply.
- 3.1.1.21 Where *development* or *site alteration* is approved adjacent to an Environmental Protection Area designation, new lots thus created shall not extend into either the area to be retained in a natural state as part of the Environmental Protection Area designation or the buffer zone identified through an *Environmental Impact Study*. 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*.
- 3.1.1.22 The transfer of Environmental Protection Area lands to the Town, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. However, these lands will not be accepted as parkland dedication. Where it is not possible to secure such a transfer, the Town shall encourage

- additional methods of protecting and enhancing these natural features and their *ecological functions* such as conservation *easements*.
- 3.1.1.23 Where *development* or *site alteration* is approved on *adjacent lands*, the applicant shall submit a Tree Saving Plan for the *adjacent lands*. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.
- 3.1.1.24 New or expanding *infrastructure* within the Greenbelt Plan Area shall avoid Environmental Protection Areas unless need has been demonstrated and it has been established that there is no reasonable alternative. Where new or expanding *infrastructure* intrudes into an Environmental Protection Area, planning, design and construction practices shall minimize *negative impacts* and disturbance on the feature or its related functions, and where reasonable, maintain or improve connectivity among Environmental Protection Areas and their *vegetation protection zones*.
- 3.1.1.25 *Infrastructure* serving the agricultural sector, such as an agricultural irrigation system, may need certain elements to be located within an Environmental Protection Area designation or within the *vegetation protection zone* of a feature within the designation. In such instances, these elements of the *infrastructure* may be established within the feature itself or its associated *vegetation protection zone* but all reasonable efforts shall be made to keep the *infrastructure* out of the Environmental Protection Area and the associated *vegetation protection zone*.
- 3.1.1.26 Expansions to existing farm buildings and structures may be permitted within the Environmental Protection Areas other than *Provincially Significant Wetlands* and Life Science Areas of Natural and Scientific Interest and significant habitat of threatened and endangered species provided that:
- a) The proposal is small in scale;
 - b) It has been demonstrated that there is no reasonable alternative;
 - c) The expansion has been directed away from the feature as much as possible;
 - d) *Negative impacts* on the natural feature and *ecological functions* have been minimized; and,
 - e) If the proposal is large in scale, involving a major *intensification* in land use or a major increase in land area, it is subject to Sections 3.1.1.8, 3.1.1.12, 3.1.1.13, and 3.1.1.14.
 - f) The proposed *development* or *site alteration* is not prohibited by other Policies in this Plan.
- 3.1.1.27 The policies of this Section shall also apply when *development* or *site alteration* is proposed on lands in the Town that are adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or is shown on the Region's Core Natural Heritage Map or has been identified by the Ministry of Natural Resources.

3.1.2 Environmental Conservation Area

Features Included:

- 3.1.2.1 Environmental Conservation Areas shall include:
- a) Significant woodlands;
 - b) Significant wildlife habitat;
 - c) Significant habitat of species of concern;
 - d) Regionally significant Life Science ANSIs;
 - e) Other evaluated wetlands;
 - f) Significant valley lands;
 - g) Savannahs and tall grass prairies;
 - h) Alvars; and,
 - i) Publicly owned conservation lands.
- 3.1.2.2 Environmental Conservation Areas are designated on **Schedule B. Appendix 2** provides additional information indicating what type(s) of natural features each Environmental Conservation Area includes. **Appendix 1** identifies whether the feature meets the definition of a Key Natural Heritage Features in the Greenbelt Plan Area.
- 3.1.2.3 Mapping of significant wildlife habitat is not included on **Schedule B**. Much of this habitat is likely found within the Environmental Protection and Environmental Conservation areas shown on Schedule A however. Significant wildlife habitat will be identified through sub-watershed studies, secondary planning and review of development applications. Where such habitat is identified, *development* and *site alteration* shall be subject to the policies of the Environmental Conservation Area designation.
- 3.1.2.4 Significant *woodlands* shall include features that meet one or more of the following criteria in Section 3.1.1.7

Permitted Uses:

- 3.1.2.5 Within the Environmental Conservation Areas and *adjacent lands*, *development*, *site alteration*, and non-linear infrastructure may be permitted without an amendment to this Plan provided:
- a) It has been demonstrated, through an *Environmental Impact Study (EIS)* in accordance with Section 9.18, that, over the long term, there will be no significant *negative impact* on the natural feature or its *ecological functions* or on *adjacent lands*; and
 - b) The proposed *development* or *site alteration*, or *non-linear infrastructure* is not prohibited by other Policies in this Plan.

- 3.1.2.6 Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed *development* or *site alteration* no longer is located within the Environmental Conservation Area or on adjacent land then the restrictions on *development* and *site alteration* set out in this section of the Plan do not apply.
- 3.1.2.7 The boundaries of the Environmental Conservation Area may be defined more precisely through sub-watershed or environmental planning studies, secondary planning, *Environmental Impact Studies*, or other studies prepared to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. A significant modification, such as a change in the classification of an Environmental Conservation Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan.
- 3.1.2.8 In considering both refinements and significant modifications to the mapping or classification of features shown on **Schedule B**, the Town shall consult with the Region, the Niagara Peninsula Conservation Authority, and the Ministry of Natural Resources. For natural heritage components that have been identified by the Ministry of Natural Resources, such as Other Evaluated Wetlands and Regionally Significant ANSIs, the Ministry of Natural Resources must also be consulted regarding modifications and refinements.
- 3.1.2.9 Notwithstanding other policies in this Plan, essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted within the Environmental Conservation Area or on *adjacent lands* where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

General Policies:

- 3.1.2.10 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as an Environmental Conservation Area, the policies of Section 3.1.2 shall apply.
- 3.1.2.11 If a feature meeting the criteria for identification as an Environmental Conservation Area is identified through an evaluation under Section 3.1.2.10 or through other studies, it shall be considered for inclusion in the Environmental Conservation Area designation through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the policies of Section 3.1.2 shall apply.
- 3.1.2.12 Where *development* or *site alteration* is approved in or adjacent to an Environmental Conservation Area designation, new lots thus created shall not extend into either the area to be retained in a natural state as part of the Environmental Conservation Area or the buffer zone identified through an *Environmental Impact Study*. 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*.
- 3.1.2.13 The transfer of Environmental Conservation Area lands to the Town, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. However, these lands will not be accepted as parkland dedication. Where it is not possible to secure such a transfer, the Town shall encourage additional methods of protecting and enhancing these natural features and their *ecological functions* such as conservation *easements*.
- 3.1.2.14 Where *development* or *site alteration* is approved within the Environmental Conservation Area or *adjacent lands*, the applicant shall submit a Tree Saving Plan. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.
- 3.1.2.15 Subject to other policies in this Plan, an expansion to an existing use located within an Environmental Conservation Area may be permitted if it will have no 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 Study* in accordance with Section 9.18.
- 3.1.2.16 *Agricultural uses* existing as of the date of adoption of this Plan may continue within the Environmental Conservation Area. New farm buildings or structures and expansions to existing farm buildings or structures are permitted within Environmental Conservation Areas, subject to the other Policies in this Plan and provided:
- a) The proposal is small in scale;
 - b) It has been demonstrated that there is no reasonable alternative;
 - c) The proposal is directed away from the feature to the maximum extent possible;
 - d) *Negative impacts* on the natural feature and *ecological functions* have been minimized; and
 - e) If the proposal is large in scale, involving a major *intensification* in land use or a major increase in land area, it is subject to Section 3.1.2.5.
- 3.1.2.17 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, *Fish Habitat* or *adjacent lands* if they are located, designed and constructed to minimize *negative impacts* on the natural features and *ecological functions* of the Natural Heritage System Component and *adjacent lands*.
- 3.1.2.18 The Policies of this section shall also apply when *development* or *site alteration* is proposed on lands in the Town that are adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or is shown on the Region's Core Natural Heritage Map or has been identified by the Ministry of Natural Resources.

3.1.3 Escarpment Natural Area

Permitted Uses:

- 3.1.3.1 The following uses shall be permitted within the Escarpment Natural Area designation delineated on **Schedule B**:
- a) Existing *agricultural uses* including one single detached residence as an accessory use to an agricultural operation;
 - b) Existing uses;
 - c) Single detached dwellings limited to one per existing *lot*;
 - d) *Secondary uses* including:
 - a. *Home occupation*,
 - b. *Cottage industry*,
 - c. *Bed and breakfasts*, and
 - d. Farm vacations.
 - e) Non-intensive recreation uses such as nature viewing, picnic sites, unserviced overnight rest/camp areas, and *trail activities*, except the use of trail bikes and all-terrain vehicles. Golf courses are not permitted.
 - f) Environmental Management including:
 - a. Forest, wildlife and *fisheries management*, and
 - b. Essential watershed management and flood and erosion control projects carried out or supervised by a public authority;
 - g) Archaeological activities;
 - h) Uses permitted in approved Parks or Open Space Master/Management plans that are not in conflict with the Niagara Escarpment Plan;
 - i) Essential transportation and *utility* facilities; and
 - j) Nature preserves owned and managed by an approved conservation organization.

General Policies:

- 3.1.3.2 Applications for new *development* and expansions or alterations to existing uses will require a permit from the Niagara Escarpment Commission and will be evaluated using the *development* criteria of Section 4.7 and the policies of this section and other relevant sections of this Plan.
- 3.1.3.3 The minimum farm size shall be 40 hectares.
- 3.1.3.4 *Lot* creation and consents shall only be permitted for:
- a) The purpose of correcting conveyances, enlarging existing *lots*, facilitating the acquisition of lands by a public body, or facilitating the acquisition of lands by a conservation organization for the purpose of establishing a nature preserve provided no new buildings *lots* are created; and

- b) Recreating original *lots* along *original township lot* survey lines and to create 40 hectare *lots* along half-lot lines where the *original township lot* is 80 hectares provided there have been no previous *lots* severed from one of the affected township *lots*.
- 3.1.3.5 Where lands are also designated Environmental Protection Area or Environmental Conservation Area as shown on **Schedule B**, the more restrictive policies shall apply.

3.1.4 Escarpment Protection Area

Permitted Uses:

- 3.1.4.1 The following uses shall be permitted within the Escarpment Protection Area designation delineated on **Schedule B**:
- a) *Agricultural uses* including one single detached residence as an accessory use to an agricultural operation;
 - b) Existing uses;
 - c) Single detached dwellings on an existing *lot* of record or on a *lot* created by Section 3.1.4.5;
 - d) *Secondary uses* including:
 - a. *Home occupation*,
 - b. *Cottage industry*,
 - c. *Home industry*,
 - d. *Bed and breakfasts*,
 - e. Farm vacations, and
 - f. Help-house subject to Section 3.1.4.6,
 - g. Small scale commercial uses accessory to agriculture subject to Section 3.1.4.7.
 - e) Non-intensive recreation uses such as nature viewing, picnic sites, unserviced overnight rest/camp areas, and *trail activities*, except the use of trail bikes and all-terrain vehicles, and accessory trail infrastructure are not permitted.
 - f) Environmental Management including:
 - a. Forest, wildlife and *fisheries management*;
 - b. Watershed management and flood and erosion control projects carried out or supervised by a *public agency*;
 - g) Archaeological activities;
 - h) Uses permitted in approved Parks or Open Space Master / Management plans that are not in conflict with the Niagara Escarpment Plan;
 - i) Transportation and *utility* facilities of a linear nature;
 - j) Agricultural related uses including:

- a. Winery and winery *incidental uses*;
 - b. *Veterinary clinics*;
 - k) Small scale *institutional uses* except in *specialty crop areas* and *prime agricultural areas*;
 - l) *Animal kennels* in conjunction with a single detached dwelling;
 - m) Nature preserves owned and managed by an approved conservation organization.
- 3.1.4.2 Notwithstanding Sections 3.1.4.1, a golf course is permitted on a 55 hectare (135 acre) parcel located on Part Lots B and C, Eastern Gore and Part Lots 1 and 2, Concession 2, and Part of Lot C, Concession 3 situated between the "bench face" and the Niagara Escarpment.

General Policies:

- 3.1.4.3 Applications for new *development* and expansions or alterations to existing uses will require a permit from the Niagara Escarpment Commission and will be evaluated using the *development* criteria of Section 4.8 of the Niagara Escarpment Plan and the policies of this section and other relevant sections of this Plan.
- 3.1.4.4 The minimum farm size shall be 40 hectares.
- 3.1.4.5 *Lot* creation and consents shall only be permitted for:
- a) The purpose of correcting conveyances, enlarging existing *lots*, facilitating the acquisition of lands by a public body, or facilitating the acquisition of lands by a conservation organization for the purpose of establishing a nature preserve provided no new buildings *lots* are created;
 - b) Use by agricultural operations provided both the severed and retained parcels meet the minimum lot size for farm parcels as per Section 3.1.4.4;
 - c) Recreating original *lots* along township *lot* survey lines and to create 40 hectare *lots* along half-lot lines where the *original township lot* is 80 hectares provided there has been no previous *lots* severed from the affected township *lots*;
 - d) The creation or acquisition of a *lot* by a public body (e.g. for a road deviation) will not be considered as a previous severance providing this does not result in a remnant severance.
- 3.1.4.6 A help-house referred to in Section 3.1.4.1 shall only be permitted subject to a development permit from the Niagara Escarpment Commission and a site plan agreement provided:
- a) It is occupied only by seasonal or full-time employees of the farm operation where the help-house is located;
 - b) It is a temporary, removable structure. A mobile home or recreational vehicle may be used for the purpose of a help-house;
 - c) It is located on the same property as the principal farm residence and the

- farmer shall live in the principal farm residence;
- d) For seasonal employees. it does not serve as the principal place of residence of the occupant;
 - e) Water supply and sewage disposal meet the requirements of the Town and the Region;
 - f) The location of the help-house does not have a significant affect on the tillable area of the farm or its viability; and
 - g) It is located as close to the *farm cluster* as possible and where possible, use the existing farm lane access;
 - h) The site plan agreement contains arrangements for removal of the building when the need for such a use ceases to exist; and
 - i) An application to sever a help-house or an accessory dwelling shall not be granted.
- 3.1.4.7 Small scale commercial uses referred to in Section 3.1.4.1 shall be permitted provided:
- a) It is subordinate, incidental and exclusively devoted to the principal agricultural use carried out on the farm property by the owner;
 - b) It is not considered a high intensity use out of character with the agricultural area;
 - c) All buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to minimize the impact on the principal agricultural use, adjacent land use and the rural *open landscape character*;
 - d) the majority of retail sales conducted as part of the use shall be limited to the sale of produce grown on the property or produced on the property from the produce grown on the property;
 - e) A further use incidental to the small scale commercial use may be integrated within the operation provided that it does not result in a significant overall *intensification* of the use. For example, restaurants, banquet and conference facilities shall not be permitted as an *incidental use*.
- 3.1.4.8 Winery and winery *incidental uses* referred to in Section 3.1.4.1 shall meet the requirements of this plan as well as the criteria of Section 2.10.4 of the Niagara Escarpment Plan.
- 3.1.4.9 A *home industry* referred to in Section 3.1.4.1 shall:
- a) Be carried out in an accessory building;
 - b) Clearly be accessory to the residence if it is on a small *lot*, or secondary to the farm if it is on a larger *lot*;
 - c) Be operated by residents of the household on the *lot*;
 - d) Be compatible with and not hinder surrounding *agricultural uses*;
 - e) Not provide outdoor storage or display of goods, materials or products;

- f) Be located as close to the farm or residential cluster as possible which shall generally mean a distance of not more than 30 metres;
- g) Use the common driveway to the home or farm;
- h) Meet the requirements of the Town for water supply and sewage disposal and where possible share the services with the dwelling on the *lot and the Region*;
- i) Have a maximum floor area of 125 square metres;
- j) An application to sever a *home industry* shall not be granted; and
- k) Meet the additional requirements in Section 2.2.10 of the Niagara Escarpment Plan.

3.2 HAZARD LAND AREA

Intent:

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

The designation includes flood and erosion prone lands along the Lake Ontario shoreline and flood and erosion prone lands along Forty Mile Creek and other smaller streams flowing into Lake Ontario.

Goals:

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

Objectives:

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

Permitted Uses:

- 3.2.1 Hazard Land Areas, as shown on **Schedule B** is an overlay designation and applies in addition to the other identified designations.
- 3.2.2 Lands shown as Hazard Land include lands potentially unsafe for *development* due to *flood hazard*, erosion hazard, *hazardous sites* or steep slopes.
- 3.2.3 Within lands shown as Hazard Land Area, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards including flood proofing, protection works, access as determined by the demonstration and achievement of all of the following:
- i. Development and site alteration is carried out in accordance with flood proofing standards, protection works standards and access standards;
 - ii. Vehicles and people have a way to safely enter the area during times of flooding erosion or other emergencies;
 - iii. New hazards are not created and existing hazards are not aggravated; and
 - iv. No adverse environmental impacts will result.

Permitted uses in the Hazard Lands area shall be limited to *agricultural* uses excluding new buildings, open space, existing uses, flood and/or erosion control works, other passive non-structural uses which do not affect flood flows and uses legally existing at the time of approval of the plan. Where the Hazard Land Area overlays an Environmental Protection Area or Environmental Conservation Area designation, *agricultural uses* shall be limited to existing uses and forestry, fish, wildlife or conservation management uses may also be permitted in accordance with Section 3.1.

General Policies:

- 3.2.4 *Development*, including the creation of *new lots*, shall not be permitted in areas identified as susceptible to *flood hazard* as defined by the Provincial Policy Statement and regulated by the Niagara Peninsula Conservation Authority, except for uses which by their nature must locate within the *floodway* such as flood or erosion control works.
- 3.2.5 Any building which is located in the *flood plain* that has been destroyed for reasons other than flooding may be allowed to be rebuilt, subject to the requirements of the Niagara Peninsula Conservation Authority *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 155/06*, as updated time to time, provided the building cannot be relocated to an area outside of the *flood plain*.
- 3.2.6 *Development* shall generally be directed to areas outside of *hazardous sites* such as areas of unstable soils, organic soils or *unstable bedrock*. *Development* and *site alteration* will not be permitted, on *hazardous sites*, unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated to the satisfaction of the Town in consultation with the Conservation Authority that the *development* is feasible.
- 3.2.7 *Development* will generally be directed to areas outside of hazardous lands adjacent to river and stream systems, which are impacted by erosion hazards. The determination of the erosion hazard limit will be based on a combined influence of the: *toe erosion allowance*; *stable slope allowance*; *erosion access allowance*; and *flooding hazard limit* or *meander belt allowance*. A Geotechnical Engineering Study, prepared to the satisfaction of the Town and the Niagara Peninsula Conservation Authority, may be required to support any *development* located within the erosion hazard limit but outside of valley lands.
- 3.2.7 a 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.
- 3.2.7 b 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.

- 3.2.7 c Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Section 3.2.7a as well as the Hazard Land Area Policies.
- 3.2.7 d Development and site alteration may be permitted without an amendment to this Plan on Environmental Conservation Areas, Natural Heritage Corridors, and adjacent lands (set out in Table 3.2.7) if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with the Policies of this Plan.

Table 3.2.7 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.

- 3.2.7 e. 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.
- 3.2.7. f Where development or site alteration is proposed in, or near, a Natural Heritage Corridor shown on **Appendix 2**, 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.
- 3.2.7. g 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 Town.

3.2.7. h Within Fish Habitat and/or adjacent lands as specified in Appendix 2, 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 of 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the 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.

3.2.8 Development will generally be directed to areas outside of hazardous lands adjacent to Lake Ontario, along rivers and streams, areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; a floodway regardless of whether the area of inundation contains high points of land not subject to flooding and areas which are impacted by flooding and erosion hazards. The hazard area along Lake Ontario is defined by the furthest landward limit of the flooding hazard, erosion hazard, and dynamic beach hazard. Lake Ontario shoreline hazards are identified on Schedule B and updated from time to time by the NPCA.

3.2.9 A geotechnical report (at the expense of the applicant) prepared to the satisfaction of the Conservation Authority and the Region is required for new development adjacent to the Lake Ontario shoreline where the bank height is equal to or greater than 3 metres. The study will determine the location of the stable top of bank, stable slope allowance and make recommendations pertaining to: development setbacks, construction equipment access, limit of work, vegetation protection, toe protection, sediment and erosion controls, drainage, etc..

In some cases, shoreline protection works may be used to address the hazards associated with Lake Ontario. Shoreline Protection works require approval from the Conservation Authority in accordance with Regulation 155/06, as amended from time to time.

3.2.10 Areas of steep slopes can be a constraint to *development*. These are generally slopes exceeding 15%. Applications for *development* shall identify areas of steep slopes and assess the constraints to *development*. *Development* will not be

permitted on areas of steep slopes unless a geotechnical analysis has demonstrated, to the satisfaction of the Town in consultation with the Niagara Peninsula Conservation Authority and the Region that the slopes are stable and safe and *development* is feasible. No new Development (with the exception of Structures required for Erosion control purposes and passive recreational uses) will be permitted within natural valleys where the bank height is equal to, or greater than 3 metres (10 feet) and is subject to the following policies:

1. A minimum setback of 7.5 metres (25 feet) from NPCA approved stable top of bank will be required for all new development and site alteration. The valley shall be maintained in a natural state and there shall be no disturbances of grades or vegetation below the top of bank or within the 7.5m setback.
2. Where an unstable slope is identified, the applicant will be required to submit a Geotechnical Investigation, undertaken by a qualified geotechnical engineer. The Geotechnical Investigation may determine that setbacks greater than 7.5 metres are required to address the site specific slope characteristics.
3. For all new lots created in a Greenfield or Brownfield situation, the rear lot lines or side lot lines (as the case may be) shall be setback 7.5 metres from the NPCA approved stable Top of Slope.
4. Where buildings and structures already exist within 15 metres of the Stable Top of Slope and a 7.5 metre publicly owned access is not provided adjacent to the Stable Top of Slope the following policies will apply:

Any replacement (same size and use) or additions to the existing buildings and structures may be permitted subject to the following:

- i. the replacement or addition does not encroach any closer to the Stable Top of Slope than the existing development at its closest point;
 - ii. even if existing development is closer than 7.5 metres to the Stable Top of Slope, no new development is permitted within 7.5 metres of the Stable Top of Slope in order to provide for an erosion access allowance as per the Provincial Policy Statement;
 - iii. a geotechnical assessment by a qualified engineer (at the expense of the applicant), may be required to determine the location of the Stable Top of Slope and to determine if the proposed development would have a negative impact on slope stability. See Section 5 for study requirements; and,
 - iv. In cases where the building or structure can be reasonably relocated outside of the setback the applicant will be encouraged to do so.
5. For existing lots adjacent to Slopes (bank height equal to or greater than 3 metres), a minimum setback of 7.5 metres (25 feet) from the NPCA Approved Physical Top of Slope as surveyed by the applicant shall be required for stability purposes and the conservation of land, for all development, buildings, and structures (including swimming pools). A reduction in this setback will only be

considered in cases of unusual circumstances where an existing lot of record contains insufficient depth to accommodate required setbacks and a Geotechnical Investigation reveals that some infringement within the setback area, together with mitigative measures can be accommodated on-site while maintaining bank stability and will result in no adverse long term environmental impacts. In no case shall the setback reduction be such that development is allowed beyond the Physical Top of Slope.

6. In specific cases where buildings, structures or private access roads already exist on a valley wall, reconstruction or alteration may be permitted subject to the following:
 - i. Best efforts must be undertaken to relocate the existing structure outside of the valley and associated tableland Regulation Limit.
 - ii. A qualified professional must complete a geotechnical study to determine the risk of the proposed work. The study will include an assessment of the stability of the valley wall, rate of erosion or recession of the valley wall, access issues and an assessment of the construction technique on the valley wall. The design of any works must ensure that the long-term stability of the valley wall is maintained and that no risk to life or property damage is anticipated.
 - iii. No adverse environmental impacts to existing natural features and functions.

3.2.11 In the circumstances described in Section 3.2.6 to 3.2.10, *development* and *site alteration* may be permitted on portions of hazardous lands or sites, provided the Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

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

3.2.12 In many cases, the Hazard Land lines shown on the Schedules are an approximation of the potential hazard. To determine if a property is actually susceptible to a natural hazard, such as flood, erosion or wave uprush, the Niagara Peninsula Conservation Authority should be contacted and a site-specific engineering study may be required.

3.2.13 Some existing *lots*, buildings and structures are located within the flooding hazard limits as identified by the Niagara Peninsula Conservation Authority. Minor additions to existing buildings in the *flood plain* may be permitted provided that:

- a) They are of a peripheral nature (such as decks, and porches); and, provided that,
 - i) they are properly anchored to prevent flotation,
 - ii) they are not subject to major damage by flooding, and,
 - iii) flood flows and flood water storage are not impeded; and,

- b) They meet the following criteria:
 - i) any addition to the ground floor area of an existing Building shall not exceed 20 per cent of the *original ground floor area* or 300 square feet, whichever is the lesser,
 - ii) the existing flood depths and flood velocities do not exceed the criteria set out in the Niagara Peninsula Conservation Authority's Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, as amended from time to time,
 - iii) All openings in the ground floor of the building are to be located above the *regulatory flood* elevation,
 - iv) Vehicular and pedestrian *ingress/egress* is not to be flooded to a depth greater than 0.3 metres (1 foot) under the *regulatory flood* event, and
 - v) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition.

In general, any *development* permitted will be subject to provincial and watershed standards and procedures for a hazard land *development*.

3.2.14 Despite Sections 3.2.6 through 3.2.13, in no case shall the following uses be permitted on hazardous lands and *hazardous sites*:

- a) *Institutional uses* associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools where there is a threat to the safety evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion;
- b) Essential emergency services such as that provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works, and/or erosion; and
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

3.2.15 Where *development* is not permitted in a hazard area as per Section 3.2.4 through 3.2.10, new lots shall not extend into the hazard area and the hazard area shall be maintained as a single block and zoned to recognize the hazard nature of the lands. The transfer of the hazard lands to the Town or the Conservation Authority shall be encouraged. However, these lands will not be accepted as parkland dedication.

3.2.16 Approvals for any *development* within lands designated Hazard Land also require the prior written approval of the Niagara Peninsula Conservation Authority.

3.2.17 In cases where there is a discrepancy with the flood lines shown on the land use schedules and the lines mapped/approved by the Niagara Peninsula Conservation Authority, the lines shown on the Authority's maps shall be used.

- 3.2.18 The Niagara Peninsula Conservation Authority administers the *Development, Interference with Wetlands and Alterations to Shorelines, Lake Ontario Shoreline, Valleylands and Watercourses Regulation 155/06*, under the *Conservation Authorities Act*. These regulated areas include such areas as floodplains, erosion areas, *wetlands*, shorelines, Lake Ontario Shoreline, valley lands and *watercourses*, which are generally illustrated in **Appendix 3**. A permit is required from the Niagara Peninsula Conservation Authority prior to any *site alteration, development, interference with wetlands* and alterations to shorelines, Lake Ontario Shoreline, valley lands and *watercourses*.
- 3.2.19 Not all floodplains within Grimsby have been mapped by the Niagara Peninsula Conservation Authority, or have been delineated on **Schedules B, B-1, B-2, or B-3**. Where no *flood plain* mapping is available and the Niagara Peninsula Conservation Authority has a *flood hazard* concern, the applicant will be required to determine the limits of the 100-year flood on the subject property.
- 3.2.20 Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate flood proofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources.

3.3 RURAL AND AGRICULTURAL AREAS

Goals:

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

Objectives:

1. To protect Specialty Crop Areas and Agricultural Areas from the intrusion of incompatible uses.
2. To differentiate between prime agricultural areas (Agriculture and Specialty Crop Areas) and other rural areas.
3. To minimize conflicts between land uses, and to ensure compatibility between agricultural and non-agricultural uses through measures such as providing for minimum separation distances between non-agricultural uses and farm buildings.
4. To direct rural non-agricultural uses to lands in the Rural Area designation.
5. To promote economically viable and ecologically sound agricultural practices by utilizing *best management practices*.

3.3.1 General Rural and Agricultural Policies:

- 3.3.1.1 The following policies apply to the Specialty Crop Area – Tender Fruit and Grape Lands, Agricultural, Rural and Escarpment Rural designations.
- 3.3.1.2 New land uses on existing *lots*, the creation of *lots* and new or expanding *livestock* facilities shall comply with the minimum distance separation formulae.
- 3.3.1.3 Farm markets permitted by this Plan should be seasonal in nature with the majority of retail floor space devoted to the sale of domestic produce and related value added products and shall not exceed a maximum floor area of 500 square metres.
- 3.3.1.4 A help-house permitted by this Plan shall only be permitted subject to a site plan agreement, provided:
- a) It is occupied only by seasonal or full-time employees of the farm operation where the help-house is located;
 - b) It is a temporary, removable structure. A mobile home or recreational vehicle may be used for the purpose of a help-house;
 - c) For seasonal employees, it does not serve as the principal place of residence of the occupant;
 - d) Water supply and sewage disposal meet the requirements of the Town and the Region;
 - e) The location of the help-house does not have a significant effect on the tillable area of the farm or its viability; and

- f) It is located as close to the *farm cluster* as possible and where possible, use the existing farm lane access;
 - g) The site plan agreement contains arrangements for removal of the building when the need for such a use ceases to exist;
 - h) Full time employees shall be permitted to occupy an existing dwelling on a lot that is part of the farm operation;
 - i) An application to sever a help-house or an accessory dwelling shall not be granted; and,
 - j) In the Niagara Escarpment Plan Area, it is located on the same property as the principal farm residence and the farmer shall live in the principle farm residence.
- 3.3.1.5 Within the Niagara Escarpment Plan Area, a help-house shall require a development permit issued by the Niagara Escarpment Commission provided that the criteria in Section 3.3.1.4 are met. The development permit shall be valid for three years only, and continuance of the dwelling unit will be considered through reapplication on a three-year basis, subject to adequate justification that the farm help continues to be necessary to the farm operation.
- 3.3.1.6 A *home industry* permitted by this Plan shall:
- a) Be carried out in an accessory building;
 - b) Clearly be accessory to the residence if it is on a small *lot*, or secondary to the farm if it is on a larger *lot*;
 - c) Be operated by residents of the household on the *lot*;
 - d) Be compatible with and not hinder surrounding *agricultural uses*;
 - e) Not provide outdoor storage or display of goods, materials or products;
 - f) Be located as close to the farm or residential cluster as possible. In the Niagara Escarpment Plan Area this shall generally mean a distance of not more than 30 metres;
 - g) Use the common driveway to the home or farm;
 - h) Meet the requirements of the Town for water supply and sewage disposal and where possible share the services with the dwelling on the *lot*; and,
 - i) An application to sever a *home industry* shall not be granted;
 - j) Meet the requirements of the Ministry of the Environment for approvals related to air emissions and waste management, if required.
- 3.3.1.7 New and existing greenhouse operations outside the Urban Settlement Area shall be encouraged to expand and develop at a reasonable level of intensity, but should take into consideration any adverse impacts, particularly impacts related to noise and light, that the expansion or *development* would inflict on *adjacent residential* uses and definite measures should be taken to mitigate these impacts.
- 3.3.1.8 Landowners shall be encouraged to respect and protect natural features for the long term including woodlots and stream corridors through the use of recognized conservation and land stewardship techniques and farm practices.

- 3.3.1.9 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- 3.3.1.10 Cannabis cultivation shall be permitted as an agricultural use in the Specialty Crop Area – Tender Fruit and Grape Lands, Agricultural, Rural and Escarpment Rural designations, provided:
- a) Cultivation is undertaken wholly within an enclosed building;
 - b) Cultivation of cannabis is in accordance with all applicable Federal Regulations, as amended from time to time.
 - c) Accessory on-farm diversified uses related to cannabis cultivation such as processing, packaging, testing, destruction, research and shipping must occur on the same lot as cultivation and are subject to the policies of this section that apply to cultivation.
 - d) The building within which cannabis is cultivated, processed, packaged, tested, destroyed, shipped or stored is equipped with a system that filters air to prevent the escape of odours as demonstrated by a technical odour control study submitted through the site plan control approval process to the satisfaction of the Town;
 - e) Buildings within which cannabis is cultivated, processed, packaged, destroyed, shipped, tested or stored shall be a minimum of 450 metres away from:
 - a. An existing dwelling, except a dwelling on the same lot on which the building is located;
 - b. Any residential zone and institutional zone; and
 - c. existing sensitive uses, such as a daycare, place of worship, public park, or school;
 - f) Buildings and sites containing cannabis cultivation will be subject to site plan control.

3.3.2 Specialty Crop Area – Tender Fruit and Grape Lands

Permitted Uses:

- 3.3.2.1 The following uses shall be permitted within the Specialty Crop Area designation, delineated on **Schedule B**:
- a) *Agricultural uses*;
 - b) One single detached residence as an accessory use to an agricultural operation;
 - c) Uses secondary to *agricultural uses* including:
 - a. Home occupations wholly within a *dwelling unit*,
 - b. Home industries subject to Sections 3.3.1.6 and 3.3.2.11,
 - c. *Bed and Breakfasts*,
 - d. Farm holidays and farm tours, and
 - e. Help-house subject to Section 3.3.1.4,
 - d) Agricultural related uses including farm-related commercial, farm-related industrial uses and farm markets subject to Sections 3.3.2.8 and 3.3.1.3.

- 3.3.2.2 The widest variety of farm operations and normal farm practices shall be encouraged, promoted and protected with the exception of new *livestock* operations which shall be prohibited north of the Escarpment.

General Policies:

- 3.3.2.3 Within the Specialty Crop Area designation, the minimum *lot* size for new farm lots is 16.2 hectares north of the escarpment and 40 hectares south of the escarpment.
- 3.3.2.4 Despite Section 3.3.2.1 b) and the minimum *lot* size of Section 3.3.2.3, a residential use may be permitted on any *lot* of record existing on June 1, 1978, unless otherwise prohibited by the zoning by-law, and except that no lots in Plan 30R-768 may be used for such purpose.
- 3.3.2.5 *Lot* creation in *Specialty Crop Areas* is discouraged and shall only be permitted for:
- a) Agricultural uses provided that:
 - a. The severed and retained parcels shall each meet the minimum *lot* size requirement for farm parcels as per Section 3.3.2.3; and
 - b. The primary income of the landowner is obtained from agricultural practices;
 - b) *A residence surplus to a farming operation as a result of a farm consolidation* where the dwelling existed prior to December 16, 2004 provided that:
 - a. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance,
 - b. The new *lot* is limited to the minimum size needed to accommodate the dwelling, and the associated sewage system and water supply,
 - c. The new *lot* is located to minimize the impact on the remaining farm operation; and
 - d. Where possible, joint use is made of the existing road access to the farm operation.
 - c) *Lot* adjustments for legal, technical reasons or minor boundary adjustments, which do not result in the creation of a new *lot* or increase the size of an existing residential *lot*.
- 3.3.2.6 Severances for residential purposes, other than reasons listed in Section 3.3.2.5(b) shall not be permitted.
- 3.3.2.7 In addition to the considerations in Section 3.3.2.5, applications for *new lots* or consents shall meet the following requirements:
- a) The new *lot* does not contribute to the extension or expansion of strip *development*;
 - b) The new *lot* is located on an opened and maintained public road;
 - c) The feasibility of water supply and sewage disposal is demonstrated through appropriate technical studies;
 - d) The *lot* is suitable in terms of topography, soils, drainage, *lot* size and shape for the use proposed;

- e) Confirmation of sufficient reserve sewage system capacity within the Town's and Region's sewer treatment systems for hauled sewage from the private system;
 - f) Road access to the new *lot* does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
 - g) The proposed use will be compatible with surrounding uses;
 - h) The proposed use will not result in *development* which would preclude or hinder the establishment of new mineral *aggregate* operations or access to Mineral Aggregate Areas as shown on **Schedule B**;
 - i) The new *lot* shall meet the minimum distance separation formulae;
 - j) The approval of the Conservation Authority is obtained prior to the building of any structure or the placement or removal of any fill for lands within its *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses lands (O. Reg. 155/06)*.
- 3.3.2.8 Agricultural related uses shall only be permitted in the *Specialty Crop Areas-Tender Fruit and Grape Lands* designation, through site specific rezoning, when it is clearly demonstrated that:
- a) The use is small scale, and directly related to and required in close proximity to the farm operation it is servicing;
 - b) The use cannot reasonably function in a nearby Urban Settlement Area or Hamlet Settlement, or there are no suitable locations within these areas;
 - c) The proposed water and sewage disposal systems are feasible;
 - d) The use is compatible with and supportive of the agricultural community;
 - e) The use is compatible with and does not hinder surrounding agricultural operations; and
 - f) The use is in compliance with the minimum distance separation formulae.
- 3.3.2.9 *Specialty Crop Areas - Tender Fruit and Grape Lands* shall not be redesignated for non-agricultural uses, with the exception of *linear infrastructure*; protection of key natural heritage features and key hydrological features; natural resource related activities subject to Section 3.11 of this Plan except for Mineral Aggregates north of the Escarpment, the protection of cultural heritage resources; and uses lawfully existing prior to the Greenbelt Plan.
- 3.3.2.10 The Urban Settlement Area and the Hamlet Settlements are not permitted to expand into the Specialty Crop Area - Tender Fruit and Grape Lands, as identified on **Schedule B**.
- 3.3.2.11 In addition to Section 3.3.1.5, a *home industry*, referred to in Section 3.3.2.1 c), shall:
- a) Have a floor area no greater than 50% of the ground floor area of the house on the *lot*.
- 3.3.2.12 Land may only be excluded from prime agricultural *areas* for the following:
- a. Expansions of or identification of *settlement areas* in accordance with the policies contained in Section 2.4 of this Plan.

- b. Extraction of *minerals, petroleum resources* and *mineral aggregate resources*, in accordance with policies 3.11 of this Plan.

3.3.3 Agricultural Area

Permitted Uses:

- 3.3.3.1 The following uses shall be permitted within the Agricultural Area designation, delineated on **Schedule B**:
- a) *Agricultural uses*;
 - b) One single detached residence as an accessory use to an agricultural operation;
 - c) Uses secondary to *agricultural uses* including:
 - a. *Home occupation* wholly within a *dwelling unit*,
 - b. *Home industry* subject to Sections 3.3.1.6 and 3.3.3.10,
 - c. *Bed and Breakfasts*,
 - d. Farm holidays, and farm tours,
 - e. Help-house subject to Section 3.3.1.4, and
 - f. *Garden suites*;
 - d) Agricultural related uses including farm-related commercial and farm-related industrial uses and farm markets subject to Section 3.3.3.8 and 3.3.1.3.
 - e) New *livestock* operations shall be prohibited north of the Escarpment.
- 3.3.3.2 The widest variety of farm operations and normal farm practices shall be encouraged, promoted and protected.

General Policies:

- 3.3.3.3 The minimum lot size for new farm lots shall be 40 hectares.
- 3.3.3.4 Despite Section 3.3.4.1 b) and the minimum *lot* size of Section 3.3.3.3, a residential use may be permitted on any *lot* of record existing on June 1, 1978, unless otherwise prohibited by the zoning by-law.
- 3.3.3.5 *Lot* creation and consents in the Agricultural Area designation is discouraged and shall only be permitted for:
- a) *Existing agricultural uses* provided that:
 - a. The severed and retained *lots* meet the minimum *lot* size requirement for farm parcels as per Section 3.3.3.3, and
 - b. The primary income of the landowner is obtained from agricultural practices.
 - b) *Existing agriculture-related uses* provided that the new *lot* is limited to a minimum size needed to accommodate the use and an appropriate septic system, water supply and stormwater facilities;
 - c) *A surplus farm residence* provided that:

- a. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance;
 - b. The new *lot* is limited to the minimum size needed to accommodate the dwelling, and the associated sewage system and water supply;
 - c. The new *lot* is located to minimize the impact on the remaining farm operation; and
 - d. Where possible, joint use is made of the existing road access to the farm operation.
- d) *Lot* adjustments for legal or technical reasons, which do not result in the creation of a new *lot*, and do not increase the size of an existing residential *lot* beyond that necessary for on-site servicing.
- 3.3.3.6 Severances for residential purposes, other than under Section 3.3.3.5 (c), shall not be permitted.
- 3.3.3.7 In addition to the considerations in Section 3.3.3.5, applications for new *lots* or consents shall meet the following requirements:
- a) For agricultural related uses, the amount and availability of vacant *lots* of record in the non-urban areas of the municipality are considered and the need for the additional *lot* demonstrated;
 - b) The new *lot* does not contribute to the extension or expansion of strip *development*;
 - c) The new *lot* is located on an opened and maintained public road;
 - d) The feasibility of water supply and sewage disposal is demonstrated through appropriate technical studies;
 - e) The *lot* is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;
 - f) Confirmation of sufficient reserve sewage system capacity within the Town's and Region's sewer treatment systems for hauled sewage from the private system;
 - g) Road access to the new *lot* does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
 - h) The proposed use will be compatible with surrounding uses;
 - i) The proposed use will not result in *development* which would preclude or hinder the establishment of new mineral *aggregate* operations or access to Mineral Aggregate Areas as shown on **Schedule B**;
 - j) The new *lot* shall meet the minimum distance separation formulae;
 - k) For agricultural related uses, a maximum of 3 new non-residential *lots* are created on the property being severed; and,
 - l) The approval of the Conservation Authority is obtained prior to the building of any structure or the placement or removal of any fill for lands within its Regulation of *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* lands (O. Reg. 155/06).
- 3.3.3.8 Agricultural related uses shall only be permitted in the Agricultural Area designation,

- through site specific rezoning, when it is clearly demonstrated that:
- a) The use is small scale, and directly related to and in required close proximity to the farm operation it is servicing;
 - b) The use cannot reasonably function in a nearby Urban Settlement Area or Hamlet Settlement, or there are no suitable locations within these areas;
 - c) The proposed water and sewage disposal systems are feasible;
 - d) The use is compatible with and supportive of the agricultural community;
 - e) The use is compatible with and does not hinder surrounding agricultural operations; and
 - f) The use is in compliance with the minimum distance separation formulae.
- 3.3.3.9 When reviewing applications to redesignate lands from the Agricultural Area designation for non-residential uses, the following shall be considered through an agricultural assessment:
- a) There is a demonstrated need within the planning horizon (2031) for additional land to accommodate the proposed use;
 - b) There are no reasonable alternative locations within the Rural Area designation or in the Urban Area Settlement or Hamlet Settlements;
 - c) There are no reasonable alternative locations in the Agricultural Area designation with lower priority agricultural lands;
 - d) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
 - e) The amount of land already designated for the use;
 - f) The impact of the use on surrounding *agriculture operations* is mitigated to the extent feasible;
 - g) The impact on *natural environmental* features and functions are assessed as set out in Section 3.1;
 - h) The traffic impacts are assessed;
 - i) The use is in compliance with the minimum distance separation formulae; and
 - j) The impact on existing licensed *aggregate* operations as well as those lands identified as Mineral Aggregate Areas on **Schedule B** is assessed as set out in Section 3.11.
- 3.3.3.10 In addition to Section 3.3.1.5, a *home industry*, referred to in Section 3.3.3.1 c), shall:
- a) Where the *home industry* is on a *lot* of 0.4 hectares or less, have a floor area no greater than 50% of the ground floor area of the house on the *lot*; and
 - b) On *lots* larger than 0.4 hectares, have a maximum floor area of 500 square metres.
- 3.3.3.11 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

3.3.4 Rural Area**Permitted Uses:**

- 3.3.4.1 The following uses shall be permitted within the Rural Area designation, delineated on **Schedule B**:
- a) *Agricultural uses*;
 - b) One single detached residence as an accessory use to an agricultural operation;
 - c) Uses secondary to *agricultural uses* including:
 - a. *Home occupation* wholly within a *dwelling unit*,
 - b. *Home industry* subject to Section 3.3.1.6 and 3.3.4.9,
 - c. *Bed and Breakfasts*,
 - d. Farm holidays, and farm tours,
 - e. Help-house subject to Section 3.3.1.4, and
 - f. *Garden suites*;
 - d) Agricultural related uses including farm-related commercial and farm-related industrial uses and farm markets subject to Sections 3.3.4.7 and 3.3.1.3;
 - e) Other rural uses including:
 - a. Forestry, conservation of plants and wildlife,
 - b. Nurseries,
 - c. Small scale *institutional uses* which serve the rural community,
 - d. *Animal kennels*,
 - e. *Veterinary clinic*,
 - f. Stockyards,
 - g. Grain drying and grain mills,
 - h. Farm supply stores, and
 - i. Farm equipment sales and service;
 - f) Certain types of low intensity non-agricultural *development* and resource based recreational activities including:
 - a. public and *private parks*,
 - b. cemeteries,
 - c. golf courses, and
 - d. *campgrounds*.
- 3.3.4.2 New *livestock* operations shall be prohibited north of the Escarpment.
- 3.3.4.3 The widest variety of farm operations and normal farm practices shall be encouraged, promoted and protected.

General Policies:

- 3.3.4.4 The minimum lot size for new farm lots shall be 40 hectares.
- 3.3.4.5 *Lot* creation and consents in the Rural Area designation shall be permitted for:

- a) Agriculture uses provided the severed and retained *lots* meet the minimum lot size requirement for farm parcels as per Section 3.3.4.4;
 - b) Agriculturally related uses and other rural uses permitted in Section 3.3.3.1 provided that the new *lot* is limited to a minimum size needed to accommodate the use and an appropriate septic system, water supply and stormwater facilities;
 - c) *A surplus farm residence* provided that:
 - a. The zoning prohibits any new residential use on the retained parcel of farmland created by the severance,
 - b. The retained parcel meets the minimum size requirements of Section 3.3.4.4,
 - c. The new *lot* is limited to the minimum size needed to accommodate the dwelling, and the associated sewage system and water supply,
 - d. The new *lot* is located to minimize the impact on the remaining farm operation, and
 - e. Where possible, joint use is made of the existing road access to the farm operation;
 - d) *Infrastructure*; and
 - e) *Lot* adjustments for legal or technical reasons, which do not result in the creation of a new *lot*, and do not increase the size of an existing residential *lot* beyond that necessary for on-site servicing.
- 3.3.4.6 In addition to the considerations in Section 3.3.4.5, applications for *new lots* or consents shall meet the following requirements:
- a) For agricultural related uses and other rural uses, the amount and availability of vacant *lots* of record in the non-urban areas of the municipality are considered and the need for the additional *lot* demonstrated;
 - b) The new *lot* does not contribute to the extension or expansion of strip *development*;
 - c) The new *lot* is located on an opened and maintained public road;
 - d) The feasibility of water supply and sewage disposal is demonstrated through appropriate technical studies;
 - e) The *lot* is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;
 - f) Confirmation of sufficient reserve sewage system capacity within the Town's sewer treatment systems for hauled sewage from the private system;
 - g) Road access to the new *lot* does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections,
 - h) The proposed use will be compatible with surrounding uses;
 - i) The proposed use will not result in *development* which would preclude or hinder the establishment of new mineral *aggregate* operations or access to Mineral Aggregate Areas as shown on **Schedule B**;
 - j) The new *lot* shall meet the minimum distance separation formulae; and
 - k) For agricultural related uses and other rural uses, a maximum of 3 new non-residential *lots* are created on the property being severed.
- 3.3.4.7 Those agricultural related uses, other rural uses, and resource-based recreational

uses referred to in Section 3.3.4.1 shall only be permitted in the Rural Area, through site specific rezoning, when it is clearly demonstrated that:

- a) The use is designed primarily to serve the needs of rural residents;
- b) The use cannot reasonably function in a nearby Urban Settlement area or Hamlet Settlement area, or there are no suitable locations within these areas;
- c) The use is desirable in the rural area and will not have an adverse impact on the natural resources or features of the area;
- d) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
- e) Adequate setbacks and buffering from adjacent uses are provided;
- f) There is adequate access to the site from an opened and maintained public road, and it will not create a traffic hazard;
- g) The use is compatible with and does not hinder surrounding agricultural operations;
- h) The use is in compliance with the minimum distance separation formulae; and,
- i) A Hydrogeological study has been undertaken to determine no impact on adjacent wells or on the *ecological function* of nearby Natural Environmental Area features.

3.3.4.8 When reviewing applications to redesignate lands from the Rural Area designation, the following shall be considered:

- a) The use cannot be located in the Urban Area Settlement or Hamlet Settlements;
- b) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
- c) The amount of land already designated for the use;
- d) The impact of the use on surrounding *agriculture operations* is mitigated to the extent feasible;
- e) The impact on *natural environmental* features and functions are assessed as set out in Section 3.1;
- f) The traffic impacts are assessed;
- g) The use is in compliance with the minimum distance separation formulae; and,
- h) The impact on existing licensed *aggregate* operations as well as those lands identified as Mineral Aggregate Areas on **Schedule B** is assessed as set out in Section 3.11.

3.3.4.9 In addition to Section 3.3.1.6, a *home industry* referred to in Section 3.3.4.1.c) shall:

- a) Where the *home industry* is on a *lot* of 0.4 hectares or less, have a floor area no greater than 50% of the ground floor area of the house on the *lot*; and,
- b) On *lots* larger than 0.4 hectares, have a maximum floor area of 500 square metres.

3.3.5 Escarpment Rural Area**Permitted Uses:**

- 3.3.5.1 Within the Escarpment Rural Area designation, shown on **Schedule B**, uses permitted shall be limited to:
- a) *Agricultural uses* including one single detached residence as an accessory use to an agricultural operation;
 - b) Existing uses;
 - c) Single detached dwelling on an existing *lot* of record or on a *lot* created by Section 3.3.5.5;
 - d) Secondary *agricultural uses* including:
 - a. Home occupation,
 - b. *Cottage industry*,
 - c. *Home industry* subject to Section 3.3.1.6 and 3.3.5.11,
 - d. Help-house subject to Section 3.3.1.4,
 - e. *Bed and breakfasts*,
 - f. Farm vacations,
 - g. Small scale commercial uses accessory to agricultural operations subject to Section 3.3.5.8.
 - e) Agricultural related uses including:
 - a. Small scale commercial and industrial uses servicing agriculture and the rural community,
 - b. *Veterinary clinics*,
 - c. Winery and winery *incidental uses*,
 - f) Open space and recreational uses such as:
 - Uses permitted in approved Parks and Open Space Master / Management Plans that are not in conflict with the Niagara Escarpment Plan,
 - i. The Bruce Trail corridor;
 - g) Transportation and *utility* facilities;
 - h) Environmental Management including:
 - i) Forest, wildlife and *fisheries management*,
 - ii) Watershed management and flood and erosion control projects carried out or supervised by a *public agency*.
 - i) Small scale *institutional uses*;
 - j) *Animal kennels* in conjunction with a single detached dwelling;
 - k) Mineral Aggregate Operations including:
 - i) New licensed pits and quarries subject to an Official Plan amendment in accordance with the policies of Section 3.11; and
 - ii) Wayside pits or wayside quarries subject to the Aggregate Resources Act, the Ministry of Transportation Directive on Procedures for Administration of Mineral Aggregate Extraction on MTO Contracts and Section 3.11.

- 3.3.5.2 a) The widest variety of farm operations and normal farm practices shall be encouraged, promoted and protected.
- 3.3.5.2 b) The policies of the Regional Policy Plan apply in the Escarpment Rural Areas.

General Policies:

- 3.3.5.3 Applications for new *development* and expansions or alterations to existing uses will require a permit from the Niagara Escarpment Commission and will be evaluated using the *development* criteria of Section 4.8 and the policies of this section and other relevant sections of this Plan.
- 3.3.5.4 The minimum farm size shall be 40 hectares.
- 3.3.5.5 *Lot* creation and consents shall only be permitted for:
- a) The purpose of correcting conveyances, enlarging existing *lots*, facilitating the acquisition of lands by a public body, or facilitating the acquisition of lands by a conservation organization for the purpose of establishing a nature preserve provided no new buildings *lots* are created;
 - b) Use by agricultural operations provided both the severed and retained parcels meet the minimum *lot* size requirement for farm parcels as per Section 3.3.5.4;
 - c) Recreating original *lots* along township lot survey lines and to create 40 hectare *lots* along half-lot lines where the *original township lot* is 80 hectares provided there has been no previous *lots* severed from the affected township *lots*;
 - d) One new *lot* for a permitted use where:
 - i) No *lots* have ever been severed in the past from the *original township lot*, or half township *lot*,
 - ii) The *lot* to be created is not in conflict with the minimum distance separation formulae,
 - iii) The *original township lot* is generally 80 hectares or more, and
 - iv) The severance of a portion of a *lot* by a public body (e.g. for a road widening or deviation) or by an approved conservation organization (e.g. for a nature preserve) will not be considered as a previous severance provided this did not result in a buildable *lot*.
 - e) *Surplus farm residence* provided that:
 - i) Any new residential use on the retained parcel of farmland created by the severance is prohibited,
 - ii) The retained parcel meets the minimum lot size requirements of Section 3.3.5.4;
 - iii) The new lot is limited to the minimum size needed to accommodate the dwelling, and the associated sewage system and water supply;
 - iv) The new lot is located to minimize the impact on the remaining farm operation;
 - v) Where possible, joint use is made of the existing road access to the farm operation.

- 3.3.5.6 In addition to the considerations in Section 3.3.5.5, applications for *new lots* or consents shall meet the following requirements:
- a) For agricultural related uses and other rural uses, the amount and availability of vacant lots of record in the non-urban areas of the municipality are considered and the need for the additional lot demonstrated,
 - b) The new lot does not contribute to the extension or expansion of strip *development*;
 - c) The new lot is located on an opened and maintained public road;
 - d) The feasibility of water supply and sewage disposal is demonstrated through appropriate technical studies;
 - e) The lot is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;
 - f) Confirmation of sufficient reserve sewage system capacity within the Town's sewer treatment systems for hauled sewage from the private system;
 - g) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;
 - h) The proposed use will be compatible with surrounding uses; and
 - i) The new lot shall meet the minimum distance separation formulae.
- 3.3.5.7 Those agricultural related and other rural uses referred to in Section 3.3.5.1 e), f), g), i), with the exception of the Bruce Trail Corridor, shall only be permitted in the Escarpment Rural Area when it is clearly demonstrated that:
- a) The use cannot reasonably function in a nearby Urban Settlement Area or Hamlet Settlement or there are no suitable locations within these areas;
 - b) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
 - c) Adequate setbacks and buffering from adjacent uses are provided;
 - d) There is adequate access to the site from an open and maintained public road, and it will not create a traffic hazard;
 - e) The use is compatible with and does not hinder surrounding agricultural operations;
 - f) The use is in compliance with the minimum distance separation formulae; and
 - g) A Hydrogeological study has been undertaken to determine no impact on adjacent wells or on the *ecological function* of nearby Natural Environmental Area features.
- 3.3.5.8 Small scale commercial uses referred to in Section 3.3.5.1 d) shall be permitted provided:
- a) It is subordinate, incidental and exclusively devoted to the principal agricultural use carried out on the farm property by the owner;
 - b) It is not considered a high intensity use out of character with the agricultural area;

- c) All buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to minimize the impact on the principal agricultural use, adjacent land use and the rural *open landscape character*;
 - d) The majority of retail sales conducted as part of the use shall be limited to the sale of produce grown on the property or produced on the property from the produce grown on the property; and
 - e) A further use incidental to the small scale commercial use may be integrated within the operation provided that it does not result in a significant overall *intensification* of the use. For example, restaurants, banquet and conference facilities shall not be permitted as an *incidental use*.
- 3.3.5.9 Golf Courses referred to in Section 3.3.5.1 f) in addition to the requirements of Section 3.3.5.7 shall be:
- a) Designed and maintained to minimize impact on the natural and physical *Escarpment* environment (i.e., minimum regrading, maximum incorporation of natural vegetation, undisturbed and rough areas, minimum fertilizer and irrigation demands).
 - b) Permitted to have a small scale restaurant appropriately sized to serve only members and their guests provided:
 - i) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies;
 - ii) The golf course is open to the public (pay-as-you-play, by private membership or both);
 - iii) The golf course contains a minimum of nine regulation holes comprising the course; and
 - iv) The restaurant or golf course does not provide banquet and conference facilities.
- 3.3.5.10 Winery and Winery *incidental uses* referred to in Section 3.3.5.1 e) shall meet the requirements of this Plan as well as the criteria of Section 2.10.4 of the Niagara Escarpment Plan.
- 3.3.5.11 In addition to Section 3.3.1.5, a *home industry* referred to in Section 3.3.5.1.d) shall:
- a) Have a maximum floor area of 125 square metres; and
 - b) Meet the additional requirements in Section 2.2.10 of the Niagara Escarpment Plan.

3.4 RESIDENTIAL NEIGHBOURHOODS

Intent:

It is the intent of the Town that the various residential designations that constitute the Residential Neighbourhoods are to protect and enhance the existing character of Grimsby's neighbourhoods while, at the same time permitting some forms of new *development* and/or redevelopment that is compatible with existing *development*, and can improve the quality of life of existing and future residents of Grimsby.

Goals:

- To accommodate a variety of lifestyles by encouraging a broad range of housing types.

Objectives:

1. To protect and enhance the character and image of existing residential neighbourhoods.
2. To promote higher density, transit supportive and mixed use development/redevelopment in appropriate locations.
3. To encourage and facilitate the production of a range of dwelling types and forms of tenure, including housing that is more affordable to the existing and future residents of Grimsby.
4. To encourage high quality design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.

3.4.1 General Residential Policies:

3.4.1.1 The following policies apply to the Low Density Residential, Medium Density Residential, High Density Residential, and Residential/Mixed Use Area designations.

3.4.1.2 Every lot shall have access to an open, improved public road which is maintained on a year round basis.

3.4.1.3 Communal Housing:

- a) Communal Housing offers services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities, to residents living in shared and/or private suites.
- b) Communal Housing forms may include Nursing Homes, Homes for the Aged, Retirement Homes, Retirement Lodges, Boarding Houses, Continuum of Care Developments, Seniors' Accommodations and similar forms of service-oriented, communal housing but does not include Group Homes, hotels or motels. Communal Housing may also be considered *institutional uses*.
- c) For the purposes of the Zoning By-law, a Communal Housing suite is not defined as an independent *dwelling unit*, as the occupants rely on the provision of shared facilities and/or amenities.
- d) Communal Housing may be located in the Medium Density Residential, High Density Residential and Residential / Mixed Use designations subject to the

policies of those designations and this section.

- e) Communal Housing shall provide adequate buffering, parking and amenity areas.
- f) All Communal Housing *developments* shall be subject to a Zoning By-law Amendment and Site Plan Approval.
- g) All Communal Housing *developments* shall be compatible with the character and image of the surrounding community.

3.4.1.4 Adequacy of Municipal Services

In all instances of *development* or redevelopment, the adequacy of municipal services to serve the proposals will be considered. The Town may require *development* to be appropriately phased if it is found that municipal services are inadequate to serve site-specific *development* proposals. Municipal services include not only the services relating to water supply, sanitary sewage disposal and storm drainage but also roads, park, and school facilities.

3.4.1.5 Home Occupations

Home occupations are permitted in all the Residential Neighbourhood designations provided:

- a) The use is accessory and subordinate to the residential use of the property;
- b) It is operated by residents of the household on the lot;
- c) It does not include outdoor storage or display of goods, materials or products;
- d) The use does not substantially alter the residential nature of the property or the appearance of the dwelling; and
- e) The proposed use meets the provisions of the Zoning By-law with regard to such matters as off-street parking, signage, specific uses and maximum floor area.

3.4.1.6 *Bed and Breakfast* Establishments

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

- a) The use is clearly secondary to the residential use of the property;
- b) It is operated by residents of the household on the lot;
- c) It contains no more than three guest rooms;
- d) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- e) The proposed use meets the provisions of the Zoning By-law with regard to such matters as parking facilities, signage; and
- f) Any additions to the building or parking area to accommodate the *bed and breakfast* use shall be compatible with the character and image of the

surrounding neighbourhood and shall be subject to Site Plan Control.

3.4.1.7 Local Convenience / Service Retail

Local Convenience / Service Retail oriented to the surrounding neighbourhood may be permitted in all Residential Neighbourhood designations through an amendment to the Zoning By-law and subject to the policies of Section 3.6.2.

3.4.1.8 Day Care Facilities

Day care facilities containing more than 5 children may be permitted in all Residential designations through an amendment to the Zoning By-law, provide such uses are:

- a) Subject to Site Plan Control;
- b) Licensed by Niagara Region;
- c) Located on a Town Arterial or Collector Road;
- d) Adequately buffered from *adjacent residential* uses;
- e) Compatible with the character and image of the surrounding neighbourhood; and
- f) Able to provide adequate parking and on-site drop-off/pick-up facilities.

3.4.1.9 Places of Worship

Places of Worship may be permitted in all Residential designations through an amendment to the Zoning By-law, and:

- a) Shall be subject to Site Plan Control;
- b) Shall be limited to sites of 0.75 of a hectare or less;
- c) Must be located on a Town Arterial or Collector Road;
- d) Must be well buffered from *adjacent residential* uses; and,
- e) While they are encouraged to be high quality landmark buildings, they shall be compatible with the character and image of the surrounding community.

3.4.1.10 Secondary Suites

Secondary Suites, as permitted in the Plan. will be subject to the following criteria and the regulations of the Zoning By-law:

- a) The unit is clearly subordinate to the primary residential unit in the dwelling;
- b) Adequate on-site parking for both residential units is provided;
- c) The secondary suite complies with Provincial building and fire code requirements; and
- d) The exterior appearance of the dwelling is unaltered to accommodate the unit.

3.4.1.11 The following types of group homes administered under Provincial legislation shall be permitted to establish in any residential zone or residence in the Town of Grimsby and shall be permitted as of right in the implementing Zoning By-law:

- a) Approved homes
- b) Homes for special care
- c) Supportive housing programs
- d) Accommodation for adult mental health programs
- e) Accommodation services for individuals with a developmental disability
- f) Satellite residences for seniors
- g) Homes for individuals who have physical disabilities when the Province licenses, funds or approves such a group home program

3.4.1.12 Notwithstanding Section 3.4.1.11, Halfway Houses for the Socially Disadvantaged, Halfway Houses for Alcoholics, Halfway Houses for Ex-offenders, and Community Resource Centres will require a site-specific rezoning.

3.4.2 Low Density Residential Area

Intent:

The Low Density Residential Area Designation applies to existing low density *stable residential neighbourhoods* throughout the Grimsby Urban Settlement Area, as delineated on **Schedules B**. It is the intent of this Plan that these *stable residential neighbourhoods* be protected from significant redevelopment while, at the same time permitting ongoing evolution and rejuvenation. The Low Density Residential Area Designation shall also apply to new low density *development* within the *Designated Greenfield Area* of the Urban Settlement Area.

Permitted Uses:

3.4.2.1 Within the Low Density Residential Area, permitted uses shall include:

- a) Single detached dwellings, semi-detached dwellings, linked semi-detached dwellings, *secondary suites* and duplexes;
- b) Home Occupations subject to Section 3.4.1.5;
- c) Parks and open spaces;
- d) Community facilities;
- e) Public and private utilities;
- f) *Bed and Breakfast* Establishments subject to Section 3.4.1.6;
- g) Local Convenience/Service Retail subject to Section 3.6.2;
- h) Day Care Facilities subject to Section 3.4.1.8;
- i) Places of Worship subject to Section 3.4.1.9;
- j) Elementary Schools; and
- k) *Group Homes*.

- a. A law office in the existing building at 120 Livingston Avenue subject to the same policies as Convenience Commercial uses in Section 3.6.2

General Policies:

- 3.4.2.2 Low density residential building forms shall not exceed a height of 2.5 storeys.
- 3.4.2.3 All Low Density Residential *development* shall be compatible with adjacent properties and shall respect the character and image of the neighbourhood.
- 3.4.2.4 Low density residential uses shall have a density of not more than 25 units per net residential hectare.
- 3.4.2.5 Within *stable residential neighbourhoods*, the maximum permitted height and density may be lower than that permitted in Sections 3.4.2.2 and 3.4.2.4 in order to conform to the urban design criteria in Section 3.4.7.
- 3.4.2.6 All *development* within the Low Density Residential Area designation shall conform to the Urban Design Policies for Residential Neighbourhoods in Section 3.4.7.
- 3.4.2.7 All new residential *development*, and additions greater than 20% of the existing floor area, within *stable residential neighbourhoods* shall be subject to site plan approval at the discretion of the Town, which shall consider the compatibility criteria of Section 3.4.7.4.

3.4.3 Medium Density Residential Area

Intent

It is the intent of this Plan to recognize existing locations of medium density house forms within the Grimsby Urban Settlement Area and to identify on **Schedule B** new locations where medium density house forms are considered appropriate.

Permitted Uses:

- 3.4.3.1 Within the Medium Density Residential Area, the permitted uses include:
 - a) Townhouses and other forms of multiple unit ground related housing;
 - b) Low-rise apartment buildings;
 - c) Home Occupations subject to Section 3.4.1.5;
 - d) Parks and open spaces;
 - e) Community facilities;
 - f) Public and private utilities;
 - g) *Bed and Breakfast* Establishments subject to Section 3.4.1.6;
 - h) Local Convenience/Service Retail subject to Section 3.6.2;
 - i) Day Care Facilities subject to Section 3.4.1.8;
 - j) Places of worship subject to Section 3.4.1.9;

- k) *Group Homes*; and
- l) Communal housing.
- m) Facility for Specialized Housing Needs at 41 Livingston Avenue.

General Policies:

- 3.4.3.2 Medium Density Residential Area building forms shall not exceed a height of 3 storeys although a height of up to 4 storeys may be permitted in approved secondary plans.
- 3.4.3.3 All new Medium Density Residential Area *development* shall be subject to Site Plan Control, and shall be compatible with the character and image of the surrounding community.
- 3.4.3.4 New *development* within the Medium Density Residential Area designation shall be between 25 and 60 units per net residential hectare.
- 3.4.3.5 Within *stable residential neighbourhoods*, the maximum height and density may be lower than that permitted in Sections 3.4.3.2 and 3.4.3.4 in order to conform to the urban design criteria in Section 3.4.7.
- 3.4.3.6 Applications to establish a new Medium Density Residential Area designation within a stable residential neighbourhood shall only be permitted if it conforms to the criteria in Section 3.4.7.
- 3.4.3.7 All Medium Density Residential Area *development* shall be subject to site plan approval and shall conform to the Urban Design Policies for Residential Neighbourhoods in Section 3.4.7.4.

3.4.4 High Density Residential Area

Intent

It is the intent of this Plan to recognize existing locations of high density residential house forms within the Grimsby Urban Settlement Area, and to identify on **Schedule B** new locations where high density house forms are considered appropriate.

Permitted Uses:

- 3.4.4.1 Within the High Density Residential Area, the permitted uses shall include:
 - a) Low and mid-rise apartments;
 - b) Triplexes, townhouses and similar buildings as a component of the *development* provided the overall density target for the High Density Residential designation is achieved;
 - c) Home Occupations;
 - d) Parks and open spaces;
 - e) Public and private utilities;
 - f) Community facilities;

- g) Local Convenience/Service Retail subject to Section 3.6.2;
- h) Day Care Facilities subject to Section 3.4.1.8;
- i) Places of worship subject to Section 3.4.1.9;
- j) *Group Homes*; and
- k) Communal housing.
- l) The following additional uses shall be permitted on the lands municipally known as 68, 70 & 72 Livingston Avenue:
 - a. Unlicensed restaurant, and
 - b. Veterinary clinic/animal hospital.

General Policies:

- 3.4.4.2 High Density Residential Area building forms shall not exceed 8 storeys unless an alternative height is permitted in a Secondary Plan.
- 3.4.4.3 All new High Density Residential Area *development* shall have direct frontage onto a Town Arterial or Collector Road.
- 3.4.4.4 All new High Density Residential *development* within the High Density Residential designation shall be subject to Site Plan Control, and shall be compatible with the character and image of the surrounding community.
- 3.4.4.5 The density of High Density Residential Area uses shall be between 60 and 120 units per net residential hectare.
- 3.4.4.6 In addition, all High Density Residential Area *development* shall conform to the Design Policies for Residential Neighbourhoods in Section 3.4.7.

3.4.5 Residential / Mixed Use Area

Intent:

The Residential/Mixed Use Area designation shown on **Schedule B** represents locations that have potential for intensified *development* and/or redevelopment in a mixed use form. The lands designated as Residential/Mixed Use Area are ideal locations for a mixture of residential, convenience retail, service commercial, and prestige employment uses. It is the intent of the Town to promote the *development/redevelopment* of the lands designated as Residential/Mixed Use Area for higher density, transit supportive and mixed use *developments* that take advantage of the attributes of their physical location.

Permitted Uses:

- 3.4.5.1 Within the Residential/Mixed Use Area designation permitted uses shall include:
 - a) Townhouses and other forms of multiple unit ground related housing;
 - b) Live-work units;

- c) Stacked and street townhouses;
- d) Low rise apartment buildings;
- e) Mixed use buildings with small-scale convenience retail and service commercial uses on the ground floor;
- f) Parks and open space;
- g) Community facilities;
- h) Public or private utilities;
- i) *Group Homes*: and
- j) Communal housing.

General Policies:

- 3.4.5.2 Building heights shall be within a range of 2 to 4 storeys.
- 3.4.5.3 The permitted density shall reflect that of the Medium Density Residential Area designation.
- 3.4.5.4 The Town may permit densities and heights that reflect those of the High Density Residential Area designation through approved Secondary Plans.
- 3.4.5.5 Within *stable residential neighbourhoods*, the maximum height and density may be lower than that permitted in Sections 3.4.5.2 and 3.4.5.3 in order to conform to the urban design criteria in Section 3.4.7.
- 3.4.5.6 Applications to establish a new Residential / Mixed Use Residential Area designation within a stable residential neighbourhood shall only be permitted if it conforms to the criteria in Section 3.4.7.4.
- 3.4.5.7 All *development* within the Residential / Mixed Use Area designation shall be subject to Site Plan Control, and shall conform with the Design Policies for Residential Neighbourhoods provided in Section 3.4.7.

3.4.6 Hamlet Residential Area

Intent:

The Hamlet Residential Area designation shown on **Schedule B** is designed to recognize existing Hamlets which provide social and economic services for residents of the Town in the agricultural area, south of the *Escarpment*, and which have potential for limited additional development.

Permitted Uses:

- 3.4.6.1 Within the Hamlet Residential Area designation permitted uses shall include:
 - a) Single detached dwellings;
 - b) Local Convenience/Service Retail subject to Section 3.6.2;

- c) Small scale industrial or industrial/commercial uses which serve the needs of the agricultural area subject to the criteria of Section 3.4.6.6;
- d) Places of Worship subject to Section 3.4.1.9; and
- e) Home Occupations subject to Section 3.4.1.5.

General Policies:

- 3.4.6.2 New *development* shall front directly on a public road.
- 3.4.6.3 New lots and plans of subdivision shall have a sufficient number of access points for the units proposed.
- 3.4.6.4 The minimum lot size shall be 1.0 hectare, unless it can be demonstrated through the submission of studies or other technical information satisfactory to Niagara Region that the smaller lot size is appropriate with respect to sewage disposal and water supply. A Hydrogeological study is required. Where it is feasible to have smaller lots, such lots shall be promoted and encouraged.
- 3.4.6.5 New lots and new non-residential *development* shall submit:
- a) A stormwater management plan and a sediment and erosion control plan which addresses the requirements set out in Section 5.3; and,
 - b) A preliminary landscape analysis illustrating how natural features of the site will be retained and enhanced.
- 3.4.6.6 Small scale industrial and industrial/commercial uses may be permitted subject to an amendment to the By-law and in conformity with the following criteria:
- a) Compatibility with surrounding uses in terms of scale and impact with regard to traffic, noise, dust and odours;
 - b) Adequate parking and buffering can be provided;
 - c) Open storage is limited and suitably screened;
 - d) Noxious uses, including the use of hazardous substances are not permitted; and,
 - e) The lot has frontage on a public road maintained on a year-round basis.
- 3.4.6.7 New residential and non-residential *development* including new lots will not be permitted until the matters set out in Section 2.3.3.7 are addressed.

3.4.7 Design Policies for Residential Neighbourhoods

Objectives:

The Town's objectives for urban design within Residential Neighbourhood designations are:

1. To enhance the livability and physical appeal of the Town through the quality, layout and attractiveness of the public streetscape and private spaces and buildings.
2. To provide development proponents with an understanding of the design intent of the Town.
3. To ensure that development within *stable residential neighbourhoods* reflects and fits in with the established character.
4. To create a built environment within the designated Greenfield areas and the Major Intensification Areas, which provides:
 - i) Sensitive integration of new development with existing development;
 - ii) Visual diversity, interest and beauty;
 - iii) A well-defined public realm, including an interconnected open space network and Natural Heritage System;
 - iv) A transit supportive and pedestrian oriented development pattern; and,
 - v) A road system that recognizes and preserves the historic character of the Town's neighbourhoods.

Design Policies and Criteria:

3.4.7.1 Development Blocks and Lots – General Criteria

- a) New *development* blocks shall be based on a rectilinear grid system of public roads unless natural features or other existing constraints require deviation from that pattern. Lanes are permitted but not required.
- b) The size and configuration of each new *development* block will:
 - a. Be appropriate to its intended use;
 - b. Facilitate and promote pedestrian movement; and,
 - c. Provide a sufficient number and, where appropriate, a range of building lots to achieve cost effective and efficient *development*.
- c) Each *development* lot in a block will:
 - a. Have frontage on a public road; and,
 - b. Be of sufficient size and appropriate configuration to accommodate *development* that reflects the planning and urban design policies set out in this Official Plan.
- d) Notwithstanding Section 3.4.7.1.c), a lot that does not have frontage on a public road may be permitted, provided the front lot line adjoins public open space fronting a public road, and the rear lot line adjoins, and has access from a rear lane.

3.4.7.2 General Built Form

- a) New *development* shall be compatible with adjacent and neighbouring built-form by ensuring that the siting and massing of new buildings does not result in undue adverse impacts on adjacent properties particularly in regard to

adequate privacy conditions for residential buildings and their outdoor amenity areas.

- b) To ensure that the compatibility referenced in a) is achieved; the implementing Zoning By-law will establish appropriate setback and yard requirements which recognize the existing built-form character.
- c) To support public transit and for reasons of public safety and convenience, the main entrances to homes and multi-residential buildings shall be clearly visible and located on a public road or onto public open spaces.
- d) Access from sidewalks and public open space areas to primary building entrances shall be convenient and direct, with minimum changes in grade.
- e) To minimize disruptions to traffic flow and to maximize safety and the attractiveness of Arterial Roads, individual direct vehicular access shall be minimized, and, in some cases prohibited.
- f) To enhance the quality and safety of the public streetscapes, the construction of parking lots/structures, which occupy significant proportions of the at-grade frontage of public roads, shall not be permitted.
- g) To reduce the impact of surface parking and to provide at-grade amenity areas, the provision of structured parking shall be encouraged for higher density forms of *development*. Where it is not feasible to locate parking in structures either below or above grade, parking should be located to the rear of principle buildings and/or within the exterior side yard.

3.4.7.3 Location of Buildings with Respect to Roads, Parks, Open Space, Natural Hazards and Natural Heritage

- a) To reinforce the road, lane and block pattern, the following measures shall be employed:
 - a. All buildings will be aligned parallel to a public road;
 - b. Siting and massing of buildings will provide a consistent relationship, continuity and enclosure to the public roads;
 - c. Buildings located adjacent to, or at the edge of parks, natural hazards and natural heritage and open spaces will provide opportunities for overlook into the open space, natural hazards and natural heritage;
 - d. The massing, siting and scale of buildings located adjacent to, or along the edge of a park or open space, natural hazard or natural heritage will create a degree of enclosure or definition appropriate to the type of open space, natural hazards and natural heritage they enclose; and,
 - e. Buildings of significant public use or architectural merit may be sited to specifically differ from the surrounding urban fabric in order to emphasize their importance as landmarks.

3.4.7.4 Compatibility Criteria for *Stable Residential Neighbourhoods*

- a) It is a fundamental principle to avoid and/or mitigate any inappropriate interface between buildings and/or uses. As such, the concept of *compatible development* is of paramount importance throughout Residential

Neighbourhood areas. All *development* applications shall be reviewed with respect to their compatibility with existing and/or approved *developments*.

- b) New dwellings within *stable residential neighbourhoods* shall provide a consistent relationship with existing *adjacent housing* forms and the arrangement of these existing houses on their lot. As such, new dwellings shall:
 - a. Provide a building height which reflects the pattern of heights of *adjacent housing*;
 - b. Provide for a similar lot coverage to *adjacent housing* to ensure that the massing or volume of the new dwelling reflects the scale and appearance of *adjacent housing*;
 - c. Maintain the predominant or average front yard setback for *adjacent housing* to preserve the streetscape edge, and character;
 - d. Provide for similar side yard setbacks to preserve the spaciousness on the street;
 - e. Provide a built form that reflects the variety of façade details and materials of *adjacent housing*, such as porches, windows, cornices and other details; and
 - f. Provide a limitation on the width of a garage so that the dwelling reflects the façade character of *adjacent housing*.
- c) Site specific zoning may be required for new dwellings to ensure that the criteria set out in subsection b) and h) are met.
- d) Notwithstanding subsection b), on larger infill properties where new streets and blocks are created, greater variation from the existing conditions may be considered, provided a transition is created between existing housing and the new dwellings wherein the dwelling meet the requirements of subsection b).
- e) New lots within *stable residential neighbourhoods* shall provide a consistent relationship with existing *adjacent housing lots*. As such applications for consents and plans of subdivision shall:
 - a. On smaller infill properties, provide lots, which maintain the established rhythm of lot sizes and frontages on *adjacent housing lots*;
 - b. On larger infill properties, incorporate a transition area so that lots of similar size and character are located adjacent to existing lots; and
 - c. Create a street and block pattern, which serves as a seamless extension of the surrounding neighbourhoods by providing an interconnected block structure and the extension of the existing local road network.
- f) Within Grimsby Beach, as illustrated on **Schedule D**, the Town shall prepare architectural design guidelines for new and altered buildings to reflect the existing character and compact form of the area including guidance on setbacks, coverage, building massing, building materials and patterns of detailing. Given the proximity of these homes to the Lake there may be design elements (for windows, sunrooms etc.) that are needed to address the hazards associated with the Lake (e.g. wave uprush).

- g) Townhouses and other multiple unit dwellings should only be considered in *stable residential neighbourhoods* when the following policies are met:
 - a. *Development* proceeds by way of an official plan amendment to change the lands to a medium density residential designation and the policies of Section 3.4.3 are met;
 - b. The *development* conforms to the development criteria of Section 3.4.7.6; and
 - c. The *development* incorporates a transition area of single detached lots which meet the requirements of subsection d) and e).
- h) Along and fronting onto Main Street East and West, new *development* shall:
 - i) Reflect the character of large estate houses; and
 - ii) Meet the requirements of subsection b) and e); and
 - iii) Preserve Main Street's wooded character.
- i) Notwithstanding subsection h), where properties are deep, low density housing forms may be permitted 'behind' the frontage lots provided the frontage lots respect the large estate lot character of the street and the 'rear' lots meet the requirements of subsection b) and e).
- j) The Town may consider through an Official Plan Amendment, multiple unit manor housing along Main Street East and West provided the housing:
 - i) Reflects the character and scale of large estate houses;
 - ii) Meets the criteria of subsection b);
 - iii) Is designed with only one front entrance to reflect the character of a single house; and
 - iv) Reflects the rhythm of facades of a grander residential scale, as opposed to distinct division of smaller, individual units.

3.4.7.5 Development Criteria for Single Detached & Semi-Detached Houses within *Designated Greenfield Areas*:

- a) Buildings must have front and exterior side façades parallel to the road with front doors, windows and entry features facing the road to create a consistent street wall.
- b) A consistent setback should be established to the main building face from the edge of the right-of-way. The main building face could be the main front wall, or a significant element such as a roofed porch or verandah but does not include the garage.
- c) Garages shall be set behind or flush with the main building face or accessed from a rear lane.
- d) Corner lots and homes facing or abutting parks are priority lots within the neighbourhood. The design of these homes shall include the following considerations:
 - a. Where sides or flankage of buildings are visible, they should have windows, materials, and other architectural treatments equal to the front elevation of the house;

- b. The main front entrance should be located on the exterior side elevation, corner windows and wrap-around porches should be included to emphasize a corner location; and
 - c. Fencing around front and/or exterior side yards should not block the view of the sidewalk from the house; their height shall be limited, and they should be primarily open structures, not solid walls.
 - e) Porches, stairs, canopies and other entrance features can encroach into the required setbacks. Encroachments into the floodplain are not permitted for new development.
 - f) Entry features and other architectural elements shall be incorporated into the front elevation of the house to reduce the visual dominance of the garage and the front drive.
 - g) Shared or grouped driveways will be encouraged to reduce the amount of asphalt on front yards.
 - h) Garages should not dominate the streetscape and shall occupy less than half of the width of the lot.
- 3.4.7.6 Development Criteria for all Townhouses and other Ground-Related Multiple Unit Dwellings:
- a) The siting, massing, and facade design of townhouse units shall be coordinated on a block-by-block basis.
 - b) The elevation of the townhouse block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block.
 - c) Variety in the design of roofs is required to break up the massing of townhouse blocks.
 - d) The massing and built form of townhouse units adjacent to single/semi-detached dwellings shall be broken down with architectural elements to promote visual integration.
 - e) Garages should be accessed from a rear lane. Where they are not, garages should be paired to allow for more substantial front yard green space. Garages shall not protrude beyond the main front wall or porch of the *dwelling unit*.
 - f) Side and rear elevations visible from public areas shall have upgraded facade treatments.
 - g) Corner unit designs are encouraged to provide significant corner features such as a wrap-around porch, wall articulation, turret or bay window.
 - h) Buildings sited at the end of view corridor, such as at a “T” intersection, elbow roads, traffic circles and on prime corner lots should be designed with significant architectural elements.
- 3.4.7.7 Development Criteria for Mixed Use / Residential Designations:
- a) *Development* shall meet the criteria set out in Section 3.4.7.6 in addition to the criteria within this Section.

- b) Garage access/service facilities shall not dominate the view of the streetscape.
 - c) The implementing Zoning By-law shall include details with respect to Build-Within Zones for front and exterior side yards, for the various anticipated *development* types and forms.
 - d) Parking lots shall not be located on any front yard within the Residential/Mixed Use designation.
 - e) Where a rear or exterior lot line or the rear or side building façade abuts a public road, public open space, and/or a residential lot, special landscaping/building treatments shall be required to ensure that building façades and servicing areas are attractive and/or appropriately screened from view.
- 3.4.7.8 Development Criteria for Apartment Buildings:
- a) Apartment buildings should be oriented to front, face and feature the public road. A substantial portion of the building should front the public road at a minimum setback.
 - b) Entrances should be located and oriented to public roads.
 - c) Permanent parking, loading and service areas should be located in side or rear yards and set back from the front facade of the building.
 - d) Rooftop mechanical equipment should be screened with materials that are complementary to the building.
 - e) Where an apartment building in excess of 4 storeys in height abuts a Low or Medium Density Residential designation or existing *development*, a 45 degree angular plan shall be established at a point 7.5 metres directly above the abutting interior side and/or rear property line.
 - f) Where adjacent lands are designated Low or Medium Density Residential, the height of all new buildings, within 25 metres of the property line of these designations, shall not be greater than 2 storeys above the existing adjacent buildings, or, if vacant, 2 storeys above the maximum permitted height in the adjacent designation.
 - g) Alternative concept plans including computer generated perspectives showing the massing, orientation and urban design of the building as well as streetscape within the context of the site shall be required as part of any application for High Density Residential *development* together with traffic, parking, Hydrogeological, shadowing, servicing and planning justification studies.

3.5 DOWNTOWN DISTRICT

Intent

Today Downtown Grimsby includes an eclectic mixture of buildings - different styles, different scales and from different eras. A number of these buildings are historic structures. Further, the mixture of land uses varies from single detached homes, to apartments, to office uses, to a wide variety of retail and service commercial uses. Downtown Grimsby includes a traditional 'Main Street' component, which residents recognizes and associates with as the core area of the Downtown.

The Downtown District, as identified on **Schedule A** of this Plan, includes a relatively large geographic area. Within this area, distinct districts have emerged that reflect the historic development pattern as it has evolved over the years. These districts are identified as separate designations on **Schedule B-3**: Downtown-Main Street, Downtown-Transition, and Downtown-Intensification.

The policy directives of the Province, the Region and the Town are expected to improve the viability and attractiveness of Downtown Grimsby as a focus for investment in the years to come. *Development* economics and the market for higher density and more urban lifestyle choices are expected to drive the demand for new forms of *development* over time.

Objectives

1. To protect and enhance the character of the historic 'Main Street'.
2. To promote new intensified development in appropriate locations.
3. To ensure that new development is compatible with existing development patterns.
4. To create new programs, policies and/or financial mechanisms for ensuring a high standard of urban design in the Downtown District.
5. To enhance the appearance and encourage maintenance of commercial and residential buildings and areas.
6. To encourage the provision of sufficient parking to accommodate new growth.

3.5.1 Principles

The following are the fundamental principles that should guide all decision-making, leading to the long-term success of Downtown Grimsby:

- a) *Walkable Scale* - People will walk if streets are safe and comfortable, if there are appealing shops and places of interest and if the environment is cared for and attractive. This Plan establishes streets as significant public spaces and promotes buildings that do not detract from the character and quality of the pedestrian environment.
- b) *Welcoming Environment for Development* - This Plan is intended to clarify the expectations on the part of the Town with respect to *development*. This Plan

provides the degree of guidance necessary to ensure that the public planning objectives are met, and to ensure that the policies remain effective when the detailed circumstances of *development* become evident. This Plan ensures that developers will have the flexibility necessary to effectively respond to shifting economic and market conditions.

- c) *A Safe Place to Live, Work and Play* - This Plan encourages *development* with a diversity of uses. A key to creating a healthy and safe environment is to have people living in Downtown Grimsby so there are eyes and feet on the street 24 hours a day. Residents take ownership of their neighbourhood and will help to ensure well cared for public spaces and buildings. Safe streets are created when adjacent buildings have ground floors with a high degree of transparency to inside retail or public uses that foster pedestrian activity. Safe streets are well lit and ideally have two-way traffic to ensure no limitations for emergency services.
- d) *Financially Viable Development - Intensification* in Downtown Grimsby will require planning and financial tools to enhance market demand, reduce development costs and reduce the risk of the development approvals process. Continued public investment in incentive programs, buildings, streetscapes and parking is crucial.
- e) *Enhancing Public Spaces* - This Plan promotes an interconnected system of beautiful public spaces. Streets are the largest component of public space and as such have an important role to play in conveying a message of care and commitment to Downtown Grimsby. This strategy focuses on the importance of public spaces that anchor the area and provide amenities for people living, working and visiting Downtown.
- f) *Promoting a Positive Image* - This Plan will be an important tool to help market Downtown Grimsby to prospective developers and to encourage residents to support the Downtown businesses. An ongoing commitment to maintenance is a key element leading to an improved image.
- g) *Leadership to Make it Happen* - The Town, the Downtown Improvement Area and local businesses must collectively champion the revitalization of Downtown Grimsby and enforce its planning policies and regulations. Both the public and private sectors have a role to play in realizing the vision for Downtown Grimsby. The public sector has to lead the way by showing an obvious commitment to revitalization by continuing to invest in public facilities and the quality of the public realm. Private *development* initiatives can be expected only in response to a clear, demonstrated repositioning of the public initiative. The process of achieving the vision for Downtown Grimsby will not be quick, nor will it be a result of one single action. It will be a complex combination of actions, players and time.

3.5.2 General Development Policies

- 3.5.2.1 The Town may consider the designation of all or part of the Downtown District as a Heritage Conservation District under the *Ontario Heritage Act*.
- 3.5.2.2 Either as part of the Heritage Conservation District designation process or as a separate process, the Town shall prepare detailed urban design and architectural control policies that will protect the heritage character and image of the area, and will promote new *development* and/or redevelopment that is compatible with the heritage objectives.
- 3.5.2.3 The Town shall consider the preparation of a Community Improvement Plan as set out in Section 9.13 in order to identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties.
- 3.5.2.4 The Town, in considering the preparation of the Community Improvement Plan and/or the establishment of the Heritage Conservation District shall consult with the Board of Directors and general membership of the Downtown Grimsby Business Improvement Area.

3.5.3 Downtown – Main Street

Intent

It is the intent of the Town that the Commercial Core – Main Street designation promote the economic revitalization of Main Street. This revitalization will occur within a context of historic preservation, while recognizing that adaptive reuse, and moderate levels of redevelopment and *intensification* can and should be accommodated. The Downtown – Main Street is comprised of two components: the historic main street generally east of Mountain/Christie Street and the more contemporary developments generally west of Mountain/Christie Street. It is intended that the main street built form and streetscape character be maintained and strengthened east of Mountain/Christie Street with extensions of this main street built form character west of Mountain/Christie Street through *intensification* and redevelopment.

It is also the intent of this Plan to ensure that new *development* will be appropriately designed to be compatible with the character and image of the area and will not create adverse impacts on adjacent areas within Downtown District.

Permitted Use:

- 3.5.3.1 Within the Downtown – Main Street designation permitted uses shall include:
- a) Residential apartments located above the first storey;
 - b) Offices;
 - c) A full range of retail stores;
 - d) Restaurants;
 - e) Personal services and commercial services;

- f) Hotels;
- g) Community and *Institutional uses*;
- h) Parking facilities at-grade and/or in structure subject to the Section 3.5.3.9;
- i) Cultural, recreational and entertainment uses;
- j) Neighbourhood Parks and Village Squares; and
- k) Public and private utilities.

3.5.3.2 Parking facilities at-grade and/or in a structure, may be permitted provided the Town is satisfied that the facility has been designed in keeping with the historical context of the Downtown - Main Street designation, and that all design policies and guidelines related to parking lots and/or structures have been addressed.

Prohibited Use:

- 3.5.3.3 The following land uses are specifically prohibited within the Downtown – Main Street designation:
- a) Automotive-oriented uses of any kind (sales, service, gas stations); and,
 - b) Single detached, semi-detached duplex and townhouse *dwelling units*.

General Policies:

- 3.5.3.4 The implementing Zoning By-law may further refine the list of permitted and prohibited uses.
- 3.5.3.5 In the Downtown District, the provision of community services, restaurants, cafes, retail stores and display windows at-grade provides visual interest, encourages the use of sidewalks, promotes retail continuity and viability, and contributes to a safer and more vibrant pedestrian environment. To achieve this design intent:
- a) Buildings shall recognize their contribution to the Downtown District street life and provide an active use at-grade in order to promote pedestrian activity;
 - b) Retail uses are encouraged at-grade;
 - c) At-grade uses will change over time to adapt to a variety of community needs. As a result, the floor-to-ceiling height of ground floors for all new buildings shall be sufficient to adapt to all typically permitted uses;
 - d) New buildings shall be built up to the streetline and no parking, driveways or lanes shall be located between the buildings and the street;
 - e) Each store front shall face onto the street with the main door of each store and substantial fenestration facing on to the street.
- 3.5.3.6 Density will not be specifically regulated within Downtown - Main Street, but will be considered a product of the relationship between height and lot coverage.

- 3.5.3.7 New buildings shall have a minimum building height of 2 storeys and a maximum building height of 4 storeys.
- 3.5.3.8 The main front wall and exterior side wall of all new buildings shall be stepped back a minimum of 1 metre above the 2nd storey.
- 3.5.3.9 Surface parking lots shall be limited to the rear of buildings facing onto Main Street.
- 3.5.3.10 Public or commercial parking lots shall be permitted as the sole use on a lot provided the lot does not front onto Main Street and an intervening building lot is located abutting Main Street.
- 3.5.3.11 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses. The Town may require an illumination study in situations where new lighting could impact residential areas.
- 3.5.3.12 The design policies of Section 3.5.6 shall also apply to lands designated Downtown - Main Street.
- 3.5.3.13 On the properties identified as 21-23 Main Street East and 6 Doran Avenue:
- (a) A maximum building height of four storeys shall apply to:
 - (i) the portion of the building fronting on Main Street East, with the first storey being the storey closest to grade along Main Street East; and
 - (ii) the portion of the building fronting onto Doran Avenue, with the first storey being the closest to grade along Doran Avenue.
 - (b) Residential apartments may be permitted on the first storey of the portion of the building fronting on Main Street East provided a minimum combined floor area of 600 m² for non-residential uses is maintained in this area.

3.5.4 Downtown - Transition

Intent

Today, land within the Downtown-Transition designation maintains an eclectic mixture of historic homes some of which have been converted to residential apartments and/or service commercial uses, as well as other buildings and uses that are compatible with the historic, yet transitional nature of the area. It is the intent of the Town within the Downtown-Transition designation to recognize the role of this area as a transition between the *adjacent stable residential neighbourhoods* and the more historic uses of the Downtown-Main Street, and the Downtown-Intensification.

There is potential for moderately scaled *intensification* and new *development* within the area designated Downtown-Transition. It is the intent of this Plan to ensure that new *development* will be appropriately designed to be compatible with existing *development* and will not create adverse impacts on *adjacent* areas.

Permitted Use:

- 3.5.4.1 Within the Downtown-Transition designation, the permitted uses shall include:
- a) Single detached and semi-detached dwellings;
 - b) Townhouses and other forms of multiple unit ground related housing;
 - c) Low-rise apartments;
 - d) Small-scale office uses;
 - e) Small-scale retail and service commercial uses;
 - f) *Institutional uses*;
 - g) Cultural recreational and entertainment uses;
 - h) Parking facilities at-grade and/or in structure;
 - i) Neighbourhood Parks and Village Squares; and,
 - j) Public and private utilities.

Prohibited Use:

- 3.5.4.2 The following land uses are specifically prohibited within the Downtown – Transition designation:
- a) Service commercial uses, retail stores and/or offices with a Gross Floor Area in excess of 500 square metres; and
 - b) Automobile-oriented uses of any kind (sales, service, gas stations).

General policies:

- 3.5.4.3 The implementing Zoning By-law may further refine the list of permitted and prohibited uses.
- 3.5.4.4 Buildings and sites are encouraged to accommodate a full mixture of uses permitted in the designation. A mixture of uses is encouraged not just within the Downtown - Transition designation in general, but on individual *development* sites, and within individual buildings. High activity uses that animate the streetscape, and support the downtown core, are encouraged at-grade, with uses such as offices and residential uses above the ground floor.
- 3.5.4.5 Density will not be specifically regulated within the Downtown – Transition designated area but will be considered a product of the relationship between height and lot coverage.
- 3.5.4.6 New buildings shall have a minimum building height of 2 storeys, and a maximum building height of 3 storeys south of Main Street West / Livingston Avenue, and 4 storeys north of Main Street West / Livingston Avenue.
- 3.5.4.7 Despite Section 3.5.4.6, Council may consider building up to 6 storeys on lands north of Main Street West / Livingston Avenue provided a view study is submitted and the angular plane requirements of Section 3.5.6.7 are implemented. The view study must demonstrate that views of the *Escarpment* are not detrimentally impacted.

- 3.5.4.8 A minimum landscaped open space area requirement shall be set out in the Zoning By-law.
- 3.5.4.9 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses. The Town may require an illumination study in situations where new lighting could impact residential areas.
- 3.5.4.10 The design policies of Section 3.5.6 shall also apply to lands designated Downtown - Transition.

3.5.5 Downtown- Intensification

Intent

It is the intent of the Town that the Downtown-Intensification designation to provide opportunities for large scale commercial *development*, *mixed use developments* and/or significant residential *intensification*.

Permitted Use:

- 3.5.5.1 The following uses are permitted within the Downtown-Intensification designation:
- a) Townhouses and other forms of multiple unit ground related housing;
 - b) Apartments;
 - c) Offices;
 - d) A full range of retail stores;
 - e) Restaurants;
 - f) Hotels;
 - g) Community and *Institutional uses*;
 - h) Cultural, recreational and entertainment uses;
 - i) Parking facilities at-grade and/or in structure;
 - j) Neighbourhood Parks and Village Squares; and,
 - k) Public and private utilities.

Prohibited Use:

- 3.5.5.2 The following land uses are specifically prohibited within the Downtown– Intensification designation:
- a) Single detached, semi-detached and duplex *dwelling units*.

General Policies:

- 3.5.5.3 The implementing Zoning By-law may further refine the list of permitted and prohibited uses.
- 3.5.5.4 Buildings and sites are encouraged to accommodate an array of uses. A mixture of uses is encouraged not just within the designation in general, but on individual

- development* sites, and within individual buildings. High activity uses that animate the streetscape, like retail, are encouraged at-grade, with uses such as offices and residential uses on second floors and above.
- 3.5.5.5 The provision of restaurants, cafes, stores and display windows adjacent to the street provides visual interest, encourages the use of sidewalks, promotes retail continuity and viability, and contributes to a safer and more vibrant pedestrian environment. However, in this portion of the Downtown District, buildings are largely set back from the street with larger parking lots in front of the buildings. As *intensification* and redevelopment occurs, it is a policy of this plan that:
- a) A strong pedestrian focus shall evolve through infilling of retail, service commercial and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment;
 - b) Where possible, buildings should provide an active use at-grade in order to promote pedestrian activity;
 - c) Retail uses shall be encouraged at-grade;
 - d) At-grade uses will change over time to adapt to a variety of community needs. As a result, the floor-to-ceiling height of ground floors for all buildings should be sufficient to adapt to all typically permitted uses;
 - e) New buildings shall be built up to the streetline with no parking, driveways or lanes located between the buildings and the street except as set out in subsection g);
 - f) Parking should generally be orientated to the side and rear yards;
 - g) Single use buildings exceeding a ground floor area of 5,000 square metres shall generally be directed to the interior or rear of a property with smaller stores oriented onto the public street in front of the larger stores. Alternatively, larger stores could be located up to the streetline provided they have multiple entrances or other similar means to animate the streetscape;
 - h) Each store that abuts the public street, shall face onto the street with the main door and substantial fenestration facing on to the street.
- 3.5.5.6 Density will not be specifically regulated within the Downtown – Intensification designation, but will be considered a product of the relationship between height and lot coverage.
- 3.5.5.7 New buildings shall have a minimum building height of 2 storeys, and a maximum building height of 4 storeys. The minimum building height can be provided through two functional stories or other design features that give the appearance of two storeys. For building heights of greater than three storeys proposed within the Niagara Escarpment Plan Area, a visual impact assessment may be required. Any such assessment shall be reviewed to the satisfaction of the Town in Consultation with the Niagara Escarpment Commission.
- 3.5.5.8 Despite Section 3.5.5.7, Council may, in consultation with the Niagara Escarpment Commission consider building up to 6 storeys provided a visual impact assessment is submitted and the angular plane requirements of Section 3.5.6.7 are implemented. The visual impact assessment must demonstrate that views of the *Escarpment* are not detrimentally impacted.

- 3.5.5.9 A minimum landscaped open space requirement shall be set out in the Zoning By-law; and,
- 3.5.5.10 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses. The Town may require an illumination study in situations where new lighting could impact residential areas.
- 3.5.5.11 The design policies of Section 3.5.6 shall also apply to lands designated Downtown - Intensification.
- 3.5.6 Design Policies for the Downtown District

Objectives:

The Town's objectives for urban design within the Downtown District are:

1. To enhance the livability and physical appeal of the Town through the quality, layout and attractiveness of its public and private spaces and buildings.
 2. To provide development proponents with an understanding of the design intent of the Town.
 3. To create a built environment, which provides:
 - a) Visual diversity, interest and beauty;
 - b) A well-defined public realm, including an interconnected open space network;
 - c) Sensitive integration of new development with existing development;
 - d) A transit supportive and pedestrian oriented development pattern; and
 - e) A road system which recognizes and preserves the historic character of the Downtown District.
- 3.5.6.1 Street Grid/Development Blocks
- a) The Downtown District in general includes a fine-grained street system. The existing street system provides the organizing framework for *development*. In addition, the grid of streets establishes the size of *development* blocks.
 - b) In a general sense, the size of blocks in the Downtown District is much finer grained than in a suburban context. The finer grain of streets and blocks facilitates redevelopment opportunities. As such, the existing street and *development* block pattern shall be maintained and, where appropriate, expanded. Public road right-of-ways shall not be closed or sold to establish larger *development* blocks.
- 3.5.6.2 Within the Downtown District there are four distinct street types based on their adjacent land uses, their particular role for moving traffic and their design characteristics.
- a) **Main Street** – Main Street is an Arterial Road, but is a unique condition to Grimsby and must be given special consideration in terms of its right-of-way width and in terms of the design and treatment of the public realm. The palette of materials includes decorative lighting, special furnishings including benches and trash receptacles, enhanced paving, street tree planting and public art. The current condition and approach to streetscape enhancement is considered to be excellent, and should be continued.

- b) **Arterial Roads** –Livingston Avenue and Mountain Street are identified as Arterial Roads on **Schedule C**,. They have distinct identities and characteristics that should be enhanced with streetscape improvements making them enjoyable, safe and walkable environments. In retail areas, the sidewalks should be located from the back of the curb all the way to the adjacent storefronts providing space for outdoor cafes and spill-out retail. Alternative materials should be considered for pedestrian paving including concrete unit pavers, brick pavers and high quality poured in place concrete. In addition, on Arterial Roads, trees should be located along the curb edge. Pedestrian scale decorative lighting should illuminate the sidewalks. Where space permits, planted boulevards should line the streets, separating pedestrians from vehicles.
- c) **Collector Roads** – Elm Street and Ontario Street are identified as Collector Roads on **Schedule C**. They are characteristically narrower than Arterial Roads and are considered to be a lower order road. They should be walkable, tree lined, safe and well lit at night. Generally the sidewalks should be located adjacent to the curb and be continuous on both sides of the street. In some cases, a narrow sodded boulevard separates the sidewalk from the road. Standard streetlights should illuminate the vehicular and pedestrian realms.
- d) **Local Roads** - All other roads in the Downtown District are local roads that primarily provide access to the residential areas of the Downtown. They can provide places where children play and neighbours meet. Local Roads are generally lined with residential gardens, lawns and mature street trees. The sidewalks should typically be located adjacent to the curb and be continuous on both sides of the street. The street lighting should illuminate both the pedestrian and vehicular realm.

3.5.6.3 Gateways

Gateways can be used to highlight the entrances to the Downtown District and can provide important markers that distinguish the culture and heritage of the area. The Town may consider providing gateways to the Downtown. In such circumstances, the following guidelines apply:

- a) Gateways shall be either architectural features, stand-alone marker/features, public art or landscape treatments that define the main entrances to the Downtown;
- b) Gateways shall be located on public lands; and
- c) Gateways shall enhance and not compete with surrounding existing historic and/or architectural features.

3.5.6.4 Open Space/Village Squares

- a) Downtowns typically require smaller park spaces, distributed strategically throughout the entire district to enhance adjacent *development*. It is the intention of the Town to promote public open space features as key aesthetic and functional components to complement the anticipated redevelopment activity.
- b) The open space system of the Downtown District should continue to be focused on the interconnected system of streets, parks and Village Squares. A high standard of landscaping shall be required. The Town shall encourage

the retention and/or installation of as much landscaping as possible. Landscaping shall be maintained in a healthy condition.

- c) Village Squares should be widely distributed throughout the Downtown District to ensure easy access and multiple opportunities for rest, relaxation and visual interest. Village Squares should be sited to encourage the *development* of building frontages that extend the street wall around the edges of the publicly accessible space. Building entrances, lobbies, windows and balconies should provide a direct visual connection into the building's interior spaces. It is understood that some Village Squares will cater to primarily a local resident population, while others will have a broader range of clientele and activities.
- d) The following policies apply to the establishment of Village Squares throughout the Downtown District:
 - a. Notwithstanding any other policy of this Plan, all new *development* applications within the Downtown- Main Street designation shall not be required to contribute land, or cash-in-lieu of land for public park purposes.
 - b. Lands within both the Downtown – Transition and Downtown – Intensification designations shall be set aside for a Village Square as follows:
 - (a) All *development* applications on sites greater than 0.2 hectares in size shall include a location for a Village Square. Village Squares are intended as formal pedestrian spaces, in support of the adjacent higher density, mixed use *development*;
 - (b) All *development* applications or sites less than, or equal to 0.2 hectares shall pay cash-in-lieu of parkland; and,
 - (c) The alternative parkland dedication requirement provided in the *Planning Act* of 1 hectare per 300 *dwelling units* shall not be applied within the Downtown District;
 - c. Village Squares shall be sized and located to the satisfaction of the Town. They shall be designed and built to Town standards, and should include frontage abutting the public sidewalk system where possible.
 - d. Large sites may include a single, large-scale Village Square and/or a series of smaller Village Squares.
 - e. Village Squares shall be designed to reinforce a high quality formalized relationship with its adjacent building use and streetscape.
- e) Where appropriate, the Town may accept privately owned Village Squares as fulfilling all or part of the required parkland dedication, whether or not the land is dedicated to the Town, subject to the execution of an agreement that ensures the following:
 - a. Village Squares are designed and built to the satisfaction of the Town;
 - b. Village Squares are maintained by the owner to the satisfaction of the Town; and
 - c. Village Squares remain open and accessible to the public at all times.

3.5.6.5 Compatible Development

- a) It is a fundamental principle to avoid and/or mitigate any inappropriate interface between buildings and/or uses. As such, the concept of *compatible development* is of paramount importance throughout the Downtown District. All *development* applications shall be reviewed with respect to their compatibility with existing and/or approved *developments*.
- b) All new *development* and redevelopment within the Downtown District shall demonstrate sensitivity to the existing architectural styles, building materials and scale, with the exception of the existing suburban style plaza *developments*. The design and selection of materials used for proposed additions, alterations, and new buildings shall also have regard for the style, both volumetrically and materially, of existing buildings to strengthen themes of existing character in the vicinity.
- c) All *development* and redevelopment shall respect the character of existing *development*, with the exception of the existing suburban style plaza *developments*, through compatible and complementary building massing (i.e. building height and scale), building design principles, landscaping, and streetscape elements. New buildings shall be designed at a height and scale, which is compatible with the surrounding area and in conformity with the policies of this Plan. Specific consideration shall be given to massing options that establish an appropriate relationship to the surrounding built form.

3.5.6.6 All Building Types

- a) Architectural variety is crucial in creating a visually stimulating urban environment. Street walls composed of buildings of similar style and form can succeed through subtle variations in the façade treatment and building mass in projecting an image of architectural richness, variety and building articulation.
- b) All new *development* will be reviewed taking into consideration matters relating to exterior design, including the character, scale, colour, building materials, appearance and design features of buildings. While this approach is important throughout the Downtown District, it is particularly crucial within the Downtown – Main Street designation where the historic character and image require specific attention.
- c) All new *development* within the Downtown District shall conform to the following:
 - a. Building design shall be barrier free;
 - b. Permitted uses can be in a stand-alone or in mixed use buildings;
 - c. Continuous streets of monotonous and repetitive façades shall be avoided. A more textured architectural quality can be achieved by introducing variation in certain elements of the façade treatment;
 - d. All new buildings shall create a street space scaled to the pedestrian, and organized to present an appropriate façade to all adjacent streets to provide interest and comfort at ground level for pedestrians. Primary pedestrian entrances shall provide direct and universal access to the public sidewalk;

- e. Ground floors of all buildings shall be designed with windows and doors opening onto the street or public open spaces to provide “eyes on the street”;
 - f. A pedestrian weather protection system including awnings, canopies, colonnades, or front porches along the sidewalk edge of important pedestrian streets and adjacent to the Village Squares are also encouraged at the entrances to buildings;
 - g. Variation in three-dimensional elements, such as balconies, bay windows and porches, cornices, window trim, entrances and the articulation of the building mass, shall be used to create a dynamic façade;
 - h. Variation and articulation in the building such as a step-back at the upper storeys, shall be established in the implementing zoning by-law. A typical multi-storey building will include a 2-storey podium, a step back, and then a taller component;
 - i. Any visible mechanical equipment should be screened and located in a manner that has a minimal physical and visual impact on public sidewalks and accessible open spaces;
 - j. Transformers and other above ground utilities, should be located underground, where feasible, within the building, or in other locations which are screened from public view; and,
 - k. An interesting architectural feature/treatment is encouraged on all rooftops of buildings over 4 storeys to prevent typical box shaped building forms.
- d) The advantages of better visibility, light and view, make corner sites good locations for landmark buildings. Consequently, prestigious buildings often occupy corner sites. In addition to all the other design policies for *development* in the Downtown District, corner sites shall also:
- a. Articulate and define the intersection at which the building is located by enhancing its presence at each corner;
 - b. Include an architectural feature, such as an additional storey, greater than abutting buildings;
 - c. Turn the corner, for example, the building should have primary, articulated façades towards both streets and should be visually different from adjacent *development*; and,
 - d. A corner building should have the highest level of architectural detailing and a distinct architectural appearance.

3.5.6.7 Angular Plane

Where a new apartment or mixed use building is proposed that is either abutting or across a public street right-of-way from the Medium Density or Low Density Residential designations, angular planes shall be implemented to establish an appropriate interface with abutting lower built forms as a result of stepping back upper floors of the building. Angular planes shall be established as follows:

- a) Where an apartment or mixed use building site abuts Medium Density or Low Density Residential designations, a 45 degree angular plane shall be

established at a point 7.5 metres directly above the abutting interior side and/or rear property line.

3.5.6.8 Location of Buildings on a Lot

- a) A relatively consistent building edge adjacent to the street is important to provide spatial definition and containment to the street. Build-within zones essentially set both a minimum and maximum setback. This semi-public space of the front yard and exterior side yard creates a buffer zone between the public and the private domains, which enhances the visual appearance of the street edge, the level of privacy, and provides outdoor spaces for casual social interaction.
- b) For all *development* within the Downtown District where the at-grade use is not residential, the following build-within zone policies apply except as set out in Section 3.5.5.5.g):
 - a. The build-within zone is located between 0 and 3 metres from the front and/or exterior side lot line. Building setbacks would need to be established in accordance with NPCA's regulations.
 - b. All buildings shall be generally sited parallel to the street and along the edges of parks and open spaces. The public faces of these buildings are to align with neighbouring buildings in a manner that establishes a consistent building face lining the street.
 - c. The lands in front of buildings shall include an appropriate hard surface and other landscape features that are complementary to the adjacent streetscape in the build-within zone to ensure ease of access to the building from the public sidewalk.
- c) For all *development* within the Downtown District where the at-grade use is residential, the following policies apply:
 - a. Building with an at-grade residential use should be located close to the street line with a minimum front yard setback to provide for privacy;
 - b. The finished first floor level of an at-grade residential use shall be of sufficient height above the grade of the adjacent sidewalk to provide greater privacy; and,
 - c. Planted and constructed elements in the semi-public space adjacent to an at-grade residential *development* – low hedges, trees, masonry and decorative metal fences and gates – shall be designed to provide a transition from the public sidewalk to the finished first floor level of adjacent residences.
- d) To achieve a consistent street wall condition, a minimum amount of building wall must be located within the identified build-within zone. The following regulations apply to the built frontage requirement:
 - a. Within the Downtown – Main Street designation, the minimum built frontage shall be 80 percent of all block faces abutting a public street;
 - b. Within the Downtown – Transition designation, the minimum built frontage of all block faces abutting a public street shall be 60 percent;
 - c. Within the Downtown – Intensification designation, the minimum built frontage of all block faces abutting a public street shall be 50 percent;

- d. Where a *development* proposal includes a Village Square that conforms with the policies of this Plan, the frontage occupied by the Village Square shall not be considered part of the minimum built frontage calculation; and,
 - e. It is understood that, where a lot has three or four sides abutting a public road, the identified minimum built frontage requirement may not be achieved on all sides. The Town shall use its discretion in the application of the street wall concept on *development* blocks that have street frontage on more than two sides.
- e) Notwithstanding the policies of Section 3.5.6.8, the Town may permit minor variations in the numbers specified, as long as the urban design intent of the policies is maintained to the satisfaction of the Town.

3.5.6.9 Parking, Access and Service Facilities

- a) Within the Downtown – Main Street designation all new non-residential *development* or new uses within an existing building shall be exempt from any parking requirements.
- b) Despite the exemption in a), the existing parking supply on a lot shall not be reduced through the expansion of an existing building or the construction of a new building where the use would not otherwise be able to meet the parking requirements set out in the Town’s Zoning By-law.
- c) Parking within the remainder of the Downtown District shall meet the parking requirements set out in the Town’s Zoning By-law.
- d) New parking facilities and the provision of on street parking are both important components of a comprehensive Town parking strategy within the Downtown District. As such, the Town shall:
 - a. Provide public parking lots (surface lots and/or structured parking facilities) within the Downtown District to augment the supply of parking; and,
 - b. Promote on-street parking throughout the Downtown District.
- e) Subject to the provision of on-street parking and/or other public parking facilities, the Town may consider the reduction of parking requirements for redevelopment proposals in proximity to those facilities. The Town may require a parking study be prepared to justify such a parking requirement reduction.
- f) Parking requirements for any individual *development* may not necessarily need to be provided on the same lot, or on a lot contiguous to the *development* at the Town’s discretion. The Town may permit required parking for any new *development* to be provided on a lot within 150 metres of the *development* that is being served by the parking facility.
- g) Except as set out in a), where a *development* within the Downtown District is unable, or does not wish to provide all of the required parking spaces, the Town may, at its discretion, accept cash-in-lieu of the parking spaces subject to:
 - a. The minimum parking requirement shall be used to calculate any parking space deficiency;

- b. The cost of each parking space shall be established by the Town, and may be waived for any specific *development*, at the discretion of the Town; and,
 - c. The funds raised through this provision shall be utilized by the Town solely for the purchase of property for public parking and/or the building of public parking within the boundaries of the Downtown District.
- h) In order to reinforce streets as primary public spaces, the locations of parking, driveways and service entrances and loading areas need to be carefully considered and coordinated with the locations for pedestrian entrances. As such, public parking facilities, service access points, loading areas and any visible garbage containers and/or mechanical equipment are to be located in a manner that has a minimal physical impact on sidewalks and accessible open spaces. Shared driveways, service courts at the side and rear of buildings are encouraged to provide for these functions. In addition:
- i) Surface parking, loading areas, drive-through lanes and servicing facilities shall not be permitted in front of any buildings within the Downtown District except as permitted in Section 3.5.5.5. Surface parking shall be directed to an interior side yard, and within the rear yard;
 - ii) Surface parking, loading areas, and servicing facilities, where provided, shall be appropriately screened from view from the street;
 - iii) Where surface parking are provided, the visual impact of large surface lots shall be mitigated by a combination of setbacks, and significant landscaping including: pavement treatments, low walls or decorative fencing adjacent to the street, and trees and landscape features along the edges and throughout parking lots to divide large surface parking areas;
 - iv) Parking is encouraged to be provided in structures, either above, or where possible, below grade. Where a parking structure is above grade, it should include a facade with active uses at-grade and appropriate architectural articulation. Entrances to below grade or structured parking and service areas should occur within the building.
 - v) Access to service areas should occur off side streets or service lanes and such areas should be located to the side or rear of buildings;
 - vi) Pedestrian connectivity between rear yard parking lots and the street is encouraged through the establishment of pedestrian linkages via side lot walkways;
 - vii) Parking facilities for bicycles shall be provided in commercial *developments*;
 - viii) Where feasible, shared access driveways and/or common laneways serving parking at the rear of commercial buildings shall be provided. Interconnected systems of rear laneways and drive aisles across adjoining properties shall also be encouraged.
- j) To ensure safety and promote their priority over vehicular traffic, dedicated pedestrian pathways should be provided through a parking lot to connect the retail stores to the public streets/sidewalks and building entrances.

3.5.6.10 Encroachments

It is an objective of the Town to ensure a comfortable pedestrian environment including building features that provide weather protection. As a result, it is important to promote the provision of building elements that provide shade and/or shelter from the rain through permissions for encroachments into the pedestrian realm. In addition, it is an objective of the Town to promote street activity and animation. As such, street cafes, and outdoor seating for restaurants should also be considered. Encroachments may be considered subject to the following:

- a) Awnings may be permitted to encroach into the pedestrian realm subject to approval from the Town;
- b) Outdoor cafes and seating for restaurants may be permitted to encroach into the pedestrian realm subject to approval from the Town;
- c) Semi-permanent structure over the sidewalk, including entry features, arcades and perpendicular signage attached to the building may be permitted to encroach into the pedestrian realm subject to approval from the Town;
- d) Permanent structural components of the building (colonnades and balconies) are not permitted to encroach into the defined pedestrian realm; and,
- e) The amount of any permitted encroachment, whether temporary or permanent, shall be established by the Town on a site-by-site basis, and in consideration of the following criteria:
 - a. the encroachment enhances pedestrian comfort by providing shade and/or protection from the rain and elements; and,
 - b. the encroachment does not impede pedestrian movement.

3.6 OTHER COMMERCIAL AREAS

3.6.1 Neighbourhood Commercial Area

Permitted Uses:

- 3.6.1.1 Within the Neighbourhood Commercial Area designation, permitted uses shall include grocery stores, retail stores servicing the local neighbourhood, studios, personal services, pharmacies, banks, restaurants, and coffee shops as well as institutions, recreation, medical clinics, offices, and places of worship.
- 3.6.1.2 Neighbourhood Commercial Areas are intended to serve the day-to-day convenience shopping needs of the surrounding residents as well as the weekly needs for groceries, personal care products, and services and are not intended to usurp the function or range of uses provided by the Downtown.

General Policies:

- 3.6.1.3 Neighbourhood Commercial designations shall be situated on sites in the range of 3 to 6 hectares.
- 3.6.1.4 Neighbourhood Commercial designations should be integrated into the street network of the neighbourhood and not separated from it. They should also be located in highly visible and accessible locations to the residents of the neighbourhood they are serving.
- 3.6.1.5 Adequate on-site parking and appropriate landscape and screening treatment of the parking areas shall be provided.
- 3.6.1.6 All *development* within this designation shall be subject to Site Plan Approval in accordance with the policies of Section 9.7 of this Plan.
- 3.6.1.7 Loading docks will be screened and oriented away from residential areas.
- 3.6.1.8 Adequate setbacks, fencing and landscape screening shall be provided abutting residential *development*.
- 3.6.1.9 Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses as demonstrated through an illumination study.
- 3.6.1.10 A retail market impact study shall be undertaken by the proponent of any new Neighbourhood Commercial Area designation. This study shall assess the impact on the planned function of existing and designated commercial designations and in particular the Downtown. The Town will retain a study peer reviewer at the applicant's expense.

3.6.2 Convenience Commercial Area

Permitted Uses:

- 3.6.2.1 Convenience Commercial uses include small retail stores providing a convenience function to the local neighbourhood including variety stores, laundromats, video stores, personal service shops and gas bars.

General Policies:

- 3.6.2.2 Convenience Commercial Areas are not delineated on the **Schedule B** but may be designated through secondary plans in the Urban Settlement Area. However, the Town may choose not to create a separate land use designation for convenience commercial uses in the Secondary Plan, rather these uses would be permitted as of right in other designations. In such cases, convenience commercial uses shall be permitted in Residential Low Density, Residential Medium Density and Residential High Density designations subject to a zoning amendment and the policies of this section.
- 3.6.2.3 Convenience Commercial uses shall be limited in scale to less than 500 square metres of Gross Floor Area per site and may be situated on individual sites or as part of a mixed use building.
- 3.6.2.4 Convenience Commercial Areas shall provide adequate parking, which shall not be located in the front yard of the commercial building.
- 3.6.2.5 Where such uses are small scale and serving the immediate needs of the neighbourhood, the Town may consider the availability of on-street parking in determining the parking requirement.
- 3.6.2.6 Convenience Commercial Areas shall be compatible with the character and image of the surrounding neighbourhood and shall provide buffering adjacent to residential areas.
- 3.6.2.7 Within Residential designations along Main Street, convenience commercial uses shall generally be accommodated through the conversion of existing dwellings to one or more of the permitted uses.
- 3.6.2.8 Where Section 3.6.2.7 is not feasible, the applicant shall demonstrate how the proposed new building is compatible with the character and image of the Main Street streetscape, reflects the character of large estate houses, and preserves Main Street's wooded character.
- 3.6.2.9 Convenience Commercial Areas shall generally be directed to intersections of local roads with arterial or collector roads.
- 3.6.2.10 All Convenience Commercial *developments* shall be subject to Site Plan Control in accordance with the policies of Section 9.7 of this Plan.

3.6.3 Service Commercial Area

Permitted Uses:

- 3.6.3.1 Within the Service Commercial Area designation, permitted uses shall include those which rely on vehicular traffic for their economic existence as well as uses which require relatively large land areas that are not available in the Downtown District, and uses serving tourists and visitors to the area. Such uses shall include:
- a) Automotive related uses,
 - b) Public garages,
 - c) Automobile sales establishments,
 - d) Hotels and motels,
 - e) Restaurants including drive-thrus,
 - f) Commercial recreational facilities,
 - g) Health clubs,
 - h) Nurseries and garden centres,
 - i) *Specialty home product warehouse* containing an area of not less than 450 square metres,
 - j) Furniture stores,
 - k) Custom workshops,
 - l) Tourism support services and tourism related retail, and
 - m) Subject to Section 3.6.3.3, retail uses, including retail warehouses, department stores, warehouse membership clubs and food stores having a floor area exceeding 5,000 square metres.
 - n) Retail uses less than 5,000 square metres and clinics shall be permitted at 361 South Service Road.

General Policies:

- 3.6.3.2 New *development* within the Service Commercial Area designation shall address the following criteria:
- a) Building Design shall reflect the areas prominent position at the entrance of the Town. Particular emphasis shall be placed on landscaping and the appearance of the area from the Queen Elizabeth Way;
 - b) Open storage, refuse facilities and loading facilities shall be located in yards not facing the Queen Elizabeth Way, the South Service Road, or Main Street and shall be adequately screened in areas visible from the Queen Elizabeth Way, the South Service Road, or Main Street;
 - c) Common parking and access facilities are encouraged; and
 - d) The site is designed to limit noise, light and odour impacts on *adjacent residential* uses.

- 3.6.3.3 All applications for an amendment to the Zoning By-law to permit retail uses identified in Section 3.6.3.1 m) shall be evaluated by Council to ensure conformity with the objectives of the Official Plan based on the following:
- a) Submission of a site *development plan*;
 - b) An engineering report which identifies and assesses the impact of traffic on the street system; adequacy of proposed parking and the availability of municipal services; and
 - c) A retail market impact study which incorporates actual sales data, demonstrating that the proposed use will not have a deleterious impact on the planned function of the central core area resulting in a significant diminution in service to the public or in blight.
- 3.6.3.4 Service Commercial uses shall be grouped and served by a service road whenever possible to reduce to a minimum the number of access points onto the main road.
- 3.6.3.5 Adequate off-street parking, stacking lanes and loading facilities shall be provided and the access points to such parking facilities shall be limited in number and designed in a manner that will minimize the danger to vehicular traffic.
- 3.6.3.6 A retail market impact study shall be undertaken by the proponent of any new or expanded Service Commercial Area designation.

The Town will retain a peer reviewer at the applicant's expense. This study shall address the following:

- a) The impact of the planned function of existing and designated commercial areas and particularly the Downtown.
 - b) The need for the proposed use.
 - c) The location, size and scale of the proposed development.
 - d) The potential for compatibility issues.
 - e) The potential market impacts on existing and planned commercial areas, including downtowns and other shopping nodes.
 - f) The potential for negative impacts on the natural environment.
 - g) The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use.
 - h) The adequacy of the existing water and wastewater infrastructure and other municipal services.
 - i) The intent of the policies of this Plan. Where the trade area for a market study extends beyond the boundary of the Town, the Town will consult with the other municipalities within the trade area.
- 3.6.3.7 All new *development* within the Service Commercial Area designation shall be subject to site plan approval in accordance with the policies of Section 9.7 of this Plan.

3.6.4 Marine Commercial Area

Permitted Uses:

- 3.6.4.1 Within the Marine Commercial Area designation, permitted uses shall include:
- a) Marinas, boat rental, charter facilities, boat repair facilities, boat sales outlets, convenient commercial uses and other similar commercial uses that are oriented to the water;
 - b) Restaurant and banquet facilities;
 - c) Medium Density Residential *development*; and
 - d) A single detached dwelling or a residential unit in a commercial building for the owner, manager or caretaker of an operation.

General Policies:

- 3.6.4.2 New Medium Density Residential *development* shall be oriented to existing marina facilities and conform to the policies of Section 3.4.3 and 3.4.7.
- 3.6.4.3 Applications for new marine commercial uses or extensions of existing uses in the Marine Commercial designation shall be required to submit:
- a) A *development plan* or site plan as appropriate;
 - b) A preliminary engineering report, which indicates that the use is not subject to flooding or that it can be protected from flooding to the satisfaction of the Niagara Peninsula Conservation Authority; and
 - c) A preliminary geotechnical report, which indicates how slopes will be stabilized for *development* to the satisfaction of the Niagara Peninsula Conservation Authority.
- 3.6.4.4 Evaluation of an application for marine commercial uses or expansion of existing marine commercial uses will be based on conformity with the following criteria:
- a) Provision of sufficient parking to meet the parking standards in the Town's Zoning By-law;
 - b) Common parking and access facilities with adjacent uses where feasible;
 - c) Conservation Authority approval for those lands subject to flooding and erosion; and
 - d) Maximization of water orientation of any residential use.

Site Specific Exception:

- 3.6.4.5 An office use shall be permitted on the second floor of the existing building at 15 Lake Street.

3.7 EMPLOYMENT AREA

Intent:

The Employment Area designation on **Schedule B** recognizes existing and future areas appropriate for a broad range of employment in traditional manufacturing, warehousing and distribution as well as new industries and office type *development*. These areas are oriented along the QEW highway to take advantage of the accessibility and visibility offered by this significant goods movement corridor.

Goals:

- To encourage employment *development* in order to achieve a more balanced live-work community as an alternative to out-commuting.

Objectives:

1. To encourage prestige employment and a broad range of industries.

Permitted Uses:

- 3.7.1 Within the Employment Area designation, permitted uses shall include manufacturing, processing, servicing, storage of goods and raw materials, warehousing, research and laboratories, data processing and *development* and uses of similar nature.
- 3.7.2 Retail sales ancillary to the permitted employment use shall be permitted provided the sales involve goods manufactured or processed on-site. The Zoning By-law shall set out a maximum proportion of the building available for ancillary retail sales.
- 3.7.3 Professional and administrative offices shall be permitted in the Employment Area *designation*. Personal service offices catering to the general public should be directed to the Downtown District but may be permitted in the Employment Area where the applicant demonstrates there are no viable or available locations in the Downtown.
- 3.7.4 Community facilities including emergency services shall also be permitted.
- 3.7.5 Uses which involve the storage, handling, or production of a hazardous substance which is explosive, toxic, corrosive, or any other dangerous material which would pose a threat to public safety if it were to escape its normal containment shall only be permitted through a risk assessment which demonstrates that there will be negligible health and safety risk to the public.
- 3.7.6 In the *Employment Area* designation in the east end of the Town, uses shall be encouraged which contribute to a high quality business park environment and open storage shall be prohibited.
- 3.7.7 Commuter parking areas adjacent to the Queen Elizabeth Way interchanges shall be permitted.

- 3.7.8 *Adult Entertainment Parlours* may be permitted in the *Employment Area* Designation by way of a site-specific zoning amendment subject to the provisions of Section 3.7.18.
- 3.7.9 Cannabis production, including cultivation, processing, packaging, testing, destruction, research and shipping, shall be permitted in Employment Areas, provided:
- a) Cannabis production is undertaken wholly within an enclosed building;
 - b) Cannabis production is in accordance with all applicable Federal Regulations, as amended from time to time;
 - c) The building within which cannabis is cultivated, processed, packaged, tested, destroyed, shipped or stored is equipped with a system that filters air to prevent the escape of odours as demonstrated by a technical odour control study submitted through the site plan control approval process to the satisfaction of the Town;
 - d) Buildings within which cannabis is cultivated, processed, packaged, destroyed, shipped, tested or stored shall be a minimum of 450 metres away from:
 - a. An existing dwelling, except a dwelling on the same lot on which the building is located;
 - b. Any residential zone and institutional zone; and
 - c. existing sensitive uses, such as a day care, place of worship, public park, or school; and
 - e) Buildings and sites containing cannabis production will be subject to site plan control.

General Policies:

- 3.7.10 The lands located adjacent to the western and eastern municipal boundaries are prominent entry points into the Town. As such, the design of any buildings or structures visible from the QEW shall be designed in keeping with this gateway function, and shall incorporate elements through building design, cultural features (i.e. sculpture, fountains) or special markers.
- 3.7.11 Uses with highway frontage shall be encouraged to contribute to a high quality business park environment. Outdoor storage shall be prohibited in front and side yards, and outdoor activities such as storage, parking and loading shall be adequately screened and buffered in areas visible from the QEW and Kelson Avenue.
- 3.7.12 The amount of permitted outside display shall be set out in the implementing Zoning By-law and may vary depending on such factors as the nature of the materials being displayed and the degree of landscaping provided in conjunction with the display area.
- 3.7.13 Employment buildings shall be setback from existing residential dwellings where determined necessary to ensure incompatibilities are minimized to promote compatibility. Substantial buffer planting, berming or fencing adjacent to residential areas shall be required.
- 3.7.14 Appropriate safety measures such as setbacks, berms, and security fencing adjacent to the CN Railway shall be provided to the satisfaction of the Town in consultation with the railway authority.
- 3.7.15 Site specific hydrogeological and stormwater studies may be required for new

- industries which may use or store hazardous liquid or leachable readily soluble chemicals including petrochemicals not classified as waste to ensure there is no impact on the groundwater and surface water from the proposed use. Such studies shall be completed to the satisfaction of the Town in consultation with the Niagara Peninsula Conservation Authority. The implementing zoning shall set out specific requirements for the storage of such liquids and chemicals.
- 3.7.16 Conversions of *Employment Area* designated lands to a non-employment area designation and use shall only be considered by the Town through a *municipal comprehensive review* that reflects the Regional Market Area, employment growth projections, allocations and intensifications and density targets by the Region and Provincial Growth Plan where it has been demonstrated that:
- a) The land is not required for employment purposes over the long term;
 - b) There is a greater need for the conversion to the non-employment use;
 - c) The Town will meet its employment forecasts including the activity rate target established in the Official Plan;
 - d) The conversion will not adversely affect the overall viability of the remaining *Employment Area* designation;
 - e) The conversion will not adversely affect the achievement of other policies of this Plan including the minimum density in *designated greenfield areas* and the *intensification* targets of this plan;
 - f) No land use conflicts are created and provincial guidelines with respect to noise and air quality can be met; and
 - g) There is existing or planned *infrastructure* to accommodate the proposed use;
 - h) Cross jurisdictional issues have been addressed.
- 3.7.17 Applications for new industrial developments and extensions of existing uses will be evaluated based on submissions of:
- a) A development plan or site plan as appropriate; and
 - b) Where there is a concern that the use may create excessive air, water or noise pollution, the submission of appropriate studies by qualified experts in the field, which indicate how such pollution will be controlled to ensure the safety of Town residents.
- 3.7.18 Evaluation of an application for an Adult Entertainment Parlour will also be based on conformity with the following criteria:
- a) An Adult Entertainment Parlour shall be no less than 500 metres from a sensitive land use;
 - b) A sensitive land use shall be a dwelling, a residential lot, a residential zone or zone which permits the construction of a dwelling, an institutional lot or zone or a public lot or zone;
 - c) The setback shall be measured using the shortest distance along the public roadway system (not including the QEW) from a lot line which supports an Adult Entertainment Parlour to the nearest lot or zone boundary, as the case may be, of a sensitive land use;

- d) The setback provision shall be included in the site specific zoning amendment;
- e) No part of a lot, which supports an Adult Entertainment Parlour, shall abut the Q.E.W. or a service road;
- f) The Town shall require signage, associated with an Adult Entertainment Parlour, to be in a location where the sign is not visible from the QEW, a service road or a sensitive land use (this provision shall be considered during the site plan review process); and
- g) Demonstration that the proposed location will have the least negative impact on sensitive land uses.

Site Specific Exceptions:

- 3.7.19 In addition to the policies of Section 3.7, the following policies shall apply to the lands located between the South Service Road and CN Rail Line, west of Kelson Avenue:
- a) Accesses should be located in the general vicinity of other employment entrances in the area. The location of any access shall take into consideration *adjacent residential* uses, and shall be designed with adequate screening and buffering to protect them from negative impacts.

3.8 PARKS AND OPEN SPACE

Intent:

It is a fundamental principal of this Plan that the Town promotes an active, healthy lifestyle for its residents. Part of an active, healthy lifestyle is the provision of parks, trails and recreational facilities that are well distributed, strategically located, connected, well maintained and diverse.

The Town of Grimsby includes a network of existing public open spaces, facilities and trails, which include the public road network. In the future, it is anticipated that this system will be continuously expanded and improved.

Parks and public open spaces may be located within any land use designation. It is the intent of the Town to retain all existing Town parks, including those components within the Parks and Open Space designation as well as those components located within other land use designations. These areas will be maintained as parks and open spaces with an array of facilities that meet the recreational needs of residents and tourists.

It is the Town's intention to plan and develop a parks and trails network that will link residential areas, environmental features, the *Escarpment*, the waterfront and the downtown.

The Town shall endeavour to ensure that privacy and security impacts of the trails network on abutting residential areas can be mitigated. Potential mitigation mechanisms to be investigated shall include alternative routes, screening, limited hours of entry, and limits on the forms of use of the linkage.

Objectives:

1. *To provide physical and visual access to the Lake Ontario waterfront and recognize the town-wide significance of the waterfront as an open space amenity.*
2. *To conserve and protect shoreline lands and valley lands for recreational use, where possible.*
3. *To provide a system of parks and open space areas which can adapt to changing public needs and preferences.*
4. *To provide an interconnected system of trails for pedestrian and bicycle use.*
5. *To link with the Niagara Escarpment park system, the Bruce Trail and the Waterfront Trail.*

Permitted Uses:

- 3.8.1 Permitted uses on lands designated Parks and Open Space include passive and active recreational uses, conservation uses, cemeteries and public *infrastructure*.

General Policies:

- 3.8.2 Lands designated Parks and Open Space are identified on **Schedule B**, they include Town parks, other publicly owned lands and some privately owned lands which are free of major buildings or structures. It is the intent of Council to retain Town-owned lands in public ownership and to use these lands for public recreation purposes.
- 3.8.3 Any new Parks and/or Open Spaces will be buffered from *adjacent residential* uses in order to minimize impacts. It is expected that privately owned lands will continue to contribute to the visual open space of the Town. *Development* of privately owned land, designated as Open Space, will not require an amendment to this Plan provided it is planned in a comprehensive manner, is integrated with adjacent land uses and preserves significant mature vegetation.
- 3.8.4 Within the Town, parks and open space shall be classified according to the following categories:
- a) Regional Parks – Regional parks should serve the needs of more than one community and is generally oriented to passive recreational pursuits.
 - b) Community Parks – Community parks shall serve Town residents, through the provision of major sports facilities including floodlit fields, swimming pools, community buildings, tennis courts, and running tracks. They should be a minimum of 6 hectares in size.
 - c) Neighbourhood Parks – Generally, neighbourhood parks are located to be a neighbourhood focal point, are adjacent to a school and/or are integrated, where possible, with an adjacent natural heritage feature.

Neighbourhood parks will provide opportunities for active and passive recreation for residents within a 400-metre radius (a 5-minute walk). Generally, they may include elements such as play structures, informal playgrounds, junior softball diamonds, junior soccer pitches, tennis courts, seating, hard surface areas, shaded areas under tree canopies or open air structures, group mailboxes, lighting, distinctive tree, shrub and ground cover planting. Neighbourhood Parks shall be between 1.2 hectares and 2.8 hectares in size.
 - d) Village Squares – Village Squares are small components of the public open space system that are typically soft surfaced and green. A Village Square is most likely a public open space that connects larger pieces of the open space system. These squares are generally less than 1.2 hectares in size.
 - e) Bike Routes and Trails - Bike Routes and Trails are identified on **Schedule C** and are crucial components of an integrated Parks and Open Space System. They shall accommodate linear/forms of recreation such as hiking, jogging and cross-country skiing. They should attempt to follow natural linear features and serve as connections, where possible, to other components of the Parks and Open Space System. These routes on **Schedule C** include the Niagara Region Bicycle Network.

The Town will endeavor to establish, improve and maintain the park routes and trails over time. In new *development*, park routes and trails will be secured through the use of the *Planning Act*.

Bike Routes and Trails will be designed, built and maintained to Town standards.

- 3.8.5 The Parks and Open Space System is a major functional and aesthetic component of Grimsby and should be designed to provide a fair distribution of amenity spaces for a range of users, in a linked network.
- 3.8.6 The actual location, size, function and configuration of all Parks and Open Space designations, that have not been built or dedicated, will be confirmed and finalized through subsequent *development* approvals. Changes to the location of such Parks and Open Space designations shall not require an amendment to this Plan as long as the intent of this Plan with respect to the objectives of the Parks is maintained.
- 3.8.7 All components of the Parks system shall be accepted by the Town as contributing to the parkland dedication requirements of the *Planning Act*. No component of the Park system shall be accepted as parkland dedication if it incorporates any components of a public *utility* that encumbers its use for landscaping or building in any way. However, the Town may accept parkland, which provides a dual function of park facilities and stormwater control for infrequent storm events.
- 3.8.8 Any new *development* and/or redevelopment adjacent to the water's edge shall incorporate a water's edge public open space component that shall be dedicated to the Town.
- 3.8.9 Parkland dedication will occur in accordance with the provisions of the *Planning Act*, including the use of the alternative parkland dedication requirement. The alternative parkland dedication requirement shall not be applied to *development* within Downtown Grimsby.
- 3.8.10 The Town may accept cash-in-lieu of parkland, and shall use any funds collected to either enhance the supply of public parkland, or improve the facilities within any existing Town-owned park.

3.8.11 Design Policies for Parks and Open Space

- 3.8.11.1 The Town shall undertake a Park Master Plan that shall identify the role of each park and conceptual design components, including a priority list for improvement over time.
- 3.8.11.2 Regional, Community and Neighbourhood Parks
- a) Neighbourhood Parks should have significant road frontage to provide public views into the park, and ensure public safety.
 - c) Pedestrian access to parks should be clearly defined with landscape or architectural elements to ensure an appealing park presence.

- d) Park design should ensure visual privacy for adjoining residents.
- e) Where fencing is required, the design should be consistent around the perimeter of the park.
- f) Street trees should be planted along the edge of parks, while not screening the view into parks.
- g) Seating and shade areas should be designed in concert with pathways and play areas.
- h) Bicycle parking should be provided.

3.8.11.3 Village Squares

- a) Village Squares shall be dispersed throughout the community. They are expected to provide key connecting links, provide for chance meetings and enhance the overall open space system.
- b) Village Squares shall be located on visible road frontages and their entries should be clearly defined through landscape treatment and built form elements.
- c) The design should provide a focal area or feature that gives character and provides for a range of passive and informal uses.
- d) Pathways within Village Squares should connect to pedestrian sidewalks and trails.
- e) View corridors terminating at Village Squares/Parkettes should be highlighted through landscape treatment and/or built form elements.
- f) Plant material and construction materials should contribute to the distinctive character of Parkettes and also, where applicable, to Village Squares.
- g) Community mailboxes and information boards should be considered in Village Squares/Parkettes.
- h) Bicycle parking should be provided.

3.8.11.4 Park Routes and Trails

- a) Park Route and Trail design will be based on each site's sensitivity in order to minimize environmental impacts.
- b) Park Routes and Trails for pedestrians and cyclists shall be of a sufficient width to accommodate both cyclists and pedestrians. Pedestrian-only-trails may be of smaller width.
- c) Park Routes and Trails will be designed to accommodate a range of users and abilities. Slopes, where possible, should be under 5 percent. Curb-cuts must be provided to improve access at road crossings. The use of permeable materials shall be encouraged in trail construction in areas where sufficient drainage exists.
- d) Park Routes and Trails should be clearly signed regarding permitted use and speed. Way finding signage shall be provided throughout the trail network.
- e) Benches and garbage receptacles should be provided at trailheads and at regular intervals along the route.

- f) Park Routes and Trails located in proximity to sensitive natural features, or adjacent to storm water management facilities should incorporate interpretive signage at various locations to promote stewardship initiatives that will protect and enhance the features and functions of the *natural environment*.
- h) Bicycle parking should be provided.

3.9 UTILITY AREA

Intent:

The Utility Area as shown on **Schedule B** recognizes the existing water treatment plant and pollution control plant and other public and private utilities.

Objectives:

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

Permitted Uses:

3.9.1 The permitted uses within the Utility Area designation shall include:

- a) Public and quasi-public *utility* uses of Town-wide or regional significance including existing sewage and water treatment facilities, existing pumping stations, airport use, and transmission towers.

All *utilities* and *infrastructure* shall be permitted in all land use designations except for the Natural Environment designations where utilities and infrastructure are subject to Sections 3.1.1.8, and 3.1.2.5.

General Policies:

3.9.2 Applications for approval of new *utility* or major extensions of existing uses, with the exception of the existing sewage treatment plant and water treatment plant operated by the Niagara Region will require an Official Plan amendment. Such *development* proposals and proposals requiring a major change in existing *Utility Area* designations will be evaluated based on the submission of:

- a) A *development plan*;
- b) Planning, market and other technical reports by qualified Professionals establishing the need for the location of a new use in the Town; and
- c) Where there is concern that the use may create excessive air, light or noise pollution, the submission of the appropriate studies by qualified professionals, which indicate how such effects will be controlled to ensure the safety of the Town residents.

3.9.3 Evaluation of an application will also be based on conformity with the following criteria:

- a) Incompatibilities with surrounding uses, particularly residential uses, can be mitigated in an acceptable manner, which in the case of emissions will be based on adherence to the standards of the Ministry of the Environment as the minimum acceptable and will include the provision of buffering; except that where the provisions of the Environmental Assessment Act have been satisfied, the use will be deemed to be compatible; and
- b) The scale of any buildings or other structures is in keeping with the character of the surrounding area.

- 3.9.4 All new major open space/*utility* uses proposed in the Town by Federal or Provincial governments, agencies or companies subject to Federal or Provincial controls will be reviewed utilizing the criteria in Sections 3.9.2 and 3.9.3 and the following:
- a. Expansions of the existing sewage treatment plant and water treatment plant operated by the Region of Niagara are subject to the Municipal Engineer's Municipal Class Environmental Assessment. No amendment to this plan is required for expansions to either facility on their current property.
 - b. The Town will through its Comprehensive Zoning By-law, ensure appropriate distance separation and buffering of the sewage treatment plant and water treatment plant from incompatible land uses. Such distance separation and buffering will occur on private lands.
- 3.9.5 The Town will work with the agency or company involved and will generally support uses which meet the requirements of Sections 3.9.2 and 3.9.3.
- 3.9.6 Where a proposed *development* does not conform with the Plan, the Town will seek such conformity utilizing all available legal mechanisms or where conformity is not feasible the Town will seek to have the use located elsewhere.
- 3.9.7 The Town shall ensure that adequate utility infrastructure networks, are or will be, established to serve the anticipated development and that these networks can be phased in a manner that is cost effective and efficient and that appropriate locations for large infrastructure and cluster sites have been determined.
- 3.9.8 The Town shall ensure that all utility infrastructure is to be planned for and installed on a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption.

3.10 INSTITUTIONAL AREA

Intent

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

Objective

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

Permitted Uses

3.10.1 Within the Institutional Area designation permitted uses shall include:

- a) Facilities related to federal, provincial or municipal government service delivery and administration;
- b) Places of worship;
- c) Educational and recreational facilities;
- d) Nursing homes and retirement facilities, such as retirement homes, continuum of care *development* and independent living units developed in conjunction with the on-site provision of retirement related services, facilities and amenities;
- e) Accessory housing related to the institutional use;
- f) Retail and service commercial uses that specifically serve the primary institutional use, subject to a review of their suitability by the Town; and,
- g) Cemeteries.

General Policies

3.10.2 All new *development* and/or redevelopment shall be subject to Site Plan Approval. Any re-development of an existing use, which would involve an expansion of the Gross Floor Area, by more than 15 percent, shall also be subject to Site Plan Approval.

3.10.3 Evaluation of an application for new *development* within an Institutional designation will be based on conformity with the following criteria:

- a) Incompatibilities with surrounding uses, particularly residential uses, can be mitigated in an acceptable manner through the provision of buffering, landscaping and/or engineering solutions or other similar approaches;
- b) Preparation of a traffic impact study, which outlines potential impacts of traffic on surrounding areas;
- c) The scale of the buildings are compatible with the character and image of the surrounding area;
- d) The site is in proximity to Regional Road 81, Livingston Avenue Corridor and/or the Downtown; and

- e) Where a location outside the Urban Settlement Area is proposed, the location of the site and the land area must be justified, must not negatively impact existing land uses, must not be located within the Specialty Crop Area – Tender Fruit and Grape Lands designation, and will require a Town and Regional Official Plan Amendment in the Agricultural Area.

3.11 MINERAL AGGREGATE AREA

Intent:

Mineral aggregate resources are of provincial interest due to their economic importance, as well as restricted supply and geographic locations. The Mineral Aggregate Areas as identified on **Schedule D** consist of mineral *aggregate* resources which are primarily bedrock and which require protection to allow the opportunity for future utilization of the resource. It is intended that these areas be protected for long-term use.

Goals:

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

Objectives:

1. To protect mineral aggregate resources and mineral aggregate operations from incompatible land uses and activities.
2. To protect mineral aggregate and petroleum resources for long-term use.
3. To encourage the orderly extraction and utilization of mineral aggregate resources.
4. To promote the conservation of mineral aggregate resources by making provision for the recovery of these resources wherever feasible.
5. To minimize the disturbed area and achieve beneficial end uses by encouraging and promoting the speedy, progressive and final rehabilitation of aggregate operations that will contribute to achieving goals and the preparation of a *Progressive Rehabilitation Master Plan* for each aggregate operation.
6. To ensure that land use compatibility issues are addressed.
7. To minimize the impact of mineral aggregate related traffic on the community.
8. To establish a set of clear, balanced and standard criteria for evaluating applications for aggregate operations that will contribute to achieving the goals and objectives of this Plan.

Permitted Uses:

- 3.11.1 The Mineral Aggregate Area as identified on **Schedule D** is an overlay designation and applies in addition to the other identified designations.
 - 3.11.1 a. 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 within the Official Plan is to provide opportunities for mineral extraction.
 - 3.11.1 b. The predominate use of land in this category shall be for the extraction of mineral aggregates that are found in a natural state on the site. Extractive industries may refine and process the raw materials extracted from the site in order to produce

semi-finished or finished goods. This category may also include agricultural uses excluding dwellings. Rehabilitation of abandoned extractive sites as required under the Aggregate Resources Act or successor thereto will be in accordance with the adjoining land use designation of this Plan.

- 3.11.2 A site specific Official Plan Amendment and Zoning By-law Amendment will be required to establish a new mineral *aggregate* operation. Such operations may contain the following uses:
- a) On-site extraction, screening, crushing, stockpiling of *aggregate* or *quarry* material;
 - b) 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;
 - c) Repair and maintenance facilities; and
 - d) Associated office facilities.
- 3.11.3 Other ancillary uses shall be permitted subject to the site specific Official Plan Amendment and rezoning.
- 3.11.4 Temporary and Portable asphalt, concrete and crusher plants may be permitted through site plan control requirements which shall address the following provisions:
- a) A certificate of approval from the Ministry of the Environment;
 - b) In no case shall they be located closer than 300 metres from an existing residence;
 - c) Removal from the site upon completion of the public project; and
 - d) Sites in the agricultural areas will be rehabilitated to their former agricultural use and capability.
- 3.11.5 The Following policies apply to mineral aggregate operations:
- a) New mineral aggregate operations shall not be permitted north of the Escarpment.
 - b) When operators are undertaking rehabilitation of *mineral aggregate operation* sites in the Protected Countryside, the following provisions apply:
 - i. The aggregate industry will work with the Ministry of Natural Resources to consider the development and implementation of comprehensive rehabilitation plans in areas of high concentration of *mineral aggregate operations*;
 - ii. The disturbed area of a site will be rehabilitated to a state of equal or greater *ecological value*, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;

- c) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of application:
- i. The health, diversity and size of these *key natural heritage features* and *key hydrologic features* will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and
 - ii. Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
- d) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or eco-district, and the combined terrestrial and aquatic rehabilitation shall meet the intent of 4.3.2.5 (c) of the Greenbelt Plan.
- e) Outside the Natural Heritage System, and except as provided in 4.3.2.5 (b), (c) and (d) of the Greenbelt Plan final rehabilitation will appropriately reflect the long-term land use of the general area taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.
- f) Final rehabilitation in the Natural Heritage System will meet these additional provisions:
- i. Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or eco-district;
 - ii. Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or eco-district; and
 - iii. Rehabilitation will be implemented so that the connectivity of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved.
- g) As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible. 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.
- h) Extraction shall be undertaken in a manner which minimizes social and environmental impacts.

- i) Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Where Planning Act approvals are required to establish a new nearby land use, studies or reports shall be required to demonstrate land use compatibility, with appropriate setbacks and buffer distances.
- j) In areas adjacent to or in known deposits of mineral aggregate, proposed development or site alteration that would preclude or hinder the establishment of new or expansion of existing operations or access to the resources shall only be permitted through the completion of a Mineral Aggregate Resource Study that determines that:
 - 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.

General Policies:

- 3.11.6 **Schedule D** illustrates areas of Mineral Aggregate Areas identified by the Ministry of Northern Development and Mines. However, detailed investigations may determine that these areas are larger or smaller to which Section 3.11.6 should apply.
- 3.11.7 In areas within, or adjacent to Mineral Aggregate Areas, as shown in **Schedule D**, *development applications* which could preclude or hinder the establishment of new operations or access to the resources, should be required to submit information that would allow the approval authority to assess the compatibility of the proposed land use change and its potential impacts on mineral aggregate resource areas, mineral aggregate extraction operations and mitigation measures that would reduce or eliminate the potential for land use conflicts.
- 3.11.8 Applications for new mineral *aggregate* operations shall provide the following information for consideration by the Town:
 - a) A completed application for a Regional Policy Plan Amendment including a signed financial agreement and all necessary supporting documents, reports and fees as required;
 - b) A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
 - c) An application to amend the Town's Zoning By-law and all the necessary supporting documents and reports;

- d) Confirmation that the applicant has delivered to the Town of Grimsby Clerk the detailed site development plans indicating such information as is required under the Aggregate Resources Act, or successor thereto;
- e) The applicant will complete pre-consultation with the Town of Grimsby, Region of Niagara, the Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission and the Ministry of Natural Resources, as well as any others specified by the Town of Grimsby, to establish the supporting documents and reports which shall include, but may not be limited to the following. Such documents and reports shall be completed by a qualified professional:
 - i) Planning Justification Report including conformity to the Town 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 Town of Grimsby, 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*;
 - 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) A site *development plan*, which includes the following information:
 - i. True shape, topography, contours, dimensions, size and location of the property to be rezoned as well as the extent of adjacent property held for future *pit* or *quarry* operations;
 - ii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
 - iii. Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
 - iv. Drainage provisions;

- v. All entrances and exits;
 - vi. As far as possible, ultimate *pit development*, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate *rehabilitation*, and where possible intended use of the land after the extractive operations have ceased; and
 - vii. Cross-sections through the deposit.
- f) 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;
 - g) The existing use of all land and the location and use of all buildings and structures within a distance of 500 metres from the land proposed for extraction operation;
 - h) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
 - i) The location, quality and estimated quantity of mineral aggregate resources;
 - j) Existing and anticipated final grades of excavation and excavation setbacks within the site;
 - k) Surface water diversion, storage and drainage provisions;
 - l) All entrances, exits and proposed routes to be used by associated transport;
 - m) 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.
 - n) Hydrology, soil, wildlife or vegetation studies which may be required by Council because of specific concerns; and
 - o) Such other information as Council deems necessary.
 - p) Effect on the Natural Heritage System and the Natural Environmental designations within 120 metres of the subject lands through the preparation of an *EIS*, a hydrogeology study and a stormwater management study
 - q) A Planning Assessment Report, which assess land use compatibility and policy conformity issues including the relevant policies of this Plan, except that demonstration of need shall not be required.
 - r) For applications on lands currently designated Agricultural Area, the applicant shall further demonstrate that the progressive *rehabilitation* of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored.
 - s) For applications on lands currently designated Specialty Crop Area – Tender Fruit and Grape Lands, the applicant shall demonstrate the following:
 - i) The physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and allow for the microclimate on which the

- site and the surrounding area may be dependent for specialty crop production to be maintained; or
- ii) If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and will not allow for the microclimate on which the site and the surrounding area may be dependent for specialty crop production to be maintained, the applicant shall consider alternative locations; and
 - iii) Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area will be maximized as a first priority to allow production of specialty crops.
- 3.11.10 Notwithstanding other policies of this Plan, within the Greenbelt Natural Heritage System:
- a) No new mineral *aggregate* operations and no wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted within:
 - i) Significant *wetlands*;
 - ii) Significant habitat of endangered species and threatened species; and,
 - iii) Significant *woodlands* unless the woodland is occupied by young plantation or early successional habitat as defined by the Ministry of Natural Resources. In this case, the application must demonstrate that rehabilitation will be implemented so that the connectivity of the Natural Heritage System and the key hydrologic features on the site and on *adjacent lands* will be maintained or restored, and to the extent possible, improved. Applicants are required to demonstrate that all provisions of Greenbelt Policy 4.3.2.5, c) d), and Greenbelt Policy 4.3.2.6 c) have been satisfied.
 - b) Where a woodland is located on a site proposed for a new mineral *aggregate* operation, or on *adjacent lands*, the applicant shall have an evaluation of the woodland's significance prepared by a qualified biologist based on the above definition. The evaluation shall be prepared to the satisfaction of the Region, the local municipality and the Ministry of Natural Resources.
 - c) An application for a new mineral *aggregate* operation or new *wayside pit or quarry* may only be permitted in other Environmental Protection Areas, besides those set out in a) above, and any *vegetation protection zones* associated with such features, where the application demonstrates:
 - i) How ground and *surface water features* and their associated functions will be protected or enhanced; and
 - ii) That final rehabilitation measures have been addressed, and that they will be met by the operation. In particular, rehabilitation will be implemented so that the connectivity of the Core Natural Heritage

System and the key hydrologic features on the site and on *adjacent lands* will be maintained or restored, and to the extent possible, improved; and

- d) Any application for a new mineral *aggregate* operation, shall demonstrate through an *Environmental Impact Study* prepared in accordance with Section 9.18, or through an equivalent study prepared to meet the requirements of the *Aggregate Resources Act*:
 - i) How connectivity among Natural Heritage System features and key hydrologic features will be maintained before, during and after the extraction of mineral *aggregates*;
 - ii) How the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on *adjacent lands*; and
 - iii) How ground and surface water features will be protected or enhanced; and
- e) Expansion of an existing mineral *aggregate* operation may be permitted in the Natural Heritage System, including key natural heritage features and key hydrologic features, and in any associated *vegetation protection zone*, only if the expansion is consistent with the Provincial Policy Statement.

3.11.11 For any new mineral *aggregate* operation approved through an Official Plan Amendment and rezoning, the Town shall require an agreement to be entered into between the Town and the proponent prior to the required zoning coming into place. Such *development* agreements shall not conflict with any of the license requirements of the *Aggregate Resources Act*, but shall address:

- a) Arrangements for the specific *rehabilitation* of the subject lands after use, or in stages during use;
- b) A guarantee that the operation of the subject extractive industry will continue to be conducted in accordance with the latest and highest standards of the sand and gravel industry;
- c) Routes to be used by gravel trucks;
- d) Timing of blasting operations;
- e) Arrangements for a tree screen and/or berming to provide an effective visual buffer and noise mitigation between any proposed excavations and any road, including unopened road allowances, and any abutting Urban Settlement, Hamlet Settlement or area designated in the Official Plan for Residential, Parks and Open Space, or commercial;
- f) Provision that no new excavation or other processing shall take place until such screening has been established effectively; and
- g) Provision that no polluted water from washing or screening operations shall be discharged into any creek or *watercourse*.

3.11.12 All *pit* and *quarry* uses must satisfy the requirements of the Ministry of the Environment related to water supply and disposal of liquid waste.

- 3.11.13 Noise and vibration levels of *pit* operations including crushing, shall meet the Ministry of the Environment noise guidelines.
- 3.11.14 Pumping of water or mining below the water table will not be permitted in any *pit* or *quarry* unless approval is obtained from the Ministry of the Environment and the Niagara Peninsula Conservation Authority. Ministry of the Environment Approval for dewatering would be required if the proponent intends to extract in the dry.
- 3.11.15 Despite any other provision, the Town, Niagara Region, and the Provincial Ministry of Transportation, or any agent of the foregoing, may, for public road purpose, use any lot for the extraction and processing of *aggregate* material, by means of wayside pits and quarries, and for the use of portable asphalt plants and portable concrete plants, except on any lot zoned for residential purposes, *natural environmental* or any lot immediately adjacent to a lot zoned for residential purposes.
- 3.11.16 Any proposed land use change within 300 metres of a mineral *aggregate* operation shall demonstrate that such *development* application or proposed land use change will not result in the preclusion or hindrance of the expansion of the operation or its continued use or will not be incompatible for reasons of public health, public safety or environmental impact. When a license for extraction or operation ceases to exist, Section 3.11.6 continues to apply.
- 3.11.17 When operators are undertaking rehabilitation of *mineral aggregate operation* sites in the Protected Countryside, the following provisions apply:
- a) The aggregate industry will work with the Ministry of Natural Resources to consider the development and implementation of comprehensive rehabilitation plans in areas of high concentration of *mineral aggregate operations*;
 - b) The disturbed area of a site will be rehabilitated to a state of equal or greater *ecological value*, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
 - c) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of application:
 - i. The health, diversity and size of these *key natural heritage features* and *key hydrologic features* will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and
 - ii. Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
 - d) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of 4.3.2.5 (c) of the Greenbelt Plan.
 - e) Outside the Natural Heritage System, and except as provided in 4.3.2.5 (b), (c) and (d) of the Greenbelt Plan, final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.

- 3.11.18 Final rehabilitation in the Natural Heritage System will meet these additional provisions:
- a) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict;
 - b) Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and,
 - c) Rehabilitation will be implemented so that the connectivity of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands will be maintained or restored and to the extent possible improved.

- 3.11.19 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that a demonstration that the site can be progressively rehabilitated to agriculture to substantially the same area and average soil capability is provided to the satisfaction of the Town of Grimsby. Such demonstration shall not be required if there is a substantial quantity of aggregate resource below the water table warranting extraction or the depth of planned extraction makes restoration of pre- extraction agricultural capacity unfeasible and other alternatives have been considered by applicant and found unsuitable and agricultural rehabilitation in remaining areas will be maximized. Rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

On these *prime agricultural lands*, complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as *designated growth areas*, 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: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3; and agricultural rehabilitation in remaining areas is maximized.

- 3,11,20 In considering an application for an amendment pursuant to the foregoing Policy 3.11.7, the Council shall evaluate the following based on submitted studies:
- a) Compatibility with adjacent existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
 - b) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;

- c) Potential impacts on the quality and quantity of surface and groundwater systems;
- d) Potential impacts on the transportation system which will require truck routes and points of site access to be established;
- e) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
- f) If applicable, the capability of the land for agricultural uses;
- g) Proposed progressive rehabilitation plan;
- h) The degree to which the operation will be exposed to the public; and
- i) Such other matters as Council deems necessary.

3,11.21 Council will adhere to Policies 3.11.7 and 3,11.20. when considering new License and/or Site Plan Applications under the Aggregate Resources Act or applications for major modifications to existing site plans or licenses. In order to encourage land use compatibility of extractive industrial operations, Council may request additional setbacks or separation distance be established by the Ministry of Natural Resources through the licensing process.

3.11.22 Rehabilitation

3.11.22 a. The Town of Grimsby will require progressive rehabilitation of pits and quarries to an appropriate after use as determined by the Town of Grimsby that is in conformity with the adjoining land use designation and policies, the surrounding environment and existing uses.

3.11.22 b. In environmental areas, the Town will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Niagara Region Policy Plan, and the appropriate watershed/sub-watershed study.

3.11.22 c. Where such resources exist, the Town 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.

3.11.23 Wayside Pits and Quarries & Portable Asphalt and Concrete Plants

3.11.23 a. Wayside pits and quarries, as well as portable asphalt and concrete plants, are temporary operations that are established on short term-term notice to fulfill an immediate public road construction need. These operations are opened by or on behalf of the public road authority, such as the Ministry of Transportation, Region of Niagara or an area municipality. They are not to be located on the road right-of-way, in areas of existing development or in environmental areas.

3.11.23 b. Wayside operations and portable asphalt and concrete plants are regulated and licensed by the Province. While it is recognized that wayside operations 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 particular environmental sensitivity, council shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this plan.

4.0 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY

Intent

The Environmental Management policies of this section are premised on the Healthy Landscape concept, which is concerned with ecosystem health and environmental sustainability throughout Grimsby. It recognizes that environmental conditions in any particular location affect, and are affected by, environmental conditions in the surrounding landscape. Stormwater management on a site will affect, and be affected by, conditions in the surrounding area, whether the site is a residential subdivision or a farm, a golf course or a wetland. The Healthy Landscape approach recognizes that broader landscape level patterns and processes, such as the amount of forest cover in a watershed, are important to ecosystem health and sustainability. It recognizes that when the health of any one component, such as air quality, is impaired it will affect the healthy functioning of the ecosystem as a whole.

The policies of this section, in combination with the Natural Heritage System policies of Section 2.3.4, set out an integrated, sustainable approach to *development* and conservation that addresses the interrelationships among air, land, water and plant and animal life and human activities. The land use component of this approach is outlined in more detail in Section 3.1. The Environmental Management policies of this section address specific environmental concerns in more detail: water resources; air quality and climate change; the living landscape; land resources; shorelines; and natural hazards.

Although lands have been designated for environmental *protection* in the Natural Heritage System, the Environmental Protection and Environmental Conservation Area designations, and in the Escarpment Natural and Escarpment Protection designations, *development* outside of these areas can have implications for the environment including the water quality of the Lake Ontario and the Twenty Mile Creek and Forty Mile Creek watersheds, and potentially for public health and safety. The policies of this section require additional consideration and study, and possible mitigation through design and certain use prohibition within areas of potential environmental concern.

Goals

- To manage *development* such that impacts on the *natural environment* and human health are avoided or minimized and opportunities are provided to achieve sustainable *development* and maintain a high quality *natural environment*.

Objectives

1. To maintain a healthy *natural environment* for present and future generations.
2. To conserve Grimsby's distinctive natural character.

3. To apply an ecosystem-based approach to planning and decision-making.
4. To foster and promote cooperation among public agencies, private landowners and community groups.
5. To support and encourage environmental stewardship and restoration.
6. To protect, improve or restore the quality and quantity of water.
7. To protect the municipal drinking water from contamination.
8. To minimize disturbance of locally significant landforms.
9. To ensure that *development* within the Town contributes to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems, on an integrated watershed management basis.
10. To ensure that *development* promotes water conservation and supports the efficient use of water resources on a watershed basis.
11. To protect or enhance the quality and quantity of ground water and surface water and the function of groundwater recharge/discharge areas and aquifers.

4.1 HEALTHY LANDSCAPE

Intent:

In making landscape decisions, consideration of the environment is not limited to the lands within the Natural Heritage System or on lands designated Environmental Protection or Environmental Conservation. The environmental implications of land use decisions need to be considered throughout the Town of Grimsby to achieve a sustainable healthy landscape.

General Policies:

- 4.1.1 An ecosystem approach shall be employed in the consideration of all land use matters and shall address:
 - a) The interrelationships among air, land, water, plant and animal life, and human activities;
 - b) The health and integrity of the broader landscape, including impacts on the *natural environment* in neighbouring jurisdictions; and
 - c) The long term and cumulative impacts on the ecosystem.
- 4.1.2 *Development*, including *infrastructure*, should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If *negative impacts* cannot be avoided then mitigation measures shall be required.
- 4.1.3 The Town will collaborate with the Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental database and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.

- 4.1.4 The Town will promote and implement programs which maintain and improve the quality of the land and its nutrients, including the remediation of brownfield sites.
- 4.1.5 Nothing in Section 4.0 is intended to limit the ability of existing agricultural uses to continue.

4.2 WATER RESOURCES

Intent:

Water Resources includes both surface water, i.e., lakes, rivers and streams, and ground water, i.e. aquifers. It is the intent of this Plan to protect, improve and restore the quality and quantity of water. Groundwater recharge and discharge areas are critical to the maintenance of aquifers as well as contributing to stream baseflow and the maintenance of *wetlands* and associated plant and animal communities. Areas of significant groundwater recharge help to ensure the ecological and hydrological integrity of the watershed. An aquifer can be easily changed or affected by contamination from both human activities and natural processes. As such, the functions of these areas need to be protected and maintained.

Objectives:

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

General Policies:

- 4.2.1 *Development* and *site alteration* shall be restricted in the vicinity of significant groundwater recharge, surface water features and areas of *high aquifer vulnerability* along with ground water features of importance to municipal water supplies so that the safety, quality and quantity of ground water will be protected or improved or restored. Areas of potential significant groundwater recharge are schematically delineated in **Appendix 4**. Areas of *high aquifer vulnerability* have been mapped by the Niagara Peninsula Conservation Area, as shown on **Appendix 5**.
- 4.2.2 Areas of significant groundwater recharge and discharge can have implications for *development*. However, the scale of mapping available makes it difficult to quantify the significance of the recharge or discharge function in these areas and the implications for *development*. As such, more detailed hydrogeological studies shall be required, through secondary plan studies and prior to approval of any site specific applications for Official Plan Amendment or rezoning, to identify and refine groundwater recharge /discharge areas and areas of *high aquifer vulnerability*, to assess impact from *development* and to protect the hydrological integrity of significant groundwater recharge and discharge functions.
- 4.2.3 The hydrogeological studies required in Section 4.2.2 above shall:

- a) Characterize the groundwater system, (i.e., stratigraphy, aquifer zones, groundwater flow, vertical hydraulic gradients, etc.);
 - b) Characterize shallow soils hydraulic conductivity and infiltration potential;
 - c) Characterize sensitivity to contamination;
 - d) Define recharge/discharge conditions;
 - e) Identify groundwater / surface water interactions (i.e. cold water fisheries, *wetlands*, ponds fed by groundwater);
 - f) Define the influence boundaries;
 - g) Establish a water budget;
 - h) Assess impact of proposed site *development* with water balance analysis (i.e. pre- and post-development scenarios); and
 - i) Develop and evaluate mitigation options and provide preferred mitigation recommendations;
 - j) Identify the linkages among ground water features, surface water features, hydrogeologic functions and natural heritage features and areas.
- 4.2.4 The hydrogeological studies completed at a secondary plan stage shall assess the sensitivities of an area, identify critical areas, define the influence boundaries, ensure the hydrological integrity of the areas are protected, provide recommendations for mitigation measures, set out policies on permitted uses or lot restrictions and identify criteria to assess subsequent applications. Where applicable, water balances will be provided to demonstrate that wetland features can be maintained or improved. A subsequent study shall be required in support of a *development* application to refine the impact assessment with more detailed recommendations for site design and mitigation measures. Such studies shall be completed to the satisfaction of the Town in consultation with the Niagara Peninsula Conservation Authority.
- 4.2.5 *Development* and *site alteration* shall only be permitted if it will have no *negative impacts*, including cross-jurisdictional and cross-watershed impacts, on:
- a) The quantity and quality of surface and ground water;
 - b) The functions of ground water recharge and discharge areas, aquifers and *headwaters*;
 - c) The natural hydrologic characteristics of *watercourses* such as base flow;
 - d) Surface or ground water resources adversely impacting on natural features or *ecological functions* of the Natural Heritage System or its components;
 - e) Natural drainage systems, stream forms and shorelines; and
 - f) Flooding or erosion.
- 4.2.6 Mitigative measures and/or alternative development approaches may be required in order to protect, improve, or restore similar surface water features, sensitive ground water features and their hydrologic functions.

- 4.2.7 The Town shall promote the efficient and sustainable use of water resources in all new developments and municipal operations.
- 4.2.8 Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Town and the Region that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet existing and planned uses.
- 4.2.9 The Town, through this Plan, is supportive of the preparation of watershed plans for major watersheds.
- 4.2.10 The Plan requires that an Environmental Planning Study or Sub-Watershed study be prepared where major changes in land use or municipal plans are proposed for an area such as an urban boundary expansion or secondary plan.
- 4.2.11 The Town through this Plan makes a commitment to implement watershed plans and Environmental Planning Studies or Sub-Watershed Studies.
- 4.2.12 This Plan requires an integrated environmental review where a significant development such as a golf course, a residential subdivision or a large commercial, industrial or institutional development is proposed that requires a number of different environmental studies.
- 4.2.13 Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Town and the Region that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet planned uses.
- 4.2.14 The Town encourages the inclusion of green roofs into energy and water conservation strategies.

4.3 INTAKE PROTECTION ZONE

Intent:

The Intake Protection Zone (IPZ) is defined as the area that may be susceptible to contamination around the surface water intake to the Water Treatment Plant. Through Source Water Protection planning under the provincial *Clean Water Act*, an IPZ is to be delineated.

General Policies:

- 4.3.1 There are two IPZ's in Grimsby. An Intake Protection Zone (IPZ) is delineated on **Appendix 5** around the water treatment plant on the North Service Road.
- 4.3.2 The Source Water Protection Plan may include policies to restrict land use and site alteration within the IPZ-1 and IPZ-2. An amendment to this Plan may be required once the Province has approved the Source Water Protection Plan.

4.4 LANDFORM CONSERVATION

Intent:

The Town contains a number of significant landforms including the *Escarpment*, the Forty Mile Creek, and the shoreline of Lake Ontario. These landforms are important due to their environmental, economic and recreational significance. The Niagara Region Policy Plan encourages municipalities to consider the need for landform conservation planning. The Niagara Escarpment is already protected through the Niagara Escarpment Plan. The remaining unbuilt portion of the Lake Ontario shoreline is largely protected through the Greenbelt Plan. However, other landforms may also be worthy of maintaining.

Objectives:

1. To protect significant landforms and geological features.
2. To maintain and, where possible, improve public access to open space along the Lake Ontario shorelines.
3. To maintain the Lake Ontario shoreline in as natural a condition as possible and promote environmental protection, restoration and enhancement.

General Policies:

- 4.4.1 In the review of *development* applications, the following *development* guidelines shall be considered:
- a) New roads should be designed to harmonize with the existing topography to the extent possible, thus minimizing changes;
 - b) The removal of vegetation along shorelines should be discouraged; and
 - c) Views from and of locally significant landforms should be protected.
- 4.4.2 As a condition of *development* approval, applicants shall identify planning, design, grading and construction practices that keep disturbance of landform character to a minimum.

4.4.3 Planning applications shall integrate natural features and natural vegetation, including the planting of native species, into *development plans*.

4.4.4 Linear public utilities and *infrastructure* may be permitted within an Earth Science ANSI if it has been demonstrated that there will be no significant negative impacts in the earth science features for which the area was identified or on ecological functions related to the ANSI.

A geotechnical report (at the expense of the applicant) prepared to the satisfaction of the Conservation Authority is required for new development adjacent to the Lake Ontario shoreline where the bank height is equal to or greater than 3 metres. The study will determine the location of the stable top of bank, stable slope allowance and make recommendations pertaining to: development setbacks, construction equipment access, limit of work, vegetation protection, toe protection, sediment and erosion controls, drainage, etc.

Where an amendment to Regional or local planning documents or a major development is proposed within an Earth Science ANSI, adequate information shall be submitted with the application respecting:

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

4.4.5 As a condition of *development* approval, Council may require measures to conserve topsoil and reduce or mitigate soil erosion.

4.4.6 Public access to the Lake Ontario shoreline shall be maintained or enhanced wherever possible. Road closures that would reduce public access shall not be permitted unless a suitable new access is provided nearby.

4.4.7 Landowners are encouraged to maintain Grimsby's shorelines in a natural state by:

- a) Maintaining or establishing a naturally vegetated buffer strip along the shoreline; and
- b) Using non-structural shoreline protection such as bioengineering using native vegetation.

4.4.8 Where *development* is proposed along the Lake Ontario shoreline:

- a) Public access to the shoreline shall be provided;
- b) Efforts shall be made to maintain a view of the shoreline from beyond the *development*;
- c) Where feasible the shoreline should be maintained in, or restored to, a naturally vegetated state;
- d) Suitable shoreline lands should be dedicated, where possible, to an appropriate *public agency* where such lands would provide public benefits or

are identified as part of a planned public trail system. Normally these lands shall be located above the stable *top of bank*; and,

- e) A permit will be required from the Niagara Peninsula Conservation Authority as per Section 3.2.18.

4.5 ENERGY CONSERVATION AND CLIMATE CHANGE

Intent:

It is the intent of this Plan to support energy efficiency and improve air quality by encouraging the reduction of energy consumption, endorsing the *development* of compact and mixed-use neighbourhoods, and by promoting innovative forms of alternative and renewable energy, in land use and *development* patterns.

Objectives:

1. To promote sustainability practices which reduce air pollutants and greenhouse gas emissions.

General Policies:

- 4.5.1 In order to reduce energy consumption, reasonably compact forms of *development* shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.
- 4.5.2 Neighbourhood services and facilities including public recreational facilities shall be provided close to residential *development* to help reduce automobile trips.
- 4.5.3 When considering building forms, *development* which results in extensive loss of sunlight to adjacent land uses shall be discouraged.
- 4.5.4 The Town shall encourage and support energy conservation, district heating and combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations.
- 4.5.5 The Town will encourage and facilitate 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.
- 4.5.6 In order to encourage and facilitate energy conservation as set out in 4.5.5, energy efficient building design including passive solar energy gain, increased insulation, energy star appliances, alternative energy systems, and conformity with LEED certification shall be encouraged in all new buildings.
- 4.5.7 Site plan control may be used to incorporate energy conservation measures into the final design. Such measures may include orientation and design of new buildings to maximize passive solar gain and to minimize energy loss through appropriate construction standards and landscaping designed to moderate seasonal climatic variation.

- 4.5.8 The Town may consider flexibility in zoning and site planning in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics which provide for increased energy efficiency.
- 4.5.9 The Town shall encourage design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation.

4.6 WASTE DISPOSAL ASSESSMENT AREAS

Intent:

The Waste Disposal Assessment Area delineated on **Schedule D** identifies a Closed Sanitary Landfill Site and a Waste Disposal Assessment Area within 500 metres of the closed landfill site. The policies provide guidance for future *development* in and around the closed landfill site.

General Policies:

- 4.6.1 Where *development* is proposed on or within 500 metres of the Closed Sanitary Landfill Site, *development* will be subject to the following policies:
- a) Written approval has been received from the Ministry of the Environment that the *development* satisfies the provisions of the *Environmental Protection Act*, R.S.O. 1990 where development is proposed on lands that were used for waste disposal purposes and where the waste disposal activity ended within 25 years pursuant to Section 46 of the *Environmental Protection Act*;
 - b) Studies have been carried out to the satisfaction of the Town, Region of Niagara and the Ministry of the Environment that demonstrate that there will be no adverse effects to persons and property from the Closed Sanitary Landfill Site. Such studies may include ground and surface water (hydrogeology and hydrology) studies, and methane gas migration studies, and shall be completed in accordance with the Ministry of Environment's Guideline D-4 Land Use On Or Near Landfills and Dumps, as amended or replaced from time to time. The Ministry of the Environment will only review studies deemed necessary to the Ministry of the Environment Approvals pursuant to Section 46 of the *Environmental Protection Act*;
 - c) The Town shall require the construction and phasing of all *development* to coincide with the control of any problems identified by the studies;
 - d) The Town shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of all structures;
 - e) Notwithstanding the land use designations on **Schedule D**, residential *development* will not be allowed to proceed on areas identified, by the studies required in Section 4.6.1 c), as containing organic or chemical wastes at unacceptable levels. Sensitive land uses, including residential use shall normally be discouraged on any closed landfill sites in accordance with Ministry of the Environment Guideline D-4 and would require concurrence from the Ministry of Environment; and

- f) Notwithstanding the above policies, permitted *agricultural uses* may be established within the Waste Disposal Assessment Area other than on the landfill site itself without the approval of the Ministry of the Environment provided that the construction of buildings, structures or wells will not occur within the area other than non-habitable buildings or wells which are erected with the approval of the Ministry of the Environment. Ministry of Environment Approval would only pertain to water takings in excess of 50,000 litres/day pursuant to the requirements of the Ontario Water Resources Act. Wells for individual residences are not subject to the Ministry of the Environment Approval.
- 4.6.2 Lands within the Waste Disposal Assessment Area shall be zoned in a holding category, which does not permit new buildings or structures. When such areas are deemed suitable for *development* subject to the applicable policies of this section the holding symbol may be lifted.

4.7 CRITERIA FOR DEVELOPMENT WITHIN THE NIAGARA ESCARPMENT PLAN AREA

Intent:

The following criteria apply to new *development* and expansions or alterations to existing uses within the Niagara Escarpment Plan Area, in addition to the Development Criteria of Section 2 of the Niagara Escarpment Plan and other relevant policies of the Niagara Escarpment Plan. These criteria deal with *development* in a variety of situations, and therefore, not all criteria will apply to every *development*.

General Policies:

4.7.1 General Development Criteria

The General Development Criteria are intended to permit reasonable enjoyment by the owners of all existing lots that can sustain *development*.

- a) Permitted uses may be allowed provided that:
 - i) The long-term capacity of the site can support the use without a substantial *negative impact* on *Escarpment* environmental features such as water quality, natural vegetation, soil, wildlife, population and visual attractiveness.
 - ii) The cumulative impact of *development* will not have serious detrimental effects on the *Escarpment* environment (e.g. water quality, vegetation, soil, wildlife, and landscape).
 - iii) The site is not considered hazardous to life or property due to *unstable* soil conditions or possible flooding.
 - iv) *Development* meets applicable Federal, Provincial and Municipal health and servicing requirements.
- b) Where a lot is located in more than one designation, *development* should be located on that portion of the lot located in the least restrictive designation.
- c) The feasibility of the proposed water supply and sewage disposal system is demonstrated through appropriate technical studies.
- d) *Development* should be designed and located in such a manner as to preserve the natural, visual, and cultural characteristics of the area.
- e) Where *development* involves new roads, road improvements or service corridors, their designation and alignment should be in harmony with the *Escarpment* landscape.
- f) *Single dwellings* are limited to one per existing lot in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless the residential use is a help-house accessory to agriculture in which case the criteria relating to *agricultural uses* may apply.
- g) *Development* should be designed and located in such a manner as to provide for or protect access to the *Escarpment* including the Bruce Trail Corridor.
- h) The Town shall protect, improve or restore the *quality and quantity of water* by:

- i. Using the *watershed* as the ecologically meaningful scale for planning;
- ii. Minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
- iii. Identifying *surface water features, ground water features, hydrologic functions* and *natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*
- iv. Implementing necessary restrictions on *development* and *site alteration* to:
 - a. Protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - b. Protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
- v. Maintaining linkages and related functions among *surface water features, ground water features, hydrologic functions* and *natural heritage features and areas*;
- vi. Promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
- vii. Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

4.7.2 Existing Uses

It is an objective of the Niagara Escarpment Plan and this Plan to not disrupt existing uses. As such, the following policies apply regarding existing uses:

- a) An existing use, building or structure may expand or change in use, or be replaced when it can be sufficiently demonstrated that the objectives of this designation are met.
- b) Where an existing use has a substantial ecological or visual impact, the property owner shall be encouraged to bring the use into closer conformity with the objectives of the applicable designation of the Niagara Escarpment Plan.
- c) An existing building or structure may be rebuilt in the same location, of the same exterior size and use provided building and health requirements and the provisions of *Development Control Regulation 828/90* as amended are met and in the case of hazard lands, approval is required from the Conservation Authority.
- d) An expansion or enlargement shall be minor in proportion to the size and scale of the building or use at the time it became a legally existing use as defined by the Plan, and shall not result in an *intensification* of the use.
- e) An existing use may change to a similar use or more *compatible* use provided it can be sufficiently demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met.
- f) The expansion/enlargement of existing ponds is not permitted unless it is a farm pond and is not located in the Escarpment Natural Area.

4.7.3 New Development Affecting Steep Slopes and Ravines

New *development* affecting steep *slopes* (e.g. *Escarpment slopes*, rock faces, and *talus slopes*) and ravines shall not result in environmental damage or in unsafe conditions and shall be subject to the following:

- a) The crest or *brow* and *toe* of the slope or ravine shall be established by means of a site inspection by the authority responsible for implementing the Escarpment Plan. These lines will be plotted on proposed *development plans*.
- b) The *implementing authority* will establish a minimum *development* setback from the *brow* or crest and *toe* of a *slope* or ravine and no disturbance of grades or vegetation below the crest or *brow* and above the *toe* shall occur.
- c) Where this setback cannot be achieved on an existing lot of record on a steep *slope*, the setback may be varied or eliminated to the satisfaction of the *implementing authority*.
- d) An engineering report shall be prepared by the applicant if the existing or future stability of the *slope* or ravine is in question.
- e) Structures of any kind, unless permitted by the policies of this Plan, should not be placed on slopes in excess of 25 per cent (1 to 4 slopes).
- f) During *development*, a screen of appropriate fencing material (e.g. snow fencing) should be established approximately three metres (10 feet) from the crest of the slope in order to prevent dumping.
- g) *Development* should be designed in such a way as to minimize the disturbance and ensure the stability of *Escarpment* and ravine slopes.

4.7.4 New Development Affecting Water Resources

The Town shall ensure that new *development* adjacent to streams, lakes and *wetlands* will have a minimum adverse effect on water quality and quantity and shall consider the following:

- a) Changes to the natural drainage should be avoided.
- b) No sewage system should be allowed closer than 30 metres from:
 - i) The top of a stream bank or ravine; or
 - ii) The edge of any *wetland*.

Where this setback cannot be achieved on an existing lot of record, the distance may be varied to the satisfaction of the Town.

A permit from the NPCA may be required for locating sewage systems adjacent to watercourses and wetlands.

- c) A setback for other *development* will be established from each side of a stream, or wetland necessary to maintain existing water quality. The width of this buffer shall be determined by the *implementing authority*, in consultation

with the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources, and the Ministry of the Environment which shall consider:

- i) Soil type;
 - ii) Types and amounts of vegetation cover;
 - iii) Slope of the land; and
 - iv) Fish and wildlife.
- d) No alteration of the natural grade or drainage shall occur within the setback where, in the opinion of the *implementing authority*, such action would adversely affect surface and/or ground water resources.
- e) The cutting of trees within the setback is regulated by the *Forest Management Criteria*, in Section 4.7.9.
- f) Where in the opinion of the *implementing authority* a potential ground or surface water pollution problem exists, the applicant shall detail through appropriate studies, the detrimental effects and how they will be minimized.
- g) During *development*, the following sediment and erosion control practices should be carried out:
- i) Only the smallest practical area of land should be exposed at any time during the *development*;
 - ii) When land is exposed during *development* the exposure should be kept to the shortest practical period of time;
 - iii) Natural features such as tree groves, grades and waterways should be preserved;
 - iv) Temporary vegetation and/or mulching should be used to protect critical areas exposed during *development*;
 - v) Final landscaping and vegetation should be installed as soon as practical following completion of the *development*;
 - vi) Top soil should not be removed from the site, but rather, should be stored and redistributed as a suitable base for seeding and planting;
 - vii) *Sediment control devices* should be installed to remove sediment run-off due to changed soil surface conditions during and after construction; and
 - viii) Construction in or across a *watercourse* or *wetland* should be appropriately timed to minimize impacts on fish and wildlife habitat.
- h) *Development* shall locate outside *wetlands*.
- i) *Development* adjacent to *wetlands* may be permitted only if it does not result in any of the following:
- i) Loss of *wetland* functions;
 - ii) Subsequent demand for future *development* which will negatively affect existing *wetland* functions;
 - iii) Conflict with existing site-specific *wetland* management practices; and
 - iv) Loss of contiguous wetland area.
- j) A *development* setback referred to in subsection c) shall be maintained or established as a natural vegetative buffer.

4.7.5 Fisheries

New *development* or redevelopment adjacent to significant fishery resources shall demonstrate the following:

- a) The *development* shall ensure net gain/no net loss of productive capacity of *fish habitat*;
- b) Maintenance of minimum baseflow of *watercourses*;
- c) Maintenance of existing *watercourses* in a healthy, natural state;
- d) Maintenance of vegetative buffers in accordance with the sensitivity of the fishery resource and *development* criteria; and
- e) Best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving *watercourses* shall meet the standards established by the Ministries of Environment and Natural Resources.

4.7.6 Ponds

The following policies shall apply regarding private ponds:

- a) Ponds should be designed and located to avoid streams, *wetlands*, *Areas of Natural and Scientific Interest* (Life Science), *source areas*, *Escarpment slopes* and significant *watercourses*;
- b) Where possible, ponds should be designed to be off-stream with bottom draw-off control structures;
- c) Ponds should be designed so as not to adversely affect downstream water quality and quantity and *adjacent lands*;
- d) When considering an application for a new pond, the *implementing authority* shall consider the number, distribution and location of ponds within the watershed in terms of their cumulative effect on the objectives of the applicable designation and watershed management program of the Ministry of the Environment, Ministry of Natural Resources and the Niagara Peninsula Conservation Authority;
- e) Existing ponds shall be encouraged to revert to a natural state (e.g. where there are significant environmental impacts or structural problems);
- f) Where an existing pond has a substantial ecological or potentially hazardous impact, the property owner shall be encouraged to take corrective measures, which may include the installation of a bottom draw-off device or the establishment of a natural vegetative buffer at the edge of the pond;
- g) Where it may be permitted, the construction, expansion and maintenance of ponds shall be in accordance with the following:
 - i) Natural vegetative buffers shall be maintained or established;
 - ii) The design shall not adversely affect downstream water quality, quantity, *adjacent lands* and riparian rights; and

- iii) Applications which involve the impoundment or damming of surface drainage or spring sources shall be accompanied by detailed design drawings approved by a water resource engineer if structural or safety concerns exist.
- h) The construction of ponds associated with golf courses shall be supported by the preparation of a water budget analysis, which:
 - i) Maximizes collection of surface drainage internal to the site; and
 - ii) Incorporates measures, within the overall design of the pond/drainage system, which minimize the demand for, and reliance on, supplementary water resources (e.g. well/groundwater sources and stream systems).

4.7.7 New *Development* within Wooded Areas

The Town shall ensure that new *development* preserve wooded areas as much as possible:

- a) Disturbance of treed areas should be minimized, and proposed *developments* in heavily treed areas shall have site plan agreements containing specific management details regarding the protection of existing trees.
- b) Trees to be retained should be protected by means of snow fencing, wrapping, or other acceptable means during construction (e.g. tree wells).
- c) Existing tree cover or other stabilizing vegetation will be maintained on slopes in excess of 25 per cent (1 in 4 slope).

4.7.8 New *Development* within Wildlife Habitat

The Town shall protect the habitat of endangered (regulated) as prescribed by the *Endangered Species Act*, endangered (not regulated), rare, special concern and threatened, plant and animal species, and minimize the impact of new *development* on wildlife habitat.

- a) New *development* will not be permitted in identified habitat of endangered (regulated) plant or animal species.
- b) *Development* shall be designed so as to:
 - i) Minimize the impacts upon wildlife habitat, in particular, habitats of endangered (not regulated), rare, special concern, and threatened plant or animal species, as identified by on-site evaluation;
 - ii) Maintain wildlife corridors and *linkages* with adjacent areas; and
 - iii) Enhance wildlife habitat wherever possible.

4.7.9 *Forest Management*

The Town shall maintain and enhance the forests and associated animal and plant habitats.

- a) Any cutting of trees requires approval from the *implementing authority* with the following exceptions:

- i) The cutting or other destruction, removal or pruning of trees carried out under The *Crown Forest Sustainability Act*, the *Forestry Act*, The *Municipal Act* and the *Conservation Authorities Act*, or in accordance with programs administered by the Ministry of Natural Resources;
 - ii) The cutting or other destruction, removal or pruning of trees for *domestic purposes*;
 - iii) Where there are specialized tree crops, such as Christmas tree farms, nurseries, or orchards, where clear cutting or removal and replanting is a normal part of the operation;
 - iv) Where trees create a hazard; and
 - v) To facilitate approved permitted uses.
- b) Approval to cut is conditional upon:
- i) Using tree-cutting methods designed to minimize adverse effects on the *natural environment* including surface drainage and groundwater;
 - ii) Minimizing disruption of habitats for plants and animal species occurring in the area;
 - iii) Retaining the diversity of tree species;
 - iv) Aiming over the long term to retain or enhance the quality, appearance and productivity of the forest site; and
 - v) Minimum cutting within highly sensitive areas such as steep *slopes*, *unstable* soils and stream valleys, and areas of high ground water infiltration.
- c) Restoration using native tree species shall be encouraged by both provincial and municipal authorities, particularly in areas of shallow and *unstable* soils, steep *slopes*, stream valleys, *headwaters* and ground water infiltration areas critical to the maintenance of the quality and quantity of natural streams and water supplies; also, to restore open abandoned sub-marginal agricultural land to productivity by growing a forest crop.
- d) Any tree cutting program should include natural regeneration or rehabilitation through reforestation where necessary.
- e) Tree cutting in an Area of Natural Scientific Interest (Life Science) which is in public ownership will be permitted where it is necessary to maintain the values for which the area was acquired, for emergency access, where existing agreements are in effect or to implement uses permitted in approved *Park Plans*.

4.7.10 Cultural Heritage Resources

The Town shall maintain and conserve the cultural heritage features of the Escarpment Plan Area through the following:

- a) Care shall be taken to preserve known archaeological sites (especially native burial sites) or areas where such sites might reasonably be expected to exist.
- b) Existing heritage features, areas and properties should be retained and reused.
- c) New *development* including reconstruction and alterations should be in harmony with the area's character and the existing heritage features

and building(s) in general mass, height and setback and in the treatment of architectural details, especially on building facades.

- d) Where new *development* involves a heritage feature it should express the feature in some way. This may include one or more of the following:
 - i) Preservation of the heritage resource or cultural landscape in its original setting as part of the new development;
 - ii) Preservation and display of fragments of the former building's features and landscaping;
 - iii) Marking the traces of former locations, shapes and circulation lines;
 - iv) Displaying graphic verbal descriptions of the former use; and
 - v) Reflection of the former architecture and use in the new *development*.
- e) Where *development* will destroy or significantly alter cultural landscapes or heritage features, actions should be taken to salvage information on the features being lost. Such actions could include archaeological salvage excavation, and the recording of buildings or structures through measured drawings or photogrammetry or their physical removal to a different location.

4.7.11 Recreation

It is an objective of this Plan to minimize any adverse impact of recreational activities on the *Escarpment* environment through the following:

- a) All recreational activities should be designed and located so as not to conflict with surrounding land uses and be *compatible* with the natural and cultural character of the area.
- b) Intensive recreational activity is intended to occur primarily in the designated *Escarpment* recreation areas and/or on the public lands of the Niagara Escarpment parks and open space system established for this purpose.
- c) Recreational uses should not exceed the *carrying capacity* of a site or area.
- d) Trails will be located and designed so as not to adversely affect adjoining private landowners.
- e) Motorized vehicle trails are encouraged to use abandoned *pits* or quarries, abandoned railway lines or unused township roads where disruption of the *natural environment* would be minimal.
- f) Trails will be located and designed to avoid wherever possible steep *slopes*, *wetlands*, erosion-prone soils, agricultural areas and ecologically sensitive areas such as deer-wintering yards and significant plant and animal habitats and *Areas of Natural and Scientific Interest*.
- g) Where existing trails are in locations that cause environmental deterioration, relocations to a less critical location shall be encouraged.
- h) Trail design, construction and management should ensure the safety of trail users.

4.7.12 Areas of Natural and Scientific Interest (ANSIs)

The scenic, scientific, educational or interpretive value of the most significant *Areas of Natural and Scientific Interest* within the Escarpment Natural Area shall be maintained.

- a) *Development* shall be directed to locate outside of Provincially Significant and Regionally Significant Life Science ANSIs. Minor encroachments will be considered in relation to:
 - i) Specific features for which the ANSIs have been identified;
 - ii) Protection, natural heritage appreciation, scientific study or educational values and their maintenance; and
 - iii) Whether appropriate mitigative measures can be applied to protect ANSI values.
- b) A setback for *development* should be established for Provincially and Regionally Significant Life Science ANSIs or features therein by the *implementing authority* in consultation with the Ministry of Natural Resources wherever it may be determined that such setback is necessary to maintain the protection, natural heritage appreciation, scientific study, or educational values of such areas.
- c) In Provincially Significant Earth Science ANSIs *development* will be considered, provided that:
 - i) It does not significantly alter the natural topography or geological features of the Earth Science ANSI; and
 - ii) Methods are employed to minimize the impact of the use on the values for which the site has been identified.

4.7.13 Wayside Pits and Quarries

In addition to the *Aggregate Resources Act*, wayside pits and quarries shall be subject to the following criteria:

- a) An application to the *implementing authority* for a wayside permit shall be accompanied by a sketch map drawn to scale indicating property features, present *pit* areas, excavation faces, areas to be excavated and other areas to be used.
- b) An application for a wayside permit shall be accompanied by a *rehabilitation* statement or plan compatible with the proposed operation and the land use in the area.
- c) The comments of the Town should be solicited on applications for wayside permits for provincial road construction purposes.
- d) Wayside permits for municipal road construction purposes in the Escarpment Protection Area will be restricted to sites previously disturbed by extractive operations, (e.g. previous *pits* or quarries, and abandoned *pits* or quarries).
- e) The opportunity to use mineral *aggregate* resources, which would not be otherwise commercially developed, including abandoned *pits* and quarries, shall be considered prior to issuing a wayside permit.

- f) A wayside permit expires on the completion of the project or contract or one year after its issuance, whichever occurs first. Application for renewal or a new permit for the completion of the project will be considered by the *implementing authority*.
- g) An estimate tonnage limit shall be determined based on the requirements of the project or contract and will be placed as a condition on the permit at the time of issuance.
- h) Terms and conditions related to the method of operation and *rehabilitation* shall also be placed on the permit at the time of issuance.

5.0 INFRASTRUCTURE AND TRANSPORTATION

Intent:

A healthy and efficient community is dependent on sufficient servicing to accommodate existing and future uses, and an effective transportation plan to efficiently move goods and people. It is the intent of this Plan to ensure the growth of a healthy community through adequate water supply and sanitary *infrastructure*, along with effective stormwater management facilities to attenuate the impacts of *development*. As well, this Plan will encourage the provision of a safe, convenient, efficient, and useable transportation system for the movement of people and goods.

Goals:

- To ensure that all *development* in the Town is adequately and appropriately serviced.
- To provide alternative modes of transportation to meet the needs of Grimsby's non-driving population.
- To encourage active transportation such as walking and cycling.

Objectives:

1. To ensure that new growth takes place within the fiscal abilities of the Town.
2. To ensure that *development* incorporates the highest level of stormwater management in accordance with provincial, watershed and Town guidelines and standards.
3. To achieve over the long-term implementation of local public transportation, and the extension of Regional public transportation routes.
4. To upgrade bicycle facilities to make for safer routes
5. To achieve Pedestrian and universal access upgrades.
6. To build Complete Streets to compliment the desired complete community.
7. Optimization of existing infrastructure.
8. To not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

5.1 WATER SUPPLY

Intent:

The majority of the lands north of the *Escarpment* are served by a municipal water system. Niagara Region is responsible for water treatment while the Town of Grimsby is responsible for the water distribution system. Both the distribution system, and the treatment facility will require expansion during the planning period as *development* continues.

General Policies:

- 5.1.1 All new *development*, within the Urban Settlement Area boundary shall be required to be connected to the water system as a condition of approval.
- 5.1.2 *Development*, and the creation of *new lots* in the lands south of the *brow* of the *Escarpment* shall only be permitted where the Town and the Regional Health Department are satisfied that there is an adequate private water supply.
- 5.1.3 The Town in consultation with Niagara Region shall ensure that there is sufficient reserve water system capacity within the municipal water services north of the *Escarpment* prior to permitting new *development*.

5.2 SANITARY SEWAGE TREATMENT

Intent:

The majority of the lands north of the *Escarpment* are served by a municipal sanitary sewage disposal system. Niagara Region is responsible for the treatment, pumping and major trunk facilities for this system. The Town of Grimsby is responsible for local sewer lines. The treatment plant and certain trunk and local sewer lines will require expansion during the planning period to accommodate additional *development*.

General Policies:

- 5.2.1 All new *development* within the Urban Settlement Area Boundary shall be required to be connected to the sewage system in accordance with the requirements of the Town as a condition of approval.
- 5.2.2 Council in consultation with Niagara Region shall ensure that there is sufficient reserve sewage capacity within the municipal sewage services north of the *Escarpment* prior to permitting new development, including treatment capacity for hauled sewage from private individual on-site sewage services for lot creation outside of the Urban Settlement Area Boundary where permitted by this plan.
- 5.2.3 New *development* on private water or sanitary services on the lands south of the *brow* of the *Escarpment* shall only be permitted where the Town and the Regional Public Works Department are satisfied that lot size, topography, soils, drainage and siting of the buildings will permit the installation of an

adequate means of sewage disposal.

5.2.4 *Development* should be phased in line with available sanitary and water treatment capacity.

5.2.5 Individual on-site sewage services shall be used for new development of 5 or less lots or residential units within the Countryside delineated on Schedule A.

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

5.2.7 A privately maintained 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 holding tank.

5.2.8 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 the applicable legislation.

Note: Section 5.27 and 5.28 are Deferred by Region of Niagara pending further study.

5.2.9 The creation of a new communal water or wastewater treatment system is prohibited.

5.2.10 The Town will not consider or 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 Environment guidelines whether or not the existing or proposed development is permitted by this Plan or Zoning By-law.

5.2.11 *Partial services* shall only be permitted in the following circumstances:

1. where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; and
2. within *settlement areas*, to allow for infilling and rounding out of existing development on *partial services* provided that:
 - i. the development is within the *reserve sewage system capacity* and *reserve water system capacity*; and
 - ii. site conditions are suitable for the long-term provision of such services.

5.3 STORMWATER MANAGEMENT

Intent:

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

General Policies:

- 5.3.1 A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a *development* application depending on:
- a) The scale and nature of the proposal; and
 - b) Site-specific environmental conditions.
 - c) Requirements resulting from the site being within MTO permit control area.
- 5.3.2 A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral *aggregate* operation where these matters are adequately addressed through studies prepared to meet the requirements of the *Aggregate Resources Act*.
- 5.3.3 Stormwater management plans shall be prepared in accordance with Section 5.3.5 and with the Ontario Ministry of the Environment *Stormwater Management Planning and Design Manual* (2003) or its successor, the Erosion and Sediment Control Guidelines for Urban Construction, Greater Golden Horseshoe Conservation Authorities (2006), the NPCA Stormwater Management Policies (2010) and with other watershed and/or environmental planning studies for the area.
- 5.3.4 A stormwater management plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services. Stormwater management facilities shall not be constructed in Environmental Protection Areas or Environmental Conservation Areas or the associated *vegetation protection zones* unless permitted under Section 3.1.2.5.
- 5.3.5 Stormwater management in the area north of the *brow* of the *Escarpment* and for significant developments south of the *Escarpment* shall be designed to achieve the following objectives:
- a) Minimization of property damage from relatively frequent storms and the hazards to property and public safety from major floods resulting from a 100 year Storm;
 - b) Control increases in run off due to new *developments* to satisfy downstream constraints on flow rates and to minimize the need for new drainage works or erosion control downstream;

- c) Minimize the total cost of the drainage system and related works;
 - d) Utilize and develop up-to-date design techniques to obtain the most cost effective and reliable design to minimize future maintenance costs and complaints;
 - e) Minimize detrimental impacts on the water quality of receiving streams during and after construction; and,
 - f) Demonstrate that the matters in Section 4.2.5 are addressed.
 - g) No negative impact on the Natural Heritage System or on Environmental Protection or Environmental Conservation Areas or their ecological functions.
- 5.3.6 Storm drainage south of the *brow* of the *Escarpment* is presently provided by existing streams, ditches, and tile drainage schemes. However, where concerns with flooding exist, stormwater management plans shall be prepared for any proposals for new *development*.
- 5.3.7 Runoff quality and quantity shall be addressed for all storm events.
- 5.3.8 All new *developments* shall incorporate generally accepted *Best management practices*, which shall be the highest level determined to be technically and economically feasible, and shall meet the following criteria:
- a) No net reduction in surficial aquifer recharge or discharge;
 - b) Minimize potential for contamination of groundwater and surface water;
 - c) Minimize alterations to the natural drainage boundaries;
 - d) No creation of new flood or erosion problems or aggravation of existing flood or erosion problems;
 - e) Minimize pollutant loadings to the *watercourses*, including phosphorus, in accordance with the water quality targets that are established from time to time;
 - f) Net gain of *fish habitat*;
 - g) Minimize changes to base flow quality and quantity in receiving *watercourses*;
 - h) Minimize and consolidate the number of stormwater treatment facilities;
 - i) Where possible enhance natural vegetation along stream corridors;
 - j) Incorporate enhanced stormwater management design; and
 - k) Demonstrate that the matters in Section 4.2.5 are addressed.
 - l) No negative impact on the Natural Heritage System or on Environmental Protection or Environmental Conservation Areas or their ecological functions.

- 5.3.9 An application for more than 5 new lots or for industrial, commercial and institutional *development* with impervious areas of over 1000 sq. m. and / or with chemical storage and for golf courses shall be required to submit a stormwater management plan that includes:
- a) Size and design of stormwater management facilities;
 - b) Grading plan;
 - c) Pre and post *development* discharge;
 - d) Impact on surface water quality and quantity, i.e., temperature, base flow, fisheries and mitigating measures;
 - e) Means of controlling erosion during and after construction;
 - f) How *development* will maintain or enhance base flow and maintain storage levels during periods of minimum base flow;
 - g) Impact on groundwater quality and quantity;
 - h) Consideration of Best Management Practice criteria as set out in Section 5.3.8;
 - i) Demonstration of how the water quality objectives and targets that are established from time to time are met; and
 - j) Demonstration that the matters in Section 4.2.5 are addressed.
- 5.3.10 Stormwater management ponds shall be naturalized with the opportunity for public pedestrian pathways located around the ponds while ensuring public safety.
- 5.3.11 Individual lot level approaches are encouraged to reduce runoff volume and to treat stormwater runoff on-site by filtering out pollutants through Low Impact Development (LID) approaches. In particular, the following LID approaches are encouraged:
- a) Conservation of natural features;
 - b) Reducing impervious areas;
 - c) Bioretention areas;
 - d) Rain gardens;
 - e) Green roofs;
 - f) Rain barrels;
 - g) Cisterns;
 - h) Vegetated filter strips; and
 - i) Porous pavements or permeable pavements.
- 5.3.12 Maximizing opportunities for stormwater management at the site level using the LID approaches of Section 5.3.12 are recommended for all new land uses.

5.4 ROADS AND TRANSIT

Intent:

These policies shall be read in conjunction with **Schedule C** Transportation Plan. The Transportation Plan is intended to ensure an adequate system for the movement of people and goods within and through the Town including active transportation and is intended to recognize the interrelationships between land use and transportation.

5.4.1 General Policies:

5.4.1.1 The road pattern as shown on **Schedule C** is based on the establishment of a hierarchy of roads which reflects the following principles:

- a) The overall road pattern should be in harmony with the proposed road pattern for the adjoining municipalities, the Regional road system and the Provincial highway system;
- b) Provincial highways provide for large volumes of traffic through the Town;
- c) Regional roads and Town arterial roads permit the movement of traffic through and within the Town;
- d) Collectors provide access to specific areas and individual sites within the Town and carry traffic between Regional / Town arterial roads and local roads; and
- e) Local roads provide access to individual sites and carry traffic between individual sites and collector roads.

5.4.1.2 The Town shall continue its program of road maintenance and improvements to road alignments and intersections. Minor road realignments and widenings shall not require an amendment to the Plan.

5.4.1.3 The movement of heavy or over-sized vehicles on Town roads, particularly in residential areas, shall be regulated by bylaw and enforced. In addition, the parking and storage of heavy or over-sized vehicles in residential areas shall be prohibited.

5.4.1.4 No buildings or structures will be permitted on any lot that does not have frontage and direct access to an open, improved public road which is maintained on a year round basis.

5.4.1.5 Any work that results in improvements to the road network is subject to the requirements of the Municipal Engineers Association Class Environmental Assessment.

5.4.1.6 The Town will encourage the efficient movement of people and goods.

5.4.2 Provincial Highways

- 5.4.2.1 This road designation applies to the Queen Elizabeth Way, which is under the jurisdiction of the Ministry of Transportation.
- 5.4.2.2 Access points to provincial highways shall be restricted and the use of service roads encouraged wherever possible.
- 5.4.2.3 The construction, maintenance and design of Provincial Highways are not subject to the requirements of this Plan. However, the Town shall review any proposed widenings, realignments or new construction and advise the Province of any concerns or take other action as necessary.
- 5.4.2.4 In addition to all the relevant municipal requirements, all *development* adjacent to provincial highways and within the permit control area of the Ministry of Transportation is subject to the requirements and permits of the Ministry of Transportation.

5.4.3 Regional Arterial Roads

- 5.4.3.1 This road designation applies to roads under the jurisdiction of the Region.
- 5.4.3.2 The construction, maintenance and design of Regional arterial roads are not subject to the requirements of this Plan. However, the Town shall review any proposed widenings, realignments or new construction and advise the Region of any concerns.
- 5.4.3.3 Consideration shall be given, where appropriate, to reducing the number of driveways along Regional arterial roads through the provision of service roads, shared driveways, and common off street parking areas.
- 5.4.3.4 Reverse lotting shall be discouraged and only permitted where there is no other alternative.
- 5.4.3.5 On two lane rural arterial roads, the Town may consider providing wide paved shoulders for use by slower moving farm vehicles where appropriate.

5.4.4 Town Arterial Roads

- 5.4.4.1 This road designation applies to roads under the jurisdiction of the Town.
- 5.4.4.2 Town arterial roads are intended to be major transportation routes connecting to and from areas outside of the Town and carrying heavy volumes of inter-municipal traffic.
- 5.4.4.3 Town arterial roads shall have a planned right of way width of 20 metres.
- 5.4.4.4 Wider rights of way may be required due to topographic constraints, to accommodate daylight triangles or at major intersections to accommodate additional turning lanes.

- 5.4.4.5 Notwithstanding Section 5.4.4.3, in areas of lower traffic volume or in presently *built-up areas* where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided.
- 5.4.4.6 Road width, design and intersection improvements shall be designed so as to encourage through traffic to use these routes rather than collector or local roads.
- 5.4.4.7 Direct access to abutting properties will generally be limited. New *development* adjacent to arterial roads shall be designed to avoid direct access through alternative access means wherever possible. In the Countryside, existing accesses and accesses into farm properties will continue to be permitted.
- 5.4.4.8 Reverse lotting shall be discouraged and only permitted where there is no other alternative.
- 5.4.4.9 In the case of abutting commercial properties, direct access may be permitted, but such access shall be controlled with regard to the geometric requirements for visibility, grades and curvatures so as not to create a safety hazard and shall be subject to Town approval.
- 5.4.4.10 On two lane rural arterial roads, the Town may consider providing wide paved shoulders for use by slower moving farm vehicles where appropriate.

5.4.5 Collector Roads

- 5.4.5.1 This road designation applies to roads under the jurisdiction of the Town.
- 5.4.5.2 The planned right of way widths of collector roads shall be 20 metres. In areas of lower traffic volume or in presently *built-up areas* where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be considered of not less than 18 metres.
- 5.4.5.3 Collector roads shall be designed to promote efficient traffic circulation at reduced speeds and to encourage the use of Regional roads by high volume, through traffic.
- 5.4.5.4 Consideration shall be given to appropriate measures to reduce or discourage excessive vehicular traffic on collector roads in developed areas.
- 5.4.5.5 Direct access to abutting properties shall be minimized to the extent possible.

5.4.6 Local Roads

- 5.4.6.1 This road designation applies to roads under the jurisdiction of the Town.
- 5.4.6.2 The planned right of way widths of local roads shall be 20 metres. In areas of

lower traffic volume or in presently *built-up areas* where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided of not less than 18 metres.

- 5.4.6.3 The remainder of the roads in the Town are classified as local roads. Existing and future local roads are intended to provide access to abutting properties and to discourage through traffic. The general road design principles of this Plan shall apply particularly to the *development* of new local roads.
- 5.4.6.4 On all new local roads, sidewalks will be required on one side of the street. Sidewalks on both sides of certain local roads may be required in the vicinity of schools to ensure the safety of students.
- 5.4.6.5 On-street parking may be allowed, subject to applicable by-laws as approved by Council from time to time, except in locations where it will create a conflict between pedestrian and vehicular traffic or interfere with the safe operation of vehicular traffic.
- 5.4.6.6 Traffic calming initiatives may be implemented, on local roads, to reduce traffic infiltration into neighbourhoods.

5.4.7 Future Road Connections

- 5.4.7.1 The following future road connections are planned:

Connect Livingston Avenue east of Casablanca Boulevard, to Regional Road No. 81. The proposed intersection configuration would encourage the use of Livingston Ave. and discourage the use of Main Street West. An Environmental Assessment is required for the future Livingston Avenue road extension.

5.5 PARKING

Intent:

The intent of these policies is to ensure the adequate provision of public and private parking facilities.

General Policies:

- 5.5.1 The Town will ensure that adequate public and/or private parking facilities are provided for all new *development* including parking necessary to meet accessibility standards.
- 5.5.2 Lands in the southwest quadrant of the Casablanca Boulevard / QEW interchange are an appropriate location for a potential transit hub including commuter parking. The Town will work with the Ministry of Transportation to develop such a facility.
- 5.5.3 Council shall encourage the maintenance of off-street shared parking lots located on the north and south side of Main St. in the Downtown District to

alleviate on-street, short-term parking demand and shall work with the Downtown Improvement Area to ensure appropriate access and directional signage to the parking lots.

5.5.4 Shared parking facilities in the Downtown are encouraged, where feasible.

5.5.5 Adequate bicycle parking should be required at key destinations (shopping, schools, transit hubs, etc.)

5.6 ACTIVE TRANSPORTATION

Intent:

The policies of this section are to improve the accessibility of pedestrian and bicycle trails, to encourage alternative modes of transportation, and to realize the long-term goal of a local public transit system.

5.6.1 General Policies:

Road rights of way facilitate transportation and transit networks, pedestrian and bicycles connections, opportunities for vistas and view corridors, pedestrian amenity areas, as well as space for utilities and services.

5.6.2 Transit

5.6.2.1 It is the intent of this Plan to explore opportunities for the provision of public transit including opportunities for coordinated transit planning with adjacent municipalities.

5.6.2.2 All Town Arterial roads and Collector Roads should be designed to accommodate a future transit network.

5.6.2.3 Any work that results in improvements to the transit network is subject to the requirements of the Municipal Engineers Association Class Environmental Assessment.

5.6.2.4 It is the intent of this plan to promote the location of a commuter railway stop at Casablanca Boulevard in support of the intensification targets for the area.

5.6.3 Pedestrian and Bicycle Network

5.6.3.1 A continuous pedestrian and bicycle trail system linking parks and community facilities shall be identified on **Schedule C**. The bicycle trail system component of **Schedule C** shall include both on-street and off-street routes.

5.6.3.2 The Town shall require *development* and redevelopment proposals to facilitate pedestrian and cycling opportunities and to accommodate pedestrian and cycling connections. Secondary plans, draft plans of subdivision and site plans shall implement the trails identified on **Schedule C**, and the incorporation of additional on, and off-road cycling opportunities where appropriate.

- 5.6.3.3 This Plan will ensure the integration of cycling opportunities with the Niagara Wine Route and the Niagara Region Bicycle Network.
- 5.6.3.4 The Town shall provide an on-road signed route for the Waterfront Trail, and for the Niagara Wine Route along Main Street.
- 5.6.3.5 As part of a Town transportation master plan pedestrian and bicycling networks and transportation demand management policies will be incorporated.

5.7 ACCESSIBILITY

Intent:

The Town shall strive to improve the mobility of all persons to make conditions safe for walking, wheelchair movement and specialized transit through the following provisions:

- a. A barrier-free environment shall be promoted throughout the Town which facilitates access for persons with disabilities and special needs.
- b. Development shall be designed in accordance with the *Ontarians with Disabilities Act* and other applicable Provincial legislation.
- c. The enhancement of existing buildings and facilities shall be encouraged to improve the level of accessibility.
- d. The Town shall ensure that its parks and recreation facilities are accessible and safe.
- e. Barrier-free access to Town-owned parks and publicly accessible urban open spaces shall be incorporated.

5.7.1 General Policies:

- 5.7.1.1 *"The Town shall ensure that adequate utility infrastructure networks, are or will be, established to serve the anticipated development and that these networks can be phased in a manner that is cost-effective and efficient and that appropriate locations for large infrastructure and cluster sites have been determined."*
- 5.7.1.2 *It is the policy of the Town to promote that all utility infrastructure, is to be planned for and installed on a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption.*
- 5.7.1.3 *All utilities and infrastructure shall be permitted in all land use designations.*
- 5.7.1.4 *Development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified shall be*

prohibited.

- 5.7.1.5 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 5.7.1.6 When planning for corridors and rights-of-way for significant transportation and *infrastructure* facilities, consideration will be given to the significant resources .

6.0 NOISE AND VIBRATION CONTROL

Intent

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

Goals

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

Objectives

1. To control *development* in areas subject to high levels of noise and vibration to ensure the health of Town residents.

6.1 AIRCRAFT

- 6.1.1 The aircraft traffic at the Grimsby Air Park is limited and it is not feasible to establish noise contours as a guide to areas where *development* should be restricted. However, in evaluating applications for new residential and other sensitive uses within one kilometre of the airpark, up-to-date information on flight activity will be taken into account. Based on this information, where deemed necessary in consultation with the Region, noise attenuation measures may be required as a condition of approval.

6.2 HIGHWAY AND RAILWAY

- 6.2.1 Applicants, for residential and other sensitive *developments* on lands within the vicinity of railways, the Queen Elizabeth Way and Regional arterial roads, shall be required to submit a noise impact study. The study will be evaluated by the Town in consultation with applicable agencies and will indicate the total noise impact on the site and recommend noise control measures. Which may include increased setbacks.
- 6.2.2 Further, as a condition of final site plan or subdivision approval, a detailed acoustical study shall be submitted. The noise control measures defined in the study where approved by the Town in consultation with the applicable agency, shall be included in a site plan control agreement or a subdivision agreement.
- 6.2.3 Where the noise studies, required in Sections 6.2.1 and 6.2.2, indicate that anticipated outdoor or indoor sound levels on the site or within the buildings under consideration would exceed the Ministry of the Environment noise level guidelines, the Town in consultation with the Region, will require warning clauses registered on title and in agreements of purchase and sale designed

to notify purchasers and tenants of the mitigation measures implemented for the development and/or exceedence of the Ministry of the Environment Noise level guidelines of the following:

"Due to existing and/or possible future highway and/or railway operations, the effects of noise may interfere with the activities or the living environment of the occupants of this property."

- 6.2.4 *Development* that includes outdoor, passive, recreation areas will not be permitted in locations where, following the implementation of recommended noise attenuation measures, the outdoor noise levels exceed the level considered acceptable in a residential amenity area.

6.3 VIBRATION CONTROL – RAILWAY

- 6.3.1 Applicants for residential *developments* in vibration sensitive areas, which are those lands within 75 metres of the railway right of way, shall be required to submit a vibration study. The study will be evaluated by the Town in consultation with the Region and will indicate ground-borne vibration levels and recommend vibration control measures.
- 6.3.2 Further, as a condition of final approval, the vibration control measures defined in the study, where approved by the Town in consultation with the Region, shall be included in a site plan control agreement or a subdivision agreement.

6.4 NOISE AND VIBRATION CONTROL – GENERAL

- 6.4.1 All noise assessments are to be undertaken in accordance with the *Ministry of the Environment* noise assessment guidelines.
- 6.4.2 Submission of a noise impact study is required for sensitive developments within the influence area of stationary noise sources (e.g. industrial facilities, etc)..
- 6.4.3 A peer review may be required for a stationary noise impact study.

6.5 TRUCK TRAFFIC MANAGEMENT

Truck traffic shall be managed by:

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

- c) Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

7.0 STREETScape DESIGN POLICIES

Intent

Streets are important not only for their transportation and goods movement functions but also for establishing the character of the Town or specific neighbourhoods and sectors of the Town. The public streetscape realm includes the roadway as well as the sidewalk and boulevard. It is within these latter areas where sidewalk widths and design, landscaping and street furniture can provide pedestrian comfort and interest as well as to influence the character of the Town.

Goals

- To create a pedestrian comfortable environment and to enhance the character of the Town through streetscape design.

Objectives

1. To provide a grid of Town Arterial, Collector and Local Roads and associated public open spaces that organize *development*, are pedestrian friendly, and are highly connected.
2. To ensure that the road and street patterns establish *development* blocks that achieves an orderly pattern of development and visual diversity.

7.1 GENERAL POLICIES

- 7.1.1 The Town shall consider the following as general design policies for the road and street network:
- a) Provide access for vehicles, pedestrians and bicycles, opportunities for vistas, view corridors and pedestrian amenity areas, and space for utilities and services.
 - b) Design all streetscape elements such as sidewalks, paving patterns, seating, and signage, to be consistent and complementary to the character of the community.
 - c) Design street lighting with regard for vehicular, cyclist and pedestrian requirements so that the size, height, and style of lighting reflects the hierarchy of the road.
- 7.1.2 In new *developments* within the Urban Settlement Area, all utilities shall be located underground, where feasible. Where components of utilities must be located above ground, they should be clustered or grouped where possible to minimize visual impact and be located either in a rear lane or along the street tree planting line, to the extent possible, to minimize clutter and disruption of

the road's character. The Town encourages utility providers to consider innovative methods such as containing utility services on or within streetscape features such as gateways, lamp posts, transit and shelters.

- 7.1.3 New *developments* within the *Designated Greenfield Area* shall endeavour to preserve, to the greatest extent, mature vegetation, remnants of agricultural activity and natural features along the street edge.
- 7.1.4 New *developments* within the *built boundary* shall maintain existing street trees and maintain and enhance the existing pattern of landscaping, tree planting and lighting along the street.
- 7.1.5 Adjacent to parks, parkettes and natural areas, sidewalks and bike lanes shall provide a strong connection to the pedestrian and cycling networks within those areas.
- 7.1.6 All new *development* shall provide for coordinated tree planting within the street allowance and where setbacks permit within the front yard.
- 7.1.7 Surface parking lots adjacent to the street rights of way should be screened through landscaping, and other means to reduce the visual presence of the parking lots.
- 7.1.8 Non-residential and mixed use *developments* shall provide clearly defined pedestrian routes from the building entrances and parking areas to the street to allow for safe movement of pedestrians.
- 7.1.9 Along the Waterfront, on-street bike lanes and boulevard sidewalks shall be coordinated within bike lanes and walkways through waterfront parks to create a continuous waterfront trail system.

7.2 TOWN ARTERIAL AND COLLECTOR ROADS

- 7.2.1 Boulevards on both sides of the pavement should be of a minimum width to accommodate a grass verge with a single row of street trees and sidewalks on both sides.
- 7.2.2 Individual direct access to any *development* site shall be limited to minimize disruptions to traffic flow, maximize safety, and improve the attractiveness of the road.
- 7.2.3 Buildings that abut Town Arterial or Collector Roads shall present a façade with architectural detailing and landscape features that address the road frontage. Reverse frontage *development* shall not be permitted adjacent to any Town Arterial or Collector Road.
- 7.2.4 Dedicated cycle routes should be incorporated into the roadway wherever the right-of-way permits.

7.3 MAIN STREET

- 7.3.1 Along Main Street outside of the Downtown District, additional streetscape design requirements shall apply as follows:
- a) Preserve to the greatest extent, mature vegetation, remnants of agricultural activity and other natural features within the site and along the street edge and at the *Escarpment*; and
 - b) Incorporate areas for pedestrian paths to connect to the existing, informal walking paths and footbridges; and,
 - c) Require larger building setbacks to maintain the existing streetscape character.
- 7.3.2 Within the Downtown portion of Main Street, the character of the Downtown shall be maintained through an appropriate right-of-way width, by requiring enhanced landscape treatment and by encouraging on-street parking.
- 7.3.3 Within the Downtown, the Town shall encourage the introduction of streetscape elements that create a more comfortable and attractive area for pedestrians, such as benches, coordinated waste receptacles, bicycle parking posts, planters, and other streetscape features that integrate and/or enhance the character of the existing streetscape elements.
- 7.3.4 Within the Downtown, the Town shall create and erect coordinated signage for street names, entries to small parking areas, and general orientation.

7.4 LOCAL ROADS

- 7.4.1 Boulevards on both sides of the pavement should be of a minimum width to accommodate a grass verge with a single row of street trees and sidewalks on at least one side of the road.
- 7.4.2 Individual direct access onto Local Roads is permitted.
- 7.4.3 Buildings that abut Local Roads shall present a façade with architectural detailing and landscape features that address the road frontage.
- 7.4.4 Local Roads that are single loaded may include a reduced boulevard abutting publicly owned storm water management features, open space, parkland or an environmental feature.
- 7.4.5 Within Grimsby Beach, as delineated on **Schedule D**, the Town may create additional guidelines for planting, landscaping and fencing details that will integrate with the types of exterior treatment of the cottage properties.

8.0 CULTURAL HERITAGE AND ARCHAEOLOGY

Intent:

The Town of Grimsby includes sites, structures, buildings and environments, which are of historical, cultural or architectural significance. The Heritage Conservation policies are intended to preserve, maintain and enhance the heritage resources of Grimsby. These Heritage Conservation policies are designed to guide the Town in the management of these heritage resources.

Goals:

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

Objectives:

1. To protect and preserve heritage resources having architectural and historical merit within the context of the Town including the original architectural detail.
2. To develop and encourage creative, appropriate, and economic uses of heritage resources throughout the Town of Grimsby while having special regard to heritage resources in the Downtown District including the retention of unique streetscapes.
3. To consider social and community needs in the *preservation*, restoration, and utilization of cultural heritage resources.
4. To encourage and develop private and public financial resources and techniques in the *preservation*, restoration, and utilization of heritage resources, particularly in the Downtown District and the Grimsby Beach Neighbourhood.
5. To coordinate heritage policies and programs with the comprehensive planning programs of the Town.
6. To provide for the periodic review and update of heritage policies and programs.
7. To foster civic beauty, strengthen the local economy and to promote the use of heritage for the education, pleasure, and welfare of the residents of the Town and its visitors.

General Policies:

- 8.1 The Town shall encourage the preservation of buildings and sites having historical and/or architectural value or interest and significant cultural heritage landscapes.
 - a) Heritage Resources will be protected and conserved in accordance

with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects.

- 8.2 The Town shall appoint a heritage committee to identify the register of *built heritage resources*.
- 8.3 The Town may by by-law designate a property or a district to be of cultural heritage value or interest in accordance with the following process:
- a) The property meets the criteria set out in Sections 8.9 and 8.10;
 - b) Council has consulted with the heritage committee as per Section 8.2; and
 - c) Proper notice of intention has been given, in accordance with Sections 29 and 41 of the Ontario Heritage Act, 1990.
- 8.4 Prior to the designation of a Heritage Conservation District, the Town shall:
- a) Adopt a by-law designating the study area for the purpose of designating the Heritage Conservation District;
 - b) Prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives, establish criteria for controlling demolition and regulating design;
 - c) Hold at least one public meeting with respect to the proposed Heritage Conservation District Plan; and
 - d) Pass a by-law designating the area as a Heritage Conservation District.
- 8.5 A Heritage Conservation District Plan shall include:
- a) A statement of the objectives to be achieved in designating the area as a Heritage Conservation District;
 - b) A statement explaining the cultural heritage value or interest of the Heritage Conservation District;
 - c) A description of the heritage attributes of the heritage conservation district and of properties in the district;
 - d) Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
 - e) A description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under Section 42 of the Ontario Heritage Act, 1990.

- 8.6 The Town shall establish a register of *built heritage resources* and heritage conservation districts that are of cultural heritage value or interest, after consulting with the heritage committee. The register shall list all property situated in the municipality that has been designated by the Town or by the Minister and shall contain, with respect to each property:
- a) A legal description of the property;
 - b) The name and address of the owner; and
 - c) A statement explaining the cultural heritage value or interest of the property and a description of the *heritage attributes* of the property.
- 8.7 The register may also include *built heritage resources* that have not been designated but that the Town believes to be of cultural heritage value or interest.
- 8.8 The heritage committee shall identify the register of *built heritage resources*, based on the criteria provided in Sections 8.6 and 8.7 and may also identify significant *cultural heritage landscapes*.
- 8.9 A heritage site may be identified to hold cultural heritage value or interest where some or all of the following characteristics have been identified:
- a) An association with an historic event or person;
 - b) A building or structure with distinguishing architectural characteristics on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings or structures and the relation of such factors to similar features of the buildings in the immediate surroundings;
 - c) A building with substantial remaining original materials and workmanship;
 - d) A natural feature or landmark;
 - e) The potential for illustrating the heritage value is such that it would be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated; and
 - f) In considering the identification of a building, the extent of the original materials and workmanship remaining would be important to that designation.
- 8.10 A Heritage Conservation District may be identified to hold cultural heritage value or interest where some or all of the following characteristics have been identified:
- a) The majority of the buildings reflect an aspect of local history by nature and historical significance of setting;
 - b) The majority of the buildings are of a style of architecture or a method of construction significant historically or architecturally to the Town, Region or Province;

- c) The district contains other important physical, environmental or aesthetic characteristics that, in themselves, are not sufficient for designation, but which lend support in evaluating the criteria for designation;
 - d) The district is an area of special association that is distinctive within the Town and as a result, contributes to the character of the entire community; and,
 - e) The boundaries of a heritage conservation district shall be defined by such factors as changes in land use, building or environmental character, and topography or traffic corridors.
- 8.11 Council may exercise its legislative authority to control the demolition and alteration of heritage resources. Where Council has through by-laws designated individual buildings or districts under the Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the *Planning Act* R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.
- 8.12 Council, with the advice and assistance of the heritage committee, will regulate and guide alterations and additions of heritage resources that are included in the register as set out in Section 8.6 and 8.7.
- 8.13 The Town may seek the acquisition of *easements* on properties of architectural or historical significance in order to assure the preservation of these properties.
- 8.14 Council shall support applications for funds from senior government programs to assist individual property owners with building improvements.
- 8.15 The Town shall undertake heritage plans and programs in accordance with a system of priorities. In particular, the following shall be identified as priorities for the Town:
- a) The protection of heritage resources within and *adjacent* to the Downtown District;
 - b) The protection of the Main Street corridor;
 - c) The stimulation of preservation, restoration, rehabilitation, and utilization of heritage resources by the public;
 - d) Selective restoration and rehabilitation of heritage resources by the Town;
 - e) Re-establishment and enhancement of Grimsby's historic *linkages* to Lake Ontario, the *Escarpment* and Forty Mile Creek; and
 - f) Recognition and enhancement of the special character of Grimsby Beach.
- 8.16 In the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area and Escarpment Urban Area designations of the Niagara

Escarpment Plan, where heritage *preservation* is a concern, the policies of the Niagara Escarpment Plan shall apply in addition to the heritage policies contained in this Plan.

8.17. The Town may establish design principles for buildings in proximity to Heritage Conservation Districts or Heritage Conservation designated buildings.

8.18 *Development and site alteration* may be permitted on *in the vicinity of protected heritage property* where the proposed *development* and site alteration has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

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

8.19 Secondary Plan studies will identify buildings considered to be significant cultural heritage resources and significant *cultural heritage landscapes* and where appropriate, add these to the register.

8.20 The Town recognizes that there may be archaeological remnants of prehistoric habitation within the Town and important archaeological evidence of historic activities. The Town in consultation with the Region may require an archaeological assessment for development on lands containing archaeological resources or areas of archaeological potential as set out in Section 8.21 and if necessary the *preservation* or rescue excavation of archaeological resource as set out in Section 8.22.

8.21 Where a Stage 1 archaeological assessment is required, it shall be prepared prior to submission of an application for *development*. Where the Stage 1 study identifies *areas of archaeological potential*, a further Stage 2 archaeological assessment and fieldwork by a licensed archaeologist shall be provided at the time of submission of an application for plan of subdivision or site plan approval. If *archaeological resources* are identified in the assessment, the application shall include a conservation plan to conserve any *archaeological resources* identified for protection.

8.22 *Development and site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* as determined through a Stage 1 or Stage 2 archaeological assessment, if the significant *archaeological resources* will be conserved by removal and documentation, or by *preservation* on site. Where significant archaeological resources must be preserved on site, only development and *site alteration*, which maintains the heritage integrity of the site are permitted.

8.23 The Town will have regard for known *built heritage resources*, significant *cultural heritage landscapes* and known *archaeological resources* in the undertaking of municipal public works, such as roads and *infrastructure* projects carried out under the Municipal Class Environmental Assessment (EA) process.

9.0 IMPLEMENTATION

Intent

This Official Plan shall be implemented by means of the powers conferred on Council by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. In particular, this Plan shall be implemented by zoning by-laws, site plan agreements, plans of subdivision, consents, maintenance and occupancy standard by-laws, the construction of public improvements and capital works programs.

It is intended that this Plan be read in its entirety as existing and proposed land uses may be subject to policies within different sections of the Plan. Where multiple policies apply, these are to be applied in either a cumulative or integrated manner, such that all of the policies that relate to a matter are addressed, with the more specific or restrictive policy applying where there are conflicts. Policies are not meant to be read in isolation of the rest of the policies, both general and specific.

It is intended to make use of other tools, such as the Region's Model Urban Design Guidelines, alternative development standards, development permit systems or community improvement plans to facilitate growth and development within local municipally designated intensification areas.

9.1 ZONING BY-LAW

- 9.1.1 Following adoption of this Plan, it is intended that the comprehensive Zoning By-law existing at the date of adoption of the Plan will be amended or repealed and replaced, in order to establish *development* standards and control growth in the Town in conformity with the policies of this Plan.
- 9.1.2 The Zoning By-law may not permit the full range of uses or densities in any designation and may limit the permissions based on the character or physical condition of the site and/ or may require site specific zoning approvals to realize the full extent of the Official Plan permissions.
- 9.1.3 Until such time as the Zoning By-law can be amended to bring it into conformity with this Plan, the present Zoning By-law shall remain in effect. However, any amendments shall be in conformity with this Plan. In addition, if required, interim control by-laws may be adopted by Council in conformity with Section 34 of the *Planning Act*, 1990. Temporary use by-laws to permit uses which conform to this Official Plan may also be utilized as required in conformity with the *Planning Act*, 1990.
- 9.1.4 The Town may attach conditions to the approval of a Zoning By-law Amendment to address the matters set out in regulation.
- 9.1.5 The Town may require the owners of the lands to which a Zoning By-law

Amendment application was made to enter into an agreement with the Town regarding the conditions set out in Section 9.1.4.

- 9.1.6 Provision may be made in the Zoning By-law for the establishment of a "*development*" zone. Such a zone would be applied to areas where it is not possible to determine the specific type and phasing of *development*. The "development" zone would permit only uses existing at the date of approval of the Zoning Bylaw and any other uses deemed appropriate by Council. When the Town is satisfied through the preparation of a Secondary Plan, the submission of a *development* application or other appropriate mechanism that uses proposed for the area are desirable, can be adequately serviced and are not premature, then the lands may be rezoned.

9.2 HOLDING PROVISIONS

- 9.2.1 It is not intended that all lands be zoned immediately for the designated use in the Zoning By-law.
- 9.2.2 Council may place undeveloped lands in a holding zone, pursuant to Section 36 of the *Planning Act*.
- 9.2.3 The holding zone category will be indicated by using the letter "H" immediately after the specific zone symbol. With the resolution of the *development* constraint(s) the "H" can be removed without a further public meeting.
- 9.2.4 A holding zone would permit only uses existing at the date of approval of the Zoning By-law until the removal of the "H" symbol. It is the intent that holding provisions be used to:
- a) Ensure that *development* occurs in the proper sequence;
 - b) Ensure appropriate provisions for sewer, water, drainage, electrical, road capacity and access;
 - c) Encourage good site plan design;
 - d) Ensure appropriate studies have been undertaken to prevent undue impact to existing uses; and/or
 - e) Provide for other conditions as deemed by Council prior to proceeding.

9.3 TEMPORARY USE BY-LAWS

- 9.3.1 By-laws may be passed by Council to allow the temporary use of land for a purpose otherwise prohibited by the Zoning By-law. The duration of a Temporary Use By-law shall not exceed three years with the exception of a Temporary Use By-law for a garden suite, which shall not exceed 10 years. When enacting a Temporary Use By-law, consideration shall be given to:
- a) Compatibility with surrounding uses;
 - b) Environmental impact;
 - c) Adequacy of municipal or private services;

- d) Access and parking;
 - e) Traffic impacts; and
 - f) Maintaining the general intent and purpose of the Official Plan.
- 9.3.2 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.
- ## 9.4 HEIGHT AND DENSITY BONUS PROVISIONS
- 9.4.1 Pursuant to Section 37 of the *Planning Act*, 1990, as amended from time to time, Council may in a Zoning By-law authorize increases in height and/or density of *development*, otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or other matters as are set out in the zoning by-law.
- 9.4.2 The municipality will only authorize an increase in height and/or density in exchange for community benefits where:
- a) The proposed development exhibits good planning principles that are consistent with the intent of the Town's Official Plan;
 - b) Adequate infrastructure is available to support the increase in building height and/or density; and
 - c) The value of the community benefits has a reasonable planning relationship to the proposed increase in building height and/or density.
- 9.4.3 The municipality's objectives in authorizing such increases in height and/or density are:
- a) To encourage the provision of rental housing;
 - b) To encourage the provision of affordable housing;
 - c) To encourage and ensure the conservation of heritage landscapes and built heritage resources;
 - d) To encourage the provision of community facilities, including cash contributions for community facilities that are of benefit to the community.
- 9.4.4 The Zoning By-law will establish detailed *development* standards that would apply when a bonus is awarded and the relationship between these standards and the conditions, which must be met if the bonus standards are to apply.
- 9.4.5 The municipality requires the owner to enter into one or more agreements with the municipality which will set out the community benefit to be provided, the means of obtaining the community benefit and the timing of construction, provision or contribution of the community benefit.
- 9.4.6 Where heights and / or densities set out in the Town of Grimsby Zoning By-law are proposed to be increased up to the heights and/ or densities permitted in this Plan or

as permitted by an approved Official Plan Amendment, Council shall require community benefits in exchange for the increased height and/ or density provided the tests of Section 9.4.2 are met.

9.4.7 Section 37 community benefits will only be permitted within areas considered to be *Cultural Heritage Landscapes* if the benefit provided results in the preservation and/or restoration of buildings, structures or landscapes of historical or architectural merit.

9.4.8 The Town shall prepare and regularly update Section 37 Implementation Guidelines to provide direction on how the policies of Section 9.4 will be implemented.

9.5 INTERIM CONTROL BY-LAWS

9.5.1 By-laws may be passed by Council to control the *development* of land within the municipality on an interim basis while a study of the land is being undertaken by the municipality.

9.5.2 The duration of such by-laws shall not exceed 1 year; however, the by-law may be amended to increase the time up to 1 additional year.

9.6 EXISTING NON-CONFORMING LAND USE

9.6.1 Lawfully Existing Uses

9.6.1.1 A land use which is lawfully in existence prior to the passage of the implementing Zoning By-law and which continues to be utilized for such purpose may continue as a legal non-conforming use or may be deemed to conform to the intent of the Plan for the purpose of the by-law. In the latter case, such uses may be zoned in accordance with their present use and performance standards provided:

- a) The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses; and
- b) The use does not constitute a danger to surrounding uses by its hazardous nature or the traffic that it generates.

9.6.2 Extension or Enlargement of Non-Conforming Uses

9.6.2.1 In accordance with Section 34(10) of the *Planning Act*, 1990, Council may amend a by-law passed under Section 34 to permit the extension or enlargement of any land, building or structure prohibited by the Zoning By-law provided the following requirements are met.

9.6.2.2 Notwithstanding Section 9.6.2.1, the Town shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.

9.6.2.3 The Committee of Adjustment will be similarly guided in considering applications under Section 45 of *The Planning Act*, 1990; or a site plan has been approved for the land under the provisions of Section 41 of the *Planning Act*, 1990:

- a) The use of the land, building, or structure is similar to the use on the day the by-law was passed or is more compatible with uses permitted by the by-law;
- b) The proposed extension or enlargement will not unduly aggravate the situation already created by the existence of the use and should, if possible, be designed to alleviate adverse effects of the use such as outside storage;
- c) The abutting uses will be afforded reasonable protection by the provision of appropriate buffering and setbacks;
- d) The proposed extension or enlargement should be in appropriate proportion to the size of the non-conforming use;
- e) Adequate provision will be made for safe access and adequate off-street parking and loading facilities; and,
- f) All services, including private sewage disposal and water supply systems, shall be or can be made adequate.

9.6.2.4 Notwithstanding the provisions of Section 9.6.2.1 nothing will prevent the rebuilding or repair of any building or structure that is damaged or destroyed by fire or a natural disaster subsequent to the adoption of this Plan, provided that the dimensions of the original building or structure are not increased, the use of the building or structure is not altered, or the building or structure is not located in a Hazard Land Area overlay area. However, where the area of the lot is sufficient, the new buildings and structures will be located in conformity with the requirements of the Zoning Bylaw. Further, nothing in this section shall prevent the strengthening to a safe condition of such a building or structure, provided such alteration or repair does not increase the height, size of volume or change the use.

9.6.2.5 Any building which has been ordered demolished by the Chief Building Official, may be rebuilt provided all municipal regulations are complied with.

9.7 SITE PLAN CONTROL

9.7.1 Pursuant to Section 41 of the *Planning Act*, 1990, as amended from time to time, Council may by by-law designate the whole or any part of the municipality as a site plan control area.

9.7.2 All development within the Environmental Protection Area and the Environmental Conservation Area designations including adjacent lands shall be subject to a site plan approval.

9.7.3 Notwithstanding the provisions of Section 9.7.1, agricultural and farm related buildings and operation, other than greenhouse operations and any building containing cannabis cultivation or production uses, shall be excluded from site plan control.

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

9.7.5 Any expansions of buildings, within a site plan control area and involving an increase

in floor area of at least 15 per cent shall be subject to the site plan control provisions of this section.

9.7.6 The overall goals of the Town in exercising Site Plan Control are to:

- a) Enhance visual attractiveness by an appropriate use of landscaping, lighting etc;
- b) Ensure proper grading and secure *easements* necessary to provide for public utilities, servicing and site drainage;
- c) Control the placement and provision of required services and facilities such as driveways, parking, loading facilities, garbage collection and snow storage or removal;
- d) Ensure that the conceptual design of a proposed *development* is compatible with the character or the intended character of the area;
- e) Minimize land use incompatibility or conflict between new and existing uses;
- f) Minimize the impact of proposed *development* on the *natural environment*;
- g) Control the character, scale, appearance and design features and sustainable design of the exterior buildings as per the urban design policies of Sections 3.4.7 and 3.5.6;
- h) Control the streetscape design within the municipal right-of-way including matters such as landscaping, paving materials, sidewalk features, street furniture, waste and recycling containers, bicycle parking facilities and other similar matters as per the urban design policies of Sections 3.4.7, 3.5.6 and 7.0; and
- i) Ensure appropriate access, egress and safe entry design;
- j) Protect and enhance the natural environment;
- k) Providing for collection and storage of recyclable wastes on site.

9.7.7 As a condition of the site plan approval process, Council may require, where the existing road allowance abutting the subject property is less than the required right-of-way as set out in Sections 5.4.3 to 5.4.6 a dedication of land equal to one-half the additional width necessary to achieve the required right-of-way.

9.7.8 As a condition of the site plan approval process, Council may also require at intersections, road widenings in addition to the required right-of-way described in Section 9.7.7, to provide appropriate turning lanes as determined through a traffic impact study.

9.8 LAND ACQUISITION

9.8.1 Where appropriate, land within the Town may be acquired by the municipality and held for the purpose of implementing this Plan. In addition, there is a land acquisition program for the implementation of the Niagara Escarpment Plan, which may lead to

the acquisition of lands along the Escarpment by such bodies as the Ontario Heritage Trust.

9.9 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS

- 9.9.1 The Town shall continue to enforce its property maintenance and occupancy standards by-law.
- 9.9.2 A Property Standards Officer shall be appointed to administer and enforce the property maintenance and occupancy standards bylaw.
- 9.9.3 A Property Standards committee shall be appointed to hear appeals against the order of the Property Standards Officer.
- 9.9.4 The Zoning By-laws will be enforced to encourage the maintenance and improvement of property.
- 9.9.5 Municipally owned properties and structures, including such services as roads, sidewalks and street lights, will be maintained in good repair over the planning period.

9.10 MUNICIPAL FINANCE

- 9.10.1 This Plan shall be used as a basis for the preparation of five-year capital works programs and other financial plans.
- 9.10.2 Future *development*, particularly residential *development*, will be monitored to ensure that a balance is maintained between demands for service and overall fiscal capacity; and that an appropriate relationship is maintained between residential and non-residential assessment.
- 9.10.3 Future *development* shall generally be required to meet its own capital requirements. The Development Charges by-law shall be updated regularly to ensure new capital works are accounted for.
- 9.10.4 The Town will work with Niagara Region and other public authorities to avoid duplication of services and establish mutually compatible policies and procedures wherever possible.

9.11 PRE-SUBMISSION CONSULTATION

- 9.11.1 Town Council shall require applicants to consult with the municipality prior to submitting an application for an Official Plan Amendment, Zoning By-law Amendment, Site Plan approval, Draft Plans of Subdivision and Draft Plans of Condominium. The Town shall also encourage applicants requesting a consent to consult with the municipality prior to submitting an application. The pre-submission consultation meeting will be held with Town staff and any other government agency or public authority that the Town determines appropriate.

- 9.11.2 At the pre-submission consultation meeting:
- a) The list of required studies set out in Sections 9.12.3 and 9.12.4 may be scoped depending on the nature of the application. The Town in consultation with applicable agencies may also prepare terms of reference for any of the required studies, which set out the required study information and analysis; and
 - b) Additional studies may be determined necessary for submission with the application based on the nature of the application.

9.12 COMPLETE APPLICATION REQUIREMENTS

9.12.1 An application for an Official Plan Amendment, Zoning By-law Amendment, Consent, Site Plan approval, Draft Plans of Subdivision, or Draft Plans of Condominium, will not be accepted until the following has been submitted to the Town:

- a) A complete application form;
 - b) Any information or materials prescribed by statute and regulation;
 - c) A record of pre-submission consultation;
 - d) The prescribed application fee(s);
 - e) A fees agreement to cover all required peer review costs as per Section 9.12.2 as well as all Ontario Municipal Board costs where the municipality is in favour of the application;
 - f) All studies set out in Section 9.12.3 for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium applications; and
 - g) All studies set out in Section 9.12.4 for a consent.
- 9.12.2 All of the matters set out in Section 9.12.1 must be completed to the satisfaction of the Town prior to the Town accepting the application as complete. The Town may require a peer review by a qualified consultant of any of the studies required in Section 9.12.3 or 9.12.4. The Town will retain the peer reviewer at the applicant's expense through a fees agreement as per Section 9.12.1(e).
- 9.12.3 Town Council shall require the following materials and studies to be submitted at the time of application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium approval unless the range of studies are scoped through Section 9.11.2:
- a) A planning rationale report which evaluates the proposal against the relevant goals, objectives, policies and general purpose and intent of this Plan, the Niagara Region Policy Plan, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Greenbelt Plan where applicable;
 - b) An *environmental impact study* as per Section 9.18;
 - c) A traffic impact study;
 - d) A shadow study;

- e) A Stage 1 archaeological assessment or in the case of a Plan of Subdivision or site plan approval, a Stage 2 archaeological assessment as per Section 8.21;
 - f) A municipal water and wastewater servicing study;
 - g) A stormwater management plan and sediment and erosion control plan as per Section 5.3;
 - h) A natural hazard study as per Section 3.2.12;
 - i) A geotechnical engineering study including slope stability as per Sections 3.2.6 and 3.6.4.3;
 - j) A hydrogeology study as per Section 4.2.2;
 - k) A hydrology study;
 - l) A geotechnical slope stability study;
 - m) A shoreline study;
 - n) A natural heritage evaluation and hydrological evaluation;
 - o) A settlement capability study as per Section 2.3.3 f);
 - p) An agricultural assessment including a Minimum Distance Separation (MDS) analysis as per Section 3.3.3.9;
 - q) A Phase I and Phase II environmental site assessment and Record of Site Condition as applicable;
 - r) A noise impact study as per Section 6.2;
 - s) A vibration study as per Section 6.3;
 - t) An illumination study;
 - u) A cycling and pedestrian circulation plan;
 - v) A parking study;
 - w) A tree preservation plan;
 - x) A retail market impact study as per Sections 3.6.1.9, 3.6.3.3 and 3.6.3.6;
 - y) An urban design brief which assesses the compliance with the urban design policies of this Plan and any applicable urban design guidelines of the Town or Region; and,
 - z) An extractive industrial site *development plan* and rehabilitation plan as per Section 3.11.7;
 - aa) Cultural Heritage Resource Assessment and Heritage Conservation Plan.
 - ab) A land appraisal based on a terms of reference prepared by Town staff;
 - ac) An Odour Control Study
- 9.12.4 Town Council shall require the following materials and studies to be submitted at the time of application for a consent:
- a) An *environmental impact study* as per Section 9.18;
 - b) A traffic impact study;

- c) A Stage 1 archaeological assessment;
- d) A drainage and stormwater management study;
- e) A geotechnical engineering study as per Section 3.2.7;
- f) An agricultural assessment including a Minimum Distance Separation (MDS) analysis;
- g) A site suitability study; and
- h) A Phase I and Phase II environmental site assessment and Record of Site Condition as applicable;
- i) Cultural Heritage Resource Assessment

9.13 COMMUNITY IMPROVEMENT PLANS

- 9.13.1 The Town may designate areas as a community improvement project area and shall prepare and adopt a community improvement plan for the project area.
- 9.13.2 Community improvement plans may be prepared and adopted by the Town to achieve one or more of the following objectives:
- a) Encourage the private sector renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or buildings, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;
 - b) Maintain and improve municipal services including the water distribution system, the sanitary and storm sewer systems, roads, sidewalks, street lighting, and to provide a safe health standard for the citizens of the community;
 - c) Preserve and enhance existing commercial areas through the stimulation of private sector investment;
 - d) Encourage maximum use of existing public infrastructure through the infilling, intensification and redevelopment of lands and buildings, which are already serviced with municipal services;
 - e) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, recreational and heritage facilities and amenities, and to establish new facilities where deficiencies exist to meet the needs of the citizens of the community;
 - f) Encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;
 - g) Maintain and improve the transportation network to ensure adequate traffic flow, pedestrian circulation, cycling circulation and parking facilities;
 - h) Improve and maintain the physical and aesthetic qualities and amenities of the streetscape;

- i) Encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, to encourage physical improvements to minimize the incompatibility;
 - j) Improve environmental conditions;
 - k) Improve social conditions;
 - l) Promote cultural development;
 - m) Facilitate and promote community economic development;
 - n) Improve community quality, safety and stability; and,
 - o) Improve the supply of affordable housing.
- 9.13.3 The Town may designate by by-law one or more Community Improvement Project Area(s), the boundary of which may be part or all of the entire Urban Settlement Area of the Town of Grimsby.
- 9.13.4 For an area to be designated as a Community Improvement Project Area, it must satisfy one or more of the following criteria:
- a) Older stable residential and commercial uses that are in need of rehabilitation, maintenance, or redevelopment;
 - b) Commercial and residential areas with poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design;
 - c) Vacant lots and/or underutilized properties and buildings, which have potential for infill, redevelopment or expansion to better utilize the land base;
 - d) Preservation, restoration, maintenance, repair, and/or rehabilitation of buildings, structures, and lands of heritage and/or architectural significance;
 - e) Lack of, or deficient public sanitary and/or storm sewage systems and/or water systems in the area north of the Escarpment;
 - f) Private sanitary or water systems for hamlets or other significant rural residential areas that are severely deficient and where remedial measures are required in the area south of the Escarpment;
 - g) Problems or deficiencies of sidewalks, curbs and/or roads;
 - h) Lack of, or deficient parks, open space and/or recreation and community facilities;
 - i) Lack of, or deficient street lighting and street furniture and other related facilities;
 - j) Lack of, or deficient off-street parking facilities;
 - k) Conflicts between existing residential *development* and adjacent transportation facilities and/or commercial, recreation, institutional, industrial and/or agricultural operations, in regard to such matters as noise, odour, parking, loading and traffic circulation;
 - l) Minor incompatibilities between specific *developments* in historic mixed areas where improvement to site design could resolve the existing problems;

- m) The existence of, or potential for the creation of a business improvement area;
 - n) Lack of, or deficient affordable housing;
 - o) Improvement for better energy and/or renewable energy efficiency;
 - p) Known or suspected environmental contamination; and
 - q) Other significant environmental, social or community economic development reasons for community improvement.
- 9.13.5 The criteria in Section 9.13.4 provides the basis for identification of Community Improvement Project Areas in Town.
- 9.13.6 The phasing of community improvements shall be prioritized according to:
- a) The financial capability of the Town to fund community improvement projects;
 - b) Availability and timing of senior government programs that offer financial assistance for community improvement efforts; and,
 - c) The timing of related capital expenditures from various municipal departments to ensure community improvements are coordinated as much as possible with departmental priorities.
- 9.13.7 Council shall adopt such special measures as may be necessary to implement the goals and objectives for Community Improvement.

9.14 PUBLIC NOTIFICATION PROCEDURES

- 9.14.1 In the Escarpment Natural, Protection, Rural and Urban Area designations, the *development* permit system established pursuant to the Niagara Escarpment *Planning and Development Act* is in force and notification will be carried out in accordance with the procedures under that *Act*.
- 9.14.2 At least one public meeting shall be held for Official Plan Amendments, Zoning By-law Amendments, and notice of the meetings shall be given to every owner of land within 120 metres of the subject land, and by posting a notice in a place that is clearly visible from a public street, except in situations as described in Section 9.14.5.
- 9.14.3 The public meetings addressed in Section 9.14.2 shall be held no sooner than twenty days after the requirements for the giving of notice have been complied with.
- 9.14.4 A public open house may also be held on any application for Official Plan Amendment or Zoning By-law Amendment at the Town's discretion, and shall be held for any Official Plan Amendment that implements the five year review of the Official Plan, or that addresses conformity with a Provincial plan, consistency with a Provincial policy statement, matters of Provincial interest, and deals with areas of employment.

9.14.5 Public notice and a public meeting shall not be required in connection with Official Plan changes, if such changes relate to a consolidation of the Official Plan, which will not affect the policies and intent of the Official Plan in any material way, and may include the following matters:

- a) Deleting obsolete provisions;
- b) Altering the number and arrangement of any provisions;
- c) Punctuation or altering language to obtain a uniform mode of expression; and
- d) Correcting clerical, grammatical or typographical errors.

All such changes shall be adopted by Council.

9.15 PLANS OF SUBDIVISION

9.15.1 All lands within the Town are subject to subdivision control and part-lot control.

9.15.2 Council may consider passing a by-law under Section 50(4) of The *Planning Act*, 1990 deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, and which have been registered for eight years or more not to be registered.

9.15.3 In evaluating applications for approval of plans of subdivision, Council shall consider all matters contained in Sections 50 and 51 of the *Planning Act*, 1990 and additional information specified in this plan.

9.15.4 A plan of subdivision shall generally be required:

- a) Where a new road or extension to an existing road is required, or
- b) Where more than three lots are being created and/or the owner is retaining sufficient lands for the *development* of additional lots; or,
- c) Where Council deems it necessary in the public interest for the proper *development* of the lands.

9.15.5 The Town may as a condition of approval pursuant to the *Planning Act*, 1990, require that the owner of lands subject to a plan of subdivision enter into one or more agreements, which may be registered against the title of the subject lands.

9.15.6 As a condition of draft plan of subdivision approval, the Town 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 Town shall require the proponent to enter into a Subdivision Agreement which will be registered on title.

9.16 CONDOMINIUMS

9.16.1 Only those *development* proposals submitted under the Condominium Act that conform to the general policies and designations of this Plan and which can be provided with adequate services shall be recommended for approval.

9.17 SEVERANCES

- 9.17.1 A severance should only be considered where a plan of subdivision is deemed to be unnecessary and where the application conforms to the policies of this Official Plan.
- 9.17.2 The maximum number of lots approved by the municipality on one property through consent shall be three. Proposals for *new lots* in excess of three shall be processed by plan of subdivision.
- 9.17.3 These general policies shall be utilized for evaluating consent applications in all designations on **Schedule B** to this Official Plan, together with any policies in Sections 3.1.3, 3.1.4, 3.3.2, 3.3.3, 3.3.4, and 3.3.5 which may be applicable to a particular application.
- 9.17.4 Road Access
- a) The lot to be retained and the lot to be severed must have frontage on and have direct access to an open, improved public road which is maintained on a year round basis and the frontage must conform with Zoning By-law requirements.
 - b) Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines on curves or grades.
 - c) Strip *development* shall generally be prohibited; although infilling in existing *built-up areas* which are zoned in the by-law may be permitted.
 - d) Lots with direct access from Provincial Highways or Regional Roads will only be permitted where the appropriate authority advises that an entrance permit will be issued.
 - e) Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.
- 9.17.5 Lot Size
- a) The lot area and frontage of both the lot to be retained and the lot to be severed must be adequate for existing and proposed uses and the proposed lots must comply with the provisions of the Zoning By-Law. Where it is not possible to meet the standards of the Zoning By-law, the Council may amend the standards in the by-law as a condition of approval, where they are satisfied that such action is appropriate.
 - b) In the Agricultural Area, Rural Area, Escarpment Natural, Escarpment Protection and Escarpment Rural Area a residential lot shall not exceed 0.4 hectare (1 acre), except to the extent that any additional area is deemed necessary to support a well and sewage disposal facilities as determined by the Town.
- 9.17.6 Access
- The proposed lot(s) will not restrict the *development* of other parcels of land, particularly the provision of access to allow the *development* of remnant parcels in

the interior of a block of land.

9.17.7 Sewage Disposal and Water Supply

- a) Severances in the area south of the *brow* of the *Escarpment* shall only be considered where it has been demonstrated to the satisfaction of the Town that the lot size, topography, soils and drainage are suitable to permit proper siting of buildings, to obtain availability of potable water to the site and to permit the installation of an adequate means of sewage disposal on both the severed and retained parcels where both parcels are to be used for residential purposes.

9.17.8 Protection of Agricultural Operations

In order to preserve and protect agricultural operations, wherever they are located in the Town outside the Urban Settlement Area boundary, a severed lot shall be located where it will have the minimum impact on surrounding agricultural operations and the location will comply with the minimum distance separation formulae.

9.17.9 Park Dedication

Where a consent is approved, as a condition of approval Council may require that 5% of the lands be conveyed to the Town for park purposes where the consent is for residential purposes or up to 2% for commercial or industrial uses, or that a cash payment in lieu of land be made.

9.17.10 Mortgage Discharge Purposes

A consent for mortgage discharge purposes may be permitted provided that the use of the land will not change upon completion of the discharge.

9.17.11 Consent for Technical or Legal Purposes

A consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, *easement* or rights-of-way). The lots that are the subject of such an application must comply with the Zoning By-law or the By-Law must be amended.

9.17.12 Conditions of Approval

The Town may require as a condition of approval of a consent application for the severed lot or the retained lot where such a condition is appropriate:

- a) That the applicant enters into an agreement with the Town to be registered on title, which may cover such matters as:
 - i) Payment of taxes;
 - ii) Payment of lot levies;
 - iii) Payment of drainage and local improvement charges;
 - iv) Provisions for extension of the municipal sewer or water systems;
 - v) Provisions for stormwater management;
 - vi) Road dedications and improvements;
 - vii) Park dedications or payment-in-lieu;
 - viii) Construction and maintenance of fences.
- b) Approval of a Zoning by-law amendment; and

- c) Approval of a site plan in accordance with Section 41 of the *Planning Act*, 1990.

9.18 ENVIRONMENTAL IMPACT STUDY REQUIREMENTS

- 9.18.1 An *Environmental Impact Study (EIS)* required under this Plan shall be submitted with the *development* application and shall be prepared and signed by a qualified biologist or environmental planner in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Niagara Regional Council.
- 9.18.2 An *Environmental impact study* shall include the following as outlined in the EIS Guidelines:
- a) A description of the existing environment including: an assessment of its setting in the broader landscape and the identification, analysis and evaluation of significant natural features and *ecological functions*, of significant surface and ground water features and *hydrologic functions*, and of the *linkages* among them;
 - b) A description of the proposed *development*;
 - c) A description of measures to avoid or, if avoidance is not possible, to minimize or mitigate *negative impacts* on the Environmental Protection Area or Environmental Conservation Area, including impacts on significant natural features and *ecological functions*, and on significant surface and ground water features and *hydrologic functions*;
 - d) An assessment, with respect to standards set out in the EIS Guidelines, of the significance of the cumulative net environmental impacts expected over the long term after these measures have been implemented; and
 - e) Recommendations on the advisability of proceeding with the *development* as proposed or modified.
- 9.18.3 Where the *EIS* deals with *development* or *site alteration* on *adjacent lands*, it shall include an evaluation of the *ecological functions* of the *adjacent lands* and of expected impacts on those functions.
- 9.18.4 The Terms of Reference for an *EIS* shall be submitted for review to the Town, the Region and the Niagara Peninsula Conservation Authority prior to preparation of the study.
- 9.18.5 The required scope and/or content of an *EIS* may be reduced, after consultation with the Town, the Region, and the Niagara Peninsula Conservation Authority, where:
- a) The environmental impacts of a *development* application are thought to be limited; or
 - b) Other environmental studies fulfilling some or all requirements of an *EIS* have been accepted by the Town, the Region and the Niagara Peninsula Conservation Authority.

- 9.18.6 The Town may require an independent peer review of an *EIS* with costs to be borne by the applicant.
- 9.18.7 An *EIS* is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.

9.19 MONITORING

- 9.19.1 Council, through reports brought forward by Town Planning staff on a regular basis, shall monitor the effectiveness with which the Official Plan policies are dealing with *development* pressures in the Town and responding to provincial policies and Plans.
- 9.19.2 At least once every five years the Official Plan shall be formally reviewed by Council and modified, where necessary, to ensure that it:
- a) Conforms to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and any other applicable provincial plan;
 - b) Has regard to the matters of provincial interest;
 - c) Is consistent with the Provincial Policy Statement;
 - d) Conforms to the Official Plan for the Niagara Region; and
 - e) Reflects the needs of, and conditions within the Town.
- 9.19.3 The Town, in consultation with the Region, the Niagara Peninsula Conservation Authority, provincial ministries and other interested groups and organizations will encourage the establishment of environmental monitoring programs in order to measure the effectiveness of the environmental policies within this Plan.
- 9.19.4 The Town will undertake monitoring of designated greenfield densities, *intensification*, and affordable housing targets to ensure the goals of this Plan are achieved.

9.20 DEFINITIONS

9.20.1 **Access Standards** means 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.

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

9.20.3 **Adjacent Lands** means those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and as defined in the table below:

Natural Environment Areas	Adjacent Lands Where an <i>EIS</i> Shall Be Required for Development Applications
<p>Environmental Protection Area</p> <ul style="list-style-type: none"> • Provincially Significant Life Science Area of Natural and Scientific Interest • Provincially Significant Wetland • Habitat of Threatened and Endangered Species • Fish Habitat • Key hydrological features in the Protected Countryside 	<p>All lands within 50 metres.</p> <p>All lands within 120 metres.</p> <p>All lands within 50 metres.</p> <p>All lands within 30 metres of the top of bank</p> <p>All lands within 120 metres</p> <p>.</p>
<p>Environmental Conservation Area</p>	<p>All lands within 50 metres.</p>
<p>Where a component of the Natural Environment Area lies within the Provincial Greenbelt Plan Natural Heritage System adjacent lands mean all lands within 120 metres of the natural heritage component.</p>	

9.20.4 **Adult Entertainment Parlour** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation services appealing to or designed to appeal to erotic or sexual appetites or inclinations (hereinafter called "Adult Entertainment Services"); and for the purpose of this definition:

- a) "To provide" when used in relation to services includes to furnish, perform, solicit or give such services in pursuance of a trade, calling, business or occupation and "providing and provision" have corresponding meanings;
- b) "Services includes activities, facilities, performances, exhibitions, viewings

and encounters, but does not include the exhibition of film approved under the Theatres Act;

- c) "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
- i) Services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - ii) Services in respect to which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

9.20.5 **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.

9.20.6 **Affordable Housing** means

- a) In the case of ownership housing, the least expensive of:
 - i) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii) Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) In the case of rental housing, the least expensive of:
 - i) A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

9.20.7 **Aggregate** means gravel, sand, clay, shale, stone, earth or other prescribed material defined in the *Aggregate Resources Act*.

9.20.8 **Agriculture Operation** means the carrying out of an agricultural use.

9.20.9 **Agricultural uses** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value

retention uses required to make a commodity saleable (i.e. corn dryer, washing, sorting, packing and packaging).

- 9.20.10 **Agriculture-related uses** means those 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.
- 9.20.11 **Animal Kennel** means a building structure or premises used for the raising or boarding of dogs, cats or other household pets.
- 9.20.12 **Areas of Mineral Potential** Areas favorable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.
- 9.20.13 **Areas of natural and scientific interest (ANSI)** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.
- 9.20.14 **Archaeological Resources** means artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.
- 9.20.15 **Areas of Archaeological Potential** means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches that achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.
- 9.20.16 **Bed and Breakfast** means the use of a single family dwelling for the rental of not more than 3 rooms to the traveling public for overnight accommodation on a temporary basis.
- 9.20.17 **Best Management Practices (BMPs)** means methods, facilities and structures, which are designed to protect or improve the environment and natural heritage features from the effects of land Development activities. BMPs can include, but are not limited to, land use restrictions, source control of pollutants, stormwater management ponds, grassed swales, underground storage facilities, woodlot management, soil Erosion control, crop rotation, tree windbreaks and natural fencerows.
- 9.20.18 **Bona Fide Farmer** means a retiring farmer who has owned and farmed a farm with a minimum size of 10 hectares (25 acres) for a minimum number of years as set out in this Plan and who is retiring from active working life and selling his farm.
- 9.20.19 **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.

- 9.20.20 **Built Boundary** means the limits of the developed urban area as defined by the Minister of Public Infrastructure Renewal and consists of delineated and undelineated built-up areas.
- 9.20.21 **Built Heritage Resources** means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.
- 9.20.22 **Built-up Area** means all land within the built boundary.
- 9.20.23 **Campground** means an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.
- 9.20.24 **Carrying Capacity** means the capacity of a site to support use without substantial negative impact on environmental features such as water quality, natural vegetation, soil, wildlife population and visual attractiveness.
- 9.20.25 **Compatible (in reference to the Niagara Escarpment Plan Area)** means where the building, structure, activity or use blends, conforms or is harmonious with the Escarpment's ecological physical, visual or cultural environment.
- 9.20.26 **Compatible Development** means development that is not necessarily the same or similar to development in the vicinity, but it is development that improves the character and image of an area, without causing any undue, adverse impacts on adjacent properties.
- 9.20.27 **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. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects
- 9.20.28 **Cottage Industry** means an occupation conducted as an accessory use within a single dwelling or in an addition to the dwelling or an accessory building, performed by one or more residents of the household on the same property. A cottage industry may include occupations such as dressmaking, upholstering, weaving, baking, ceramic making, painting, sculpting and the repair of personal effects.
- 9.20.29 **Cultural Heritage Impact Assessment** means a study prepared by a qualified heritage professional who is a member in good standing with the Canadian Association of Heritage Professionals, to determine if cultural heritage resources will be negatively impacted by the proposed establishment or proposed expansion of the mineral aggregate operation development or site alteration. It

would 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.

- 9.20.30 **Cultural Heritage Landscape** means a defined geographical area of heritage significance, which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.
- 9.20.31 **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.
- 9.20.32 **Designated and Available** Lands designated in the Official Plan for urban residential use.
- 9.20.33 **Designated Greenfield Area** means the area within a settlement area that is not a built up area.
- 9.20.34 **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.
- 9.20.35 **Development** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*. It includes the construction of new, or significant expansion of existing public utilities or infrastructure but does not include:
- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or
 - b) Works subject to the *Drainage Act*.
- 9.20.36 **Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 155/06** means a regulation passed pursuant to Section 28 of the *Conservation Authorities Act*, R.S.O. 1980, or its successors, whereby a Conservation Authority may, among other matters, regulate:
- a) Restrict and regulate the use of water in or from rivers, streams, inland lakes, ponds, Wetlands and natural or artificially constructed depressions in rivers or streams;
 - b) Prohibit, regulate, or require the permission of the authority to straighten, change, divert, or interfere in any way with the existing channel of a river, creek, stream or watercourse, or change or interfere in any way with a

Wetland; and

- c) Prohibit, regulate or require the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, *dynamic beaches* or pollution or the conservation of land may be affected by the development.

- 9.20.37 **Development Plan** means a concept plan for a proposed development which will include information on building envelopes, parking, access, height, loading facilities, landscaping and the relationship of the proposed development to the street and adjoining properties.
- 9.20.38 **Dwelling Unit** means one or more habitable rooms designed for the use of one family in which sanitary and kitchen facilities are provided for the exclusive use of such family, and having a private entrance.
- 9.20.39 **Dynamic Beach** means an area of inherently unstable accumulations of shoreline sediment along the Great Lakes-St. Lawrence River system and large inland lakes. The dynamic beach hazard limit includes the flooding hazard limit plus a 30 m dynamic beach allowance.
- 9.20.40 **Easement** means a negotiated interest in the land of another, which allows the easement holder specified uses or rights without actual ownership of the land.
- 9.20.41 **Ecological function** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.
- 9.20.42 **Employment Area** means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.
- 9.20.43 **Endangered Species** means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.
- 9.20.44 **Environmental Impact Study (EIS)** means a report prepared by qualified professionals (engineers, biologists) to address the potential impacts of development on natural heritage features and areas.
- 9.20.45 **Erosion Hazard** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.
- 9.20.46 **Escarpment** means the Niagara Escarpment.
- 9.20.47 **Escarpment Brow (Edge) (in reference to the Niagara Escarpment Plan Area)** means the uppermost point of the Escarpment slope or face. It may be the

top of a rock cliff, or where the bedrock is buried, the most obvious break in slope associated with the underlying bedrock.

- 9.20.48 **Escarpment Slope (Face) (in reference to the Niagara Escarpment Plan Area)** means the area between the brow and toe of the Escarpment and usually characterized by a steep gradient. Where the rise occurs in the form of a series of steps, the slope also includes the terraces between the steps.
- 9.20.49 **Escarpment Toe (Base) (in reference to the Niagara Escarpment Plan Area)** means the lowest point on the Escarpment slope or face determined by the most obvious break in slope associated with the bedrock or landforms overlying the bedrock.
- 9.20.50 **Farm Cluster** means a group of farm buildings, which includes the farm dwelling, on a property actively in agricultural use.
- 9.20.51 **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.
- 9.20.52 **Fish Habitat** as defined in the *Fisheries Act*, c. F-14, means 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.
- 9.20.53 **Fisheries Management** means the management of fish habitat and fish population for the purpose of sustaining and improving the quality and quantity of fish.
- 9.20.54 **Flood Plain** For river and 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.
- 9.20.55 **Flooding Hazard** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water. Along river, stream and small inland lake systems, the flooding hazard limit is the one hundred year flood.
- 9.20.56 **Floodway** means for river, stream and small inland lake systems, the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.
- 9.20.57 **Floodproofing standard** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland

lake systems.

- 9.20.58 **Flooding hazard** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:
- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave up rush and other water-related hazards;
 - b) Along river, stream and small inland lake systems, the flooding hazard limit is the one hundred year flood.
- 9.20.59 **Garden Suite** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.
- 9.20.60 **Greyfield** means economically obsolescent, outdated, failing, moribund and/or under used real estate assets or land such as formerly viable retail and commercial shopping sites (such as regional malls and strip centers) that suffer from lack of reinvestment and have been "outclassed" by larger, better designed, better anchored malls or shopping sites.
- 9.20.61 **Gross Density** shall mean Gross density shall mean the jobs and persons per hectare of development excluding the following features and any non-developable features designated in this Official Plan:
- a) Wetlands
 - b) Coastal wetlands
 - c) Significant woodlands
 - d) Significant valley lands
 - e) Areas of natural and scientific interest
 - f) Habitat of endangered species and threatened species
 - g) Significant wildlife habitat
 - h) Fish Habitat
 - i) Floodplain areas
- 9.20.62 **Groundwater Feature** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.
- 9.20.63 **Group Home:** means a supervised single housekeeping unit in a residential dwelling for the accommodation of not more than 6 persons, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being and;
- i) The members of the group are referred by a hospital, court, government agency, recognized social service agency or health professional; and

- ii) Such facility is licensed and/or approved under provincial statutes and in compliance with municipal by-laws.

9.20.64 **Growth Plan Definitions** the Places to Grow Plan should be referenced for the following definitions:

- a) Built Boundary
- b) Complete Communities
- c) Designated Greenfield Area
- d) Greyfield Area
- e) Intensification Area
- f) Intensification Corridor
- g) Major Transit Station Area

9.20.65 **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.

9.20.66 **Hazardous Site** means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

9.20.67 **Hazardous Substances** are 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.

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

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

9.20.70 **Help House** means a temporary accommodation used exclusively by farm workers on active agricultural properties.

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

9.20.72 **High Aquifer Vulnerability** refers to areas of groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

9.20.73 **Home Industry** means a small scale use, providing a service primarily to the rural or farming community and which is accessory to a single dwelling or agricultural operation, performed by one or more residents of the household on

the same property. A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping.

- 9.20.74 **Home Occupation** means an occupation, which provides a service as an accessory use within a single dwelling or in an addition to the dwelling or in an accessory building, performed by one or more residents of the household on the same property. Such occupations may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser, desk top publisher or word processor, computer processing provider, teacher or day care provider.
- 9.20.75 **Hydrologic functions** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.
- 9.20.76 **Implementing Authority (in reference to the Niagara Escarpment Plan Area)** means the body or bodies responsible for the administration of the Niagara Escarpment Plan.
- 9.20.77 **Incidental Use (in reference to the Niagara Escarpment Plan Area)** means a use (e.g. swimming pool) normally accessory to but not an essential part of an existing use.
- 9.20.78 **Individual On-Site Sewage Services** means an 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.
- 9.20.79 **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.
- 9.20.80 **Infrastructure** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, sewage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.
- 9.20.81 **Ingress/Egress (in reference to the Niagara Peninsula Conservation Authority's Regulatory Flood Plain)** means entrance/exit to a Structure within the Regulatory Floodplain.
- 9.20.82 **Intensification** means the development of a property, site or area at a higher density than currently exists through:
- a) Redevelopment, including the reuse of brownfield and greyfield sites;

- b) The redevelopment of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; or
- d) The expansion or conversion of existing buildings.

9.20.83 **Institutional Use (in reference to the Niagara Escarpment Plan Area)** means the use of land, building or structure for some public or social purpose, but not for commercial purposes, and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar or non-commercial use to serve the immediate community.

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

9.20.85 **Livestock** means livestock, including horses, poultry and fur bearing animals.

9.20.86 **Lot** means a parcel or tract of land which is recognized as a separate parcel of land under the provisions of the *Planning Act*, and includes a lot created by consent for mortgage purposes where the mortgage has not been discharged.

9.20.87 **Low and Moderate Income Households** means 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.

9.20.88 **Mineral Aggregate Resources** means 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*.

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

9.20.90 **Mineral Aggregate Operation** means:

- a. lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
- b. for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws

and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

- c. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

- 9.20.91 **Mineral Deposits** means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.
- 9.20.92 **Minimum Distance Separation Formulae** Formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.
- 9.20.93 **Municipal Comprehensive Review** means an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the document, Places to Grow: Growth Plan for the Greater Golden Horseshoe.
- 9.20.94 **Municipal Sewage Services** means sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.
- 9.20.95 **Municipal Water** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.
- 9.20.96 **Natural Environment** means the air, land and water or any combination or part thereof, of the Province of Ontario.
- 9.20.97 **Natural Heritage Features and Areas** means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valley lands south and east of the Canadian Shield, 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.
- 9.20.98 **Natural Heritage System** means 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.
- 9.20.99 **Natural Self-sustaining Vegetation** means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.
- 9.20.100 **Negative Impact (in reference to the Natural Environment designation)** means

- a) In regard to Section 4.2, degradation to the quality and quantity of water; to sensitive water features and sensitive ground water features and their related hydrologic functions; to natural hydrological characteristics of watercourses; to natural features or ecological functions of the Natural Heritage System or its components; to natural drainage systems, stream forms and shorelines; or increased risk of flooding or erosion; due to single, multiple or successive development or site alteration activities;
- b) In regard to Section 3.1 fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity; and
- c) In regard to other natural heritage features and areas outlined in Section 3.1, degradation that threatens the health and integrity of the natural features or *ecological functions* due to single, multiple or successive development or site alteration activities.

- 9.20.101 **Net Density** means “the total number of dwelling units divided by the net area of the lot or site. The net area excludes streets, alleys, public open spaces, utility rights-of-way, easements, and other public facilities or utility facilities. (Ord. 1694 § 1, 1995)
- 9.20.102 **Net Residential Hectare** means the area of land utilized for residential development and including only the lot area.
- 9.20.103 **New Lots (in reference to the Niagara Escarpment Plan Area)** means lots registered in the Land and Registry Office after approval of the Niagara Escarpment Plan.
- 9.20.104 **Normal Farm Practices** means 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*.
- 9.20.105 **One Hundred Year Flood** means 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.
- 9.20.106 **Open Landscape Character (in reference to the Niagara Escarpment Plan Area)** means the system of rural features, both natural and man-made which makes up the rural environment, including forests, slopes, streams and stream valleys, hedgerows, agricultural fields, etc.
- 9.20.107 **Original Ground Floor Area (in reference to the Niagara Peninsula Conservation Authority’s regulation area)** means the ground floor area of a

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

- 9.20.108 **Original Township Lot** means the township lot as shown on an original plan where an original plan certified by the Surveyor General as being the original plan of an original survey. Generally, in Ontario original township lots are 40 hectares (100 acres). However, larger and smaller original township lots exist.
- 9.20.109 **Park Plans (in reference to the Niagara Escarpment Plan Area)** means approved Master or Management plans for parks within the Niagara Escarpment parks and open space system, prepared by the agencies listed in Part 3 of the Niagara Escarpment Plan.
- 9.20.110 **Partial Services** means 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.
- 9.20.111 **Pit** means land or land underwater from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land underwater excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection 3 of the Aggregate Resources Act.
- 9.20.112 **Portable Asphalt Plant** means 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.
- 9.20.113 **Portable Concrete Plant** means 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.
- 9.20.114 **Preservation** means the maintenance of natural or cultural heritage features in their current or original form, and the maintenance of the natural environment to allow natural processes to continue undisturbed by human intervention.
- 9.20.115 **Prime Agricultural Areas** means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

- 9.20.116 **Prime Agricultural Land** means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in order of priority for protection.
- 9.20.117 **Private Communal Sewage Services** means 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.
- 9.20.118 **Private Communal Water Services** means 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.
- 9.20.119 **Private Park** means a park used by a group or association for recreational purposes but does not include a campground.
- 9.20.120 **Progressive Rehabilitation:** shall mean rehabilitation done sequentially, within a reasonable time, in accordance with the *Aggregate Resources Act*, the regulations, the site plans and the conditions of the license or permit during the period that aggregate is being excavated and in accordance with the provisions of the *Niagara Escarpment Plan*, where applicable.
- 9.20.121 **Progressive Rehabilitation Master Plan** means a study to determine how the rehabilitation is to be done sequentially, within a reasonable time, in accordance with the *Aggregate Resources Act*, the regulations, the site plans and the conditions of the license or permit during the period that aggregate is being excavated and in accordance with the provisions of the *Niagara Escarpment Plan*, where applicable.
- 9.20.122 **Protected Heritage Property** means real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.
- 9.20.123 **Protection (in reference to the Niagara Escarpment Plan Area)** means ensuring that human activities are not allowed to occur which will result in the unacceptable degradation of the quality of an environment.
- 9.20.124 **Protection Works Standards** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.
- 9.20.125 **Provincially Significant Wetland** means a wetland identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.
- 9.20.126 **Public Agency** means any Federal, provincial, County or Municipal agency and

includes any commission, board, authority or department, including Ontario Hydro, established by such agency exercising any power or authority under a Statute of Canada or Ontario.

- 9.20.127 **Public Service Facilities** means 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.
- 9.20.128 **Quality and Quantity of Water** means 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.
- 9.20.129 **Quarry** means land or land underwater from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land underwater excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection 3 of the Aggregate Resources Act.
- 9.20.130 **Redevelopment** means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield and greyfield sites.
- 9.20.131 **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.
- 9.20.132 **Regulatory Flood** means the 100 Year Flood.
- 9.20.133 **Rehabilitation (in reference to the Niagara Escarpment Plan Area)** means the restoration of land from which aggregate has been excavated to its former use or condition, which is or will be compatible with adjacent uses and the objectives and policies of the Niagara Escarpment Plan.
- 9.20.134 **Renewable Energy Systems** means 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.
- 9.20.135 **Residential Intensification** means 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 and greyfield 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.
- 9.20.136 **River, stream and small island lake systems** means all watercourses, rivers, streams, and small inland lakes or water bodies that have a measurable or predictable response to a single runoff event
- 9.20.137 **Rural Areas** means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.
- 9.20.138 **Secondary Uses** Uses 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.
- 9.20.139 **Sensitive** means 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.
- 9.20.140 **Sensitive Land Uses** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from 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.
- 9.20.141 **Significant** means:
- a. In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
 - b. In regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
 - c. In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
 - d. In regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to

the quality and diversity of an identifiable geographic area or natural heritage system;

- e. In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in Sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

- 9.20.142 **Secondary Suite** means a second dwelling unit contained wholly within an existing detached, and semi-detached dwelling.
- 9.20.143 **Sediment Control Device** means a structure which traps and filters sediments.
- 9.20.144 **Settlement Areas** means 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.
- 9.20.145 **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.
- 9.20.146 **Shoreline Protection Works** are generally defined as a combination of structural works with landform modifications designed and constructed to address the impacts of flooding and other water related hazards and to arrest the landward retreat or shorelines subject to erosion. They must be designed and installed according to accepted scientific coastal engineering principles and shall conform to the recommendation of the Lake Ontario Shoreline Management Plan.
- 9.20.147 **Single Dwelling (in reference to the Niagara Escarpment Plan Area)** means a separate building containing not more than one dwelling unit and may include a chalet, cottage or mobile home.

- 9.20.148 **Site Alteration** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- 9.20.149 **Social Impact Assessment** means a study to analyze, monitor and manage the intended and unintended social consequences, both positive and negative of the intended new or expansion to an existing mineral aggregate operation in order to identify the social changes processes invoked by the development.
- 9.20.150 **Source Area** means areas of obvious groundwater discharge (e.g. springs and prominent seeps).
- 9.20.151 **Special Needs** means related to housing 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.
- 9.20.152 **Specialty Crop Areas** means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:
- a) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
 - b) A combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.
- 9.20.153 **Specialty Home Product Warehouse** means a building for the sale of products used for home or office improvement or beautification.
- 9.19.154 **Stable Residential Neighbourhoods** means the residential designated portions of the built-up area but excluding the Major Intensification areas delineated on Schedule A.
- 9.20.155 **Stable Top of Bank** The stable top of bank along the shoreline is based on a 3:1 slope projected upwards from the base of the slope. This differs from the physical top of bank as defined as the location of the apparent brow of the slope (as approved by NPCA staff). In cases where the slope of the existing bank has an inclination steeper than 3:1 (horizontal to vertical), the stable top of bank may be located landward from the physical top of bank. The location of the stable top of bank must then be established by a professional, geotechnical engineer utilizing the guidelines and manuals outlined in the Niagara Peninsula Conservation Authority Land Use Planning Document, to the satisfaction of NPCA staff. The geotechnical assessment must take into consideration, and make recommendations pertaining to: development setbacks, construction equipment/access.

- 9.20.156 **Surface Water Feature** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics. It is not intended to include small surface water features such as farm ponds or stormwater management ponds, which would have limited *ecological function*.
- 9.20.157 **Surplus Farm Residence** means where an existing dwelling, which is capable of habitation, is considered surplus and is not required for accommodation of farm help due to the consolidation of or amalgamation of two farms under one ownership.
- 9.20.158 **Sustainable Private Services** means a sewage disposal system other than a holding tank, that is designed and constructed in accordance with the Building Code Act and a water supply well designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the Town of Grimsby which are located on the same property as the buildings to which the sewage disposal system and water well provide service.
- 9.20.159 **Talus Slope (in reference to the Niagara Escarpment Plan Area)** means the slope created by the mass of broken rock, which accumulates at the base of the cliff face along the Escarpment.
- 9.20.160 **Threatened Species** means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.
- 9.20.161 **Top of Bank** means the upper edge of the slope of the stream valley where the land levels off; or where there is a flood plain, to the top of slope above the flood plain.
- 9.20.162 **Trail Activities** means recreation oriented to trails, (e.g. horseback riding, cross-country skiing, hiking).
- 9.20.163 **Traffic and Haul Route Impact Study** means a study to indicate how the proposed mineral aggregate operation will address any potential impacts on Regional and local roads and Provincial Highways and the communities within which the roads travel through.
- 9.20.164 **Transportation Systems** means 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.
- 9.20.165 **Unstable (in reference to the Niagara Escarpment Plan Area)** means slopes, which are or may be subject to erosion such as mass movement, slumping, landslides, mudflows or rock falls.

- 9.20.166 **Utility** means all public and/or private utilities including but not limited to licensed broadcasting, receiving and transmitting facilities, a water supply, storm or sanitary sewage, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, communications/telecommunications and other cabled services, a public transportation system or any other similar works or systems necessary to the public interest.
- 90.20.167 **Valleylands** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.
- 9.20.168 **Value Added** means uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered 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.
- 9.20.169 **Veterinary Clinic** means the office of a veterinary surgeon and premises for the treatment of animals.
- 9.20.170 **Vegetation Protection Zone** means a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature within which only those land uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined when new development or site alteration occurs within 120 metres of a key natural heritage feature or key hydrologic feature, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function.

- 9.20.171 **Visual Impact Assessment** means an estimate, in perspective view, of the potential visual effect of proposed operations on the scenic landscape. These assessments are used to confirm whether visual quality, natural heritage and cultural heritage landscape objectives for these sites will be achieved.
- 9.20.172 **Vulnerable** means 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.
- 9.20.173 **Waste Management System** means 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.
- 9.20.174 **Watercourse** means a body of water flowing in a reasonably definite channel with bed and banks.
- 9.20.175 **Watershed** means an area that is drained by a river and its tributaries.
- 9.20.176 **Wave Uprush** means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.
- 9.20.177 **Wayside Pit or Quarry** means 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.
- 9.20.178 **Wetlands** means 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.
- 9.20.179 **Wildlife Habitat** means live areas where plants, animals and other organisms live.
- 9.20.180 **Wildlife Management** means the management of wildlife habitats for the purpose of sustaining the quantity and quality of wildlife for the benefit of people.
- 9.20.181 **Woodlands** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas. It does not include a cultivated fruit or nut orchard or a plantation used for the purposes of producing Christmas trees.

10.0 KEMP AND MOUNTAIN ROAD SECONDARY PLAN

10.1 PURPOSE

The Kemp and Mountain Road Hamlet Secondary Plan provides more detailed direction with respect to the *development* of the hamlet located along Mountain Road north and south of Kemp Road as designated on **Schedule B** and **Schedule E**.

10.2 OBJECTIVES

To provide an opportunity for limited additional *development* of the Kemp and Mountain Road Hamlet in a manner which will allow it to evolve and grow in keeping with its existing character as a residential community, which also provides economic, social and commercial functions to the surrounding agricultural/rural area.

10.3 GENERAL POLICIES

- 10.3.1 The Kemp and Mountain Road Hamlet Secondary Plan consists of Section 10 of this Plan and **Schedule E**, Kemp and Mountain Road Hamlet Land Use Plan, attached hereto.
- 10.3.2 The Kemp and Mountain Road Hamlet shall be subject to the provisions of the Kemp and Mountain Road Hamlet Secondary Plan and the policies of the approved Plan. In the case of conflict, the policies of this Secondary Plan take precedence.
- 10.3.3 The policies of this Plan are intended to serve as guidelines in the review of *development* proposals and public works in the Hamlet. The Zoning By-law will initially zone only those areas with uses existing at the date of adoption of the Secondary Plan. New *development* will require an amendment to the By-law.
- 10.3.4 This Plan shall be read in conjunction with the Grimsby Official Plan, Zoning By-law 71-74, as amended, the Regional Policy Plan, Niagara Escarpment Plan, Greenbelt Plan and Provincial Policy Statement, all of which are in force and affect land use in the Hamlet.
- 10.3.5 The population of the Hamlet in 2007 is estimated to be in the order of 90 people. Additional employment opportunities will be limited and the Plan does not reflect any specific projected employment level.
- 10.3.6 The Kemp and Mountain Road Hamlet Secondary Plan recognizes that the lands in the Secondary Plan north of Kemp Road are within the Greenbelt Plan. In accordance with Section 3.4.3 of the Greenbelt Plan, in the approved Hamlet boundary, *development* shall be subject to the policies of the Official Plan and Secondary Plan.

- 10.3.7 *Agricultural uses*, other than *livestock* operations, may be permitted in all land use designations as interim uses pending *development* of the lands in accordance with the relevant designation of the Neighbourhood Plan.

10.4 HAMLET RESIDENTIAL AREA

10.4.1 Objective

To guide infill residential *development* and rounding out of the existing Hamlet in a manner which enhances the existing community, is environmentally sustainable and does not unduly affect traffic operations on Mountain Road.

10.4.2 Main Permitted Uses

- a) The Hamlet Residential Area designation on **Schedule E** means that the main permitted uses shall be:
- i) single detached dwellings

10.4.3 Secondary Permitted Uses

- b) *Secondary uses* that may be permitted in the Hamlet Residential Area designation on **Schedule E** include:
- i) *Home occupation* and *home industry* uses on a *lot* with a single detached dwelling provided that the uses are clearly secondary to the main use of the property and do not generate adverse affects incompatible with the surrounding area and subject to the standards of the Zoning By-law; and,
 - ii) *Bed and breakfast* establishments on a *lot* with a single detached dwelling.

10.5 HAMLET MIXED USE AREA AND HAMLET RESIDENTIAL / POTENTIAL MIXED USE AREA

10.5.1 Objective

To create a focal point for the Kemp and Mountain Road Hamlet at the intersection of Kemp and Mountain Roads.

10.5.2 Main Permitted Uses

- a) The Hamlet Mixed Use Area designation on **Schedule E** means that the main permitted uses shall be:
- i) small scale commercial or industrial/commercial uses including farm implement dealers, convenience stores, gas stations, and retail shops which serve the needs of the Hamlet residents and the surrounding area and the traveling public, subject to the policies of Section 10.11; and,
 - ii) public, quasi-public and private non-profit uses, including nursery schools and day care centres, subject to the policies of Section 10.11; and,

- iii) residential uses in association with the permitted commercial, industrial/commercial and public, quasi-public or private, nonprofit uses subject to the policies of Section 10.11, including a single detached dwelling on the same *lot* or residential units in the same building as the permitted use(s).
- b) The Hamlet Residential/Potential Mixed Use Area designation on **Schedule E** means that the main permitted uses shall be the same as those permitted in the Mixed Use Area. However, in addition, single detached dwellings, shall be permitted subject to the policies of Section 10.11.

10.5.3 Secondary Permitted Uses

Secondary uses that may be permitted in the Hamlet Potential Mixed Use Area designations on **Schedule E** include:

- a) *Home occupation* and *home industry* uses on a *lot* with a single detached dwelling provided that the uses are clearly secondary to the main use of the property and do not generate adverse affects incompatible with the surrounding area and subject to the standards of the Zoning By-law;
- b) *Bed and Breakfasts* on a *lot* with a single detached dwelling; and,
- c) Uses related to a public, quasi-public or private, non-profit use on the same *lot* as that use, such as a commercial outlet for the sale of goods as a service for the clients of the use.

10.6 HAMLET SPECIAL POLICY AREA

10.6.1 Objective

To recognize a unique site within the Hamlet and to ensure that any *development* is appropriate to the hamlet setting.

10.6.2 Permitted Uses

- a) Uses permitted in the Hamlet Residential Area designation may be permitted in the Hamlet Special Policy Area. In addition, consideration may be given to uses permitted in the Hamlet Mixed Use Area designation. However, no new *development* shall be permitted without a zoning by-law amendment and site plan approval based on the submission of the studies required by Section 10.5.2.

10.6.3 Background Assessment

As a condition of any new *development*, the Town shall require submission of a detailed concept plan and all other studies required by Section 10.10. In addition, the concept plan and supporting studies will address the relationship between the proposed *development* and the adjacent existing residential *development*, and access to the proposed *development*.

10.7 COMMUNITY DESIGN

Development of the Kemp and Mountain Road Hamlet will be designed to promote the use of building design, site planning and landscaping which ensures a high level of community design in accordance with the Streetscape Design policies of Section 7.0 of the Official Plan and residential design policies in Section 3.4.7. More specifically, *development* of both public and private facilities should contribute to the strengthening of the sense of community including ensuring:

- a) The Town, working with the Region with respect to Regional roads, develops a unified program of public streetscape improvements within the municipal right-of-way, including tree planting and landscaping, and the provision of sidewalks, bike lanes and/or trails to allow for safe, enjoyable pedestrian and bicycle movement;
- b) Enhanced landscaping is provided on private lands, including the planting of significant trees;
- c) Community facilities such as places of worship and commercial uses are encouraged to locate at or near the intersection of Kemp and Mountain Roads or in other locations which contribute to the establishment of focal points for the Hamlet;
- e) Existing natural features are preserved and incorporated into new *development*;
- f) Existing views and vistas, particularly of the environmental areas east and west of the Hamlet and community facility buildings should be protected and enhanced through the placement of buildings, landscaping and public open space;
- g) Reverse frontage *lots* shall be prohibited;
- h) Building designs which encourage street oriented *development*, including recessed garage designs and the location of parking for commercial and community facility uses at the side or rear of buildings, shall be encouraged;
- i) Signage should be in keeping with the character of the area, minimizing the use of lighting and pylon signs;
- j) Garbage should be stored within the building or in enclosed outdoor facilities; and,
- k) The Town will work with owners of existing commercial and industrial uses to enhance the *development* with respect to landscaping and site layout.

10.8 SERVICES

Development of the Kemp and Mountain Road Hamlet will be based on individual water wells and sewage treatment systems.

10.9 TRANSPORTATION

It is not anticipated that any new public roads will be required to service the Kemp and Mountain Road Hamlet. Transportation considerations shall be subject to the provisions of Section 5.4 and 5.6 of the Official Plan.

10.10 DEVELOPMENT REVIEW

10.10.1 Information Requirements

Development applications will be evaluated based on submission of:

- a) a concept plan which illustrates the proposed *development* including building envelope, parking areas, landscaped areas and provision for access, and the plans for any remaining lands in the same ownership, particularly lands outside the hamlet boundary, including access arrangements to lands outside the hamlet;
- b) where there is evidence of environmental features or functions on a site that have not been evaluated, an evaluation prepared by a qualified biologist and/or other appropriate qualified professional in consultation with the Town, and where appropriate Niagara Region, Niagara Peninsula Conservation Authority and the Ministry of Natural Resources;
- c) where a plan of subdivision is proposed, an engineering report and servicing plan relating to proposed water supply and sewage disposal which establishes the feasibility of providing private individual systems in a manner which satisfy the requirements of the Town and Region;
- d) where a plan of subdivision is proposed, a stormwater management plan, prepared in accordance with Policy 7.A.2.6 of the Niagara Region Policy Plan, Section 5.3.1 of the Town of Grimsby Official Plan, and a sediment and erosion control plan which demonstrates that:
 - i) planning, design and construction practices will minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;
 - ii) where appropriate, an integrated treatment approach shall be used to minimize stormwater management flows and structures through such measures as *lot* level controls and conveyance techniques such as grass swales; and,
 - iii) applicable recommendations, standards or targets within watershed plans and water budgets are complied with; and
- e) other studies that may be identified through the presubmission consultation meeting as set out in Section 9.11.

10.10.2 Evaluation Criteria

10.10.2.1 General

Approval of all *development* applications shall:

- a) Be based on a stormwater management plan that is designed to avoid, minimize and/or mitigate stormwater volume, contaminant loads and impacts to receiving water courses in order to:
 - i) maintain groundwater quality and flow and stream baseflow;
 - ii) protect water quality;
 - iii) minimize the disruption of pre-existing (natural) drainage patterns wherever possible;
 - iv) prevent any increase in flood risk; and,
 - v) protect aquatic species and their habitat.

The stormwater management plan will be submitted with any application for a plan of subdivision and shall be required as a condition of approval for any severance, or Zoning by-law or official plan amendment which is not related to a plan of subdivision or severance application.

- b) reflect the recommendations of any required evaluation of environmental features and functions;
- c) ensure that the site fronts directly on a public road, and where *development* fronts on Mountain Road that access is limited through approaches such as shared entrances;
- d) *lot* size is kept to the minimum possible with *lots* of 0.4 hectares being considered, recognizing health and safety considerations which may mean that *lots* could be larger, in the order of 1.0 hectares, unless it can be demonstrated through the submission of studies or other technical information satisfactory to the Region that the smaller *lot* size is appropriate with respect to sewage disposal and water supply;
- e) ensure the *development* conforms with the Provincial minimum distance separation formulae from *livestock* facilities;
- f) ensure the protection of any building, structure or site of historical or architectural significance;
- g) promote the use of building design, site planning and landscaping which ensures a high level of community design in accordance with the policies of Section 10.5, Community Design, of this Secondary Plan;
- h) ensure that size and access arrangements for any remaining lands, particularly those outside the hamlet boundary, are functional and will allow continuing productive use of the property or where it contains environmental features, the protection of such features; and,

- i) be consistent with the policies of Section 2.3.3.

10.10.2.2 Severances

In addition to the provisions of Sections 10.8.1 and 10.8.2.1, an application for severance shall be evaluated in accordance with the applicable policies of Section 9.17 of the Official Plan.

10.10.2.3 Plans of Subdivision

In addition to the provisions of Sections 10.8.1 and 10.8.2.1, an application for plan of subdivision shall be evaluated based on consideration of all the provisions of Section 51 of the *Planning Act*.

11.0 WINSTON ROAD NEIGHBOURHOOD SECONDARY PLAN

11.1 DEVELOPMENT CONCEPT

The Winston Road Neighbourhood is one of a few remaining undeveloped stretches of Lake Ontario waterfront between Toronto and Grimsby. A great opportunity exists to create a waterfront community that embraces and shares this valuable public resource.

The Winston Road Neighbourhood is intended to be a vibrant mixed use neighbourhood with a strong sense of place. It offers a full range of housing opportunities from low density residential through to mixed-use high density housing along with a broad range of employment opportunities along the QEW frontage. The Neighbourhood will be designed to be a walkable place, where housing, recreation, places of work, a waterfront trail and convenience commercial are all within walking distance. Live work uses will be encouraged to locate in the Winston Road Neighbourhood.

A vibrant, social, and pedestrian-oriented “main street” area that serves the day to day convenience shopping needs of the surrounding residents will be located at the gateway to the community, generally along Winston Road between Hunter Road and Windward Drive. It will be the focal area for convenience commercial and personal services, and its function is to serve the weekly needs of surrounding residents for groceries, personal care products and services, but will not usurp the function or range of uses provided by the Downtown.

The *development* concept maintains and respects the low-rise residential character in the west end of the neighbourhood by proposing additional new low rise residential in the western sector. The mix and density of uses increase towards its eastern sector with the highest densities surrounding the Casablanca Road interchange.

Highway visibility and accessibility is optimized through the requirement for commercial and prestige employment uses along the North Service Road east of Oakes Road and lands adjacent to the Casablanca Road Interchange. Prestige employment uses are intended to be employment uses whose operations are fully contained within a building, are not obnoxious and require no outdoor storage. Such properties are intended to contain higher quality site design standards, a greater amount and quality of landscaping and contain buildings exhibiting a high degree of design in the type of building materials used, the location and design of entrances and loading areas, and the amount and location of fenestration.

Lake Ontario is a celebrated public resource, partly by way of a future waterfront trail and improving public accessibility to the waterfront, and partly by accommodating new residents and activities near the waterfront. Urban design policies contained within this

secondary plan seek to maintain view corridors to the Lake and create comfortable pedestrian oriented streetscapes.

A large portion of the Winston Road Neighbourhood Secondary Plan is located in Greenbelt Plan area. The Greenbelt Plan area ensures that a large portion of the waterfront will remain undeveloped. Despite being designated as Tender Fruit and Grape Lands in the Greenbelt Plan, none of these lands are being used for agriculture production. It is the long-term intent of this Secondary Plan that when the existing uses in the Greenbelt Plan portion of the Winston Neighbourhood relocate (i.e., the DND Rifle Range and the communication towers) the lands will be used to create a major public waterfront park.

11.2 PRINCIPLES & OBJECTIVES

11.2.1 Residential

Principle:

It is the intent of this plan to provide for a range of housing types and densities while recognizing and protecting the stable low rise residential character of the western segment of the secondary plan area.

Objectives:

1. To develop a diverse and mixed residential community in the Winston Road Secondary Plan area.
2. To provide a range of housing types and densities catering to differing needs within the municipality, and to enable the delivery of housing consistent with the Provincial Policy Statement while maintaining the character of the Winston Road neighbourhood.
3. To create a walkable community partly by providing housing mixed with places of employment. Medium and high density residential shall be combined with commercial and prestige employment uses either within the same building or in separate buildings in the *development* or block.
4. To protect new residential uses from noise and nuisance effects while limiting the need for noise walls along the QEW.

11.2.2 Mixed Use

Principle:

Mixed Use areas make up the primary focal point of the community. They will be comprised of a variety of residential and employment generating uses including medium to high density residential *development*, an array of employment uses and community facilities. These areas will help to create a rich and vibrant environment for area residents.

Objectives:

1. To provide well-designed and attractive places for people to live and to work.

2. To provide for an appropriate range and mix of housing types, open space features and employment generating opportunities.
3. To ensure that the noise impacts on the planned residential uses from the adjacent Queen Elizabeth Way are appropriately mitigated by intervening employment generating land uses.
4. To protect view corridors to Lake Ontario through the design of Mixed Use areas.
5. To provide for a pedestrian-oriented 'main street' commercial area on Winston Road between Hunter Road and Windward Drive, which will function as the Neighbourhood Commercial area of the Winston Road Neighbourhood Secondary Plan.
6. To promote buildings that are located close to the street and create an active and visually stimulating walking and shopping environment.
7. To protect lands in the High Density – Mixed Use Area that front onto the North Service Road and the QEW for prestige employment uses.

11.2.3 Environment and Open Space

Principle:

The Winston Road Neighbourhood Secondary Plan area includes an array of open spaces along the Lake Ontario waterfront many of which are protected under the Greenbelt Plan. It is a key principle of this plan to improve public accessibility to the waterfront while protecting natural heritage features. This shall be achieved through increased public ownership of the waterfront, public trails and a waterfront promenade along the urbanized portion of the waterfront.

Objectives:

1. To develop a functional and highly interconnected open space system for the community that is accessible and visible to residents.
2. To protect, maintain and enhance significant natural heritage features, including the small stream corridors crossing the secondary plan area and the Lake Ontario Waterfront.
3. To provide a continuous open space system throughout the Secondary Plan area that incorporates links of varying character and function, between natural heritage features, public parks, storm water management facilities and an array of community amenities and recreational opportunities.
4. To create a major public waterfront park over the long term as existing uses relocate.

11.2.4 Connections and Linkages

Principle:

To develop a highly inter-connected network of roads, trails and lanes that provides ease of access and safety for pedestrians, cyclists and vehicles as well as a variety of connections to the built areas in the remainder of the Town. A

trail network will connect the Winston Road Neighbourhood Secondary Plan and the broader community to the waterfront.

Objectives:

1. To create a continuous system of trails for walking and cycling.
2. To provide a network that is appealing for pedestrians and cyclists, as well as efficient for cars.
3. To design all roads as important components of the public realm.
4. To create an active and accessible year round waterfront promenade adjacent to the Lake Ontario Waterfront east of Hunter Road and to link the promenade to the waterfront trail to the west and the existing built areas of the Town to the east.
5. To maintain and enhance visual connections to the water's edge.

11.3 LAND USE DESIGNATIONS**11.3.1 Low Density Residential Area****11.3.1.1 Permitted Uses**

- a) Within the Low Density Residential Area as shown on **Schedule F** permitted uses shall reflect those set out in Section 3.4.2.1 of the Plan.
- b) Adjacent to Oakes Road, a cluster of townhouses may be permitted to buffer the remaining residential designation from the Oakes Road overpass provided:
 - i) The area and extent of townhouses is limited to an area immediately adjacent to the Oakes Road overpass;
 - ii) The greenfield portion of the low density designation is developed predominantly with uses set out in Section 11.3.1.1 a);
 - iii) The multiple attached buildings do not contain more than 8 dwelling units;
 - iv) The maximum height of townhouse buildings do not exceed two and a half (2.5) storeys;
 - v) The maximum density for the townhouse portion of the designation is 50 units per *net residential hectare*; and
 - vi) A transition area is provided abutting established residential areas as per Section 11.3.1.2.
- c) Restrictions on the range of permitted uses shall be identified in the implementing zoning by-law.

11.3.1.2 Development Policies

- a) Density on lands designated 'Residential Low Density' shall be between a minimum of 15 units to a maximum of 25 units per *net residential hectare*. Accessory dwelling units shall not be included in the calculation of net residential density.
- b) Where new residential uses abut existing Service Commercial uses, appropriate separation, buffering, screening, landscaping and/or berming are required to mitigate any potential adverse impact upon the new residential uses.
- c) Where this designation abuts an established residential area, new *lots* in this designation shall serve as a transition between the established residential area and the new residential area. As such, new *lots* abutting established residential areas shall provide a compatible interface with the abutting existing *lots* in terms of *lot* size, *lot* frontage, and building height. The Zoning By-law may establish site-specific standards to address this interface. In the context of this policy, established residential areas and *lots* shall mean a residential area and *lots* lawfully in existence at the time of the approval of this Secondary Plan.
- d) Adequate buffering and noise mitigation measures shall be provided for residential *development* along the North Service Road. In this regard, a noise study shall be required in support of *development* applications for residential *development*.
- e) The established residential area in the vicinity of Kelson Avenue is considered a stable residential area. New *lots* and housing shall be subject to the policies of Section 3.4.7.4 of the Plan.
- f) Notwithstanding policy 11.3.1.2 e), within the lands adjacent to the North Service Road, west of Kelson Avenue the southern two thirds of the *lots* may be severed to provide for additional low rise housing. New *lots* located within this area shall address policy 11.3.1.2 c).
- g) The existing commercial uses located on the North Service Road adjacent to the western municipal boundary may continue as per the existing zoning on the site, however, it is the intent of this Plan that the lands be redeveloped for residential purposes over the period of this plan and such *development* shall address policy 11.3.1.2 c).

11.3.1.3 Design Policies

View Corridors

- a) **Schedule F-1** conceptually identifies the view corridors to Lake Ontario. The Town shall require *development* to maintain and protect these view corridors. Existing streams provide a number of the view corridors. These streams should be maintained and the view corridors enhanced through a 15 metre view corridor on each side of the stream bank, which may consist of the required top of bank setback, storm ponds, roads and parks adjacent to the stream corridors.

Buildings:

- b) Residential *development* along Winston Road shall be designed to face onto Winston Road and provide a compatible character to the adjacent open space lands on the north side of Winston Road through a coordinated landscape plan as set out in Section 11.5.4 and through policies in Sections 11.3.1.3 b), c), d) and e). As well,
- c) residential *development* along Winston Road shall be sensitive to road conditions and safety considerations such as sight lines and visibility from entrances and driveways.
- d) Building façades along the public streets shall be articulated with colour, material variations, windows and other treatments of the wall plane to provide a high quality of design, detail and variety.
- e) Residential facades should be designed to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies on all façades that overlook streets and public open spaces.
- f) The design treatment of flanking façades visible from any public road should be equal to that of the front façade.
- g) Attached garages facing the front yard shall be designed to be proportional and not dominate the building façade. Design solutions shall include:
 - i) Restricting projecting garages beyond the front wall of the dwelling to the depth of a front porch;
 - ii) Extending the second floor over top of the garage;
 - iii) Incorporation of visible front entry features;
 - iv) Extending the front entry features and other architectural elements closer to the street than the garage;
 - v) Restricting garage door widths to 50% of the width of the *lot* or in a townhouse condo format 50% of the unit width; and
 - vi) Encouraging rear yard garages.

The implementing Zoning By-law shall contain provisions addressing these design solutions.

- h) Convenience commercial buildings shall be located close to the street. The principal entrances shall face the sidewalk and provide direct access onto the public sidewalk so as to create a pleasant pedestrian shopping environment. The primary windows and signage shall also face the street.

Loading and Parking for convenience commercial uses

- i) Adequate screening in the form of landscaping and fencing shall be provided on convenience commercial sites abutting residential areas to minimize adverse impact on abutting residential use. Lighting shall be directed away from such residential areas.

- j) Convenience commercial parking areas should be located at the side or rear of the building, buffered with appropriate landscaping and visually set back from the street right-of-way.
- k) The policies of Section 11.3.1.3 shall be implemented through site plan approvals where applicable and architectural control guidelines prepared by the applicants to the satisfaction of the Town.

11.3.2 Mixed Use – Medium Density

11.3.2.1 Permitted Uses

- a) Within the Mixed Use - Medium Density Residential Area designation, shown on **Schedule F** permitted uses shall include:
 - i) townhouses;
 - ii) stacked townhouses;
 - iii) low rise apartments;
 - iv) live work units;
 - v) other multiple housing forms;
 - vi) communal housing subject to the policies in Section 3.4.1.3;
 - vii) home occupations subject to the policies of Section 3.4.1.5;
 - viii) accessory structures such as garages, storage sheds, swimming pools, change rooms;
 - ix) *bed and breakfast* establishments, tourist homes and other similar small scale tourist facilities subject to the policies in Section 3.4.1.6;
 - x) *group homes*;
 - xi) neighbourhood parks;
 - xii) offices;
 - xiii) institutional uses, including government services, research and, training facilities;
 - xiv) daycare facilities;
 - xv) prestige employment uses, provided all operations are conducted indoors and the operations are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations; and
 - xvi) automobile parts store;
 - xvii) restaurants including drive-throughs;
 - xviii) medical and dental clinics including laboratory services and ancillary drug store;
 - xix) commercial recreational facilities;
 - xx) commercial schools;

- xxi) convenience stores;
 - xxii) financial and real estate services;
 - xxiii) health clubs, dance studios and commercial fitness;
 - xxiv) specialty home products home décor and home improvement;
 - xxv) furniture, appliance, electronic sales and service;
 - xxvi) custom workshops; and
 - xxvii) tourism support services and tourism related retail including studios.
- b) Notwithstanding the list of permitted non-residential uses in a) above, the following land uses are specifically prohibited:
- i) outdoor storage, outdoor processing, and outdoor display of goods and merchandise; and
 - ii) adult entertainment parlours.
- c) Restrictions on the range of permitted uses shall be identified in the implementing zoning by-law.

11.3.2.2 Development Policies

- a) The maximum height of any building shall be 6 storeys with the following exceptions:
- i. The maximum height for a building at 560 North Service Road shall be 15 storeys.
- b) Density on lands designated ‘Mixed Use-Medium Density’ shall achieve an overall minimum of 30 units per hectare. Where the residential development is in the form of ground related housing, the maximum permitted density shall be 60 units per *net residential hectare* and the minimum density shall be 30 units per *net residential hectare*. Where the *development* is in the form of apartments, office, institutional or mixed use buildings the maximum permitted gross floor area should be 2 times the *lot* area.
- c) Buildings shall be located as close to the streetline as possible in order to facilitate pedestrian access.
- d) The number of access points from individual *lots* to public roads shall be minimized. Shared access and internal connections between multiple *lots* is encouraged.
- e) All permitted uses shall be carried out entirely within wholly enclosed buildings.
- f) Adequate buffering, screening, landscaping and noise mitigation measures shall be provided for residential *development* to address noise from the QEW and to minimize adverse impact on residential uses abutting employment uses. In this regard, a noise study shall be required in support of *development* applications for residential *development* and shall consider all relevant provincial guidelines.

- g) To further minimize impact on residential *development*, loading areas should not abut residential properties. Where there is no other alternative, loading areas should be adequately screened and buffered. Lighting shall be directed away from residential areas.
- h) A minimum of 30% of the total area on each block within the designation shall be developed for employment generating uses. The employment generating uses shall generally be oriented to the North Service Road and the QEW exposure. The Town may consider alternative approaches, which achieve the employment target and intent of this plan, provided a comprehensive plan is prepared by the landowners within the respective block.
- i) *Development* in the designation shall be phased such that only 25% of the residential component of any property shall be constructed prior to full servicing of the employment component.
- j) All new utilities and services shall be provided below grade. Where it has been demonstrated to the satisfaction of the Town that larger, aboveground *utility infrastructure* cannot be located below grade, such *utility infrastructure* shall be designed to be compatible with the surrounding built and *natural environment*.
- k) New *development* within this designation shall be designed to orientate the prestige employment traffic to the North Service Road, and Winston Road west of Hunter Road shall be designed as a predominant residential road as set out in Section 11.4.1 f).
- l) Drive-through facilities are permitted provided that there are no stacking lanes, aisles or drive-through windows located between the building and the street.
- m) Permitted employment uses shall be considered the priority land use along the North Service Road. Mixed use buildings in this area shall be designed to ensure that a full range of permitted non-residential uses can be accommodated within the buildings.

11.3.2.3 Design Policies

View Corridors

- a) **Schedule F-1** conceptually identifies view corridors to Lake Ontario generally in the location of existing streams. The Town shall require *development* to maintain and protect these view corridors with an approximate width of 30 metres. These view corridors can be provided through a combination of the existing streams, the required *top of bank* setbacks to the streams, along with stormwater ponds, roads and parks located adjacent to the stream corridors.
- b) Buildings above the third storey should step back from the street and from view corridors in order to enhance views.

Buildings:

- c) Residential *development* along Winston Road shall be designed to face onto Winston Road and provide a compatible character to the adjacent open space lands on the north side of Winston Road through a coordinated landscape plan as set out in Section 11.5.4 a) and through policies in Sections 11.3.2.3 e), f) and m). As well, residential *development* along Winston Road shall be sensitive to road conditions and safety considerations such as sight lines and visibility from entrances and driveways.
- d) Building façades along the public streets shall be articulated with colour, material variations, windows and other treatments of the wall plane to provide a high quality of design, detail and variety.
- e) Residential facades should be designed to achieve the objective of “eyes on the street” through the inclusion of elements such as main entrances, porticoes, porches, windows and balconies on all façades that overlook streets and public open spaces.
- f) Employment, mixed use and service commercial buildings shall be located close to the street subject to any required setback by MTO. The principal entrances shall face the sidewalk and provide direct access onto the public sidewalk so as to create a pleasant pedestrian shopping environment. The primary windows and signage shall also face the street.
- g) The design treatment of flanking façades visible from any public road should be equal to that of the front façade.
- h) Reflective mirror glass should not be used for windows at grade.
- i) Entrances to employment, mixed use and apartment buildings should be prominent and visible with entrance canopies, awnings and other architectural elements.
- j) Rooftop mechanical equipment should be screened with materials that are complementary to the building.
- k) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.
- l) For ground related residential buildings, attached garages facing the front yard shall be designed to be proportional and not dominate the building façade. Design solutions may include:
 - i) Restricting projecting garages beyond the front wall of the dwelling to the depth of a front porch;
 - ii) Extending the second floor over top of the garage;
 - iii) Incorporation of visible front entry features;
 - iv) Extending the front entry features and other architectural elements closer to the street than the garage;
 - v) Restricting garage door widths to 50% of the width of the *lot*; and

- vi) Encouraging rear yard garages.

The implementing Zoning By-law shall contain provisions addressing these design solutions.

Loading and Parking for employment, mixed use and apartment buildings

- m) Loading and service areas should not be located in the front or exterior side yards of buildings.
- n) Loading and service areas should be screened from view from the street, public open spaces and adjacent residential areas.
- o) Parking areas should be located at the side or rear of the building, where possible, and buffered with appropriate landscaping and visually set back from the street right-of-way.
- p) Parking areas should be designed in small sections and include lighting, substantial landscaping and special paving to break up expanses of parking and to provide places for pedestrian connections.
- q) Parking areas should be screened from view from any adjacent residential areas with low fencing and planting.
- r) Run-off from parking *lot* areas that are prone to higher levels of contamination should be conveyed over land, where possible, to biofilters or swales and, where required, to storm sewers and storm water management ponds and/or other facilities in accordance with MOE storm water management guidelines.
- s) The policies of Section 11.3.2.3 shall be implemented through site plan approvals where applicable and/or architectural control guidelines prepared by the applicants to the satisfaction of the Town.

11.3.3 Mixed Use – High Density

11.3.3.1 Permitted Uses

- a) Within the Mixed Use - High Density designation, shown on **Schedule F**, permitted uses shall include:
 - i) apartments;
 - ii) townhouses integrated with apartments or mixed use buildings on the same site;
 - iii) offices;
 - iv) retail and service commercial uses including restaurants provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building;
 - v) hotels and hotel/convention centres;
 - vi) entertainment facilities such as banquet halls, theatres, art

- galleries, outdoor theatre and musical facilities;
- vii) marinas;
 - viii) institutional uses, including government services, research and, training facilities;
 - ix) prestige employment uses provided all operations are conducted indoors and the operations are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
 - x) daycare facilities provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building; and
 - xi) parks including a public waterfront promenade, parkettes and public squares.
- b) Notwithstanding the list of permitted non-residential uses in a) above, the following land uses are specifically prohibited:
 - i) outdoor storage, outdoor processing, and outdoor display of goods and merchandise; and
 - ii) adult entertainment parlours.
 - c) In addition to the uses permitted by a) above, the following additional uses shall be permitted within the Winston Road “Main Street” overlay area as shown on Schedule F either in stand alone buildings or integrated as a component in a mixed use building:
 - i) grocery stores and specialty;
 - ii) convenience stores;
 - iii) pharmacy;
 - iv) retail store;
 - v) personal services;
 - vi) banks and financial services;
 - vii) medical clinics; and
 - viii) other business services.
 - d) Notwithstanding the list of permitted uses in a) and c) above, in the Winston Road “Main Street” overlay area as shown on Schedule F, residential and office uses are not permitted on the ground floor.
 - e) Drive-through facilities are not permitted in the Winston Road “Main Street” overaly area.
 - f) Live-work units shall be encouraged along Hunter Road, north of Winston Road.

11.3.3.2 Development Policies

- a) The maximum height of any building shall be 12 storeys.

- i) The maximum height of apartment buildings on the site (362 and 398 North Service Road) shall range in height between 12 to 22 storeys.
- ii) Except that the maximum height at 4 Windward Drive shall be 19 storeys on the easterly half of the lot.
- b) The minimum density shall be 1 times the *lot* area and the maximum density shall be 3 times the *lot* area.
 - i) Except that the maximum density at 4 Windward Drive shall be 4.98 times the *lot* area.
- c) Buildings shall be located as close to the streetline as possible in order to facilitate pedestrian access.
- d) The number of access points from individual *lots* to public roads shall be minimized. Shared access and internal connections between multiple *lots* is encouraged.
- e) All permitted uses shall be carried out entirely within wholly enclosed buildings.
- f) Appropriate noise mitigation measures shall be provided for residential *development* to address noise from the QEW and to minimize adverse impact on residential uses abutting employment uses. In this regard, a noise study shall be required in support of *development* applications for residential *development* and shall consider all relevant provincial guidelines.
- g) Loading areas abutting mixed use and high density residential *developments* shall be designed to minimize adverse impacts on the residential uses and lighting shall be directed away from residential uses.
- h) Lands immediately abutting the QEW and the portion of North Service Road east of Casablanca Boulevard within the employment overlay area as shown on Schedule F shall be reserved for employment generating uses permitted in Section 11.3.3.1a). The balance of the designation not within the employment overlay area shall be permitted and encouraged to be developed for a broad mix of uses as permitted in Section 11.3.3.1a). The Town will require a comprehensive plan of each site which demonstrates how the opportunities for employment generating land uses will be incorporated into the first phase of development.
- i) Permitted retail uses shall serve a neighbourhood commercial function and be of a scale and extent so as to not impact on the function of the downtown and shall largely serve the daily and weekly shopping needs of residents of the Winston Road neighbourhood.
- j) i) notwithstanding the above, residential uses shall be permitted on the lands known as 9 Windward Drive that are subject to the Employment Overlay within the Mixed Use – High Density designation subject to the provision of a minimum gross floor area of 1,900 square metres reserved for employment generating uses.
- k) Parkland dedication obtained in accordance with the policies of Section 11.3.4.2 shall be used to create a public owned pedestrian promenade along the waterfront. This promenade shall be designed to create an active pedestrian, year-round, and multi-use public space and shall be

a minimum of 30 metres in width abutting Lake Ontario. The promenade shall include a 5 metres wide boardwalk constructed by the applicant in a coordinated design approved by the Town.

- l) Every effort shall be made to encourage, stimulate and support active, publicly accessible uses including encouraging non-residential uses along the ground level frontages adjacent to the water's edge promenade.
- m) Adequate on-site parking shall be provided for residents and visitors, subject to the design policies of this Secondary Plan. Common parking areas, where provided, shall be appropriately screened with consideration given to safety and visual impact on the surrounding land and roadways.
- n) All new utilities and services shall be provided below grade. Where it has been demonstrated to the satisfaction of the Town that larger, aboveground *utility infrastructure* cannot be located below grade, such *utility infrastructure* shall be designed to be compatible with the surrounding built and *natural environment*.
- o) Drive-through facilities, where permitted, shall not locate stacking lanes, aisles or drive-through windows between the building and the street.
- p) Prestige employment uses abutting the QEW and the North Service Road shall contribute to a high quality business environment. Parking and loading areas shall be adequately screened and buffered in areas visible from the QEW and the North Service Road.
- q) Permitted employment uses shall be considered the priority land use in the Winston Road "Main Street" overlay area as shown on Schedule F. Mixed use buildings in this area shall be designed to ensure that a full range of permitted non-residential uses can be accommodated within the buildings.

11.3.3.3 Design Policies

View Corridors

- a) **Schedule F-1** conceptually identifies view corridors to Lake Ontario generally in the location of existing streams. The Town shall require *development* to maintain and protect these view corridors with an approximate width of 30 metres. These view corridors can be provided through a combination of the existing streams, the required *top of bank* setback to the streams, along with stormwater ponds, roads and parks located adjacent to the stream corridors.
- b) Buildings above the third storey should step back from the street and from view corridors in order to enhance views.

Buildings

- c) Building façades along the public streets shall be articulated with colour, material variations, windows and other treatments of the wall plane to provide a high quality of design, detail and variety.
- d) Mixed Use Buildings shall be located close to the street. The principal

- entrances shall face the sidewalk and provide direct and universal access onto the public sidewalk so as to create a pleasant pedestrian shopping environment. The primary windows and signage shall also face the street.
- e) The design treatment of flanking façades visible from any public road should be equal to that of the front façade.
 - f) Windows should be encouraged on all façades that overlook streets and public open spaces; reflective mirror glass should not be used for windows at grade.
 - g) Entrances should be prominent and visible with entrance canopies, awnings and other architectural elements.
 - h) Multiple storey buildings shall be designed to incorporate a two to three storey podium or base element, which is located close to the street. Above this podium, the tower should contain small floor plates that are substantially set back from the podium edge. The small floor plates will enhance views of the waterfront and create a sense of openness between the towers.
 - i) Rooftop mechanical equipment should be screened with materials that are complementary to the building.
 - j) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

Loading and Parking

- k) Loading and service areas should not be located in the front or exterior side yards of buildings.
- l) Loading and service areas should be screened from view from the street, public open spaces and adjacent residential areas.
- m) Parking areas should be located at the side or rear of the building, buffered with appropriate landscaping and visually set back from the street right-of-way.
- n) Parking areas should be designed in small sections and include lighting, substantial landscaping and special paving to break up expanses of parking and to provide places for pedestrian connections.
- o) Run-off from parking *lot* areas that are prone to higher levels of contamination should be conveyed over land, where possible, to biofilters or swales and, where required, to storm sewers and storm water management ponds and/or other facilities in accordance with MOE storm water management guidelines.
- p) All parking, storage and loading areas shall be appropriately screened, landscaped and buffered from all adjacent land uses and road rights-of-way.
- q) The policies of Section 11.3.3.3 shall be implemented through site plan approvals where applicable and architectural control guidelines prepared by the applicants to the satisfaction of the Town.

11.3.3.4 WINSTON ROAD MAIN STREET

The following design policies shall apply to mixed-use buildings within the Winston Road “Main Street” overlay area as shown on Schedule F:

- a) Building design shall be barrier free;
- b) Ground floors of all buildings shall be designed with windows and doors opening onto the street or public open spaces to provide “eyes on the street”;
- c) An interesting architectural feature/treatment is encouraged on all rooftops of buildings over 4 storeys to prevent typical box shaped building forms;
- d) The implementing zoning by-law should include the following setback and build-within zone requirements:
 - i) The build-within zone is located between 0 and 3 metres from the front and/or exterior side lot lines, and
 - ii) All buildings should be sited parallel to the street. The public faces of these buildings should align with neighbouring buildings in a manner that establishes a consistent building face lining the street;
 - iii) To achieve a consistent street wall condition, a minimum amount of building wall should be located within the build-within zone as follows:
 - 80 percent of all block faces abutting a public street;
 - The Town may permit minor variations in this requirement, as long as the urban design intent of the policies is maintained to the satisfaction of the Town.
- e) No parking, driveways or lanes shall be located between the buildings and the street.
- f) The Town may consider providing gateways to the “Main Street” area on Winston Road. In such circumstances, the following guidelines apply:
 - i) Gateways should be either architectural features, stand-alone marker/features, public art or landscape treatments that define the main entrances to the “main street” area; and
 - ii) Gateways should be located on public lands.
- g) Transformers and other above ground utilities should be located underground, where feasible, within the building, or in other locations which are screened from public view.

- 11.3.3.5 On sites containing sole employment uses which are adjacent to residential uses, buffer planting and fencing shall be incorporated into the design of the site.

11.3.4 Parks and Open Space

11.3.4.1 Permitted Uses

- a) The Major Open Space Area designation recognizes lands in public and private ownership that provide opportunities for passive and

active recreation and conservation activities. Some of the lands provide educational, cultural and ecological functions in association with other open space components.

- b) Within the Major Open Space designation, as shown on **Schedule F**, the following uses are permitted:
 - i) recreational activities,
 - ii) conservation uses,
 - iii) pedestrian and bicycling trails,
 - iv) campground,
 - v) marinas,
 - vi) community centres and recreational facilities, and
 - vii) waterfront promenade.

11.3.4.2 Development Policies

- a) The boundaries of the Parks and Open Space Area identified Schedule F are approximate. The locations, configuration and boundaries of these lands shall be confirmed through draft plans of subdivision and the implementing zoning by-law, and may be revised, in accordance with the findings and recommendations of these instruments without further amendment to this Secondary Plan, provided the general intent of the Plan is maintained to the satisfaction of the Town.
- b) All new residential *development* or *redevelopment* shall be made conditional on a parkland dedication of 5% of the proposed *development* area or the equivalent of 1 hectare for every 300 units, whichever is the greater and all new employment or commercial *development* shall be conditional on the provision of 2% of the total *development* area for parkland purposes. Such dedication will be taken adjacent to the Lake Ontario Shoreline where a property is situated in that vicinity as per Section 11.3.4.2 h).
- c) Where the parkland dedication requirement for a proposed *development* does not meet the size requirement for parks or the locational requirements as set out in this section, the Town may accept cash-in-lieu of parkland which shall be at the Town's discretion. The proceeds from cash in lieu provisions, and/or lands acquired in this Secondary Plan may be utilized for the purchase or *development* of the Town's park and recreational facilities including the waterfront promenade.
- d) The Town shall not accept as parkland dedication the following lands: hazard lands, Natural Heritage System lands, residual lands, *utility* and service corridors, or pedestrian walkways and bicycle routes.
- e) Lands dedicated for park purposes shall be suitably graded in accordance with the requirements of the Town and conveyed in a physical condition satisfactory to the Town.
- f) The Major Open Space Area shall be designed to provide access to the Lake Ontario waterfront for residents.

- g) Any new *development* or *redevelopment* on the lakeshore shall provide opportunity for increased public access to the lake. This includes a waterfront promenade created adjacent to the Mixed Use – High Density designation through parkland dedication. It is intended that this area be a highly active, year round recreational facility.
- h) The Town shall use parkland dedication including cash-in-lieu to acquire lands along the Lake Ontario shoreline to achieve the waterfront promenade and increase public access to the lake.
- i) Parkettes are considered a component of the Major Open Space Area designation and are delineated schematically on Schedule R and the location of the parkette can be moved without an amendment to this Plan. Parkettes shall be developed as passive, non-programmed spaces providing for playgrounds and seating areas. The optimal size for a parkette is 0.2 to 0.5 hectares.

11.3.4.3 Design Policies

- a) Where structures are permitted, they shall be designed so that the size, scale, construction material and signage are compatible with adjacent uses and that rooftop equipment, waste management and loading areas are screened from view from abutting roads and adjacent residential uses.
- b) The Major Open Space designation is a major functional and aesthetic component of a neighbourhood and should be designed to provide a fair distribution of amenity spaces for a range of users, in a linked network.

11.3.5 Specialty Crop Area - Tender Fruit and Grape Area

- a) Lands designated Specialty Crop Area – Tender Fruit and Grape Area on Schedule F shall be governed by the policies of Section 3.3.2 and 3.3.2.2.
- b) Specialty Crop Area - Tender Fruit and Grape Area are protected for long term agriculture use by the Greenbelt Plan although none of the lands are being used for agricultural purposes due to existing non- farm land uses. When the existing land uses, including the Department of National Defense Rifle Range and the communication towers, relocate, it is the policy of the Town that these lands be acquired as part of the major waterfront park. All government jurisdictions, which own lands within this area, are encouraged to contribute to the waterfront park through dedication of their lands to the Town.
- c) The Town encourages the Province in their ten year review of the Greenbelt Plan to remove the lands from Specialty Crop Area - Tender Fruit and Grape Area and place the lands in a Greenbelt Countryside classification in order to allow for a broad range of recreational uses on the lands.

11.3.6 Environmental Protection Area

Lands designated Environmental Protection Area on Schedule F shall be governed by the policies of Section 3.1.1.

11.3.7 Environmental Conservation Area

Lands designated Environmental Conservation Area on Schedule F shall be governed by the policies of Section 3.1.2.

11.3.8 Utility Area

Lands designated Utilities shall be governed by the policies of Section 3.9.

11.3.9 Rural Area

- a) Lands designated Rural Area shall be governed by the policies of Section 3.3.4.
- b) Despite this designation, the lands represent a logical area for future urban settlement area expansion and should be considered for such purposes when future growth management exercises by the Town and /or Region identify the need for urban expansions to accommodate forecasted growth.

11.3.10 Hazard Land Area

- a) The Hazard Land Area is shown as an overlay on Schedule F.
- b) Lands designated Hazard Land Area shall be governed by the policies of Section 3.2.
- c) The Hazard Land Area shown abutting Lake Ontario identifies the extent of the anticipated erosion susceptibility over a 100 year period. Development and site alteration proposed within the erosion limit may be required to demonstrate, to the satisfaction of the Town and the relevant Conservation Authority, through a geotechnical slope stability study and/ or a shoreline study, that the erosion limit can be reduced. Appropriate shoreline protection works may be required in order to reduce the erosion limits.

11.4 MOBILITY**11.4.1 Local Roads and Laneways**

Roads play a multi-functional role in the Winston Road Neighbourhood Secondary Plan area by providing for a variety of activities and services to meet the needs of residents and businesses. Road rights of way facilitate transportation and transit networks, pedestrian and bicycles connections,

opportunities for vistas and view corridors, pedestrian amenity areas, as well as space for utilities and services.

- a) The existing road pattern is identified on **Schedule F**. Additions to this road pattern shall not require any further Amendment to this Secondary Plan.
- b) A system of local roads and public lanes shall be developed to facilitate *development* as contemplated within this Secondary Plan.
- c) Lanes are encouraged as a means to improve streetscapes and limit the impact of garages and multiple driveways. However, a financial impact report shall be prepared by proponents of lane *development*, outlining the ways in which the construction of lanes will impact Town capital and operating costs.
- d) All roads will be lined with trees and have sidewalks. Sidewalks on both sides of the road will be required within the Mixed Use designations.
- e) A bike lane should be incorporated into any future reconstruction of Winston Road.
- f) Winston Road west of Hunter Road shall be designed as a predominant residential road with appropriate traffic calming features incorporated through *development* and the reconstruction of the road.

11.4.2 Trail System

- a) The trails system is identified conceptually on **Schedule F-1**. The trails system includes trails within natural heritage system, open spaces and components of the road system (sidewalks and bike lanes) and is intended to connect with other trails within the Town.
- b) Trail design and type will be based on environmental sensitivity in order to minimize environmental impacts.
- c) Trails for pedestrians and cyclists should be a minimum of 4.0 metres wide. Pedestrian-only-trails should be a minimum of 3.0 metres wide
- d) Trails will be designed to accommodate a range of users and abilities. The use of permeable materials should be encouraged in trail construction in areas where sufficient drainage exists.
- e) Trails should be clearly signed regarding permitted use and speed. Way finding signage should be provided throughout the trail network.
- f) Benches and garbage receptacles should be provided at trailheads and at regular intervals along the route.
- g) Pedestrian connections within and adjacent to the Natural Heritage System shall be planned to anticipate the use of, and to avoid impact on the features and their environmental functions.
- h) Trails located in proximity to sensitive natural features, or adjacent to storm water management facilities should incorporate interpretive signage at various locations to promote stewardship initiative that will

protect and enhance the features and functions of the *natural environment*.

11.5 IMPLEMENTATION AND INTERPRETATION

11.5.1 *Infrastructure Provision and Phasing*

- a) Approval of *development* applications shall be conditional upon commitments from the appropriate authorities and the proponents of *development* to the timing and funding of the required road and transportation facilities. These works shall be provided for in the subdivision and site plan agreements.
- b) Approval of *development* applications shall also be conditional upon commitments from the appropriate authorities and the proponents of *development* to the timing and funding of required storm water management, sanitary sewer and water supply facilities. These works shall be provided for in subdivision and site plan agreements. Phasing of *development*, based on the completion of external sewer and water services, may be implemented if required by the Town of Grimsby.
- c) The Town of Grimsby shall encourage *development* within the Secondary Plan Area that is consistent with programs intended to reduce the consumption of energy and water and to promote waste reduction.
- d) The Town will encourage *utility* providers to provide adequate *utility infrastructure* to serve new *development* in a timely fashion and such *utility infrastructure* should be planned and installed on a coordinated basis and where possible integrated basis.

11.5.2 *Financial Agreements*

- a) Prior to the approval of any new *development*, the Town of Grimsby shall be satisfied as to the availability of water supply and sewer capacity to accommodate the said *development*. The Town may phase *development* according to the anticipated timing of *infrastructure* emplacement.
- b) Prior to final approval of any new *development*, an assessment of the cost of external *infrastructure* works to accommodate the Secondary Plan *development* shall be undertaken and incorporated in the Development Charges By-law.
- c) Prior to the registration of any *development*, the owner shall have entered into a Servicing Agreement with the Town that will identify the capital expenditures associated with servicing the lands.
- d) The Town may support cost sharing agreements amongst landowners within the Secondary Plan Area to cover the cost of community and *infrastructure* facilities such as community use lands, parks, and local *infrastructure* facilities or public works (i.e. over sizing) and including roads, sanitary, water and storm water facilities where such facilities are shared amongst the landowners and the costs are not dealt with

under the *Development Charges Act*.

- e) Notwithstanding the implementation of cost sharing agreements, the provision and timing of municipal facilities and *infrastructure* will be at the Town's discretion acting reasonably. The timing of municipal facilities and *infrastructure* that are to be provided by individual property owners shall be set out in *development* agreements. The cost sharing agreement shall not fetter the Town's ability or timing to obtain such municipal facilities through the *development* agreements.

11.5.3 Zoning

All *development* within the Winston Road Neighbourhood Secondary Plan will be planned and zoned as per the policies and plans of this Secondary Plan, and will be implemented through zoning that incorporates provisions relating to such elements as setbacks and built to lines, height, density, mixing of uses and building siting.

11.5.4 Study Requirements

- a) Streetscape landscape treatment as well as the landscaping on individual properties should be coordinated throughout the Secondary Plan area to create a consistent image. In this regard, the intent is that a single landscape master plan shall be prepared prior to approval of the first plan of subdivision or site plan application to the satisfaction of the Town. The landscape master plan shall be undertaken as a coordinated study by the landowners within the Secondary Plan area. Alternatively, the Town may choose to undertake the study and apportion the costs through Development Charges.
- b) Additional study requirements may be identified by the Town during pre-submission consultation or as part of the complete application requirements set out in the Official Plan.
- c) Any request for expanded commercial uses within the Mixed Use – Medium Density and Mixed Use – High Density designations beyond the permissions in the Winston Road Neighbourhood Secondary Plan shall be accompanied by a retail market impact study. This study shall assess the impact on the planned function of existing and designated commercials and Mixed Use areas, and in particular the Winston Road “Main Street” area and the Downtown. The Town may retain a study peer reviewer at the applicant's expense.

11.5.5 Public Sector Agreement to Comply

It is the intent of this Secondary Plan to achieve the agreement of all public agencies involved in any aspect of *development* in the Secondary Plan Area to comply with the policies of this Secondary Plan, in order to achieve the principles, objectives, and policies of this Secondary Plan.

12.0 GRIMSBY GO TRANSIT STATION SECONDARY PLAN

Grimsby is the gateway to Niagara Region from the Greater Toronto and Hamilton Area (GTHA), and will be the focus of significant long-term intensification, redevelopment and public realm improvement. Today Grimsby's station area is an area in transition, and is occupied by a number of highway commercial, residential and industrial uses. The area also has a number of uses, which serve members of the travelling public. However, the lands along the waterfront to the north have recently become a focus of redevelopment interest, and a number of sites have begun to be redeveloped for higher density uses, largely waterfront condominiums (in the Winston Neighbourhood Secondary Plan area).

Investment in higher-order transit, along with this area's proximity to the waterfront, provides the Grimsby GO Transit Station area with a unique opportunity to emerge as a complete community node. This node will primarily focus on providing the full range of uses needed to support those living and working in the area, while continuing to serve the needs of the travelling public. These uses will include the introduction of new public spaces and community facilities.

Currently, the highway provides a physical barrier between the lands along the waterfront and the station. Connectivity for active transportation modes will be significantly improved to link both areas together.

There exists inadequate public realm along Casablanca Boulevard and the South Service Road, with these areas being dominated by vehicle traffic. The redevelopment of this area will seek to improve these streetscapes with the goal of building complete streets featuring attractive boulevards, (trees, signage, wayfinding, lighting, seating, etc.) and safe, multi-function roadways suitable for all users. Where permitted/appropriate, redevelopment along the streets will be positioned to provide a street edge and energize the streets with commercial and other active ground floor uses. The station itself will exemplify the high quality design that will define the character of the area.

The Grimsby GO Transit Station Secondary Plan Area will also continue to function as a major commercial and employment node, but will support a balance of modes, including walking, cycling, and transit. A finer grain network of streets with new mid-block connections will support connectivity and accessibility. It will transition into an area people go to, rather than through. By 2041, the broader area has potential to accommodate an additional 4,750 people and 1,870 employees.

12.1 GRIMSBY GO TRANSIT STATION SECONDARY PLAN OBJECTIVES

- 1) Create a vibrant, mixed use node that provides for a full range of uses.
- 2) Improve active transportation connectivity between the waterfront and station area.

- 3) Leverage waterfront development opportunities.
- 4) Develop new public spaces.
- 5) Improve Casablanca Boulevard and the South Service Road Streetscapes.
- 6) Ensure a high quality of design at this gateway station area.
- 7) Protect stable residential neighbourhoods south of the Railway and provide for appropriate transitions.

12.2 SECONDARY PLAN AREA LIMITS

The Secondary Plan Area extends approximately 800 metres around the station site and includes key properties that may redevelop as a result of the GO station as well as corridors that will form important transportation arteries and connections to and from the station.

12.3 LAND USE POLICIES

12.3.1 Land Use Structure

Lands within the Secondary Plan Area are designated one of the following land use categories, as depicted on **Schedule G**:

- a) Low Density Residential
- b) Medium Density Residential
- c) Mixed Use - Medium Density
- d) Mixed Use - High Density
- e) Employment – Office
- f) Employment - General Industrial
- g) Rural Area
- h) Agriculture - Specialty Crop Area
- i) Utility Area
- j) Environmental Protection Area
- k) Environmental Conservation Area
- l) Parks and Open Space
- m) Transit Station Area
- n) Employment Overlay Area
- o) Potential New Public Space

12.3.2 General Policies

- a) The following uses are permitted in all land use designations in this secondary plan:
 - i) A use which is accessory to a permitted use;
 - ii) Replacement and expansions to existing legal uses, buildings and structures in conformity with the policies of the Official Plan and this Secondary Plan;
 - iii) Public utilities, including water, wastewater and stormwater infrastructure (except within the Natural Open Space system);
 - iv) Town parks, public spaces and recreational facilities; and,
 - v) Institutional uses, as outlined in this Plan.
- b) Nothing in this Plan will prohibit the continued operation of legal non-conforming uses of land, buildings or structures within the Study Area. Please refer to the Town of Grimsby Official Plan Section 9.6 on Non-Conforming Uses.
- c) The policies of this plan shall apply to all development and/or redevelopment on existing vacant sites;
- d) The policies of this plan shall also apply to all development or redevelopment on existing developed sites where a residential use is proposed;
- e) Notwithstanding the policies of Section 12.0, the policies of Section 3.6.3 (Service Commercial Area) of the Town of Grimsby Official Plan shall continue to apply to the sites identified on **Schedule G** of this Plan, until such time as residential uses are proposed for development or redevelopment of any of those sites.

12.3.3 Low Density Residential

12.3.3.1 Planned Function

- a) The planned function of the Low Density designation is to provide opportunities for ground-oriented housing in a low density format.
- b) The intention of this designation is to recognize the existing, established low density residential neighbourhoods in the Secondary Plan Area.
- c) Areas which are designated for low density residential development are expected to be maintained as low density areas and should not be the focus of significant intensification.
- d) Please refer to Section 3.4.2 of the Town of Grimsby Official Plan for additional guidance on the planned function, permitted uses and site plan control within Low Density Residential Areas.

12.3.3.2 Permitted Uses

Permitted uses include residential uses such as:

- a) Single detached dwellings;
- b) Semi-detached dwellings; and,
- c) Other compatible housing forms (as defined in Section 3.4.2.1 of the Town of Grimsby Official Plan).

12.3.3.3 Density

The permitted density for new low density residential shall not be more than 25 units per hectare.

12.3.3.4 Design

All development within the Low Density Residential Area designation shall conform to the Urban Design Policies for Residential Neighbourhoods in Section 3.4.7 of the Official Plan in addition to the policies in this Secondary Plan.

12.3.4 Medium Density Residential

12.3.4.1 Planned Function

- a) The planned function of the Medium Density designation is to recognize existing medium density designations within the Study Area. A diversity of dwelling types is encouraged to support a range of housing options and intensification objectives for the Secondary Plan area.
- b) Please refer to Section 3.4.3 of the Town of Grimsby Official Plan for additional guidance on the planned function, permitted uses and site plan control within Medium Density Residential Areas.

12.3.4.2 Permitted Uses

Permitted uses include residential uses such as:

- a) Townhouses;
- b) Stacked townhouses;
- c) Apartments; and
- d) Other multiple dwellings (as defined in Section 3.4.3.1 of the Town of Grimsby Official Plan).

12.3.4.3 Density

The permitted density for new medium development residential development shall range from a minimum residential density of 25 units per hectare up to a maximum of 60 units per hectare.

12.3.4.4 Design

- a) All development within the Medium Density Residential Area designation shall conform to the Urban Design Policies for Residential Neighbourhoods in Section 3.4.7 of the Official Plan.
- b) Within stable residential neighbourhoods, the maximum height and density may be lower than this permission in order to conform to the urban design criteria in Section 3.4.7 of the Official Plan.
- c) Applications to establish a new Medium Density Residential Area designation within a stable residential neighbourhood shall only be permitted if it conforms to the criteria in Section 3.4.7 of the Town's Official Plan.

12.3.5 Mixed Use - Medium Density

12.3.5.1 Planned Function

- a) The planned function of the Mixed Use Medium Density designation is to provide a transition between low and high density areas and support opportunities for a broad range of uses in a mix of compact development forms. Uses can be mixed across a parcel and/or mixed within a building.
- b) Commercial, office and institutional uses that enliven the street should be located on the ground floor of buildings close to the front property line to help frame and animate the street.

12.3.5.2 Permitted Uses

- a) Permitted uses include mixed use medium density residential uses such as:
 - i) townhouses;
 - ii) stacked townhouses;
 - iii) low-rise apartments;
 - iv) live work units;
 - v) other multiple housing forms;
 - vi) communal housing subject to the policies in Section 3.4.1.3;
 - vii) home occupations subject to the policies of Section 3.4.1.5;

- viii) accessory structures such as garages, storage sheds, swimming pools, change rooms;
 - ix) bed and breakfast establishments, tourist homes and other similar small-scale tourist facilities subject to the policies in Section 3.4.1.6;
 - x) group homes;
 - xi) neighbourhood parks;
 - xii) offices;
 - xiii) institutional uses, including government services, research and, training facilities;
 - xiv) daycare facilities;
 - xv) prestige employment uses, provided all operations are conducted indoors and the operations are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
 - xvi) automobile parts store;
 - xvii) restaurants;
 - xviii) medical and dental clinics including laboratory services and ancillary drug store;
 - xix) commercial recreational facilities;
 - xx) commercial schools;
 - xxi) convenience stores;
 - xxii) financial and real estate services;
 - xxiii) health clubs, dance studios and commercial fitness;
 - xxiv) specialty home products, home decor and home improvement;
 - xxv) furniture, appliance, electronic sales and service;
 - xxvi) custom workshops; and
 - xxvii) tourism support services and tourism-related retail including studios; and
 - xxviii) retail and service commercial uses including automobile sales establishments provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building;
- b) Notwithstanding the list of permitted non-residential uses in the preceding list, the following land uses are specifically prohibited:
- i) outdoor storage, outdoor processing, and outdoor display of goods and merchandise; and
 - ii) adult entertainment parlours.

- c) Restrictions on the range of permitted uses shall be identified in the implementing zoning by-law.
- d) Retail uses, including retail warehouses, department stores, warehouse membership clubs and food stores having a floor area exceeding 5,000 square metres, shall be subject to a Market Impact Study to be prepared by the applicant. The Town will retain a peer reviewer at the applicant's expense. The retail market impact study shall incorporate actual sales data, demonstrating that the proposed use will not have a deleterious impact on the planned function of the central core area resulting in a significant diminution in service to the public or in blight.

12.3.5.3 Density

- a) Density on lands designated Mixed Use Medium Density shall achieve an overall minimum of 30 units per hectare.
- b) Where the residential development is in the form of ground related housing, the maximum density shall be 60 units per net residential hectare and the minimum density shall be 30 units per net residential hectare.
- c) Where the development is in the form of apartments, office, institutional or mixed use buildings, the maximum permitted gross floor area should be between 1 and 2 times the lot area.

12.3.5.4 Form of Mixed – Use Medium Density Development and Redevelopment

- a) On existing developed sites, mixed use and/or stand-alone residential, commercial and institutional infilling is permitted. On vacant sites, new development shall be in a mixed use format (either mixed within a building or across the site).
- b) A minimum of 25% of the total area on each block within the designation shall be developed for employment generating uses. The employment generating uses shall generally be oriented to the South Service Road and the QEW exposure. The Town may consider alternative approaches, which achieve the employment target and intent of this plan, provided a comprehensive plan is prepared by the landowners within the respective block.
- c) Development in the designation shall be phased such that only 25% of the residential component of any property shall be constructed prior to full servicing of the employment component. Where site conditions and/or context inhibit the ability to achieve the minimum employment floor space standards, a transfer of the minimum employment floor space is permitted within the plan area subject to an Official Plan amendment and the use of holding provisions that prohibit the construction of the building that is replacing the employment floor space until the employment building is fully framed.

12.3.6 Mixed Use - High Density

12.3.6.1 Planned Function

- a) The planned function of the Mixed Use - High Density designation is to provide opportunities for mixed use development in a high density format. Uses can be mixed across a parcel or mixed within a building.
- b) Commercial, office, institutional uses that enliven the street should be located on the ground floor of buildings close to the front property line to help frame and animate the street.

12.3.6.2 Permitted Uses

- a) Permitted uses include medium to high density residential mixed uses such as:
 - i) apartments;
 - ii) townhouses integrated with apartments or mixed use buildings on the same site;
 - iii) offices;
 - iv) retail and service commercial uses including restaurants and automobile sales establishments provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building;
 - v) hotels and hotel/convention centres;
 - vi) entertainment facilities such as banquet halls, theatres, art galleries, outdoor theatre and musical facilities;
 - vii) marinas;
 - viii) institutional uses, including government services, research and, training facilities;
 - ix) prestige employment uses provided all operations are conducted indoors and the operations are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
 - x) daycare facilities provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building; and
 - xi) parks, parkettes and public squares.
- b) Notwithstanding the list of permitted non-residential uses in the above list, the following land uses are specifically prohibited:
 - i) outdoor storage, outdoor processing, and
 - ii) outdoor display of goods and merchandise; and
 - iii) adult entertainment parlours.

- c) Retail uses, including retail warehouses, department stores, warehouse membership clubs and food stores having a floor area exceeding 5,000 square metres, shall be subject to a Market Impact Study to be prepared by the applicant. The Town will retain a peer reviewer at the applicant's expense. The retail market impact study shall incorporate actual sales data, demonstrating that the proposed use will not have a deleterious impact on the planned function of the central core area resulting in a significant diminution in service to the public or in blight.

12.3.6.3 Density

Density on lands designated Mixed Use High Density shall achieve a minimum density of 1 times the lot area and a maximum density of 3 times the lot area.

12.3.6.4 Form of Mixed – Use High Density Development and Redevelopment

- a) On existing developed sites, mixed use and/or stand-alone residential, commercial and institutional infilling is permitted. On vacant sites, new development shall be in a mixed use format (either mixed within a building or across the site).
- b) A minimum of 25% of the total area on each block within the designation shall be developed for employment generating uses. The employment generating uses shall generally be oriented to the South Service Road and the QEW exposure. The Town may consider alternative approaches, which achieve the employment target and intent of this plan, provided a comprehensive plan is prepared by the landowners within the respective block.
- c) Development in the designation shall be phased such that only 25% of the residential component of any property shall be constructed prior to full servicing of the employment component. Where site conditions and/or context inhibit the ability to achieve the minimum employment floor space standards, a transfer of the minimum employment floor space is permitted within the plan area subject to an Official Plan amendment and the use of holding provisions that prohibit the construction of the building that is replacing the employment floor space until the employment building is fully framed.

12.3.7 Employment – Office

12.3.7.1 Planned Function

- a) The planned function of the Employment - Office designation is to provide a vibrant mix of transit-oriented employment and commercial development in higher density built form in proximity to established business/industrial uses and existing and planned higher order transit infrastructure.
- b) The Employment - Office designation provides for a transition between the general industrial areas and the mixed use designations

within the Plan Area (which permit residential and other sensitive uses).

12.3.7.2 Permitted Uses

Permitted uses include:

- a) office;
- b) hotel, conference centre and banquet facilities;
- c) community college or university;
- d) medical clinics;
- e) commercial school;
- f) personal service uses;
- g) banks and financial services;
- h) commercial parking garage;
- i) commercial-recreational facilities;
- j) accessory uses to the uses permitted above;
- k) complementary uses including licensed child care establishment, food service, restaurants, security services, and janitorial services may be permitted provided the uses are compatible with the development and operation of the surrounding industrial uses; and
- l) limited retail sales and service commercial uses as an accessory use in conjunction with a permitted use.

12.3.7.3 Form of Employment Office and Redevelopment

- a) The Employment Office area is ideally located within proximity to the QEW and provides ideal location for 'landmark' buildings that can benefit from direct highway exposure.
- b) The range and scale of uses are designed to be sensitive to the adjacency and compatibility with the surrounding residential neighbourhoods, and benefit from exposure to the QEW and planned GO Transit Station.
- c) The minimum permitted gross floor area is 1 times the lot area.
- d) The Secondary Plan envisions a comprehensively planned and high quality business district with office and other employment uses.
- e) This area will serve as one of the gateways in the Town and, as such, is intended to reflect a focus towards the reinforcement of a strong sense of place, vibrancy, sustainability, and economic development.

12.3.8 Employment – General Industrial

12.3.8.1 Planned Function

General Employment Areas are characterized by a range of traditional

employment uses with a variety of lot sizes to provide flexibility for attracting and accommodating a wide range of industrial and associated employment uses.

12.3.8.2 Permitted Uses

Permitted uses include:

- a) Manufacturing;
- b) Processing;
- c) Servicing;
- d) Storage of goods and raw materials;
- e) Warehousing;
- f) Research and laboratories;
- g) Data processing and development; and
- h) Uses of similar nature (refer to Section 3.4.7 of the Town of Grimsby Official Plan for further direction).

12.3.8.3 Form of Employment General Industrial and Redevelopment

- a) While areas designated as General Employment will continue to accommodate vehicles and trucks, development in these areas will be designed with pedestrian connectivity and amenity to serve the daily employee population and to facilitate access to public transit.
- b) The Secondary Plan envisions a comprehensively planned and high quality employment node with well-maintained industrial and other employment uses. This area will serve as one of the gateways in the Town and, as such, is intended to reflect a focus towards the reinforcement of a strong sense of place, sustainability, and economic development.

12.3.9 Rural Area

Please refer to Section 3.3 of the Town of Grimsby Official Plan for the planned function and permitted uses within the Rural Area.

12.3.10 Agriculture – Specialty Crop Area

Please refer to Section 3.3 of the Town of Grimsby Official Plan for the planned function and permitted uses within the Agriculture - Specialty Crop Area.

- a) In addition to the uses permitted in Agriculture – Specialty Crop Area, the area identified by ‘Transit Station Area’ overlay may also be used for a Transit Station and related accessory uses, in accordance with the 2011 Niagara GO Rail Expansion Environmental Study Report.

12.3.11 Utility Area

- a) The Utility Area shown on **Schedule G** is the location of an existing sewage pumping station and storm water management pond.

- b) Please refer to Section 3.9 of the Town of Grimsby Official Plan for the planned function and permitted uses within the Utility Area.

12.3.12 Protected Natural Environment

- a) Environmental Conservation Areas and Environmental Protection Areas within the Secondary Plan have been identified on **Schedule G**. Please refer to Section 3.1.1 of the Town of Grimsby Official Plan for environmental policies. More specifically, please refer to the policies in section 3.1.1 for Environmental Protection Area policies and 3.1.2 for Environmental Conservation Area policies.
- b) The Secondary Plan area includes a privately owned woodlot designated as an Environmental Conservation Area, which should be protected in accordance with the policies of the Regional Official Plan and the Town of Grimsby Official Plan. In addition, the Town shall support the protection of the woodlot through compliance with the regulations of Regional Municipality of Niagara By-Law No. 30- 2008 (By-Law to Prohibit or Regulate the Harvesting, Destruction Or Injuring Of Trees In Woodlands In The Regional Municipality Of Niagara).
- c) The Niagara Peninsula Conservation Authority (NPCA) regulates hazard lands through the Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” (O. Reg. 155/06). Regulation 155/06 includes hazards related to floodplains, slopes, erosion-prone sites and wetlands. The NPCA has developed policies to implement the Regulation, which prohibit development within these areas and on adjacent lands. The NPCA should be contacted when development is proposed.

12.3.13 Parks and Open Space

- a) Please refer to Section 3.8 of the Town of Grimsby Official Plan for the planned function and permitted uses within the Parks and Open Space designation. New recreation and open spaces shall be provided for based on the public realm policies, as outlined in the Urban Design Guidelines of this Plan, found in Section 12.6.
- b) In general, the public realm policies outlined in Section 12.6 are intended to ensure that a high quality public realm, open space, and protected environment is achieved. The policies define an open space framework that links outdoor spaces through the creation of new parks, gateways, streetscape improvements, and active transportation paths to create a unique, beautiful, and healthy complete community. The public realm guidelines also provide guidance and direction for future investment into new parks, trails, streetscapes, sidewalks, bike racks, water bottle refill stations and green spaces, for example, to develop pedestrian and cycling connections between the waterfront and the GO Transit Station.

12.3.14 Transit Station Area

12.3.14.1 Location

- a) The Casablanca GO Transit Station Area, designated as Transit Station Area on **Schedule G** of this plan, is a critical element of public infrastructure and is located west of Casablanca Boulevard at the intersection of the South Service Road. The Transit Station Area includes land on both sides of the CN rail corridor and also includes lands which are reserved for a potential future Region of Niagara Transit Terminal (West Niagara Transit Terminal).
- b) All public infrastructure in this location should be developed in accordance with Policy 4.2.1 of the Greenbelt Plan and all other applicable Provincial, Regional and Town policies.

12.3.14.2 Strategic Long Term Transportation Needs

- a) The lands identified as the Transit Station Area on **Schedule G: Land Use** represents new infrastructure intended to address long term transportation needs of the Region and Town.
- b) The new infrastructure includes facilities such as:
 - i) Transit stations including bus and related passenger drop off/ pick up and commuter parking lots;
 - ii) Related infrastructure including transit operation and maintenance facilities, passenger standing pads;
 - iii) Pedestrian and cycling facilities; and,
 - iv) Other public infrastructure elements intended to support the transit function of the site.

12.3.14.3 Additional Guidance for Development

- a) The Transit Station Area as shown in **Schedule G** is further described in one or more of the following documents:
 - i) Approved environmental assessment, 2011 Niagara Rail Expansion, Environmental Study Report;
 - ii) Niagara Transit Service Delivery and Governance Strategy, 2017; and,
 - iii) The Niagara Region Transportation Master Plan, 2017.
- b) The Region of Niagara, the local municipal transit operators , City of Hamilton, the Town of Grimsby and Metrolinx will work together to encourage the Province and the Federal Government to provide capital and operational funding and tools to support transit in West Niagara.

12.3.14.4 Phasing of Development

Development of these lands as a Transit Station Area will occur in multiple phases over the long term. At the time that this secondary plan was prepared, the following items provide the understanding for the phasing of the Transit

Station Area:

- a) The area around the Transit Station will be planned to achieve a significant level of intensification (in accordance with the policies of this plan) for lands located within the urban area boundary;
- b) The Region will work with the Town, Metrolinx and MTO to ensure that all of the other policies of this plan are implemented, including policies for improving road safety, achieving the complete streets objectives as well as the supporting infrastructure improvements identified in this plan;
- c) The opening day concept of the Casablanca GO Transit Station will comply with the 2011 Niagara Rail Expansion Environmental Study Report;
- d) At such time the opening concept reaches capacity, the Region of Niagara and the Town of Grimsby will work with Metrolinx to expand the Casablanca GO Transit Station south of the CNR mainline; and,
- e) A Regional Transit Station will be permitted on the lands identified as “Future Transit Station Area” subject to the completion of a Transit Terminal Feasibility Study including the evaluation of a terminal in West Niagara, that will comply with the Provincial environmental assessment process.

12.3.15 Employment Overlay Area

The Employment Overlay is shown on **Schedule G** and applies to lands fronting onto the QEW along the South Service Road. These lands are subject to the following policies:

- a) For any new development within the Overlay area, a minimum of 0.4 times the lot area will be allocated for office employment uses.
- b) A minimum of 50% of the total area on each block within the designation shall be developed for employment generating uses. The employment generating uses shall generally be oriented to the South Service Road and the QEW exposure. The Town may consider alternative approaches, which achieve the employment target and intent of this plan, provided a comprehensive plan is prepared by the landowners within the respective block.
- c) Development in the designation shall be phased such that only 25% of the residential component of any property shall be constructed prior to full servicing of the employment component.

12.3.16 Potential New Public Space

- a) **Schedule G** identifies a number of potential new public spaces that will be publically owned; however the icons depicted are for illustrative purposes only and the need, location and design of public spaces shall occur through the development application process.
- b) Please see Section 12.7 of this Plan for information on the parkland dedication process.
- c) The icons depicted on **Schedule G** are not intended to be

comprehensive, and additional new public spaces will be required though the development application process.

- d) Please see Section 12.6.3 for additional guidance on the design of these Potential New Public Spaces.

12.3.17 Land Use Compatibility

12.3.17.1 Employment Uses

- a) Any new proposed development which is within 1000 metres of an existing Class 3 industrial facility, 300 metres of an existing Class 2 industrial facility or 70 metres of an existing Class 1 industrial facility shall be subject to Ministry of the Environment and Climate Change D-6 Guidelines for Land Use Compatibility.
- b) In addition to the above, new proposed development should be oriented and designed to avoid land use compatibility and impacts on surrounding employment uses, and may be subject to further study (air quality, noise, etc.) to ensure compatibility.

12.3.17.2 Active Rail

- a) No new residential development is permitted within a 30 metres setback of a rail right-of-way.
- b) Permitted uses within this setback include public and private roads, parkland and other outdoor recreational space including backyards, swimming pools and tennis courts, unenclosed gazebos, garages and other parking structures and storage sheds, where permitted within the policies of this Plan.

12.3.17.3 Provincial Highway

- a) In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval.
- b) Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning.
- c) Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements. Direct access will be discouraged and often prohibited.

12.3.17.4 Additional Studies

The Town will determine the need for any special sensitivity studies for any proposed developments in the Secondary Plan Area as part of the pre-

consultation process and in compliance with the parent Plan, based on adjacent uses and proximity to major infrastructure including, but not limited to, rail and Provincial highways.

12.3.18 Building Height

- a) The planned maximum building heights are shown on **Schedule H**.
- b) The heights depicted on **Schedule H** are intended to reflect the planned maximum number of storeys and the following policies apply:
 - i) The Town may require a peer review for any development which propose to exceed the planned building heights; and,
 - ii) All developments which are proposed to be taller than 6 storeys shall require a light/shadow study, in accordance with guidelines in Section 12.6.9.4 of this Plan, and an urban design study to demonstrate how the development fits within the context of the site and surrounding area.

12.4 TRANSPORTATION POLICIES

12.4.1 Transportation Network

- a) The Secondary Plan Area is planned to be served by a multi-modal, integrated transportation network, which accommodates active transportation users, transit users, and automobile users. Presently, there are a number of transportation challenges in the area and the expectation is that there will continue to be challenges as the area grows.
- b) Accordingly, there is a need to plan for a variety of improvements to better connect people to destinations and also allow people to move through the area in a relatively safe and efficient manner. The expectation is that improvements will be required to enhance walking and cycling networks, transit service, and automobile access within and around the area to ensure that an appropriate balance of transportation options are provided. The transportation network must provide for a better balance of the full range of transportation modes.
- c) The transportation network and improvements identified in this Plan build on the Town and Region's planned transportation improvements, as outlined in a number of plans (such as the Region's Transportation Master Plan, Transportation Impact Studies, the Regional Official Plan, etc.). The implementation of the proposed transportation infrastructure improvements should be undertaken as part of the Region's master planning process/EA process and/or development approvals process (as the case may be).

12.4.2 Improvements and Enhancements to Transportation Network

The Secondary Plan contemplates the following potential improvements to the transportation network:

- a) Road improvements and connections (as shown on **Schedule J**);
- b) Transit improvements; and,

- c) Active transportation improvements (as shown on **Schedule C**).

12.4.3 Planned Road Hierarchy

The planned road hierarchy is shown on **Schedule I**, illustrating Arterial Roads, Collector Roads and Local Roads. The following policies describe the general planned function for each road type.

12.4.3.1 Arterial Roads (23-20 metre ROW)

- a) Arterial Roads are under the jurisdiction of the Region of Niagara and are planned to accommodate 2 to 4 lanes of traffic within 23 to 30 metre right of ways.
- b) Direct access to adjoining properties and on-street parking is generally restricted to allow for the movement of traffic through the area.
- c) The road allowance is planned to accommodate a complete street framework, including bicycle facilities such as bike lanes, shared use lanes, paved shoulders and bicycle parking facilities and sidewalks with high quality streetscaping improvements on both sides of the street.
- d) On-street parking is generally not permitted on Arterial Roads.
- e) Regional Arterial Roads within Secondary Plan Area include:
 - i) North Service Road (26.2 metre right of way);
 - ii) South Service Road (26.2 metre right of way);
 - iii) Casablanca Boulevard (26.2 metre right of way); and,
 - iv) Livingston Avenue (26.2 metre right of way from Casablanca Boulevard to Main Street West and 30.5 metre right of way from Casablanca Boulevard to Oakes Road).

12.4.3.2 Collector Roads (20 metre ROW)

- a) Collector Roads are under the jurisdiction of the Town of Grimsby and are planned to accommodate 2 lanes of traffic.
- b) Collector Roads are undivided with a road allowance width of 20 metres, allowing for the addition of turning lanes, bicycle lanes, landscaping, sidewalks on both sides of the street and utilities.
- c) On-street parking is not permitted on Collector Roads.
- d) Collector Roads within the Secondary Plan Area include:
 - i) Hunter Road; and,
 - ii) Roberts Road.

12.4.3.3 Local Roads (20 metre ROW)

- a) Local Roads provide access to properties and carry traffic predominantly of a local nature.
- b) Typically, roadways in this section carry low volumes of traffic short

distances.

- c) Local roads generally are designed to accommodate on-street parking, sidewalks on both sides of the street and landscaping in the boulevards.
- d) All local road allowances are to be 20 metres in width.

12.4.4 Planned Road Improvement and Connections

- a) **Schedule J** illustrates new connections, road widening and other road improvement opportunities which are intended to support the implementation of the secondary plan.
- b) The current road network has challenges and the forecasted travel demand resulting from intensification, as well as commuter traffic accessing/egressing the QEW and the planned GO Rail service at the Casablanca GO Station, will only increase delays in the network. This will necessitate the need for improvements to the transportation network, including modifications to the road network, introduction of transit services and improvements to the active transportation network.
- c) The following summarizes the key road-related improvements. An environmental assessment may be required for some of these improvements based on guidelines provided by the Ministry of Environment and Climate Change (note that a number of the improvements noted below also coincide with recommended streetscape improvements which are further addressed in Section 12.6):
 - i) **South Service Road Widening:** Currently, the South Service Road is a 2-lane Regional Road which provides access and connectivity to lands on the south side of the QEW. The South Service Road currently experiences moderate congestion levels and the expectation is that the road will continue to experience capacity issues over the planning horizon. The South Service Road should be widened from 2 to 4 lanes. Additional operational improvements should also be considered. The widening should allow the road to be developed as a complete street and also provide access to the GO station area.
 - ii) **Casablanca Boulevard Widening:** The majority of Casablanca Boulevard functions as a 2-lane Regional road, connecting the western part of the Town with the QEW. In the future, Casablanca Boulevard will provide the main access to the future GO Station Area. The road is expected to see increasing levels of congestion over the planning horizon and a future widening to 4 lanes may be required. The widening should be developed as a complete street.
 - iii) **QEW Interchange Improvements:** The QEW westbound ramp experiences capacity issues during peak hours. Over the planning horizon, there may be a need to reconfigure the direct flow movements from the ramps. It is also recommended that the Ministry of Transportation consider improving the pedestrian and cycling facilities on the

- interchange to address potential for conflicts between vehicles and active transportation users. This is particularly important to connect the growing residential population north of the QEW to the south (including the Casablanca GO Station), and support the Secondary Plan objective of improving connectivity between the waterfront and Transit Station. See Section 12.6 for additional details.
- iv) Hunter Road Flyover: Depending on the evolution of traffic patterns in the area, there may be a need to extend Hunter Road over the QEW. The Town should protect for this opportunity in the secondary plan in the event that it is required over the long term. The Hunter road flyover would support future transit as well as improve active transportation to the GO Station.
 - v) Livingston Avenue Extension: Depending on the evolution of traffic patterns in the area, there may be a need to extend Livingston Avenue west of Casablanca Boulevard. The Region has maintained this as an opportunity for improving east-west connectivity and providing relief to the congested South Service Road. The Region should protect for this opportunity in the secondary plan in the event that it is required over the long term. The Region may also need to consider protecting the option for a second access point off of Livingston Avenue. Given the sensitive environment in this area, the road extension would undergo an Environmental Assessment and will be ecologically-designed to minimize impact on the woodlot and its habitat and hydrology.
 - vi) Grade Separation at the CN Rail Tracks: A grade separation at CNR crossing at Casablanca Boulevard may be required to improve traffic flow, and address safety concerns for pedestrians, cyclists and automobile users on Casablanca Boulevard (where traffic has the potential to queue onto the rail corridor). The Region will work with CN and Metrolinx to determine the need for this crossing.
 - vii) South Access to the Transit Station from Livingston Avenue: A local road connection from Livingston Avenue just west of Emily Street is proposed to connect the residential areas located along Livingston Avenue to the south with the future Transit Station Area to the north. This would provide an alternative access to the Station Area to service commuters south of the Station.
 - viii) Neighbourhood Traffic Improvements: In order to improve traffic flow through residential areas east of Casablanca Boulevard and north of Livingston Avenue, the Town should consider future improvements to provide traffic calming and/or improved circulation through these neighbourhoods.

12.4.5 GO Transit Station Area

In addition to the policies in Section 12.3.14 of this Plan, the design of the GO Transit Station should be planned to address the following elements:

- a) Access to the station area for pedestrians, cyclists, transit users, kiss and ride and carpool users;
- b) A sufficient supply of parking for commuters;
- c) Wayfinding solutions;
- d) Buffering and landscaping for adjacent natural heritage features and rural lands (where applicable);
- e) Pedestrian scale lighting and other safety features to support active transportation 24/7;
- f) Opportunities for universal access and incorporation of sustainable design measures;
- g) Opportunities for tourism-supportive uses, where permitted (south side of the CN rail corridor); and,
- h) A strong visual design for the overall station area, emphasizes the importance of the area as a major mixed use node and gateway to Niagara.

12.4.6 Active Transportation Network

The existing and planned Active Transportation Network is depicted on **Schedule C**. The network is planned to improve connectivity for pedestrians and cyclists within the Secondary Plan Area and to surrounding areas.

12.4.7 Active Transportation Improvements

- a) The active transportation network should provide direct and safe connections to the GO station, multi-use trails, public spaces and parks, schools, mixed use areas, employment opportunities and recreational facilities. Amenities for cyclists and pedestrians should be located at key points along the network.
- b) There are a number of proposed active transportation improvements proposed for the area, including the following:
- c) On-Road Bike Route/Lanes (on-road): Casablanca Boulevard; South Service Road; Hunter Road; and, Industrial Drive.
- d) Multi-Use Trail (off-road): Multi-use waterfront trail extension; South access to the Station; Station access from Casablanca Boulevard; and, QEW pedestrian crossing.

12.4.8 QEW Pedestrian Crossing

- a) Improving pedestrian connectivity across the QEW is of paramount importance. The Secondary Plan includes several specific measures intended to improve pedestrian connectivity.
- b) The first measure is noted in Section 12.4.4 and recommends sidewalk improvements to the existing Casablanca QEW interchange.
- c) In addition, it is also recommended that the Town, Niagara Region, Metrolinx and the MTO conduct a joint feasibility study to examine the potential for adding a pedestrian crossing over the QEW to better link the GO Station with the lands on the north side of the QEW. The precise location of the crossing should be determined through the feasibility study.
- d) In the event that the Hunter Road flyover is constructed, there remains a third possible option for improving pedestrian linkages to the GO station area.

12.4.9 Secure Bike Parking Facilities

- a) The implementing Zoning By-law may require the provision of secure bicycle parking facilities in a conspicuous location, long-term bike parking areas within buildings and onsite shower facilities and lockers for employees who bike to work.
- b) The Town may allow for the reduction in the number of required parking spaces where bicycle parking facilities are provided.

12.4.10 Transportation Demand Management

- a) Council may require that development applications include a Transportation Demand Management (TDM) Plan, prepared to the satisfaction of the Town.
- b) The intent of the TDM Plan shall be to implement and promote measures to reduce the use of low-occupancy automobiles for trips and to encourage cycling and walking.
- c) Generally, the need for a TDM Plan is contingent upon the proposed use, size, and scale of development and general proximity to the Transit Station.
- d) The Town will work with Niagara Region and other stakeholders to support transportation demand management opportunities by promoting measures to reduce the use of low-occupancy automobiles for trips and to encourage cycling and walking.
- e) The Town will work with Niagara Region on the development of car sharing and bike sharing programs in Grimsby and to recognize car and bike sharing as an effective means for reducing parking demand.

- f) The Town will work with the Region and other levels of government to develop and implement Transportation Demand Management programs to reduce trip distance and time and increase the modal share of alternatives to single-occupant automobiles.

12.4.11 Traffic Impact

- a) Future developments may require a Traffic Impact Assessment.
- b) Any Traffic Impact Assessment shall be subject to the Regional Traffic Impact Assessment Guidelines where a Regional road is impacted.

12.4.12 Parking

Through the development approvals process, the Town may consider alternative parking requirements for mixed use and high density developments including shared parking standards.

12.4.13 Future Transit System

- a) The Town is currently in the process of exploring the potential for adding a transit system. In the event that a transit system is launched, the Town should develop transit supportive Official Plan policies, including any revisions to the policies of this Secondary Plan.
- b) The Niagara Transit Service Delivery and Governance Strategy (Dillon, 2017) has recommended inter-municipal transit connections with GO Transit at the Casablanca GO station. This will be explored further through future transit studies.

12.5 INFRASTRUCTURE POLICIES

12.5.1 Water and Sanitary Servicing

As part of the implementation of this Secondary Plan, the Town will work with Niagara Region to ensure that there is adequate water and sanitary servicing and capacity to accommodate the long-term planned development for the Secondary Plan Area.

12.5.2 Municipal Servicing Study

As part of the implementation of this Secondary Plan and the policies of Chapter 2 of the Official Plan, the Town will undertake an analysis of local infrastructure to ensure that adequate servicing is in place to accommodate the planned growth for the area. The Town will update its municipal master servicing strategy as required.

12.5.3 Development Applications and Servicing Requirements

The Town may also require development applications to be supported by site-specific servicing studies.

12.5.4 Sustainable Stormwater Management

- a) The municipality encourages innovative measures to help reduce the impacts of urban runoff and maintain base groundwater flow. Such measures may include bioswales, permeable pavers, rain barrels and green roofs.
- b) As part of the detailed design for the Transit Station, floodplain mapping is to be undertaken to delineate the flood hazard on the subject lands due to the upstream drainage area of the watercourse, the topography and the size of the development.

12.5.5 Coordination of Public Works

- a) The Town will work with the Region to ensure that planned public works for the area are coordinated to minimize the impacts of construction on the residents and businesses within the Secondary Plan Area. Coordination efforts will consider the phasing of streetscape improvements, any future road works and maintenance, as well as any upgrades to water and sanitary networks.
- b) The following section provides the urban design policies and guidelines for the Secondary Plan Area. The purpose of these policies is to provide guidance for enhancing the character of the area, including both the private and public realm. The policies are intended to provide a degree of flexibility, allowing for a range of design styles and expressions which will contribute to creating a unique sense of place.

12.6 URBAN DESIGN IMPROVEMENTS

The urban design improvements are intended to enhance the attractiveness and functionality of the Secondary Plan Area. The planned Public Realm Improvement Plan is depicted on **Schedule K** and considers the following:

- a) Major Gateway Improvement areas;
- b) Major Streetscape Improvement areas;
- c) Minor Streetscape Improvement areas;
- d) Potential New Public Spaces; and,
- e) Active Transportation Connections.

12.6.1 Gateways

- a) Gateways are intended to function as formal entranceways into the Secondary Plan Area and are intended to create a strong sense of place. Presently, the Secondary Plan Area does not feature any prominent public space treatments at gateway locations and,

accordingly, the Plan contemplates one major gateway improvement area.

- b) Gateways include lands within the right-of-ways and all abutting lands. Major gateway improvements should include prominent signage, enhanced lighting, intensive landscaping (such as seasonal floral displays, tree planting), public art, cycling-supportive infrastructure, and other types of public realm enhancements. Adjacent redevelopment should be designed to support the function of the gateway.
- c) The intersection of Casablanca Boulevard and the South Service Road has been identified as a major gateway improvement area. This intersection is planned as a key intersection in the study area. Currently, the intersection is not fronted by development and is dominated by vehicular traffic. The intersection has limited pedestrian facilities such as, landscaping, pedestrian-scaled lighting or planting, or other street furniture.
- d) In the future, this intersection is envisioned to be the major gateway to the Transit Station Area due to its direct connectivity with the QEW and the future Transit Station. In addition, the surrounding commercial and employment uses creates a destination and draws in customers from across the region. There is an opportunity to establish a visual identity that can be carried through the study area. To achieve this, private realm signage should be consolidated and minimized, new welcome and wayfinding public signage should be introduced, and streetscape improvements shall include enhanced pavement materials, planting, and other pedestrian-scaled facilities including lighting, benches, and waste receptacles.
- e) Future development shall consider the overall urban design intent and vision for the gateway intersection and reflect a human-scale form to improve the pedestrian quality of the streetscape. New development should be oriented close to the street edge and designed with active frontages such as retail and other entrances for an enhanced sense of place.

12.6.2 Streetscape Improvements

- a) Streetscape improvements are intended to provide direction for future enhancements to the key roads within the Secondary Plan Area. Two levels of improvement are contemplated in this Plan:
 - i) Major streetscape improvement areas; and,
 - ii) Minor streetscape improvement areas.
- b) Streetscape improvements apply to the public land within the right-of-way.

12.6.2.1 Major Streetscape Improvement Areas

- a) Major streetscape improvements are proposed for Casablanca Boulevard (between the South Service Road and Livingston Avenue) and the South Service Road (between Casablanca Boulevard and the planned active transportation connection).

- b) Key improvements should include (but are not limited to) completion of sidewalk networks on both sides of the street, tree plantings on both sides of the street to provide shade and comfort for pedestrians, improved lighting, occasional street furniture and pedestrian refuge islands at key locations.
- c) Significant efforts should be made to consolidate access points, consolidate and minimize private signage and improve visibility for pedestrians.
- d) Opportunities to break up the large blocks should be explored to support an improved pedestrian environment.
- e) Future reconstruction of the roadways should consider the burying of hydro lines.
- f) Future active transportation connections have been identified for some of these streets and are discussed in Section 12.6.4.

12.6.2.2 Minor Streetscape Improvement Areas

- a) Minor streetscape improvements are proposed for portions of the South Service Road and Industrial Drive.
- b) Key improvements should include (but are not limited to) completion of sidewalk networks (on both sides of the street), tree plantings on both sides of the street to provide shade and comfort for pedestrians and bike lanes.
- c) Future active transportation connections have been identified for some of these streets and are discussed in Section 12.6.4.

12.6.3 Potential New Public Spaces

- a) Where new major mixed use development or redevelopment is planned, new public spaces should be provided to enhance the pedestrian environment and provide amenities for residents, employees and visitors.
- b) New public spaces should be designed to be barrier free and to include a mix of design elements including, but not limited, to enhanced landscaping, shade trees, ample locations for seating, bike racks, and public art.
- c) New public spaces should be located close to the street and be connected to the pedestrian network. New public spaces should also be connected with existing or planned transit stops.
- d) **Schedule K** identifies a number of potential new public spaces; however, the icons depicted are for illustrative purposes only and the need, location and design of public spaces shall occur in accordance with the provisions of the Planning Act.
- e) The icons depicted on **Schedule K** are not intended to be comprehensive, and additional new public spaces will be required through the development application process.

12.6.4 Active Transportation Connections

- a) In addition to the existing and planned active transportation network, new active transportation connections are illustrated on **Schedule C**.
- b) The network is intended to provide a finer grain network of pedestrian and cycling connections and is provided for illustration purposes. The expectation is that improvements to the pedestrian networks be made through the redevelopment process and their location would be confirmed at that time.
- c) The following active transportation connections have been identified:
 - i) New dedicated cycling lane along the South Service Road: The South Service Road links the Transit Station with the surrounding mixed use areas and beyond. With the redevelopment of the properties directly adjacent to the Transit Station Area, the South Service Road should be provided with a dedicated cycling lane to provide an enhanced mobility split and seamless cycling connectivity with planned active transportation routes.
 - ii) Dedicated cycling lanes along Casablanca Boulevard: Dedicated, protected cycling lanes are recommended along both sides of Casablanca Boulevard to support active transportation uses along this key corridor.
 - iii) New cycling lane west of Emily Street: A new cycling lane has been proposed just west of Emily Street to connect the planned active transportation route along Livingston Avenue to the south with the future Transit Station Area to the north.
 - iv) New cycling lane along Industrial Drive: Industrial Drive provides a key route for connecting to the South Service Road and would benefit from improved cycling infrastructure to complete the cycling network in the Secondary Plan Area.
 - v) QEW Pedestrian Crossing: A pedestrian and cycling connection across the QEW is proposed as a means to providing safe access for pedestrians across the highway between the waterfront and the Station Area. Please refer to Section 12.4.8 for further details on this connection.

12.6.5 Adjacent Development

Where new development or redevelopment is planned near a Gateway Improvement Area, the proposed development/redevelopment should be designed in a manner which enhances the function of the gateway, through:

- a) Complementary building orientation and massing;
- b) Enhanced architectural detailing;
- c) Linked private and public pedestrian connectivity;
- d) Enhanced private realm landscaping; and,
- e) Other elements as appropriate.

12.6.6 Implementation of Public Realm Improvements

- a) The public realm improvements depicted on **Schedule K** shall be implemented through a future Community Improvement Plan, Public Realm Master Plan, the redevelopment approvals process, or as part of other municipal works.
- b) The improvements depicted on **Schedule K** are intended to support growth and intensification within the Secondary Plan Area.
- c) Additional public realm improvements should be implemented through the development approvals process, based on the needs of the proposed development.
- d) Section 12.7 of this Plan provides additional details regarding implementation.

12.6.7 Urban Design Guidelines for the Public Realm

12.6.7.1 Building Public Spaces for People

- a) The Grimsby GO Transit Station Secondary Plan Area and, in particular, the lands surrounding Casablanca Boulevard, the South Service Road and the QEW suffer from an inadequate public realm. Large setbacks, significant surface parking lots, highway oriented development, lack of weather protection and outdoor public spaces, limited bike lanes, and small, poorly defined sidewalks result in inadequate walking and cycling conditions. The key directions in the Secondary Plan, including the following text, provide guidance towards improving this condition.
- b) Improving the public realm for pedestrians, cyclists and transit users will contribute to livable and animated streets and parks. As properties within the Plan Area redevelop and the area intensifies, it will be increasingly important to improve the public realm.

12.6.7.2 Boulevard Design

- a) Boulevards are the component of the public right-of-way from building face to street edge. The design of the boulevard must accommodate pedestrian circulation and an attractive public realm.
- b) The boulevard should support its multi-purpose function: accommodating pedestrian circulation, adequate space for healthy tree growth, plants and other landscaping, bicycle parking, public art, transit shelters, street lighting, signage, street furniture, utilities and adequate space for commercial and social activity.
- c) The boulevard width should reflect the character and function of the street. Where insufficient space exists within the right-of-way to achieve the minimum recommended boulevard width (see cross sections in Appendix 6), a combination of measures should be explored including setting buildings back at-grade and reduced lane widths.
- d) Boulevards typically consist of the Patio and Marketing Zone (Transition Zone), Pedestrian Through Zone (Sidewalk), Planting and

Furnishing Zone and Edge Zone. Cycle Tracks or Multi-Use Paths may also be part of the boulevard. Development of these zones should adhere to the following guidelines.

- i) Patio and Marketing Zone
 1. Elements that may be located within this zone include private seating areas, planters, signage, and temporary retail displays. In areas with retail at grade, this zone should be wider to accommodate active at-grade uses.
 2. Elements within the patio and marketing zone should not impede the pedestrian clearway in any manner.
 3. Overhanging signage and awnings can be installed if they do not impede pedestrian travel in any manner and meet local signage regulations.
- ii) Pedestrian Through Zone
 1. Pedestrian through zones shall typically have an unobstructed width of 1.8 to 3.0 metres.
 2. Pedestrian through zones may include demarcated areas along sidewalks where vehicles may encounter pedestrians along their route (i.e. at drive aisles, crosswalks and intersections). In this case, the use of accent paving should be followed.
 3. Pedestrian through zones should be provided on both sides of the road.
 4. Pedestrian through zones should be designed to meet all AODA standards and be unobstructed both horizontally and vertically.
 5. Constructed of a solid, stable and textured material, such as concrete.
- iii) Planting and Furnishing Zone
 1. The width of the planting and furnishing zone may range between 1.0 to 3.0 metres depending on available space.
 2. The planting and furnishing zone will contain street furniture, street trees, street lighting and other fixed objects.
 3. Tree plantings and landscaping should be optimized to provide sun protection and reduce heat islands.
 4. In hardscaped areas, trees should be planted in continuous tree trenches utilizing soil cells to encourage longevity and viability. Soil cells can be extended under on-street parking, multi-use paths and bike facilities where soil volume is critical.
 5. No elements located within the planting and furnishing zone should impede travel within the adjacent pedestrian through zone.
 6. The tree branch direction and growth should also be

considered so as to not impact people cycling in the bike lane.

7. The planting and furnishing zone can be hardscaped or softscaped or include a mix of both types of landscaping.
 8. The design of hardscapes and softscaped surface should be designed to promote low maintenance and durable materials.
 9. Snow storage will likely occur in this area and all elements should be designed to accommodate and withstand snow loading.
- iv) Edge Zone
1. Located next to the curb.
 2. Should be a hard surface contiguous with the grade of the planting and furnishing zone. Should be constructed of durable materials appropriate for snow storage and street cleaning.
 3. Should not overlap with cycling facilities.
 4. May be designed with decorative paving.
- e) Policies 12.6.7.3 through to 12.6.7.5 include concepts for the improvement of Casablanca Boulevard, the South Service Road and the grade separation across the QEW. The expectation is that these concepts can be further refined through the Environmental Assessment process without amendment to the plan, provided that the overall objectives for these streets are met.

12.6.7.3 South Service Road

- a) Of all areas within the Plan Area, intensification along the South Service Road is the most critical to developing a vibrant mixed use community.
- b) The Secondary Plan identifies lands fronting onto the South Service Road as primarily Mixed Use (predominantly high density with some medium density) with smaller areas designated Office Employment on the eastern and western sides of the Plan Area.
- c) Existing conditions along the South Service Road consist of large consolidated properties which, over the long term, will help facilitate redevelopment.
- d) Portions of the South Service Road have been identified as Major and Minor Streetscape Improvement Areas on **Schedule K**. As redevelopment occurs along the South Service Road, the street should provide better balance between transportation modes. This includes developing a boulevard and providing sidewalks along both sides of the road.
- e) Wider sidewalks will be introduced during redevelopment by requiring increased setbacks.
- f) A minimum 4.2 metre boulevard is recommended along the South Service Road to enhance pedestrian mobility and accommodate

street trees, landscaping, street furniture, etc.

- g) New development should be setback an average of 2.0 metres from the public right of way to provide space for the patio and marketing zone.
- h) Excluding the patio and marketing zone, redevelopment of the South Service Road is proposed to be accommodated within a 26 metre right-of-way as illustrated on Figure 6.1 in Appendix 6.
- i) The previous general boulevard recommendations apply to the South Service Road as do the following specific design recommendations:
 - i) New buildings should be setback an average of 2.0 metres from the public right-of-way to provide space for an enhanced patio and marketing zone.
 - ii) Ensure a minimum pedestrian clearway/ sidewalk of 2.2 metres along both sides of the street.
 - iii) Provide textured edges and sound assisted crosswalks to assist the visually impaired, particularly at the major gateway where the South Service Road and Casablanca intersect.
 - iv) Feature paving should be used to delineate areas of pedestrian priority.
 - v) The Planting and Furnishing Zone plus Edge Zone should have a width of 2.0 metres.
 - vi) On-street protected cycling lanes shall be provided on both sides of the street with minimum widths of 1.5 metres and a 0.5m buffer to protect cyclists from traffic.
 - vii) Two 3.3 metre travel lanes should be provided in each direction.

12.6.7.4 Casablanca Boulevard

- a) Casablanca Boulevard is the most important north-south road within the Plan Area. The street provides access from the Queen Elizabeth Way to the Grimsby GO Station, intersects with the South Service Road and provides both visual and physical connections to the waterfront. The intersection of Casablanca Boulevard and the South Service Road demarcates the beginning of the Town of Grimsby and is identified as a Major Gateway.
- b) The Niagara Region has plans to reconstruct Casablanca as a Complete Street and construction of the Major Gateway should be coordinated as part of a total street redesign. Portions of Casablanca Boulevard have been identified as Major and Minor Streetscape Improvement Areas on **Schedule K**.
- c) Redevelopment of Casablanca Boulevard is proposed to be accommodated within a 26 metre right-of-way, excluding the bridge over the QEW that has a planned right-of-way of 30 metres, as illustrated on Figure 6.2 (Appendix 6). It should be noted that Figure 6.2 represents a typical cross section, and additional turn lanes may be required as part of the detailed design of the road.

- d) The previous general boulevard recommendations apply to Casablanca Boulevard as do the following specific design recommendations:
- i) Ensure a minimum pedestrian clearway / sidewalk of 2.2 metres.
 - ii) Provide textured edges and sound assisted crosswalks to assist the visually impaired, particularly at the major gateway where the South Service Road and Casablanca intersect.
 - iii) Feature paving should be used to delineate areas of pedestrian priority.
 - iv) The Planting and Furnishing Zone plus Edge Zone should have a width of 2.0 metres.
 - v) Where trees are not irrigated already, linear tree trenches, soil cell technology, and/or structural soils should be used to ensure mature growth.
 - vi) Dedicated, protected on-street cycling lanes shall be provided on both sides of the street with minimum widths of 1.5 metres and a 0.5 metre buffer from traffic.
 - vii) Vehicle parking or stopping is not permitted within cycling facilities.
 - viii) Two 3.3 metre travel lanes should be provided in each direction.

12.6.7.5 Casablanca-QEW Crossing

- a) As it traverses the QEW, Casablanca Boulevard is to be designed within a 30 metre right-of-way (see **Figure 6.3, Appendix 6**).
- b) As described below, this right-of-way shall accommodate a pedestrian clearway, buffered bicycle lanes, two travel lanes in each direction and a centre median with buffer. Specific design recommendations include:
- i) A pedestrian clearway / sidewalk of 3.4 metres.
 - ii) Dedicated on-street cycling lanes shall be provided on both sides of the street with minimum widths of 1.8 metres.
 - iii) Cycling lane buffers shall be provided on both sides of the street with minimum widths of 0.8 metres.
 - iv) Provide a landscaped median with a minimum width of 2.0 metres and 1.0 metre median buffers on either side.
 - v) Landscape materials should have particular regard for survivability, salt tolerance, and the need for consistency with landscaping on the road edge and on adjacent lands.
 - vi) Two 3.5 metre travel lanes should be provided in each direction.
 - vii) A bike turn box should be added for cyclists turning left into the GO Transit Station.

12.6.7.6 Street Furniture

- a) Street furniture consists of the benches and seats, two-stream waste receptacles, shelters, drinking fountains, weather protection, etc. that provides the setting for resting, sitting and eating and social encounters within the public realm.
- b) For future road construction or reconstruction, as identified in the transportation section (Section 12.4) of this plan, it will be important to properly locate street furniture so that they do not impede pedestrian movement.
- c) Preferably street furniture should be located within the Planting and Furnishing Zone.
- d) Other guidelines for street furniture include:
 - i) The Town should select strategic locations for groupings of furniture that would benefit adjacent retail establishments and the public. For example, waste receptacles are appropriate near food establishments and benches are welcome near public spaces and cafes and patios. These locations should include the Major Gateway identified on **Schedule K** of this Plan.
 - ii) Groupings of benches should be located in new green/park spaces through the Plan Area. Street furniture should be designed with the aim of being accessible for all including the disabled and elderly (e.g., arms on benches).
 - iii) Pedestrian-scaled lighting should be implemented to improve safety 24/7.
 - iv) Street furniture should be linked together, where appropriate, to stimulate social encounters.

12.6.7.7 Public Art & Heritage Interpretation

- a) Public art installations can be stand-alone or integrated into buildings, street furniture and other infrastructure.
- b) Public art has the capacity to animate public spaces, bringing them to life. Public art can be temporary or permanent. It can reflect an area's natural setting, spirit, unique history or aspirations and can draw attention to universal themes or local, regional, national and global issues. Public art has the ability to inspire thought and reflection. Or it can just be fun.
- c) The design of public art should:
 - i) Be located in high-use areas such as public parks, plazas, curb extensions, multi-use paths, etc. These locations should include the Major Gateway, the potential public space improvement area, and potential new public spaces identified in **Schedule K** of this Plan.

- ii) Be limited near forms of traffic control (i.e. stop signs) to minimize driver distractions and sight-line obstructions.
 - iii) Be durable and easily maintained.
 - iv) Reflect secondary plan policy for its coordination and maintenance.
- d) Where new development is proposed, the Town will encourage public and private sector development to include historical signage which recognizes important aspects of the area's cultural heritage and history.

12.6.7.8 New Public Open Spaces

The Secondary Plan recommends new public open spaces be provided at the following locations, which are also identified as potential new public spaces and potential public space improvement areas in **Schedule K** of this Plan:

- a) At the northeast corner of Industrial Drive and the South Service Road;
- b) At the southwest corner of Casablanca Boulevard and the South Service Road; and
- c) East of Casablanca Boulevard and South of the South Service Road.

12.6.7.9 Semi-Public Open Spaces

- a) The majority of open spaces within the Plan Area will be semi-public open spaces.
- b) Their function will be similar to that of public open spaces, but the land will be under control of agencies such as Metrolinx or private developers via condominium corporations.
- c) Semi-public open spaces should be designed to:
 - i) Provide direct access from adjacent public sidewalks
 - ii) Be visible from active indoor areas.
 - iii) Include features (e.g. paving, seating, public art, etc.) constructed of materials equal in quality and appearance to those used in station entrances, main private buildings and nearby public spaces.
 - iv) Maximize sun exposure through the location and massing of taller building elements.
 - v) Use hard and soft landscaping materials that are high quality, easily replaceable and low maintenance.
 - vi) Select site furnishings (e.g. play equipment, public art, shelters, signage, fencing, etc.).

- vii) Use plant materials that are low maintenance, and pest and disease resistant.
- d) A key series of suggested semi-public open spaces has been included within the Secondary Plan between the South Service Road and the rail line within the mixed use development east of Casablanca Boulevard. This area is identified as a potential new open space on **Schedule K** of this Plan.

12.6.7.10 Landscaping

- a) Providing improved landscaping, along the South Service Road and Casablanca Boulevard and within public and semi-public open spaces, will help create visual continuity throughout the Plan Area.
- b) Trees shall be incorporated into public street design and will frame all streets and pathways, enhanced landscaping will be priority along the major and minor streetscape improvement areas identified on **Schedule K**. Trees provide shade and comfort and enhance the visual and environmental qualities of the street.
- c) To sustain trees, planting should occur in sufficiently deep and wide planting areas backfilled with appropriate soil. Native and disease-resistant species for street trees should be used, wherever possible, to promote long-term growth.
- d) The following are general landscaping guidelines that should be adhered to as the Plan Area develops:
 - i) To allow for full growth and to ensure their long-term viability, street trees should be planted with appropriate soil volume in continuous tree trenches.
 - ii) Where compaction of planting soil is anticipated, the use of soil cells should be considered.
 - iii) Only species that are tolerant of urban conditions should be used. Mono-culture planting may, in the case of disease, be entirely lost and is, therefore, strongly discouraged. Refer to Niagara Peninsula Conservation Authority's Native Plant Guide for information on appropriate native plants.
 - iv) Plantings should be selected that require little maintenance and do not require the use of pesticides and fertilizers.
 - v) Shrub and ground cover planting should be utilized in open tree pits, provided the minimum pedestrian clearway dimension is available.
 - vi) Careful consideration should be given to the type and location of trees. Higher branching trees should be positioned to ensure there is no interference with truck traffic. Sight lines should also be considered in the location of trees planted at intersections.

- vii) Seasonal appeal, especially for the winter months should be considered for all plantings.
- viii) The planting of trees as infill along existing streets where the rhythm of existing trees is interrupted should be implemented.

12.6.7.11 Low-Impact Development

- a) Low-Impact Development is an approach to managing stormwater run-off at the source by replicating natural watershed functions. It uses simple, cost-effective methods to capture, detain and treat stormwater.
- b) General guidelines that should be adhered include:
 - i) Incorporate LID practices where possible and as appropriate. LID options can include:
 - ii) Bio-swales or drainage swales;
 - iii) Bioretention planters, units or curb extensions;
 - iv) Perforated pipe system;
 - v) Permeable paving; and
 - vi) Pre-cast tree planters or soil cells.
 - vii) Where possible, replace unnecessarily paved areas with permeable materials (medians, dedicated parking lanes / lay-bys, traffic islands). However, do not use permeable materials within the pedestrian through zone.

12.6.7.12 Cultural Heritage and Archeology

- a) It is the intent of this Plan to introduce design and interpretive elements reflective of Grimsby's Cultural Heritage and Archaeology in the design of the future transit station and associated landscape environs.
- b) In order to enhance the sense of place, the town will aim to incorporate plaques, murals and public art which are reflective of Grimsby's cultural heritage and archaeology throughout the neighbourhood.

12.6.8 Urban Design Guidelines for the Private Realm

12.6.8.1 Site Design

- a) Community design includes the location and orientation of buildings. When sited and designed correctly, buildings will enhance the character of the street and neighbourhood. This can be accomplished through protecting and directing views, providing a consistent street wall and relating buildings to the street and pedestrian activities.

- b) The Grimsby GO Transit Station Secondary Plan Area includes significant lands with redevelopment potential. These lands are primarily located within the following areas:
 - i) South of the QEW, north of the South Service Road and west of Casablanca Boulevard;
 - ii) North of the rail line and south of the South Service Road (with the exception parcels along the Plan Area perimeter to the east and west)
- c) These lands are designated Mixed Use, Office Commercial, and Parks and Open Space. It is critical that the design of these sites ensure that buildings contribute to a human scale while providing a fine-grained street and block network.
- d) Building floor plates should be appropriate to support intensification and innovative employment and tourism uses as well as transit investment.
- e) New buildings within the Plan Area should frame and address the street, while taller buildings and elements will be located to minimize shadow impacts and maximize solar exposure.

12.6.8.2 Gateway Features

- a) One major gateway is proposed at the intersection of Casablanca Boulevard and the South Service Road.
- b) The demarcation of gateways are created through the provision of consistent elements such as signage and wayfinding, urban space, hardscaped or landscaped surfaces, public art and appropriate built form to provide orientation and to assist in defining a neighbourhood's distinct character.
- c) The design should:
 - i) Create a sense of entrance and arrival, contributing to community image and identity, at a scale appropriate for the given context. Elements contributing to gateway features and design include: signage and wayfinding, trees and other landscaping, feature lighting, paving, seat walls and public art.
 - ii) Development at gateways should meet a high standard of design, recognizing their role as a gateway, and be appropriately oriented to the public realm.

12.6.8.3 Access and Entrances

- a) Vehicular access to on-site parking, loading and servicing facilities should be located from secondary streets and rear lanes wherever possible.
- b) Where this is not possible, mid-block access can be considered in instances where:
 - i) The driveway is located an appropriate distance from the nearest intersection or side street;
 - ii) Appropriate spacing between adjacent driveways is maintained resulting in no more than one driveway every 30 metres;
 - iii) Opportunities to consolidate shared access to minimize curb-cuts are prioritized; or
 - iv) Consideration is provided to contain mid-block driveways within the building massing with additional floors built above.

12.6.8.4 Parking (General)

- a) As the Secondary Plan Area develops, a variety of parking solutions will be appropriate to support increased densities and build out of the Station Area.
- b) As a general rule, surface parking should be designed to minimize its visual impact and to allow for future intensification as a development site.
- c) As such, the layout of parking should consider site access, landscaping and site servicing that will permit the eventual redevelopment of these sites.

12.6.8.5 Surface Parking Lots

- a) Surface parking lots should be divided into smaller “parking courts.” Large areas of uninterrupted surface parking should be avoided.
- b) Surface parking areas should be located at the rear or side-yard of a building and should not be placed between the front face of a building and the sidewalk.
- c) Driveways to parking should be from rear lanes and side streets wherever possible.
- d) Shared parking and shared driveways between adjacent properties are encouraged. Where multiple access points currently exist, they should be consolidated where possible.
- e) Where appropriate, permeable paving should be considered to promote drainage.

- f) Use planting strips, landscaped traffic islands and/or paving articulation to define vehicle routes that include pedestrian walkways, improve edge conditions and minimize the aesthetic impact of surface conditions.
- g) Distinctive pavement and pavement parkings should be used to indicate pedestrian crossings and create an interesting visual identity.
- h) Clear, 1.5 metre (minimum) dedicated pedestrian routes should provide direct connections from parking areas to building entrances.
- i) Pedestrian-scaled lighting should be provided along pathways.
- j) Preferential parking (i.e. accessible parking stalls, bicycles, car-share, energy efficient vehicles) should be located close to building entrances.
- k) Parking along the GO rail tracks should be adequately screened with high-quality landscaping.
- l) Parking on corner lots is discouraged. However, where required, it should be screened by landscaping.

12.6.8.6 Landscaping for Parking

- a) High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.
- b) Parking should be screened from the public realm.
- c) Landscaped parking islands, of at least 1.5 metres wide, at the end of parking rows and pedestrian connections that contain salt tolerant shade trees are encouraged. Selection of plant materials should consider the following:
 - i) Year-round maintenance;
 - ii) Seasonal variety;
 - iii) Hardiness and resistance to disease;
 - iv) Maintenance requirements; and
 - v) Tolerance of plant materials to salt and urban conditions.

12.6.8.7 Bicycle Parking

- a) Bicycle parking should be provided at regular intervals along major roads such as the South Service Road, Casablanca Boulevard, and other areas of high pedestrian activity such as the new east-west road east of Casablanca, and located close to building entrances.
- b) Bicycle parking should not impede pedestrian circulation. Post-and-ring and inverted 'u' parking, constructed of painted or galvanized steel, is preferred as larger units can impede pedestrian movement and snow clearing.

- c) Bicycle parking and storage facilities should encourage active transportation, including parking at the GO Station, within public parks and open spaces and short term bicycle storage at employment areas.
- d) Provide secure and plentiful bicycle parking at the GO Station entrances.
- e) Provide sheltered bike areas that are integrated with the station design and located in highly visible areas in the vicinity of platform access points.
- f) In addition to bicycle racks, bicycle lockers are strongly encouraged especially for large office developments and at the GO Station.

12.6.8.8 Structured Parking

- a) While it is not expected that structured parking will be provided in early phases of the Plan, parking lots are to be designed such that as the Plan Area intensifies, surface parking lots can transition to structured parking.
- b) Structured parking should adhere to the following guidelines:
 - i) Integrate above-ground parking structures into the streetscape through active at grade uses, and attractive facades that animate the streetscape and enhance pedestrian safety.
 - ii) Locate pedestrian entrances for parking structures adjacent to station entrances, main building entrances, public streets or other highly visible locations.
 - iii) Screen parking structures from view at sidewalk level through architectural detailing and landscaping.

12.6.8.9 Storage, Servicing and Loading

- a) Loading docks, outside storage and service areas are to be located in areas of low visibility such as at the side or at the rear of buildings.
- b) Where possible, accommodate garbage storage areas within the building. Where this is not possible, screen outdoor storage areas from public view through an attractive and integrated enclosure.
- c) Outside storage and servicing facilities should be constructed of materials to match or complement the building material.
- d) Service and refuse areas should be designed with a paved, impervious surface asphalt or concrete to minimize the potential for infiltration of human materials.
- e) Loading and service areas may occupy the full rear yard if adequate landscape edge and buffer treatments are provided.

- f) Service and refuse areas are not to encroach into the exterior side or front-yard set-back.

12.6.8.10 Front Property Setbacks

To create a consistent street wall to frame Casablanca Boulevard, and the South Service Roads and to create an active streetscape, design should:

- a. Locate buildings at the front property line, or applicable set-back line.
- b. Provide additional setbacks in areas with retail at grade to accommodate outdoor display areas, seating and landscaping.
- c. Where streets have a variety of setbacks, locate new buildings at a setback distance that reflects the average of the adjacent buildings.

12.6.8.11 Rear Setbacks and Transitions

Where mid-rise sites abut existing stable residential areas, the following rear setbacks and transitions are required to minimize shadow and privacy issues on adjacent uses:

- a) Provide a 7.5 metre setback from abutting property lines.
- b) Apply a 45-degree angular plane from the abutting property line.
- c) Apply a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line from the abutting property line.

12.6.8.12 Sites Abutting Open Spaces

Where buildings are adjacent to open spaces (i.e. Transit Plaza), apply shadow testing on a site-by-site basis to ensure a minimum of five hours of sunlight per day from spring to fall, in accordance with guidelines in Section 12.6.9.4 of this plan.

12.6.8.13 Built Form, Mid Rise Building Design

A mid rise building is considered to be any building 4 to 11 storeys in height. Refer to **Schedule H** for the maximum permitted heights in this Plan. Mid-rise buildings should:

- a) Focus residential mixed use density, consistent with the Secondary Plan, to support the feasible integration of ground floor retail and amenity spaces within the Station Area north of the rail corridor.
- b) Generally be located at the front property line to create a continuous streetwall.
- c) Be aligned with street frontages along corner sites.
- d) Minor variations in setbacks are encouraged to facilitate wider boulevards, accommodate public amenity space and create a more interesting streetscape.

- e) Taller buildings should have a building base (podium).
- f) Taller buildings should step back 3.0 metres above the building base.
- g) An additional setback may be required using 80% of the width of the right-of-way at a 45 degree angular plane to determine the appropriate step-back, as shown in Figure 6.4 of Appendix 6.
- h) Main building entrances should be directly accessible from the public sidewalk.
- i) The ground floor of all buildings with commercial uses should be 4.5 metres (floor-to-floor height) to accommodate internal servicing and loading, and future conversion to retail (where appropriate).
- j) Maximum building height should be no greater than the identified maximum Secondary Plan building heights.
 - i) 60 percent of the building frontage on the ground floor and at building base levels should be glazed to allow views of indoor uses and to create visual interest for pedestrians.
 - ii) Clear glass is preferred over tinted glass to promote the highest level of visibility, and mirrored glass should be avoided at street level.
- k) Balconies should be designed as integral parts of the building, which may include protruding balconies. Balconies should not be designed as an afterthought.

12.6.8.14 Built Form, Tall Building Design

- a) Tall buildings are those exceeding 12 storeys and that conform to secondary plan policies. The potential for tall buildings has been identified for parcels west of Casablanca Boulevard between the QEW and the South Service Road.
- b) Tall building guidelines that are critical to the overall vision of the Secondary Plan Area include:
 - i) Setback the tower elements of tall buildings a minimum of 10 metres from the rear and side property line.
 - ii) Where two towers can be located within a single development, or on adjacent properties, provide a 25 metre separation distance between the towers.
 - iii) Apply shadow testing on a site-by-site basis to ensure nearby streetscapes, private and shared outdoor amenity areas, parks, and natural areas receive a minimum of five hours of sunlight per day from the spring to the fall. Shadow testing shall be done in accordance with guidelines in Section 12.6.9.4 of this plan.
 - iv) Undertake a wind study to demonstrate that there are no negative impacts on adjacent properties or the public realm;

12.6.8.15 Built Form, Podium and Stepbacks

- a) A clear building podium, defined by a front stepback, reinforces a consistent streetwall, helps to integrate new development into an existing lower building fabric, and helps create a human-scaled street.
- b) As no established streetwall height exists within the Secondary Plan Area, the height of the podiums should range between 3 to 6 storeys.
- c) Taller buildings should step back 3.0 metres above the building base.
- d) An additional stepback may be required using 80% of the width of the right-of-way at a 45 degree angular plane to determine the appropriate step-back (**see Figure 6.4 of Appendix 6**).

12.6.8.16 Built Form, Employment Office

- a) Employment Office uses are primarily identified towards the eastern and western boundaries of the Secondary Plan Area along the South Service Road.
- b) Development of Employment Office uses should adhere to the following design guidelines:
 - i) Buildings should be located to address the principal public street, in particular the South Service Road, but may incorporate setbacks that provide attractive landscaping and tree-planting.
 - ii) The principal facades should incorporate large glazed areas and entrances, providing visibility between the building and the street.
 - iii) Parking should not be located between the principal facade and the adjacent street / sidewalk.
 - iv) Main entrances should be directly accessible from public sidewalks.
 - v) Where possible, shared driveways should be provided.
 - vi) Open storage should be minimized. Where permitted, it should be screened from public view.
 - vii) Site design must define a well-organized system of entrances, driveways and parking areas that minimizes conflicts between pedestrians, bicycles and vehicles. Roof top units should be screened from view.
 - viii) On large, flat roofs, opportunities for green roofs and / or patios should be incorporated to create green spaces and usable outdoor amenity areas for employees.

12.6.8.17 Built Form, Employment – General Employment

- a) Employment - General Industrial uses are located between the South Service Road and the rail corridor along Roberts Road.
- b) Development of Employment - General Industrial uses should adhere to the following urban design guidelines:
 - i) Industrial buildings should address the street to define a more urban street edge.
 - ii) The highest quality of building design should be applied to the building facades facing the public street or open space.
 - iii) Corner buildings should address both street frontages.
 - iv) Minimum amounts of parking should be located in the front yard. Where large parking fields are necessary, landscape elements should be introduced to break up large asphalt areas and identify pedestrian access to buildings.
 - v) Outdoor storage should generally not be visible from the public street or open space. Where outdoor storage is required, it should be screened with fencing and /or landscaping.
 - vi) Office components of the building should address the street.

12.6.8.18 Built Form, Facade Design

The aesthetic qualities of a building's façade are a vital factor in how the public perceives the building and how that building impacts their experience of the street. The design of a building's façade should adhere to the following guidelines:

- a) Façades facing streets, sidewalks and public open spaces should be composed of large areas of glazing to encourage pedestrian interaction and enhance safety.
- b) Extend finishing materials to all sides of the building, including building projections and mechanical penthouses.
- c) Avoid blank walls, or unfinished materials along property lines, where new developments are adjacent to existing smaller-scaled buildings.
- d) Articulate the façades of large buildings to express individual commercial or residential units through distinct architectural detailing, including entrance and window design.
- e) Utilize a design and material quality that is consistent and complementary.
- f) Where lots have frontages on an open space, provide dual façades that address both frontages with an equal level of material quality and articulation
- g) Emphasize the focal nature of corner buildings through elements such as projections, recesses, special materials, and other architectural details.

- h) Provide weather protection through architectural details such as vestibules, recessed entrances, covered walkways, canopies and awnings.

12.6.8.19 Built Form, Sustainable Building Design

- a) Buildings account for approximately 40 percent of greenhouse gas (GHG) emissions in North America. Adopting sustainable practices in building design not only decreases the amount of GHG emissions released, but also lower operating costs.
- b) Key considerations for achieving sustainable building design include:
 - i) Building orientation;
 - ii) Sustainable landscape design;
 - iii) Urban heat island mitigation;
 - iv) Stormwater management;
 - v) Alternate transportation options;
 - vi) Renewable energy;
 - vii) Green roofs;
 - viii) Building envelope design;
 - ix) Natural ventilation;
 - x) Daylight design;
 - xi) Dark sky design;
 - xii) Bird friendly design;
 - xiii) Waste management; and
 - xiv) Water use reduction and waste water technologies.
- c) Sustainability goals and guidelines are included throughout the document, but the key guidelines are outlined in the following sub-sections.

12.6.8.20 Built Form, Passive Solar Design

- a) The locations of buildings to each other and to open spaces influences the amount of energy they consume as well as comfort and quality of interior and exterior spaces.
- b) New development within the Secondary Plan Area should be massed to maximize opportunities for access to natural light and heating, cooling, security and views.

- c) Building design should analyze site characteristics and address existing conditions. For example:
 - i) Intended uses within buildings should be arranged to make the best of natural conditions.
 - ii) The following climatic conditions should be analyzed when designing block layout, buildings and open spaces:
 1. Solar loss and gain;
 2. Temperature;
 3. Air quality;
 4. Wind conditions
 5. Cloud cover; and
 6. Precipitation.
 - iii) Within new developments, residential uses should maximize indirect natural light.
 - iv) Within new developments, retail or office uses that employ heat-producing machinery should face north.
 - v) Trees and vegetation, operable windows, treated glass, roof coverings and other building elements should be selected to take advantage of natural means of regulating interior temperature, lighting and other environmental variables.

12.6.8.21 Built Form, Energy Efficiency

- a) As mentioned, buildings use a significant amount of energy and contribute to the production of GHG. Reducing energy use in buildings is, therefore, an important strategy to reduce the environmental impact of urban development.
- b) Design should utilize life-cycle cost analysis to take long-term energy costs into account. This will lead to adjustments in the orientation of buildings and the configuration of internal spaces to make the best use of natural processes to control interior environmental variables.
- c) Life-cycle cost analysis should be used to evaluate mechanical, electrical and plumbing systems.
- d) Buildings and windows should be oriented and designed to optimize natural means of heating, cooling, ventilating and lighting interior spaces.
- e) Street and pedestrian-scaled lighting systems should incorporate LED technology to reduce energy and maintenance demand.
- f) Development proposals are encouraged to explore the potential use of geothermal technology to reduce grid energy dependency.
- g) Inventories of all plumbing fixtures and equipment, as well as all heating, ventilation and air conditioning systems, should be

summarized in building packages as well as a strategy for minimizing water demand.

- h) Canada Mortgage and Housing Corporation standards and design guidelines should be implemented and exceeded where appropriate.
- i) Buildings should consume energy at a rate that is at least 10 percent lower than specified by the Commercial Building Incentive Program (CBIP) administered by Natural Resources Canada.

12.6.9 Design Integration

12.6.9.1 Developing Accessible and Comfortable Communities

- a) The transformation of the Secondary Plan Area from a landscape dominated by low density industrial and commercial buildings, vacant lots and surface parking to a vibrant, transit supportive community will be measured by transit ridership, the number of people on the streets, the vitality of new businesses including a mix of uses, an urban built form for new industrial and office commercial buildings that directly addresses the Station Area and primary roads such as the South Service Road, and an improved public realm.
- b) The successful design of buildings, streets and open spaces will be reinforced by new comfortable, welcoming, weather protected and accessible connections between buildings that promote an inviting community atmosphere.
- c) The guidelines in this section outline key considerations to support the development of accessible and comfortable communities.

12.6.9.2 Accessibility

- a) Complete Communities are accessible for all residents. While this includes ensuring that residents have access to jobs and transit, it also includes designing buildings and public spaces that allow for ease of movement for people of all ages and abilities.
- b) A key to providing a high quality public realm is making it accessible to all people. The guidelines and requirements in the following documents provide more detailed information with respect to creating and promoting accessible environments and should be referred to in the design of all public and private spaces:
 - i) Ontario Building Code;
 - ii) Accessibility for Ontarians with Disabilities Act; and
 - iii) Principles of Universal Design.
- c) As well, recent changes to the Planning Act enable the Town of Grimsby to secure facilities designed to have regard for accessibility for persons with disabilities through Site Plan Control.

12.6.9.3 Crime Prevention Through Environmental Design

- a) All publicly accessible areas, including streetscapes, parks, parkettes, mid-block connections, forecourts and patios, should conform to the provisions recommended through CPTED (Crime Prevention Through Environmental Design).
- b) The application of CPTED principles should address items such as:
 - i) Providing clear views to sidewalks and public areas.
 - ii) Taking advantage of passing traffic surveillance as a deterrent for unwanted activities.
 - iii) Identifying point of entry locations.
 - iv) Placing amenities such as seating and lighting in areas where positive activities are desired and expected.

12.6.9.4 Microclimate and Shadows

- a) The design of buildings should be informed by their context including their impact on adjacent properties.
- b) The design of buildings within the Plan Area will be informed by shade and micro-climatic studies that examine wind mitigation, solar access and shadow impacts on adjacent streets, open spaces, buildings and associated properties.
- c) Building massing should allow ample sunlight to penetrate to the sidewalk and adjacent public spaces, and should mitigate the impact of high winds to support pedestrian comfort.
- d) Where existing and future open spaces are adjacent to development sites, the scale of development will be restricted as determined through wind and shadow studies.
- e) Building and site design will provide semi-weather protected spaces that blend indoor and outdoor uses including deep canopies, overhangs, sheltered terraces, roof terraces, courtyards, forecourts and gardens that optimize active use throughout the year.
- f) Taller buildings should include step backs to mitigate the perception of building height from the surrounding areas.
- g) Shadow studies for blocks and individual buildings should be undertaken on the equinoxes and solstices at the following time intervals:
 - i) Solar Noon;
 - ii) Hourly intervals before and after Solar Noon up to and including 1.5 hours after sunrise and 1.5 hours before sunset.

12.7 IMPLEMENTATION

12.7.1 Phasing and General Timeline for Capital Improvements

- a) This Secondary Plan identifies a number of capital improvements to the public realm and transportation network.
- b) Table 12.1 (Appendix 6) outlines the short, medium and long-term priorities to implement the capital improvements within the Secondary Plan area.
- c) Short-term priorities are intended to be implemented within a 5 year timeframe.
- d) Mid-term priorities are intended to be implemented within a 10-year timeframe.
- e) Long-term priorities are intended to be implemented within a 20- year timeframe.
- f) Modifications to Table 12.1 may be required due to shifts in capital planning, funding, or strategic priorities, and can be made without an amendment to the Secondary Plan.

12.7.1.1 Municipal Capital Improvements

- a) The Town will prepare a phasing strategy as to assist with the implementation of this Secondary Plan. The Phasing Strategy should consider the following:
 - i) The capital improvement priorities identified in Table 12.1 of this Secondary Plan;
 - ii) The expected timing of development, including the expected build-out of vacant lands and redevelopment of existing areas;
 - iii) The timing of any potential transportation, infrastructure and public realm improvements; and,
 - iv) Any other projects or initiatives which may impact the timing of development.
- b) Priority should be given to improvements in the general Transit Station Area, as identified on the Transportation Improvement Plan and Public Realm Improvement Plan, that support transit- oriented development and intensification in these areas.

12.7.2 General Implementation

The Grimsby GO Transit Station Secondary Plan shall be implemented through a variety of tools, including but not limited to:

- a) The planning and development application process, through tools such as site plan approval, plans of subdivision and condominium and consents to sever;
- b) Town of Grimsby Transportation Master Plan;
- c) The Town of Grimsby Zoning by law;
- d) Community Improvement Plan; and,
- e) Other tools as described in this Chapter.

12.7.3 Municipal Works within the Secondary Plan

All future municipal works undertaken by the Town of Grimsby within the Secondary Plan Area shall be consistent with the policies of this Plan.

12.7.4 Official Plan Amendments

- a) Unless otherwise stated in this Plan or the Town's Official Plan, applications for development which do not align with the Policies or Maps of this Plan shall require an Official Plan Amendment.
- b) Amendments to the Official Plan shall be subject to policies of the Official Plan and shall require a planning justification report, along with any other supporting studies identified through the pre-consultation process.

12.7.5 Development Applications

- a) All development will be planned and zoned as per the policies and plans of this Secondary Plan and the Official Plan, and will be implemented through zoning that incorporates provisions relating to such elements as setbacks and built to lines, height, density, mixing of uses and building siting.
- b) Additional study requirements may be identified by the Town during pre-submission consultation or as part of the complete application requirements set out in the Official Plan.

12.7.6 Community Improvement Plan

- a) To assist and accelerate redevelopment and facilitate further public realm improvements within identified areas within the Secondary Plan Area, the Town will consider modifying its Community Improvement Plan programs (CIP), creating a new CIP for intensification areas and preparing a Public Realm Master Plan for key areas within the Secondary Plan Area.
- b) The rationale for completing a Community Improvement Plan and Public Realm Master Plan as part of the Secondary Plan's implementation is to ensure that:

- c) The proposed public realm improvement projects are appropriately planned and accounted for in the Town and Regional capital budget, including any property acquisitions which may be required to complete the proposed streetscaping, public space and gateway improvements;
- d) Location of the proposed improvements can be confirmed through additional detailed analysis and site level review; and,
- e) There is a competitive suite of financial incentives to promote intensification and redevelopment such as, but not limited, to incentives for greyfield and brownfield redevelopment, lot consolidation/assembly, residential infilling and/or mixed use intensification, etc.

12.7.7 Signage and Wayfinding Strategy

- a) Upon adoption of the Secondary Plan and the completion of the Community Improvement Plan, the Town will prepare a signage and wayfinding strategy for the Town of Grimsby.
- b) The purpose of the signage and wayfinding strategy is to reduce visual pollution and improve wayfinding.
- c) The Town may also refer to the Niagara Region's Transportation Master Plan Bikeway Identification and Destination Wayfinding Signage for Cyclists document for further guidance.

12.7.8 Coordination with the Regional Municipality of Niagara

- a) The Town will work with Niagara Region, who is the approval authority for this Plan, to ensure that the policies of this Plan are implemented, including any opportunities to implement the urban design and public realm improvements through any future Regional works.
- b) The Town also encourages Niagara Region to consider opportunities for affordable housing development within the Secondary Plan area.

12.7.9 GO Transit Service

- a) The Town of Grimsby will work collaboratively with Niagara Region and other appropriate agencies (including Grimsby Transit and the Niagara Peninsula Conservation Authority) to ensure that the planning, design and implementation of expanded GO transit service and development of the GO Transit Station Area addresses the vision and policies of this Plan.
- b) It is expected that the Town will collaborate with the Region and agencies to ensure that:

- i) The station area includes attractive, active-transportation friendly and transit supportive public spaces and connections;
- ii) The station area is planned to address integrated and a diversity of mobility options and seamless access; and,
- iii) The station area is designed to help support the mixed-use vision for the Secondary Plan.

12.7.10 West Niagara Transit Terminal

In conjunction with Niagara Region and other appropriate agencies, the Town will consider future opportunities to locate a Regional Transit Terminal in the lands south of the Station Area, to provide connectivity to transit across the Region.

12.7.11 Development Charges

The Town will include any growth-related infrastructure identified in this plan as part of the next Development Charges By-law update.

12.7.12 Parkland Dedication

- a) Where the Town accepts cash-in-lieu of parkland dedication, the Town will dedicate the funding to the development of the public space program for the Secondary Plan area.
- b) The Town will prioritize development which contributes to the enhancement of the public realm and transportation.
- c) The policies pertaining to parkland dedication as outlined in Section 11.3.4.2 of the Town's Official Plan will apply. In addition, parks within the Secondary Plan Area should meet a minimum of 0.5 hectares in size.
- d) Please refer to "Potential New Public Space" locations shown on **Schedule G** and **Schedule K**, and to Section 12.6.7.8 Potential New Public Space in this Plan for additional guidance.

12.7.13 Monitoring Program

- a) The Town will prepare a monitoring program to track the implementation of the Secondary Plan and report on the progress of its implementation. The monitoring program will primarily be undertaken as part of the 5-year review of Official Plan (please refer to Section 9.19 of the Town's Official Plan).
- b) The Monitoring program should identify development

statistics for residential intensification and the status of the various actions identified in this Plan (such as the Community Improvement Plan and various streetscape projects).

- c) Monitoring of market conditions should be incorporated into the monitoring program to maintain the competitiveness of the Downtown relative to the Secondary Plan area.

12.1.1 Updating the Plan

The Town will comprehensively review the policies of this Secondary Plan at the 5-year review of the Town's Official Plan. Depending on the outcomes of the review, the Town may decide to update the Plan.

12.1.2 Conflicts with Official Plan

In the event of a conflict between the Official Plan and this Secondary Plan, the Policies of the Secondary Plan shall prevail.

12.1.3 Boundaries

- a) The boundaries shown on the Secondary Plan Maps are approximate, except where they meet with existing roads, Niagara Escarpment Conservation Area or other clearly-defined physical features.
- b) Where the general intent of this Secondary Plan is maintained to the satisfaction of the Town of Grimsby, minor boundary adjustments will not require an amendment to this Secondary Plan

13.0 GRIMSBY BEACH SECONDARY PLAN

13.1 PURPOSE

The Grimsby Beach Secondary Plan provides policies and direction with respect to the area located along the Lake Ontario shoreline both north and south of Lake Street as designated on Schedule D of the Official Plan.

Grimsby Beach is a unique area within the Town of Grimsby that has distinctive natural and cultural heritage features. The Grimsby Beach area is situated within the recognized territory of the Anishinaabe (Anishinabek Nation). The area was also historically used as a religious gathering place in the mid-19th century and became known as the "Methodist Campground". The campground became a seasonally-occupied recreational landscape and evolved to include amenities suited to its historic use. The functional needs of the religious and social gatherings as well as the natural shoreline influenced and shaped the physical features, lotting patterns and development of the area over time. The existing settlement patterns of Grimsby Beach are illustrated through three distinct character areas, each with their own unique characteristics.

13.2 GOAL

The goal of the Grimsby Beach Secondary Plan is to proactively guide change that maintains and enhances the unique character of the area while protecting and conserving the natural and cultural heritage features and existing built form of the area including the shoreline, trees, open spaces and parks.

13.3 OBJECTIVES

Given the unique cultural and natural heritage characteristics of Grimsby Beach, the overall objective for the area is to ensure a balance between cultural and natural heritage preservation with potential replacement housing and change, to ensure that any specific character defining attributes of the area are protected and enhanced.

The specific objectives for the Grimsby Beach Secondary Plan are as follows:

Maintaining and conserving the character of Grimsby Beach and its uniqueness by:

- i) Establishing and defining three character areas and providing policies to guide change in those areas;

- ii) Providing for limited change through development that is reflective of the character areas; and,
- iii) Providing policies to protect and enhance the unique characteristics of the area.

Protecting the shoreline and the natural and environmental features of the area by:

- i) Ensuring those features and buffers are identified and protected; and,
- ii) Ensuring shoreline areas are protected and stabilized to reduce erosion.

Protecting and replenishing trees and canopy cover by:

- i) Recognizing trees as a key element to the character of the area;
- ii) Ensuring the tree canopy within the area is enhanced;
- iii) Protecting existing trees, ensuring that they are maintained, and preventing the unnecessary removal of trees; and,
- iv) Acknowledging trees as green infrastructure.

Maintaining and enhancing parks, public open space areas and connections by:

- i) Identifying parks and open space areas as key elements that define the character of the area;
- ii) Maintaining and enhancing the area's open spaces, parks, streets, public realm and trail connections;
- iii) Protecting and reinforcing the views and vistas as defined within the area;
- iv) Ensuring safe and effective traffic and pedestrian and cycling movement throughout the area; and,
- v) Creating a wayfinding/signage strategy to provide environmental cues while enhancing community identity.

Identifying and conserving significant cultural heritage resources by:

- i) Supporting conservation through the preparation of a conservation management plan;

- ii) Employing the urban design and heritage guidelines when considering development; and,
- iii) Continuing to list and designate significant cultural heritage properties as appropriate.

13.4 GENERAL POLICIES

The Grimsby Beach Secondary Plan shall be read in conjunction with the Grimsby Official Plan, Zoning By-law 14-45 (as amended), the Regional Official Plan, Niagara Escarpment Plan, Growth Plan, Greenbelt Plan and Provincial Policy Statement, all of which are in force and affect land use in Grimsby Beach.

The lands within the Grimsby Beach Secondary Plan are shown on Schedule B-2 and D and designated in accordance with the land use as shown on Schedule L.

The land use designation policies as set out in the Official Plan shall apply to the lands within the Grimsby Beach Secondary Plan area unless otherwise provided for in the Secondary Plan. In the case of conflict between the policies of the Official Plan and the policies of the Secondary Plan, the Secondary Plan policies shall take precedence.

13.4.1 Land Use Designations and Policies

The land use designations as set out on Schedule L include:

- i) Low Density Residential as set out in Section 3.4.2 of the Official Plan;
- ii) Environmental Conversation Area as set out in Section 3.1.2 of the Official Plan;
- iii) Environmental Protection Area as set out in Section 3.1.1;
- iv) Hazard Land Overlay as set out in Section 3.2 of the Official Plan.
- v) Parks and Open Space as set out in Section 3.8 of the Official Plan; and,
- vi) Institutional as set out in Section 3.10.

The land use policies in the respective sections noted above shall continue to apply to the lands as designated on Schedule L.

13.4.2 Managing Change

Change and growth within the Grimsby Beach area is anticipated to be limited in relation to other parts of the Town due to its existing built context as well as the unique natural and heritage characteristics of the area.

The population within Grimsby Beach is expected to remain relatively stable with limited projected growth to 2051.

All changes and new development shall be assessed in accordance with the Character Area policies of the Secondary Plan and will require the protection of significant cultural and natural heritage resources and the protection and enhancement of the defined character areas.

13.4.3 Character Areas

Grimsby Beach is a unique area with a defined, established character that shall be conserved, maintained and enhanced. Within Grimsby Beach there are also distinctive character areas that are further defined as the Core Area, South Area and Northwest Area as shown on Schedule L-1. The policies related to the character areas shall be read in conjunction with the land use designation policies.

All development shall be compatible with the existing built form and character of the Grimsby Beach area.

Replacement housing and infill shall address the policies specific to the individual character areas and shall be evaluated through the consideration of the following criteria:

- i) Development shall be compatible with and reflect the character of the individual area, building orientation and building setbacks;
- ii) The scale, massing, building height, and built form features of development shall be compatible with the characteristics of the area;
- iii) Accessory buildings and structures shall be of a compatible scale and height in relation to the principle buildings and the surrounding context;
- iv) Landscaped open space and trees shall be protected and enhanced;
- v) Development shall avoid adverse impacts on adjacent properties including privacy and overlook;
- vi) The design of driveways and garages shall be compatible with the site and residential design, so as to not visually dominate the residential lot or dwelling; and,
- vii) Development shall protect and enhance views and vistas within the Secondary Plan area.

A description of each of the character areas as well as additional land use, urban design, cultural heritage and implementation policies shall apply to each of the defined character areas as set out in the following policies. The requirements for a Heritage

Impact Assessment as set out in the character policies for each area will be dependent on the nature and scale of the proposed changes. A list of cultural heritage attributes for each area is further defined in the Urban Design and Heritage Guidelines for Grimsby Beach.

13.4.3.1 Core Area

13.4.3.1.1 Description

The Core Area is the oldest and most significant established portion of the Grimsby Beach area as part of the mid. 19th century Methodist Campground. The existing settlement patterns are directly related to its historic use as a seasonal campground. The area evolved from this use, primarily for tents, to cottages, to the existing uses where, in some cases, areas that once contained multiple tents now contain a single residence. The settlement patterns include the location, orientation, and size of lots as well as their relationship to circulation patterns and the public realm, including rear lanes. The use of the landscape evolved and expanded over time from a Methodist Campground to a popular summer resort, known as Grimsby Park, the Chautauqua of Canada, and (presently) the Grimsby Beach neighbourhood with year-round residential use.

The Core Area is easily discernible from surrounding areas for its concentration of cottages dating to the late 19th century. Some of the cottages are constructed within close proximity to each other along narrow lanes and are set amongst mature trees and natural features, maximizing views of parks, open spaces, and the lake, while others enjoy generous setbacks. The cottages have unique and unifying characteristics, such as their wood-frame construction, porches, and gingerbread (bargeboard) detailing. In recent years, some of these houses have been intricately painted in a variety of bright colours. Grimsby Beach includes the remnants of other built features as a result of the late 19th and early 20th century use of the landscape, including the remains of the wharf, memorial cairn, pillars, and the Bell Park Bell.

13.4.3.1.2 Land Use

Replacement housing or new housing, additions, and alterations, and new or enlarged accessory buildings in the Core Area shall be sensitive to, and compatible with the:

- 13.4.3.1.2.1** height, massing, and scale of the buildings in the immediate area;
- 13.4.3.1.2.2** the unique architectural character and heritage attributes of significant cultural heritage resources within the immediate area including, but not limited to, buildings and built landscape features;
- 13.4.3.1.2.3** streetscape and landscape features in the immediate area, including the built fabric of the street that contributes to the heritage character of the area while ensuring adequate areas for safe active transportation, off-street parking and vehicular movement;

13.4.3.1.2.4 lotting pattern and building setbacks in the immediate area; and,

13.4.3.1.2.5 patterns and sizes of landscaped open space in the immediate area.

Notwithstanding the current density policies for the Low Density Residential areas in the Official Plan, density in the Core Area is reflected by the existing lotting and development. Replacement housing or new housing on vacant lots will retain the existing densities. New lots will be required to meet densities of the Low Density Residential area policies and Zoning.

13.4.3.1.3 Urban Design and Cultural Heritage

13.4.3.1.3.1 Replacement housing or new housing shall be required to be developed in accordance with the Zoning By-law and in conformity with the Urban Design and Heritage Guidelines for Grimsby Beach;

13.4.3.1.3.2 The unique architectural character and heritage attributes of significant cultural heritage resources within the Core Area shall be conserved;

13.4.3.1.3.3 Significant views and vistas as provided on Schedule L-2 shall be protected including:

13.4.3.1.3.3.1 Panoramic views of Lake Ontario, the former pier and the skyline of the City of Toronto from and towards the Lake which are available along the Grimsby Beach shoreline. This includes protection of kinetic vantage points available along the Grimsby Beach shoreline.

13.4.3.1.3.3.2 Panoramic views of the historic built form into and from Auditorium Circle from vantage points available along Auditorium Circle and within Auditorium Circle Park.

13.4.3.1.3.3.3 Panoramic views of the historic built form to and from Bell Park; and,

13.4.3.1.3.3.4 Views along Victoria Terrace and Betts Avenue;

13.4.3.1.3.4 Improvements to Bell Park and Victoria Terrace shall be encouraged which may include new lighting, additional landscaping, pedestrian walkways and upgraded play equipment and seating.

13.4.3.1.4 Implementation

13.4.3.1.4.1 Where vacant parcels are proposed to be developed, or redeveloped, new housing shall be developed in conformity with the policies of this Secondary Plan, provisions of Zoning By-law 14-45, as amended, and evaluated through the site plan process in accordance with the Urban Design and Heritage Guidelines for Grimsby Beach to ensure compatible and appropriate design.

13.4.3.1.4.2 A Heritage Impact Assessment shall be required for applications

under the *Planning Act* that impact cultural heritage;

13.4.3.1.4.3 Heritage Impact Assessments shall consider whether or not any proposed development results in adverse impacts to the identified heritage impacts of the Core Area and provide development alternatives and mitigation recommendations; and,

13.4.3.1.4.4 An Urban Design Brief may be required to be completed in support of new housing, replacement housing, additions, and alterations, and new or enlarged accessory buildings and structures. The Urban Design Brief shall analyse how a proposal conforms to the Urban Design and Heritage Guidelines for Grimsby Beach. Additionally, the Urban Design Brief should address the following matters:

13.4.3.1.4.4.1 Lot design (for new or replacement housing) including conceptual building placement and setbacks relative to surrounding properties;

13.4.3.1.4.4.2 Design of vehicular access, driveways and garages;

13.4.3.1.4.4.3 The sensitive use of vegetation and the extent of new landscaping; and,

13.4.3.1.4.4.4 Building elevations illustrating architectural style and heights, materials and colours.

13.4.3.2 Northwest Area

13.4.3.2.1 Description

The Northwest Area and the numbered streets were created in 1885 as part of the "Grimsby Park New Survey". The intent of the new subdivision was to provide additional lots for the construction of seasonal cottages. The lots located east of Betts Avenue were generally part of a grid-like pattern running on either side of what is now 5th Street, 6th Street, 7th Street, 9th Street, 10th Street, 11th Street and 12th Street. Many of these lots have since been consolidated with adjacent parcels to create larger lots. Fewer Victorian cottages were constructed in this area, likely due to the decline of the use of the area as a seasonal recreational area by the early 20th century. As infill occurred (primarily in the latter half of the 20th century), views of the lake were removed. The redevelopment in this area resulted in a mix of the orientation of dwellings and many replacement dwellings.

13.4.3.2.2 Land Use

13.4.3.2.2.1 Development within the Northwest Area shall be compatible with the existing character of the Northwest Area and,

13.4.3.2.2.2 Development shall maintain all required setbacks and buffers to the Hazard Areas and Environmental Protection Areas and minimize adverse

impacts to the shoreline and reduce erosion.

13.4.3.2.3 Urban Design and Cultural Heritage

13.4.3.2.3.1 Identified heritage attributes of the Northwest area shall be conserved; and,

13.4.3.2.3.2 Development shall be undertaken in accordance with the Urban Design and Heritage Guidelines for Grimsby Beach.

13.4.3.2.4. Implementation

- i) New lots created through consent should meet the minimum lot area and frontage requirements of the Zoning By-law No. 14-45;
- ii) A land use compatibility assessment related to noise and/or air quality/odour impacts associated with the QEW Highway and the Baker Road Treatment Plant may be required to be completed with a development application;
- iii) An Urban Design Brief in support of any new housing, replacement housing, additions, and alterations, and new or enlarged accessory buildings may be required. The Urban Design Brief shall analyse how the proposal conforms to the Urban Design and Heritage Guidelines for Grimsby Beach. Additionally, the Urban Design Brief should address the following matters:
 - a. Lot design (for new or replacement housing) including conceptual building placement and setbacks relative to surrounding properties;
 - b. Design of vehicular access, driveways and garages;
 - c. Confirmation that significant views identified on Schedule L-2 will not be compromised;
 - d. Tree preservation/replacement;
 - e. The sensitive use of vegetation and the extent of new landscaping; and,
 - f. Building elevations illustrating architectural style and heights, colours and materials.

13.4.3.3 South Area

13.4.3.3.1 Description

The South Area (south of Lake Street) and associated lotting patterns were created in 1885 as part of the "Grimsby Park New Survey". The intent of the new subdivision was to provide additional lots for the construction of seasonal cottages. Today, this area includes a range of architectural styles and built forms. The area is characterized by L-shaped and rectangular shaped lots which have been adapted from the 1885 Plan of Subdivision. The lots are larger and the houses are further apart, with a range of setbacks. Many mature trees are present, similar to that of the Core Area. The South Area includes the Grimsby Beach Tree Stand, which is designated under Part IV of the *Ontario Heritage Act* as it includes lands part of the former Picnic area. The lots located east of Park Road North were subdivided between approximately 1922 and 1954. The character of the lots and built form east of Park Road North are therefore different than the area located south of Lake Street.

13.4.3.3.2 Land Use

13.4.3.3.2.1 Development within the South Area shall be compatible, with, and sensitive to, the immediate character of the South Area; and,

13.4.3.3.2.2 Development shall maintain all required setbacks and buffers to the Environmental Protection Areas.

13.4.3.3.3 Urban Design and Cultural Heritage

13.4.3.3.3.1 Development shall be undertaken in accordance with the Urban Design and Heritage Guidelines for Grimsby Beach;

13.4.3.3.3.2 Improvements to the public realm, shall be considered and may include:

- a) The provision of an enhanced gateway feature (signage and/or landscaping) within the triangular parcel between Phelps Avenue and Lake Street;
- b) Improved visibility and wayfinding as it relates to the Tree Stand and Grand Avenue Park;
- c) A future expansion of Grand Avenue Park should the Beach Hall be removed or relocated;
- d) The creation of a community focal point through the clustering of the existing Grand Avenue Public School, Grand Avenue Park and existing/future trail connections;
- e) Any additional direction or requirements as set out in a Public Realm Master Plan for Grimsby Beach; and,

13.4.3.3.3 Identified heritage attributes in the South Character area shall be conserved.

13.4.3.3.4 Implementation

13.4.3.3.4.1 New lots created through consent should meet the minimum lot area and frontage requirements of the Zoning By-law No. 14-45;

13.4.3.3.4.2 A land use compatibility assessment related to noise and/or air quality/odour impacts associated with the QEW Highway and the Baker Road Treatment Plant may be required to be completed with a development application;

13.4.3.3.4.3 An Urban Design Brief in support of any new housing, replacement housing, additions, and alterations, and new or enlarged accessory may be required. If the Urban Design Brief shall analyse how the proposal conforms to the Urban Design and Heritage Guidelines for Grimsby Beach. Additionally, the Urban Design Brief should address the following matters:

- a) Lot design (for new or replacement housing) including conceptual building placement and setbacks relative to surrounding properties;
- b) Design of vehicular access, driveways and garages;
- c) Confirmation that significant views identified on Schedule L-2 will not be compromised;
- d) Tree preservation/replacement;
- e) The sensitive use of vegetation and the extent of new landscaping; and,
- f) Building elevations illustrating architectural style and heights, colours and materials.

13.4.4 Servicing

Servicing shall be undertaken in accordance with the servicing policies in Section 5.0 of the Official Plan and the following:

- i) Any new development within the Grimsby Beach Secondary Plan Area shall require an assessment of current servicing as part of a development application and reference the Infrastructure Plan supporting the Secondary Plan;
- ii) Prior to development being approved, applicable capacity for water and wastewater is to be confirmed to the satisfaction of the Town and the Region;
- iii) New development shall adequately address stormwater management to prevent degradation of natural areas. Stormwater management quality controls

should be incorporated with new development;

- iv) Water quantity, quality, water balance, and erosion concerns shall be addressed with any new development applications and Low Impact Development principles and criteria established by the Town, Region and NPCA shall be considered; and,
- v) Opportunities to provide stormwater management controls to currently uncontrolled areas, especially public roads, should also be evaluated as part of future studies in the area.

13.4.5 Transportation

The current road network within the Grimsby Beach Secondary Plan Area is recognized in the Official Plan on Schedule C and consists of Lake Street, as a collector road and a series of local roads, many of which are narrow and reflective of the original planned areas.

- i) The existing road network to serve the community should be maintained and upgraded with improvements for safety that include sightline improvements and added signage and wayfinding as recommend in the Grimsby Beach Land Use Study and the Urban Design and Heritage Guidelines for Grimsby Beach.
- ii) Active transportation as provided in Section 5.6 of the Official Plan is encouraged by improving pedestrian and cycling connections including movements into, within and out of the area and the expansion and enhancement of the existing public walkway and trail network as well as enhanced linkages where appropriate.

13.4.6 Natural Heritage

The natural heritage areas within the Grimsby Beach Secondary Plan Area are to be protected and maintained in accordance with Provincial, Regional and local designations and policies in addition to the policies and regulations of the NPCA.

- i) The natural areas shall include features and associated buffer areas as defined and mapped in the Town of Grimsby Official Plan and on Schedule L.
- ii) No new development or site alteration shall be permitted within the protected shoreline area or hazard lands associated with the stable top of bank along the shoreline of Lake Ontario.
- iii) Significant woodlands within the designated Environmental Protection Area and the Environmental Conservation Area shall be maintained and protected and include adequate setbacks and buffers to these features.
- iv) Measures to reduce soil erosion and siltation through appropriate erosion and sediment control measures shall be implemented through development and protection programs.

- v) All future environmental work undertaken to assess and improve shoreline protection shall consider the impacts to the natural heritage system and ensure appropriate mitigation.

13.4.7 Tree Protection and Enhancement

Trees are a distinctive landscape and character feature within the Grimsby Beach Secondary Plan Area. A key objective in the Secondary Plan is to encourage the preservation of existing trees and the planting of new trees through infill development and replacement housing through the site plan approval process where applicable.

- i) The wooded areas within the Grimsby Beach area and in the South Character Area consist of both the designated Grand Old White Oak Tree Stand and the existing woodlot within the Environmental Protection Area. Both areas should continue to be protected through the existing land use and heritage designations.
- ii) An overall Tree Strategy shall be developed and used to address tree protection and tree canopy enhancement and provide guidance for additional plans and programs.
- iii) A Tree Management Plan for the Grimsby Beach area shall be undertaken which provides guidance on the maintenance, removal and re-planting of trees and vegetation on public and private lands.

13.4.8 Parks, Open Spaces and Trails

The Grimsby Beach Secondary Plan area contains several public park areas, open spaces, community gardens, walkways and trails that are part of the original planned areas (Bell Park, Victoria Terrace, Auditorium Circle, Grimsby Beach Park, Grand Old White Oak Tree Stand and Grand Avenue Park). These public areas are an integral part of the community and attract visitors to the area.

- i) Public areas should be maintained to ensure safe access with improved signage and wayfinding.
- ii) Park areas should be enhanced with additional tree planting through Town programs.
- iii) Improved visual and physical access to open space areas, community gardens, trails and parks should be implemented where feasible.
- iv) A Public Realm Master Plan shall be developed to provide strategic direction as it relates to improvements to existing public open spaces, opportunities for improved wayfinding, lighting (for safety and night sky friendly design), the creation of gateway/entry features, park amenities related to tourism and recreation, potential additional areas for public parking and other desirable elements.

13.4.8 Cultural Heritage

The following cultural heritage policies shall apply to Grimsby Beach:

- i) The history of Grimsby Beach shall continue to be promoted, interpreted and commemorated with the provision of opportunities for tourism and the enhancement of the area's identity;
- ii) The historic lotting, circulation, and street patterns of the Core, Northwest and South Character areas, shall be conserved while recognizing the need for municipal services and amenities which facilitates context sensitive new development and redevelopment, and streetscape and infrastructure improvements;
- iii) Urban Design and Heritage Guidelines for Grimsby Beach shall be established for the Grimsby Beach Secondary Plan area, which include guidelines specific to each of the identified character areas and which:
 - a) Balance the conservation of cultural heritage resources with the need for appropriate alterations and residential infill;
 - b) Address alterations and additions to significant cultural heritage resources; and,
 - c) Provide for the conservation of heritage features and lot fabric.
- iv) Views as identified on Schedule L-2 should be protected and implemented through the application of the Urban Design and Heritage Guidelines for Grimsby Beach;
- v) The conservation of significant cultural heritage resources shall adhere to the principles and guidelines of the Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada (2010), as amended;
- vi) Significant cultural heritage resources shall continue to be identified and protected under the legislated processes of the *Ontario Heritage Act*;
- vii) The demolition of significant cultural heritage resources shall be avoided;
- viii) An assessment of potential archaeological resources may be required due to the high potential for archeological findings within 300 metres of the Lake Ontario shoreline;
- ix) A Heritage Impact Assessment shall be submitted for properties located on, or adjacent to properties included on the Town of Grimsby Heritage Register within the Grimsby Beach area; and,
- x) A Heritage Impact Assessment shall be submitted for any public works

initiatives, including infrastructure or streetscape improvements, at the direction of Town staff, to ensure the cultural heritage character and identified heritage attributes of Grimsby Beach are conserved and enhanced.

13.4.9 Urban Design

Development and replacement housing within the Grimsby Beach area shall be directed through the supportive design policies and guidelines provided in the Urban Design and Heritage Guidelines for Grimsby Beach.

The following urban design objectives shall apply to all areas within Grimsby Beach:

- i) To respect site context and enhance sense of place that results in compatible development that fosters the existing sense of identity.
- ii) To identify and enhance key design priority areas including gateways and priority lots.
- iii) To promote connectivity and interaction that provides universal access and emphasizes pedestrian accessibility, safety and comfort.
- iv) To maintain built form design that reflects the low-scale cottage character of Grimsby Beach.
- v) To promote streetscape improvements, including public art (including Indigenous art), street furniture, street lighting, historic plaques, way-finding signage, interpretive panels, kiosks, and amenity area features.

13.5 IMPLEMENTATION

13.5.1 Development applications shall address the requirements of the Urban Design and Heritage Guidelines for Grimsby Beach.

13.5.2 Development applications shall be assessed based on the policies of the Secondary Plan and evaluated based on the submission of the following requirements:

- i) a conceptual site plan which illustrates the proposed development, provision for access and parking;
- ii) where there is evidence of environmental features or functions on a site that has not been evaluated, an EIS will be required to be prepared by a qualified biologist and/or other appropriate qualified professional in consultation with the Town, and where appropriate, Niagara Region, Niagara Peninsula Conservation Authority and the Ministry of Natural Resources;

- iii) a servicing plan related to proposed water supply and sewage disposal which confirms the available capacity for municipal servicing;
- iv) a plan to address stormwater management, prepared in accordance with Policy 7.A.2.6 of the Niagara Region Policy Plan, Section 5.3.1 of the Town of Grimsby Official Plan, and any other policies, guidelines and documents and a sediment and erosion control plan which demonstrates that:
 - a) planning, design and construction practices will minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;
 - b) where appropriate, an integrated treatment approach shall be used to minimize stormwater management flows and structures through such measures as *lot* level controls and conveyance techniques such as grass swales; and,
 - c) applicable recommendations, standards or targets within watershed plans and water budgets are complied with.
- v) a land use compatibility assessment related to noise and/or air quality/odour impacts associated with the QEW Highway and the Baker Road Treatment
- vi) Plant may be required to be completed;
- vii) an archeological assessment may also be required as part of any future development application; and,
- viii) other studies that may be identified through the pre-submission consultation meeting as set out in Section 9.11 of the Official Plan.

Study requirements may be scoped depending on the type of development application.

13.5.3 Approval of all *development* applications shall:

- i) be based on stormwater management that is designed to avoid, minimize and/or mitigate stormwater volume, contaminant loads and adverse impacts to receiving water courses in order to:
 - a. maintain groundwater quality and flow and stream baseflow;
 - b. protect water quality;
 - c. minimize the disruption of pre-existing (natural) drainage patterns wherever possible;

- d. prevent any increase in flood risk; and,
- e. protect aquatic species and their habitat.
- ii) reflect the recommendations of any required evaluation of environmental features and functions;
- iii) ensure that the site has access to a public road, and where *development* fronts on Lake Street, that access is limited to existing access points;
- iv) ensure any new lots are serviced from road frontages and not from the rear of lots;
- v) be in conformity with all policies of this Plan, the Urban Design and Heritage Guidelines for Grimsby Beach, and in compliance with the applicable zoning;
- vi) ensure the protection of any significant cultural heritage resources; and,
- vii) promote the use of building design, site planning and landscape design which ensures a design in accordance with the policies of Section 12.6, the design policies of this Secondary Plan and the Urban Design and Heritage Guidelines.

13.6.4 Zoning

The implementing Zoning By-law shall be used to implement the objectives and policies of the Secondary Plan by regulating the use of land, buildings and structures in accordance with the provisions of the *Planning Act* and may be more restrictive than the policies of the

Secondary Plan. It is not intended that the full range of uses or the maximum density permitted by the land use designations be permitted in the Zoning By-law in all locations based on the physical context and the existing character of the area.

Minor variances from the implementing Zoning By-law associated with new housing, replacement housing, additions, alterations, and new or enlarged accessory buildings, shall consider, where applicable;

- i) compatibility with existing building orientation and building setbacks;
- ii) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- iii) the preservation of landscaped open space areas and the protection of existing trees; and,
- iv) that adverse impacts on adjacent properties are minimized.

13.6.5 Site Plan

Site Plan control is a key tool to implement the Urban Design policies of the Secondary Plan and the Urban Design and Heritage Guidelines for Grimsby Beach. The guidelines shall form the basis for site plan approval including the review and approval of building elevations to the satisfaction of the Town. The Town shall also require an Urban Design Brief to support site plan applications.

- i) Development in Grimsby Beach shall be subject to site plan approval. The Town of Grimsby shall enter into Site Plan Agreements with owners of development proposals in accordance with the Planning Act and the Town's Site Plan Control By-law. Such agreements shall provide the Town with controls over development proposals regarding siting, massing, access, and exterior design, including without limitation the character, scale, appearance and design features of buildings and landscapes.
- ii) Site Plan Agreements may also include provisions regarding the architectural details, colours and building materials to be used in a development proposal. Specifically, agreements may contain clauses stating that the architectural details, colour and the materials used in a development proposal shall be to the satisfaction of the Town.

13.6.6 Lot Creation

- i) Parcels of land created through consent shall conform with the provisions of the Zoning By-Law and the policies of the Grimsby Beach Secondary Plan.
- ii) When considering applications for consent for a land severance, following criteria are required to be met:
 - a) provisions of the Planning Act;
 - b) development on the new lot or the remaining parcel shall not pose any costs for road or service improvements for the municipality;
 - c) maximized tree protection and where trees cannot be maintained a tree replacement plan;
 - d) the compatibility with, and neutral impact of the proposed use on adjacent properties; and,
 - e) conformity with the policies in the Secondary Plan that require the character of the Grimsby Beach area and specific character areas to be protected and enhanced.
- iii) Applications for consent shall require a Heritage Impact Assessment which

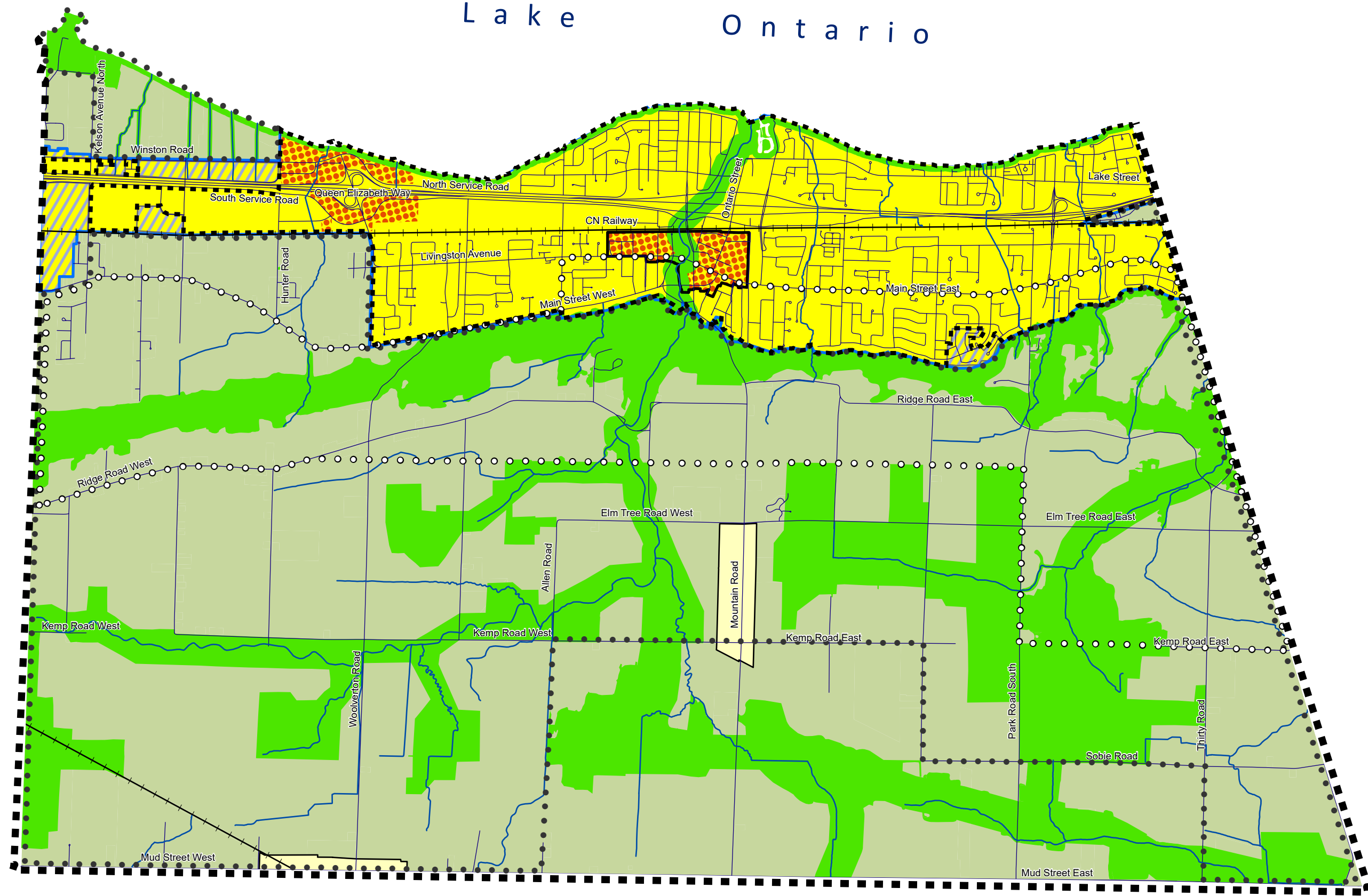
considers the impact of consent on the identified heritage attributes and unique character of the area.

13.6.7. Existing Vacant Lots

Where a vacant parcel of land in accordance with S. 50(3) of the Planning Act is proposed to be developed, or redeveloped, new housing shall be developed in conformity with the policies of this Secondary Plan, provisions of Zoning By-law 14-45, as amended, and evaluated through the site plan process in accordance with the Urban Design and Heritage Guidelines for Grimsby Beach to ensure compatible and appropriate design.

Schedules

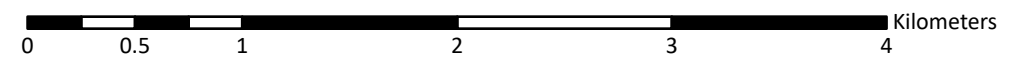
Lake Ontario



- Legend**
- Municipal Boundary
 - ▬ Urban Settlement Area Boundary
 - ⋯ Built Boundary
 - ▭ Downtown District Boundary
 - ⋯ Greenbelt Plan Area - Protected Countryside
 - ⊖ Niagara Escarpment Plan Area
 - Streams
 - Roads
 - +— CN Railway
 - Urban Settlement Area
 - Major Intensification Area
 - ▨ Designated Greenfield Area
 - Hamlets
 - Natural Heritage System
 - Countryside



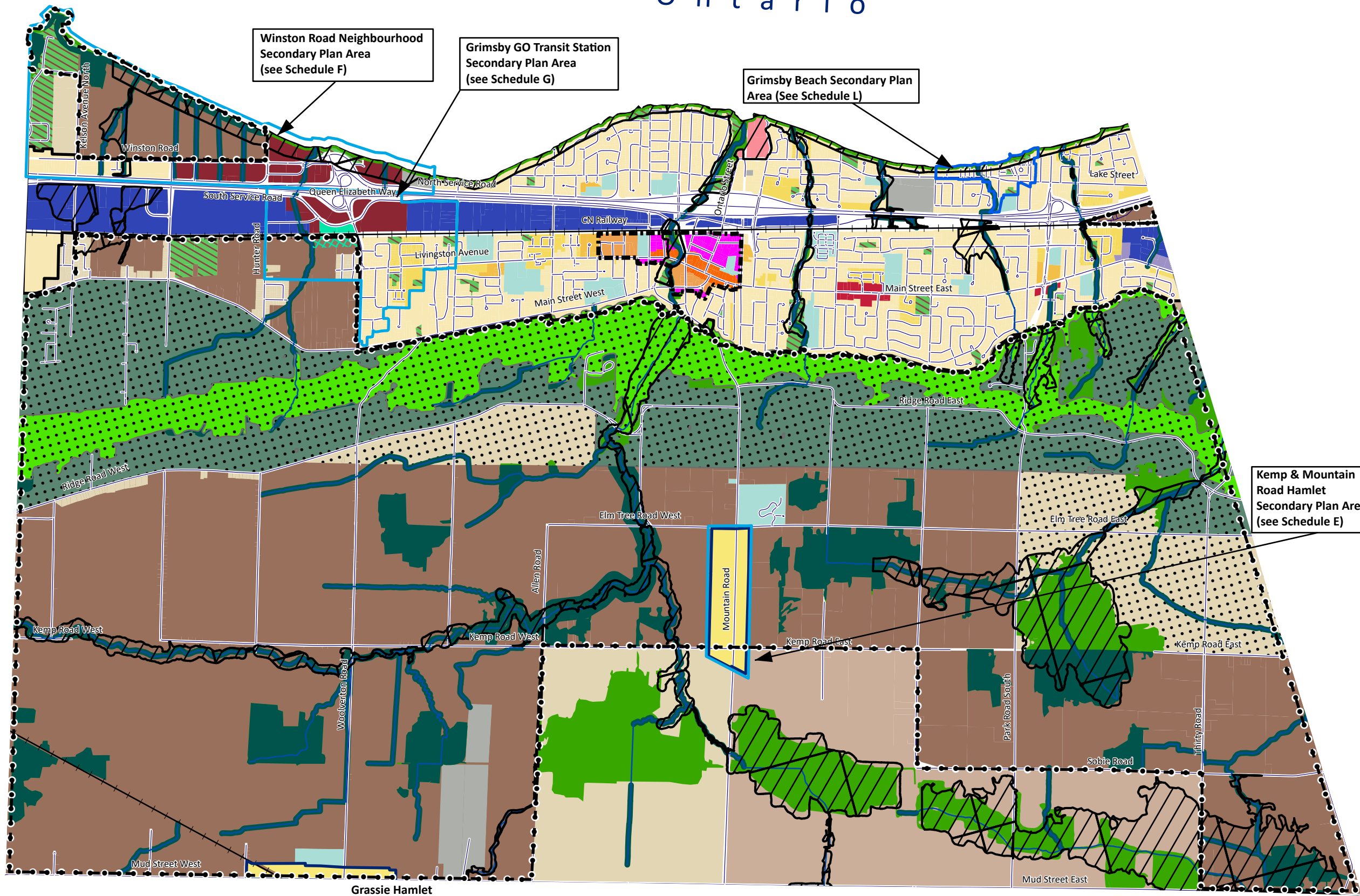
**Town of Grimsby Official Plan
September 2023 Consolidation**



SCHEDULE A

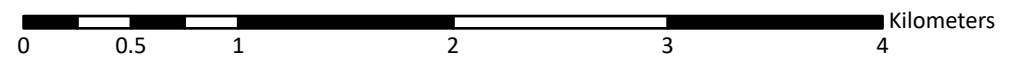
Municipal Structure

Lake Ontario

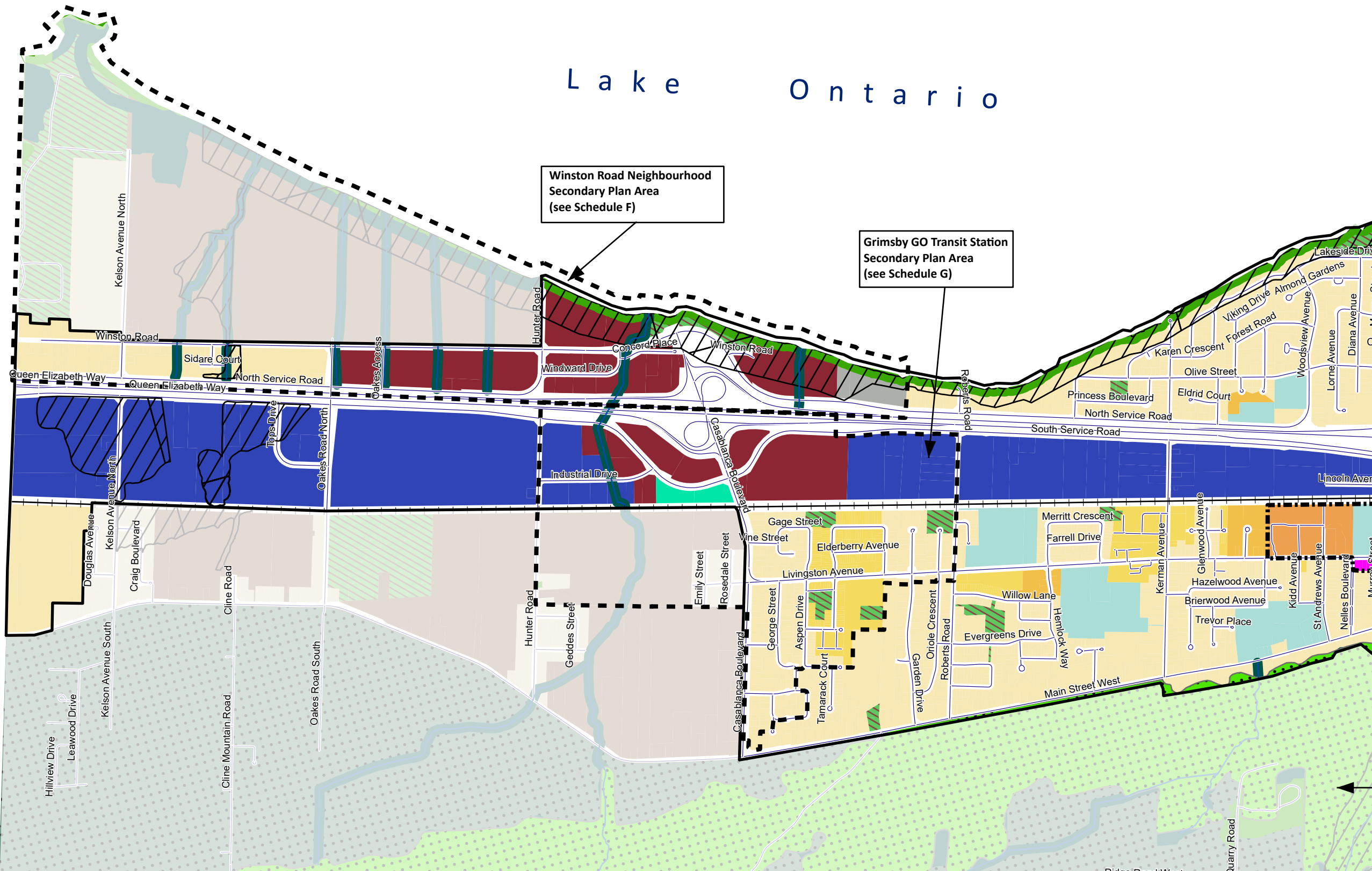


- Legend**
- +— CN Railway
 - Streams
 - ⬢ Greenbelt Plan Area Boundary
 - ⬢ Urban Settlement Area Boundary
 - ⬢ Downtown District Boundary
 - ⬢ Hamlet Area Boundary
 - ⬢ Secondary Plan Boundary
 - ⬢ Hazard Land Area (Ont. Reg. 155/06)
 - Escarpment Natural Area
 - Escarpment Protection Area
 - Escarpment Rural Area
 - Environmental Protection Area
 - Environmental Conservation Area
 - Low Density Residential Area
 - Medium Density Residential Area
 - High Density Residential Area
 - Residential / Mixed Use Area
 - Parks and Open Space
 - Downtown - Main Street
 - Downtown - Intensification
 - Downtown - Transition
 - Neighbourhood Commercial Area
 - Marine Commercial Area
 - Service Commercial Area
 - Employment Area
 - Institutional Area
 - Utility Area
 - Agricultural Area
 - Rural Area
 - Specialty Crop Area - Tender Fruit and Grape Lands
 - Transit Station Area
 - Transit Station Overlay
 - Hamlet Residential Area
 - Grimsby Beach Secondary Plan

The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.



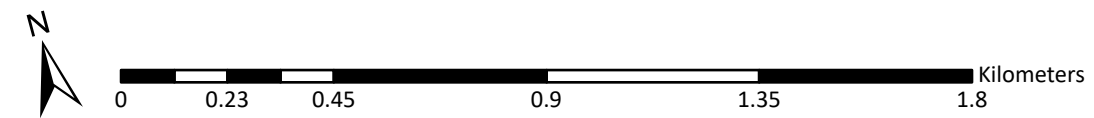
Lake Ontario



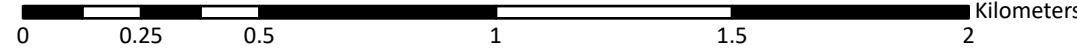
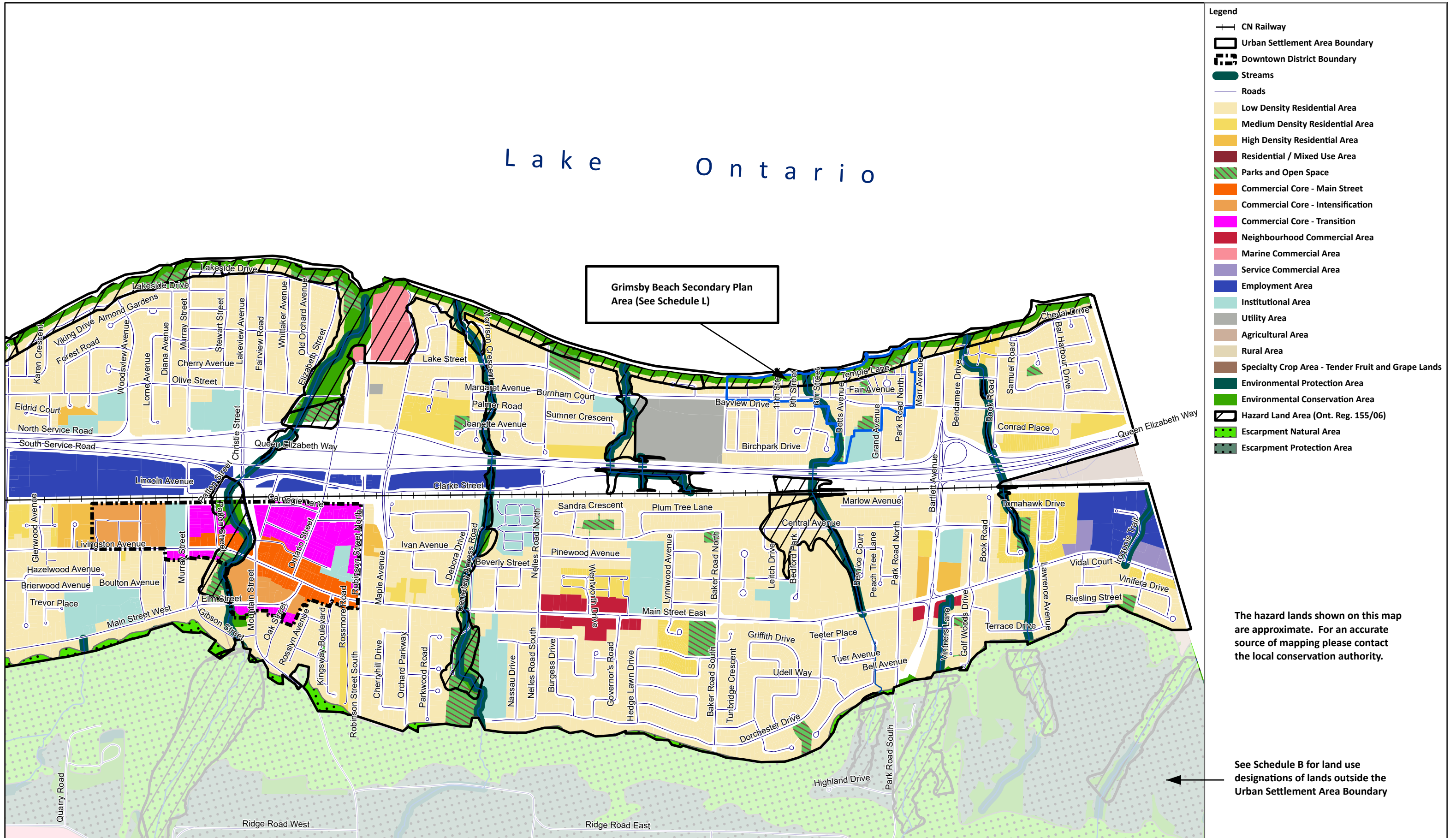
- Legend**
- CN Railway
 - Streams
 - Urban Settlement Area Boundary
 - Downtown District Boundary
 - Secondary Plan Boundary
 - Roads
 - Low Density Residential Area
 - Medium Density Residential Area
 - High Density Residential Area
 - Residential / Mixed Use Area
 - Parks and Open Space
 - Commercial Core - Main Street
 - Commercial Core - Intensification
 - Commercial Core - Transition
 - Neighbourhood Commercial Area
 - Marine Commercial Area
 - Service Commercial Area
 - Employment Area
 - Institutional Area
 - Utility Area
 - Agricultural Area
 - Rural Area
 - Specialty Crop Area - Tender Fruit and Grape Lands
 - Transit Station Area
 - Environmental Protection Area
 - Environmental Conservation Area
 - Hazard Land Area (Ont. Reg. 155/06)
 - Escarpment Natural Area
 - Escarpment Protection Area

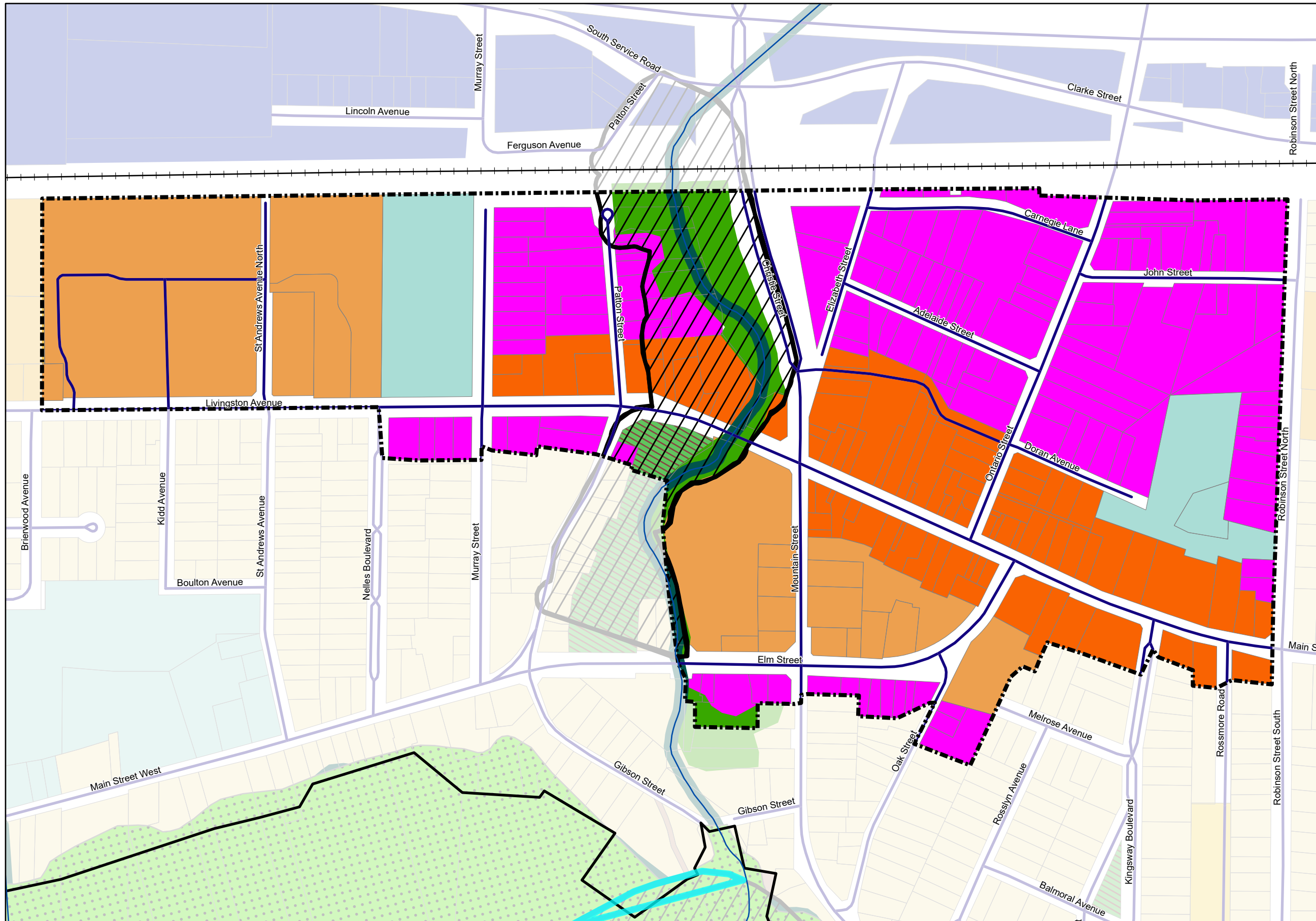
The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.

See Schedule B for land use designations of lands outside the Urban Settlement Area Boundary



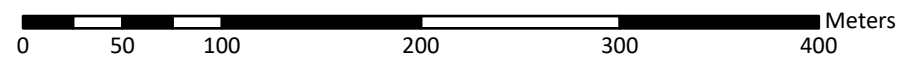
Lake Ontario



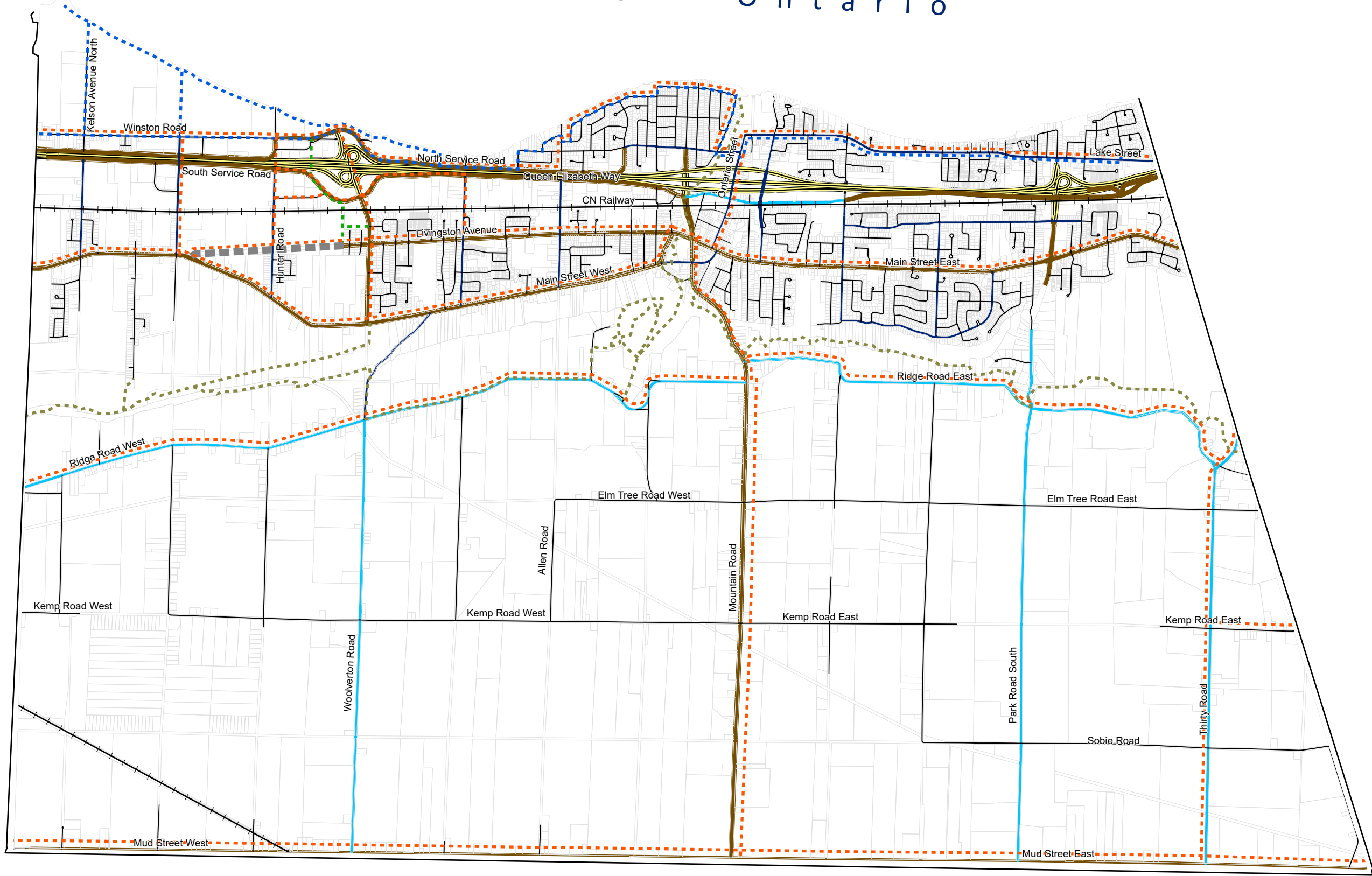


- Legend**
- +— CN Railway
 - Streams
 - ▭ Urban Settlement Area Boundary
 - - - Downtown District Boundary
 - Roads
 - Downtown - Main Street
 - Downtown - Intensification
 - Downtown - Transition
 - Institutional Area
 - ▨ Parks and Open Space
 - Environmental Protection Area
 - Environmental Conservation Area
 - ▨ Hazard Land Area (Ont. Reg. 155/06)

The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.



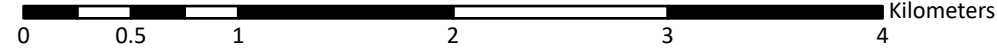
Lake Ontario



- Legend**
- Municipal Boundary
 - CN Railway
 - Bike Routes
 - Bruce Trail
 - Waterfront Trail
 - Multi Use Trail
 - Provincial Highway
 - Regional Arterial
 - Town Arterial
 - Collector Road
 - Local Road
 - Road Extensions



**Town of Grimsby Official Plan
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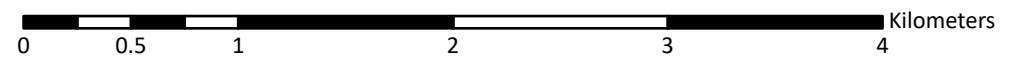
SCHEDULE C

Transportation & Trails






Lake Ontario

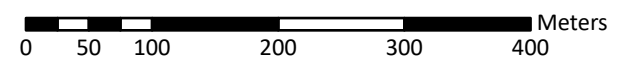


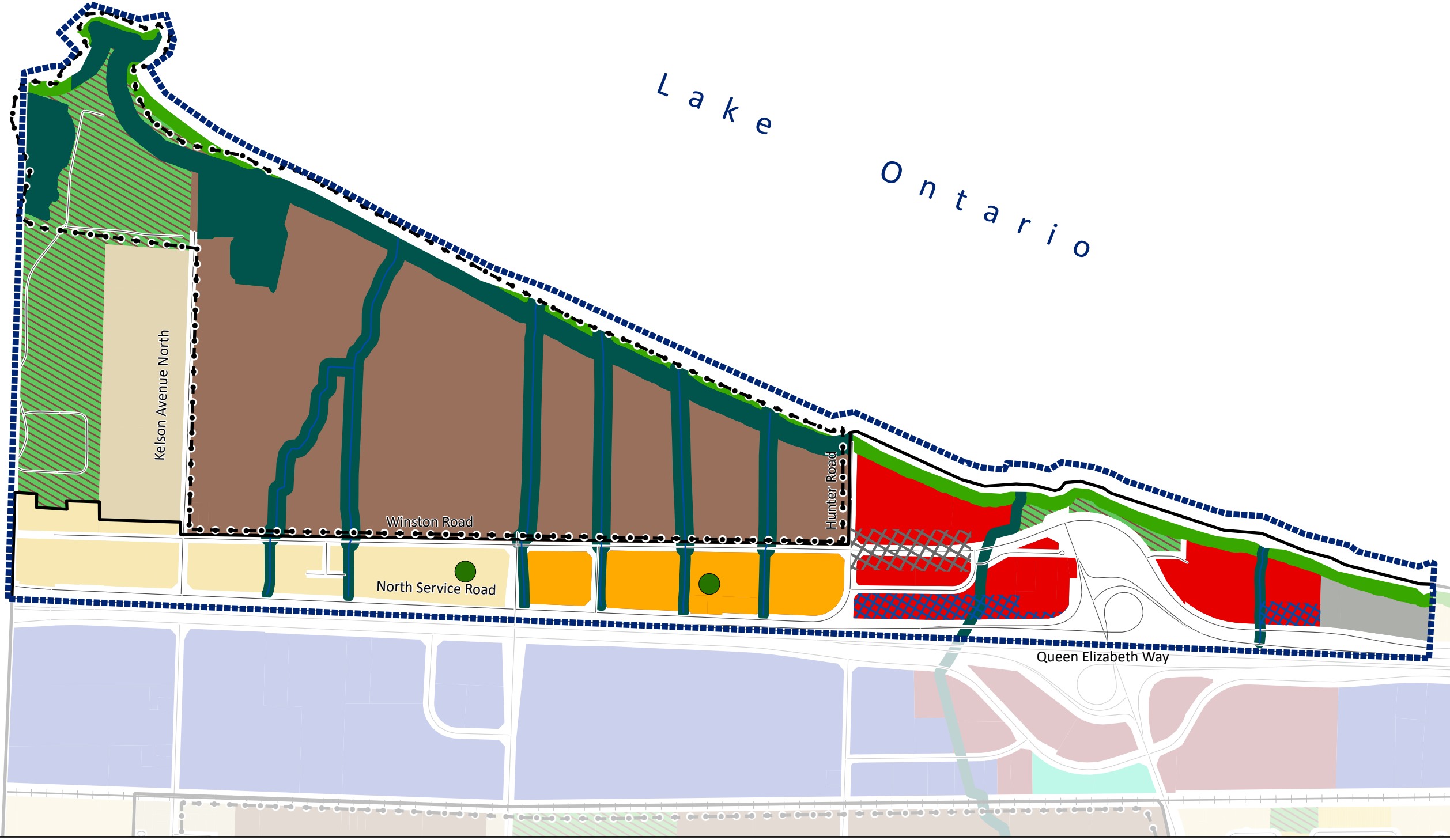
- Legend**
- Municipal Boundary
 - ▭ Urban Settlement Area Boundary
 - + CN Railway
 - Roads
 - ▭ Hamlet Area Boundary
 - ▨ Waste Disposal Assessment Area
 - ▤ Closed Sanitary Landfill Site
 - ▧ Mineral Aggregate Area
 - ▨ Grimsby Beach Secondary Plan





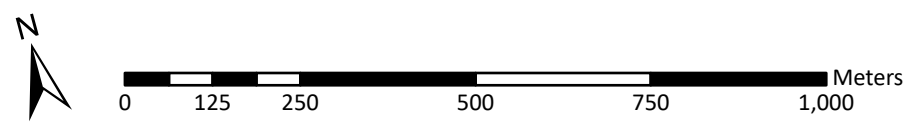
- Legend**
-  Hamlet and Secondary Plan Area Boundary
 -  Hamlet Residential Area
 -  Hamlet Residential / Potential Mixed Use Area
 -  Hamlet Mixed Use Area
 -  Hamlet Special Policy Area

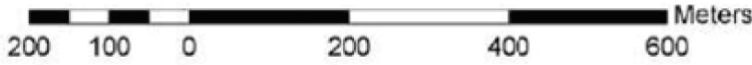
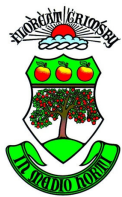
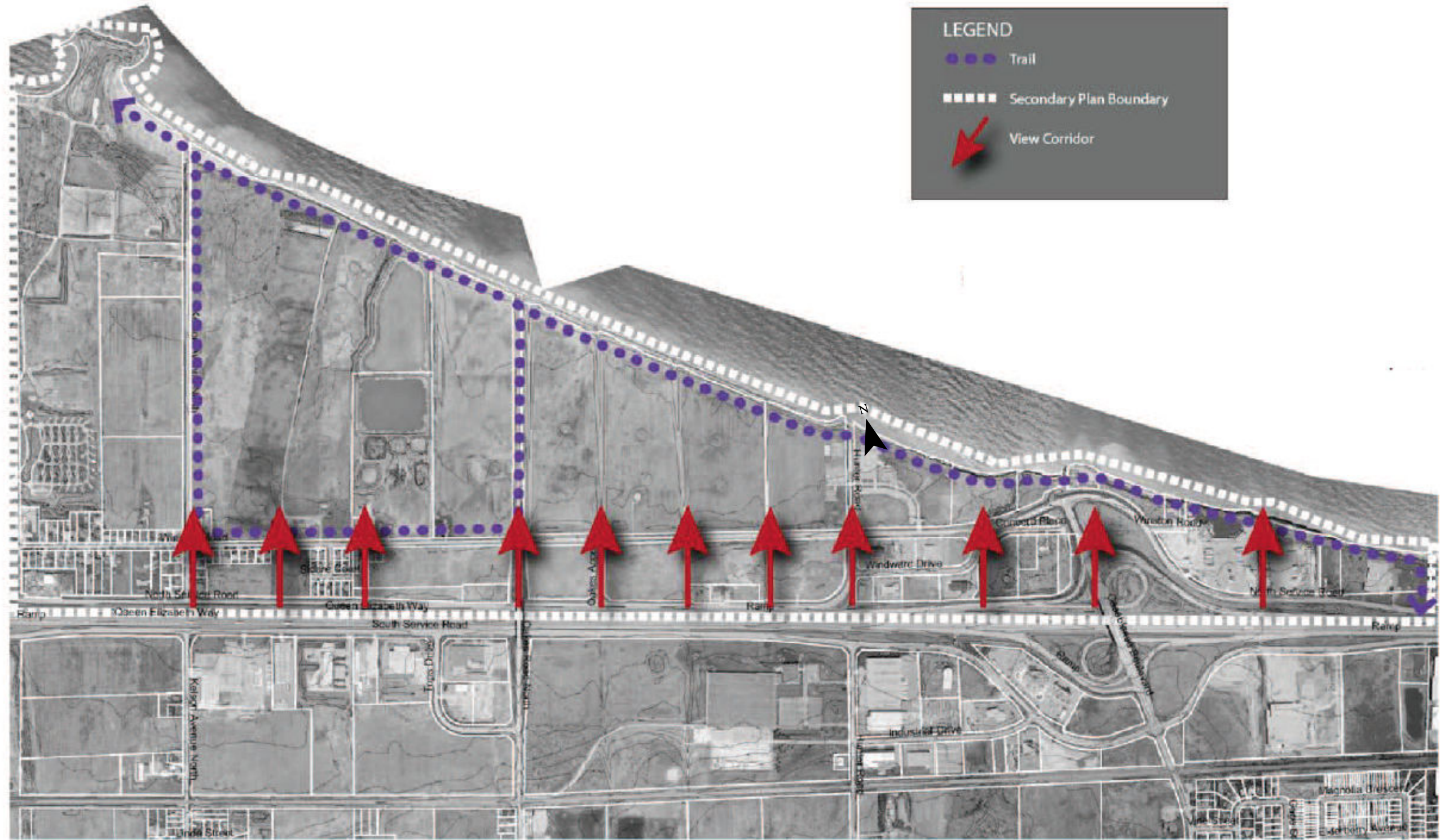


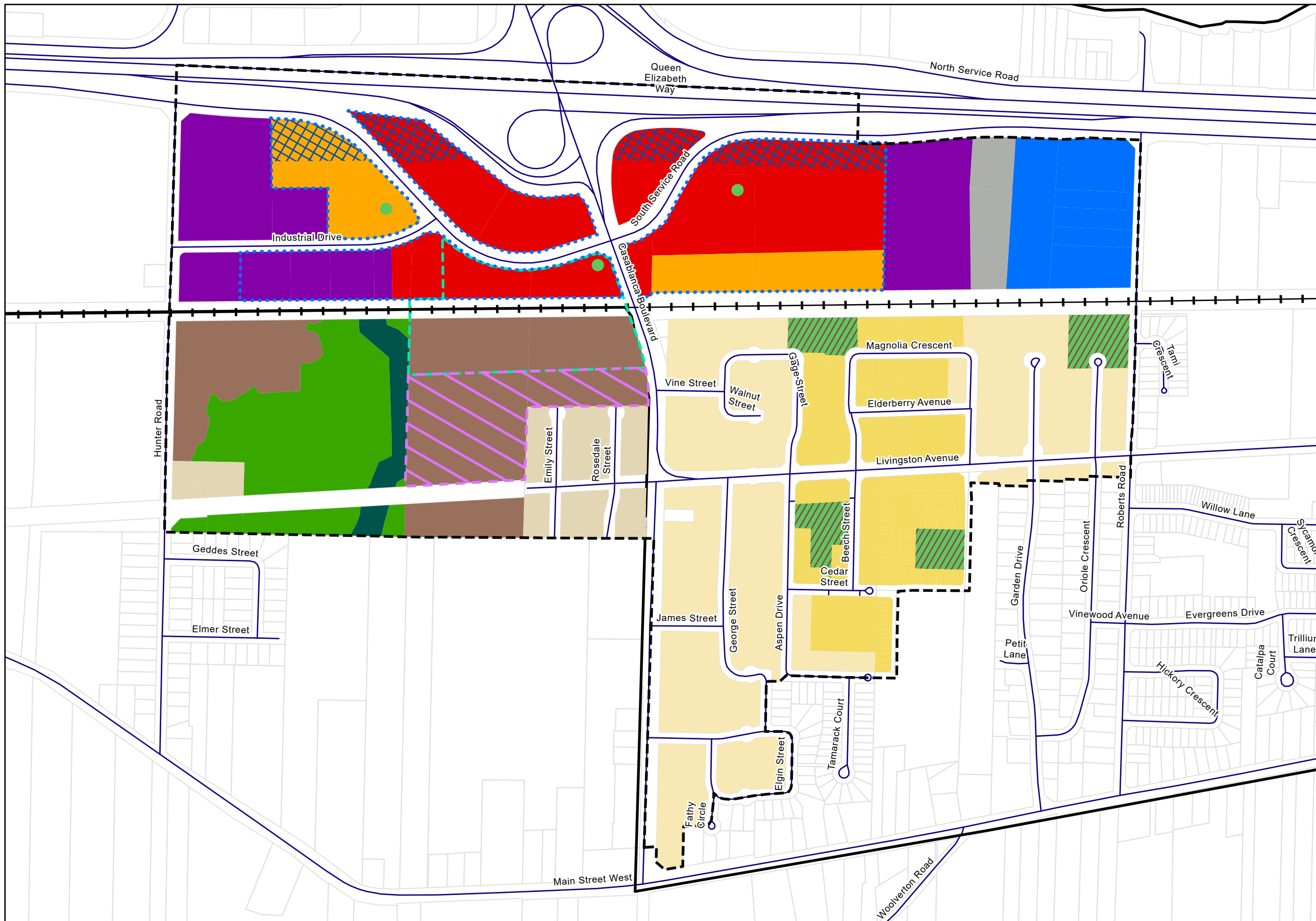


- Legend**
- CN Railway
 - Streams
 - Secondary Plan Boundary
 - Greenbelt Plan Area Boundary
 - Urban Settlement Area Boundary
 - Places to Grow Built Boundary
 - Hazard Land Area (Ont. Reg. 155/06)
 - Environmental Protection Area
 - Environmental Conservation Area
 - Low Density Residential Area
 - Mixed Use - Medium Density
 - Mixed Use - High Density
 - Parks and Open Space
 - Utility Area
 - Rural Area
 - Specialty Crop Area - Tender Fruit and Grape Lands
 - Parkette
 - Winston Road Main Street Overlay
 - Employment Overlay

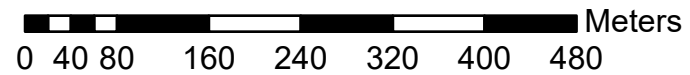
The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.

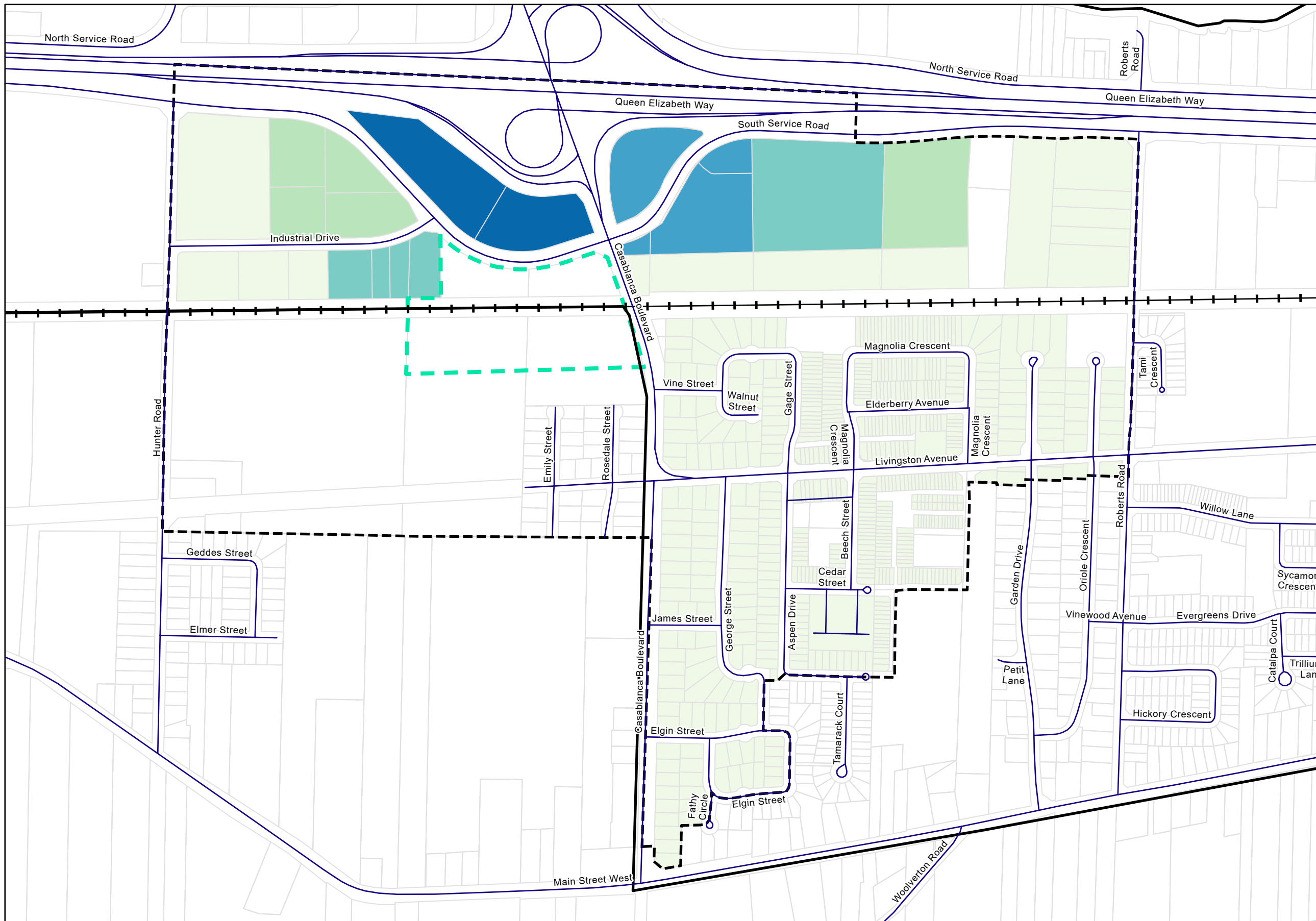




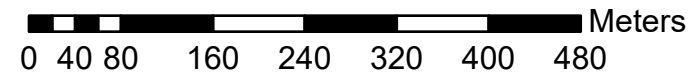


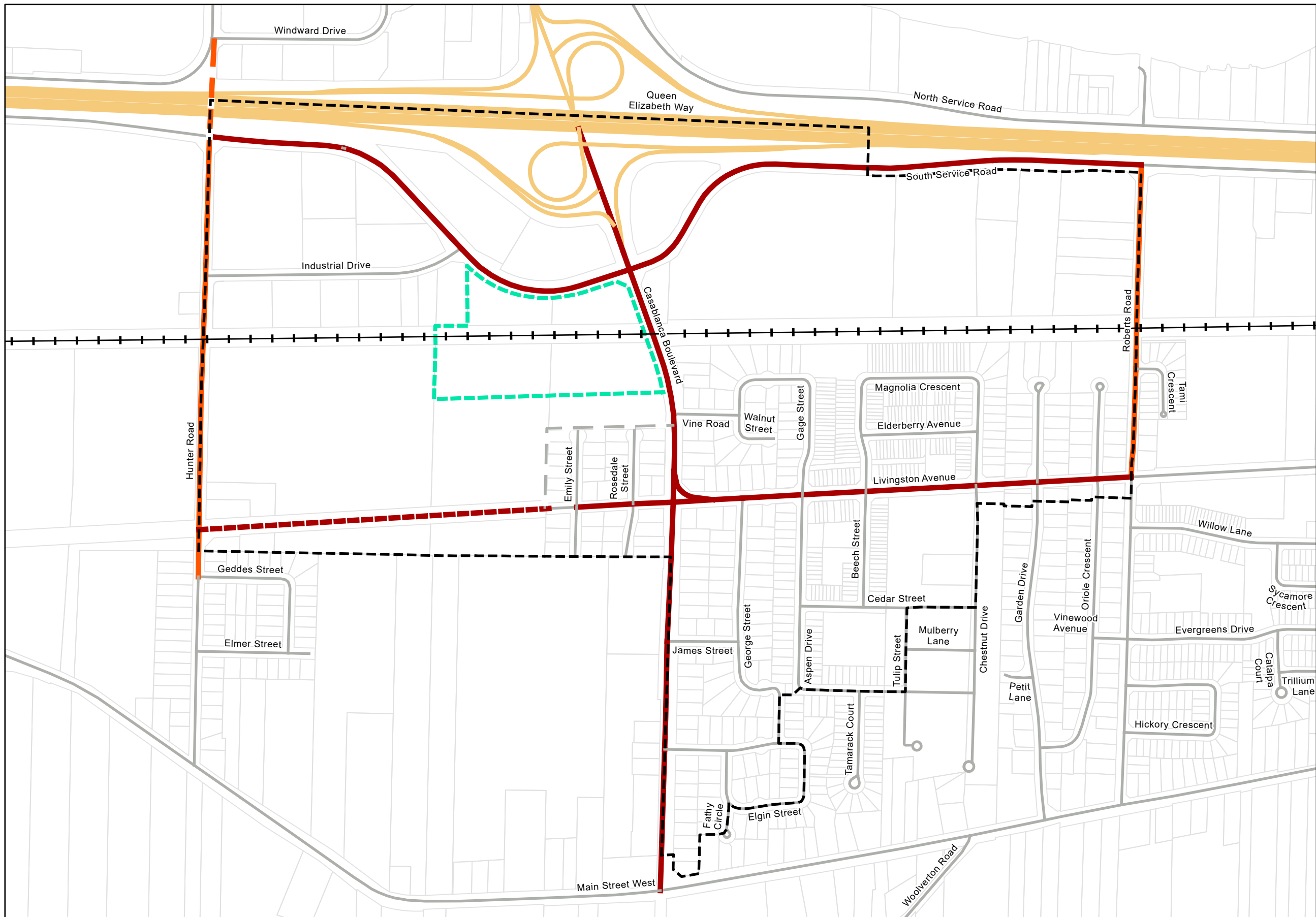
- Legend**
- Agriculture - Specialty Crop Area
 - Employment - General Industrial
 - Employment - Office
 - Environmental Conservation Area
 - Environmental Protection Area
 - Low Density Residential
 - Medium Density Residential
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - Parks and Open Space
 - Rural Area
 - Utility Area
 - Employment Overlay
 - Potential New Public Space
 - Transit Station Area
 - Future Transit Station Area (Refer to Policy 12.3.14.4e)
 - Special Policy Area 1 (Please refer to policies in Section 12.3.2 e) of the Secondary Plan)
 - Secondary Plan Limits
 - Urban Area Boundary



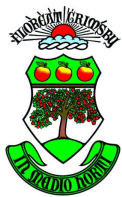


- Legend**
- Max. 3 Storeys
 - Max. 6 Storeys
 - Max. 10 Storeys
 - Max. 14 Storeys
 - Max. 18 Storeys
 - Transit Station Area
 - Secondary Plan Limits
 - Urban Area Boundary

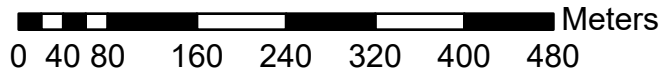




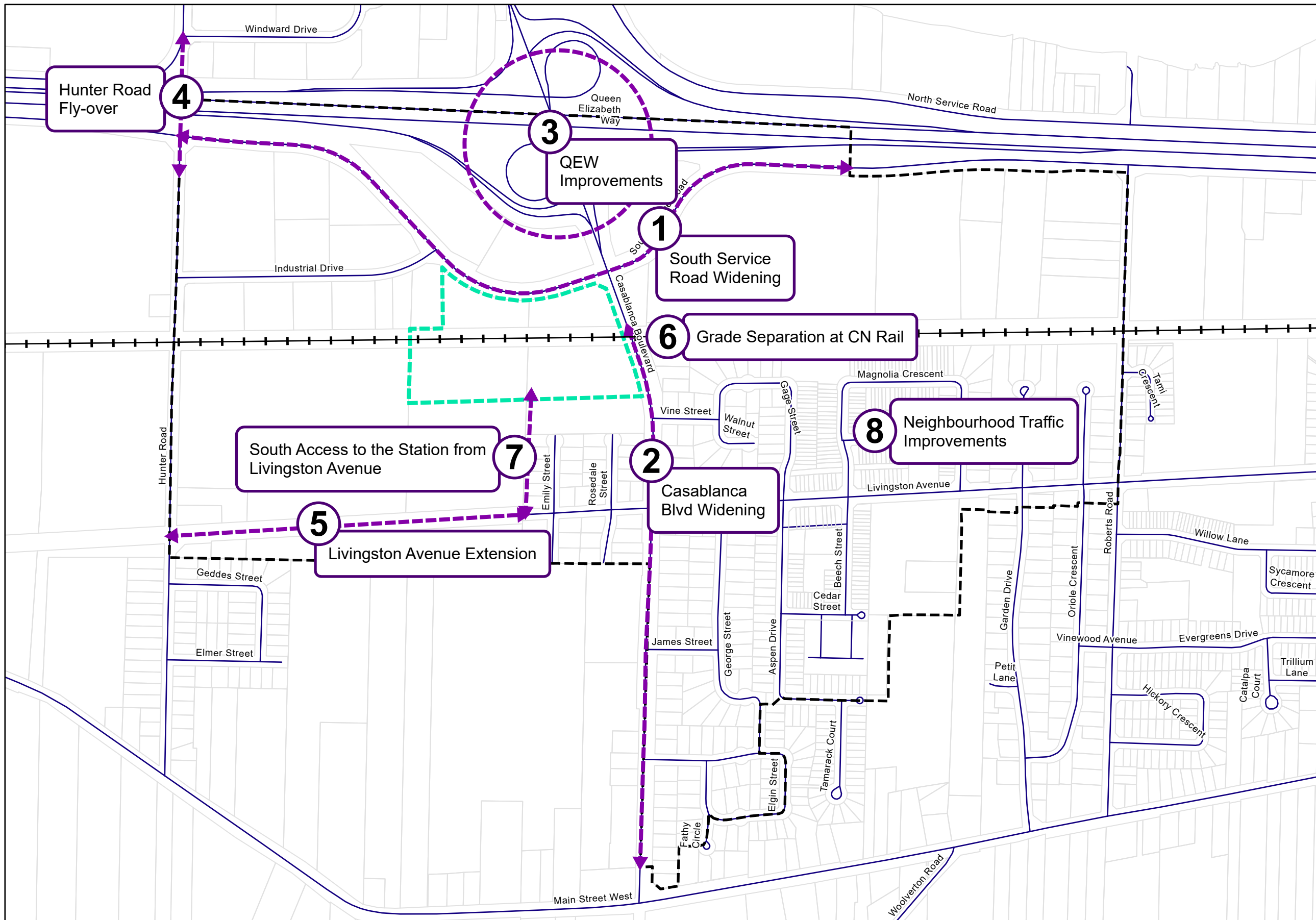
- Legend**
- Provincial Highway
 - Highway Ramp Connections
 - Arterial Road (Width: 26m-30m)
 - Potential Arterial Road (Width: 26-30m)
 - Collector Roads (Width: 20m)
 - Local Roads (Width: 18-20m)
 - Transit Station Area
 - Secondary Plan Limits







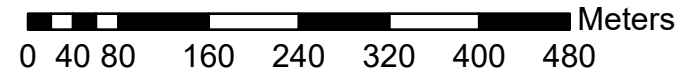
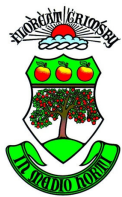
**Town of Grimsby Official Plan
September 2023 Consolidation**

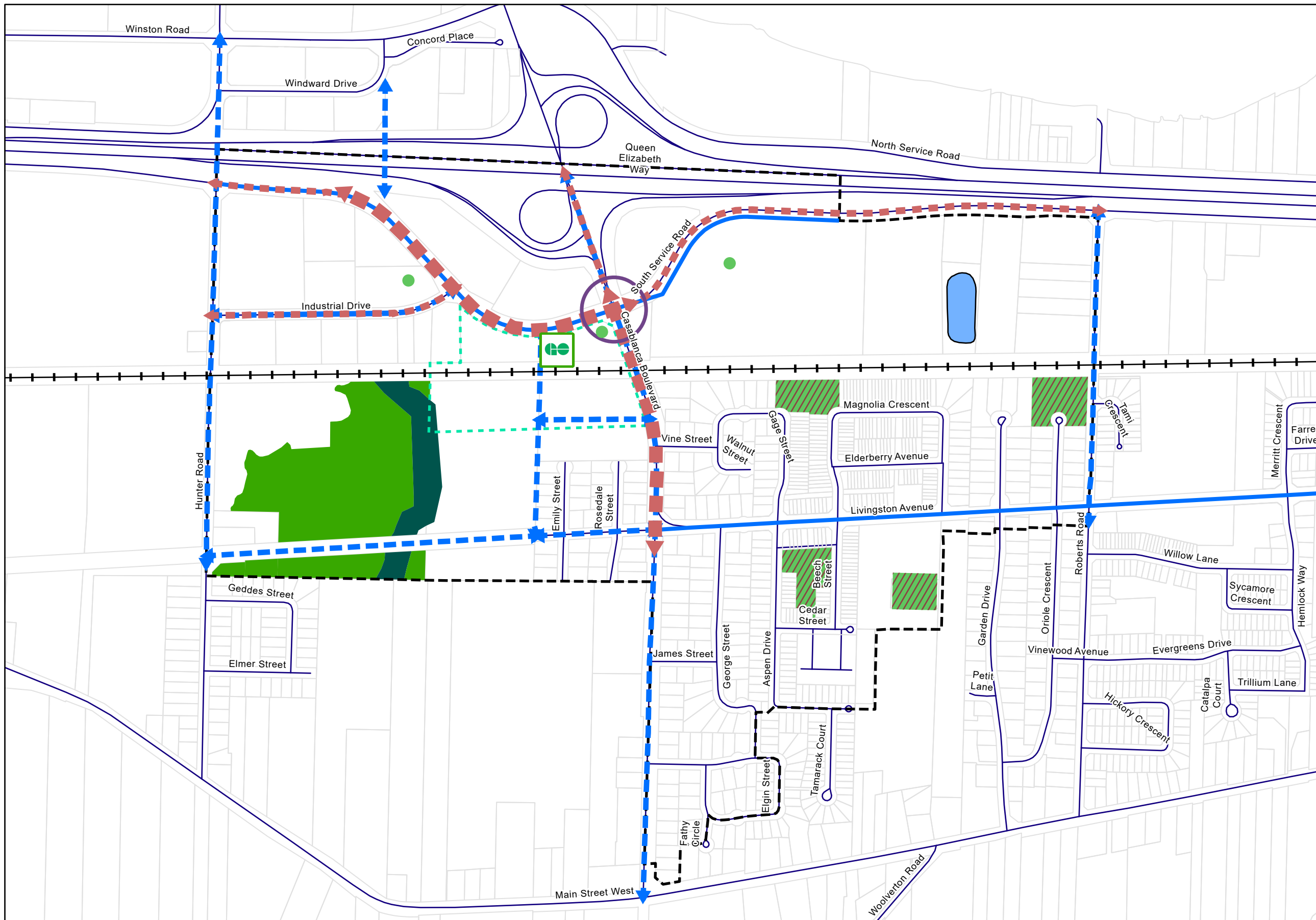















**SCHEDULE I
Planned Road Hierarchy -
Grimsby GO Transit Station Secondary Plan**

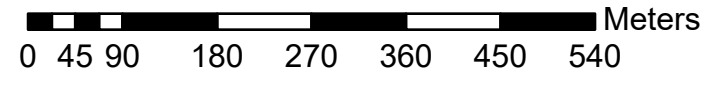


- Legend**
-  Location of Improvement
 -  Transit Station Area
 -  Secondary Plan Limits
 -  Road Network

















- Legend**
-  Major Gateway
 -  Major Streetscape Improvement
 -  Minor Streetscape Improvement
 -  Potential New Public Space
 -  Existing Active Transportation Connection
 -  Planned Active Transportation Connection
 -  Stormwater Management Pond
 -  Potential GO Station Location
 -  Environmental Conservation Area
 -  Environmental Protection Area
 -  Parks and Open Space
 -  Transit Station Area
 -  Secondary Plan Limits

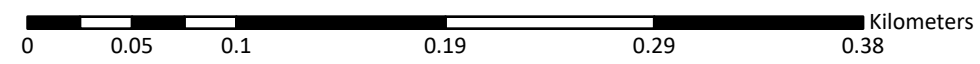


L a k e O n t a r i o

- Legend**
-  Grimsby Beach Secondary Plan Area
 -  Parcel Fabric
 -  Unopened Road Allowances
 -  Streets
 -  Low Density Residential Area
 -  Medium Density Residential Area
 -  Parks and Open Space
 -  Institutional Area
 -  Utility Area
 -  Environmental Protection Area*
 -  Environmental Conservation Area*
 -  Hazard Land Area (Ont. Reg. 155/06)











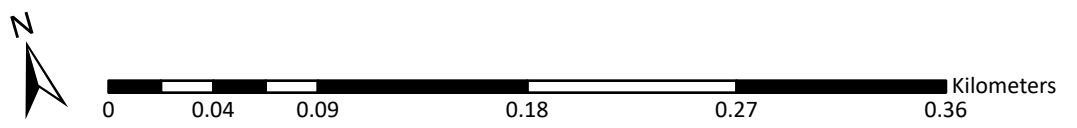
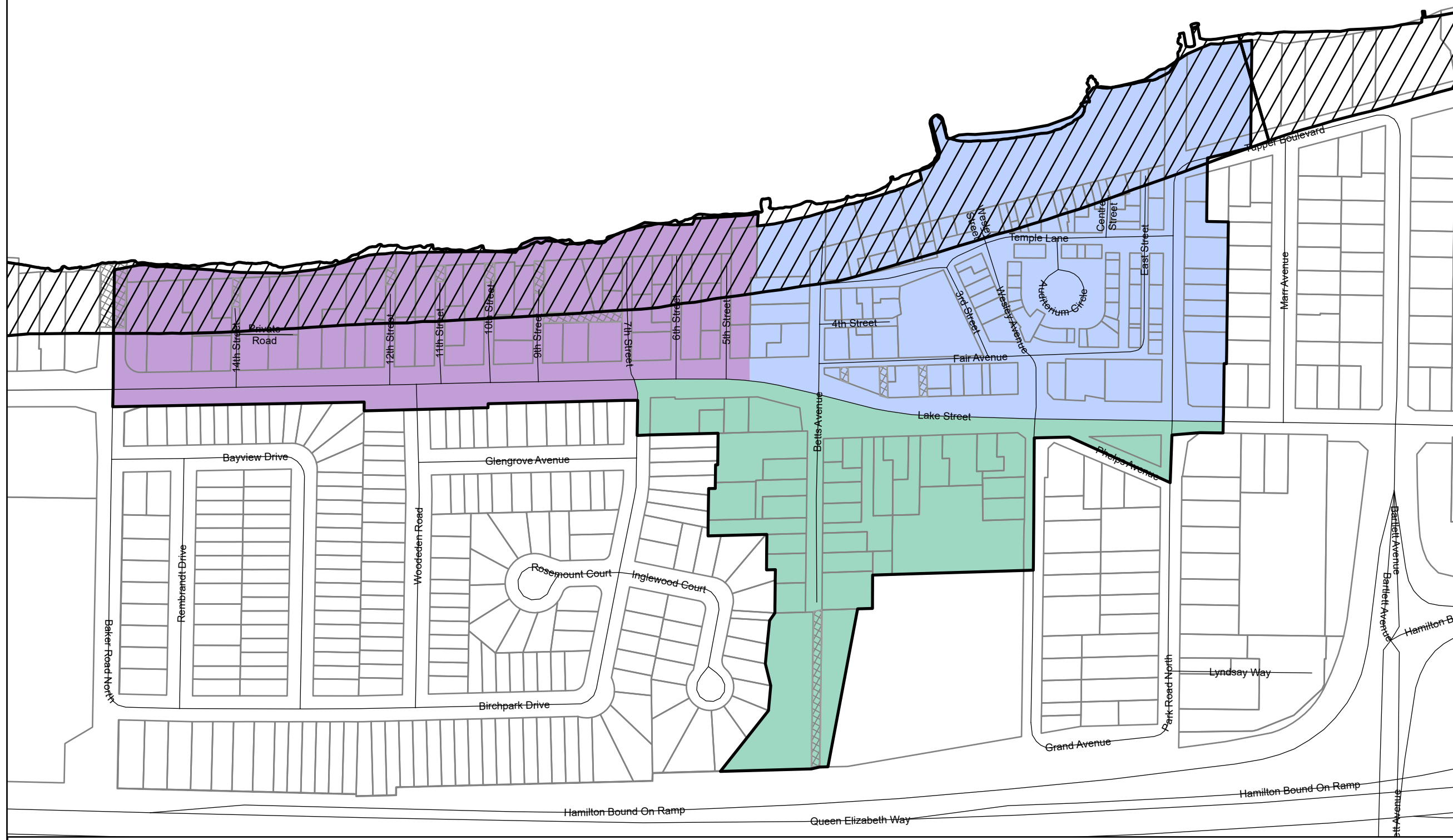
Town of Grimsby Official Plan
September 2023 Consolidation











SCHEDULE L
Grimsby Beach Secondary Plan
Land Use Plan

L a k e O n t a r i o

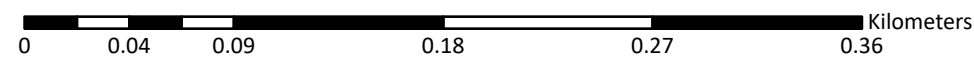
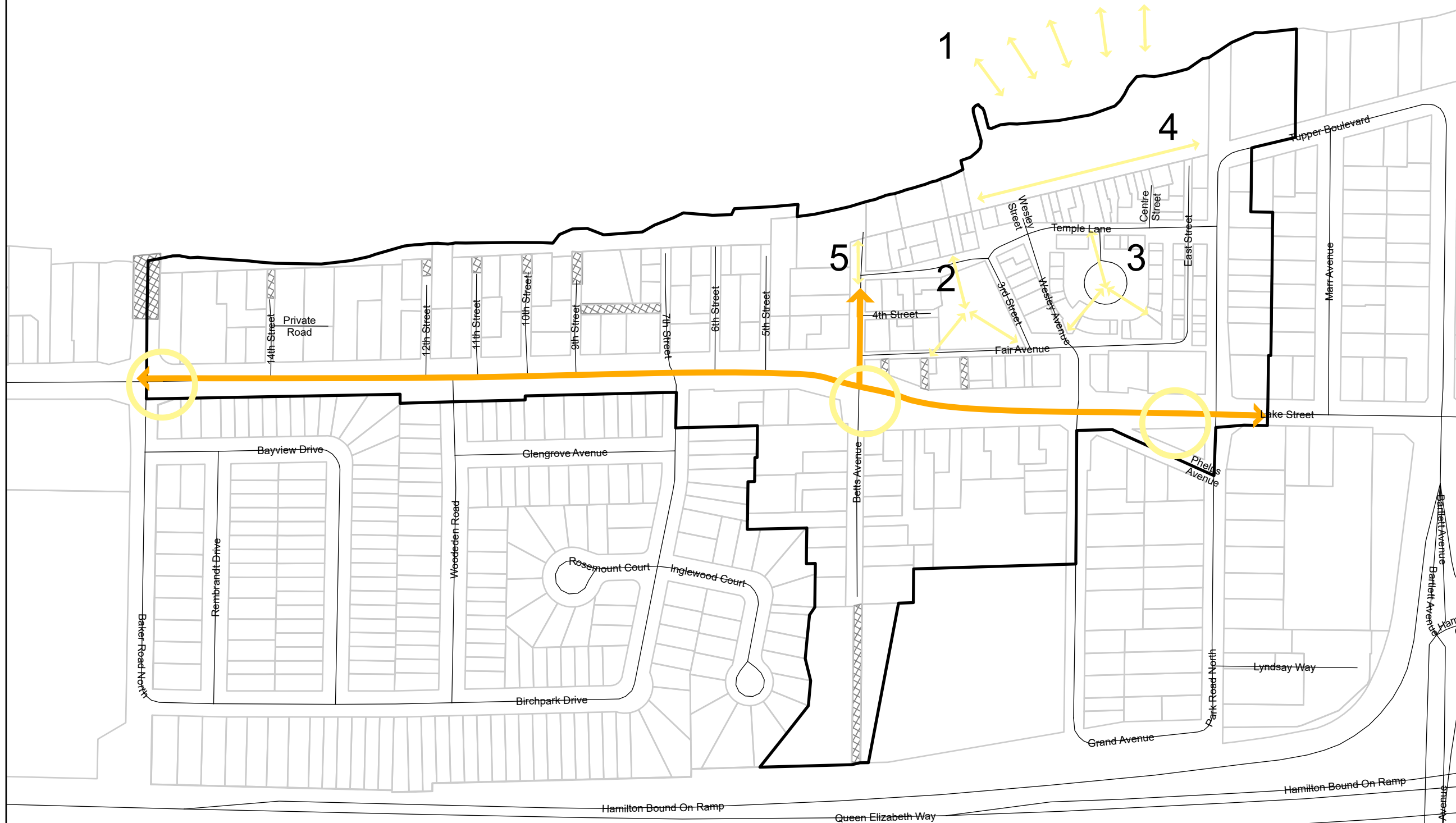
- Legend**
-  Grimsby Beach Secondary Plan Area
 -  Streets
 -  Hazard Land Area (Ont. Reg. 155/06)
 -  Unopened Road Allowances
 -  Parcel Fabric
- Character Areas**
-  Core Area
 -  Northwest Area
 -  South Area



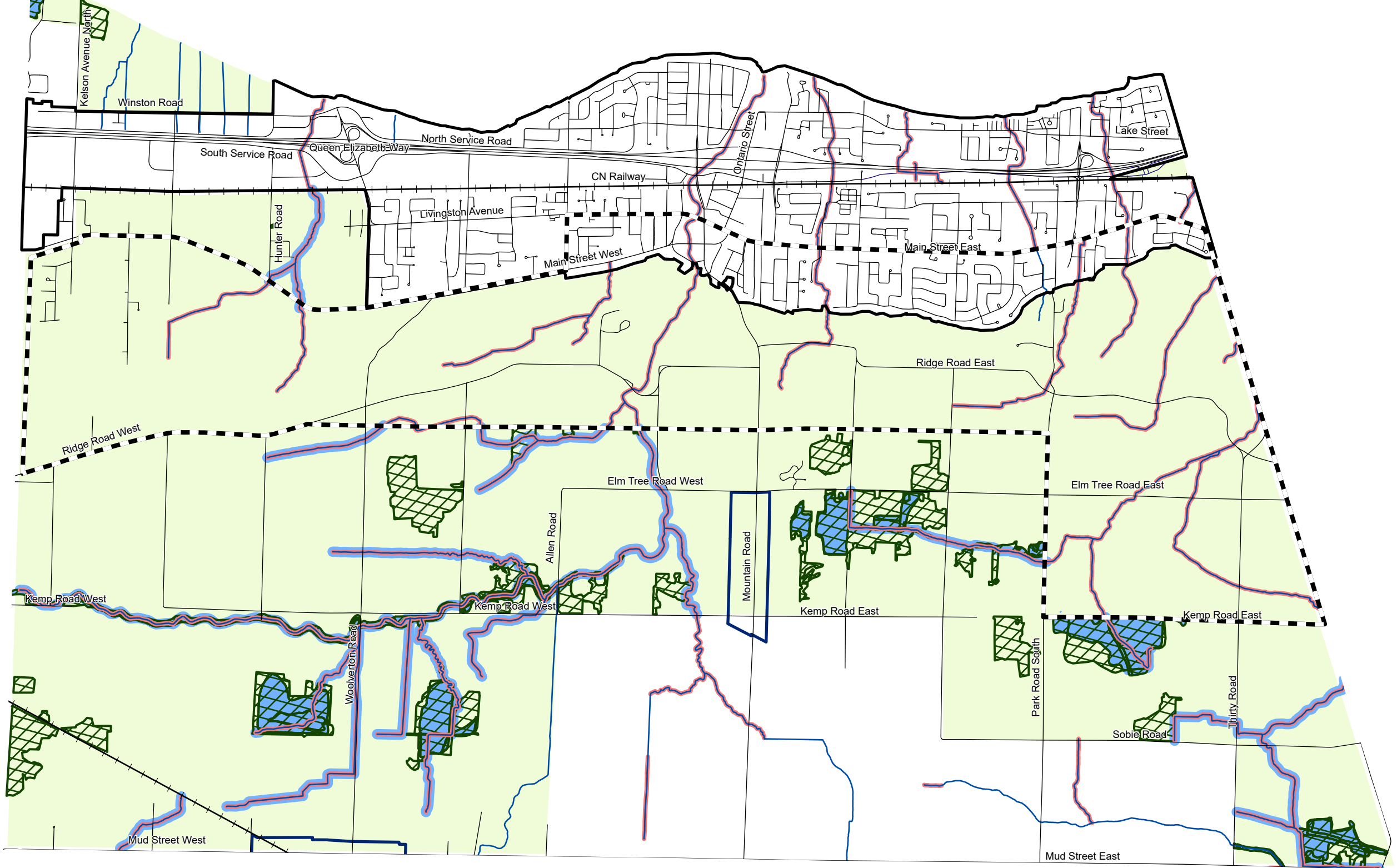
L a k e O n t a r i o

- Legend**
-  Grimsby Beach Secondary Plan Area
 -  Municipal Boundary
 -  Streets
 -  Parcel Fabric
 -  Unopened Road Allowances
 -  Entrances and Routes
 -  Gateways
 -  Views and Vistas

- 1 - Panoramic Views of Lake Ontario, the former pier and the City of Toronto Skyline
- 2 - Panoramic views of the historic built form from Bell Park
- 3 - Panoramic Views of the Historic built form surrounding Auditorium Circle (in and out)
- 4 - Victoria Terrace
- 5 - Betts Avenue



Lake Ontario



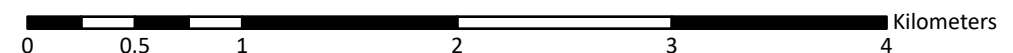
- Legend**
- Niagara Escarpment Plan Boundary
 - Urban Settlement Area Boundary
 - CN Railway
 - Roads
 - Streams
 - Fish Habitat
 - Hamlet Area Boundary
 - Key Natural Heritage Features
 - Key Hydrological Features
 - Greenbelt Plan Area - Protected Countryside

APPENDIX 1

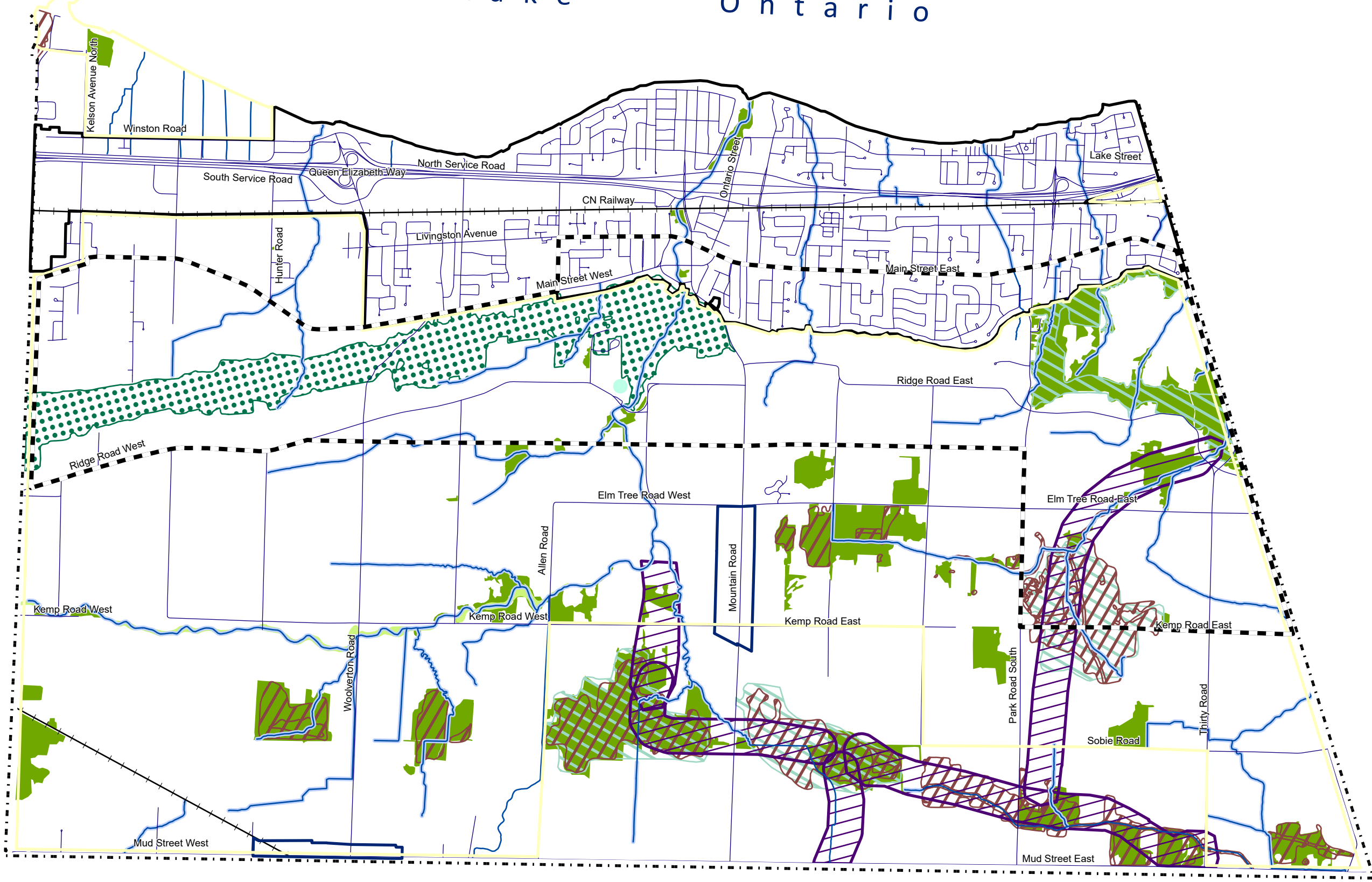
Key Natural Heritage Features & Key Hydrological Features within the Greenbelt Plan Area



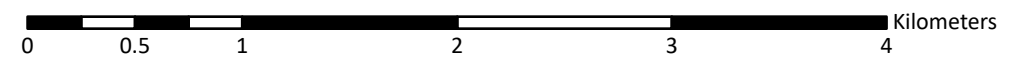
Town of Grimsby Official Plan
September 2023 Consolidation



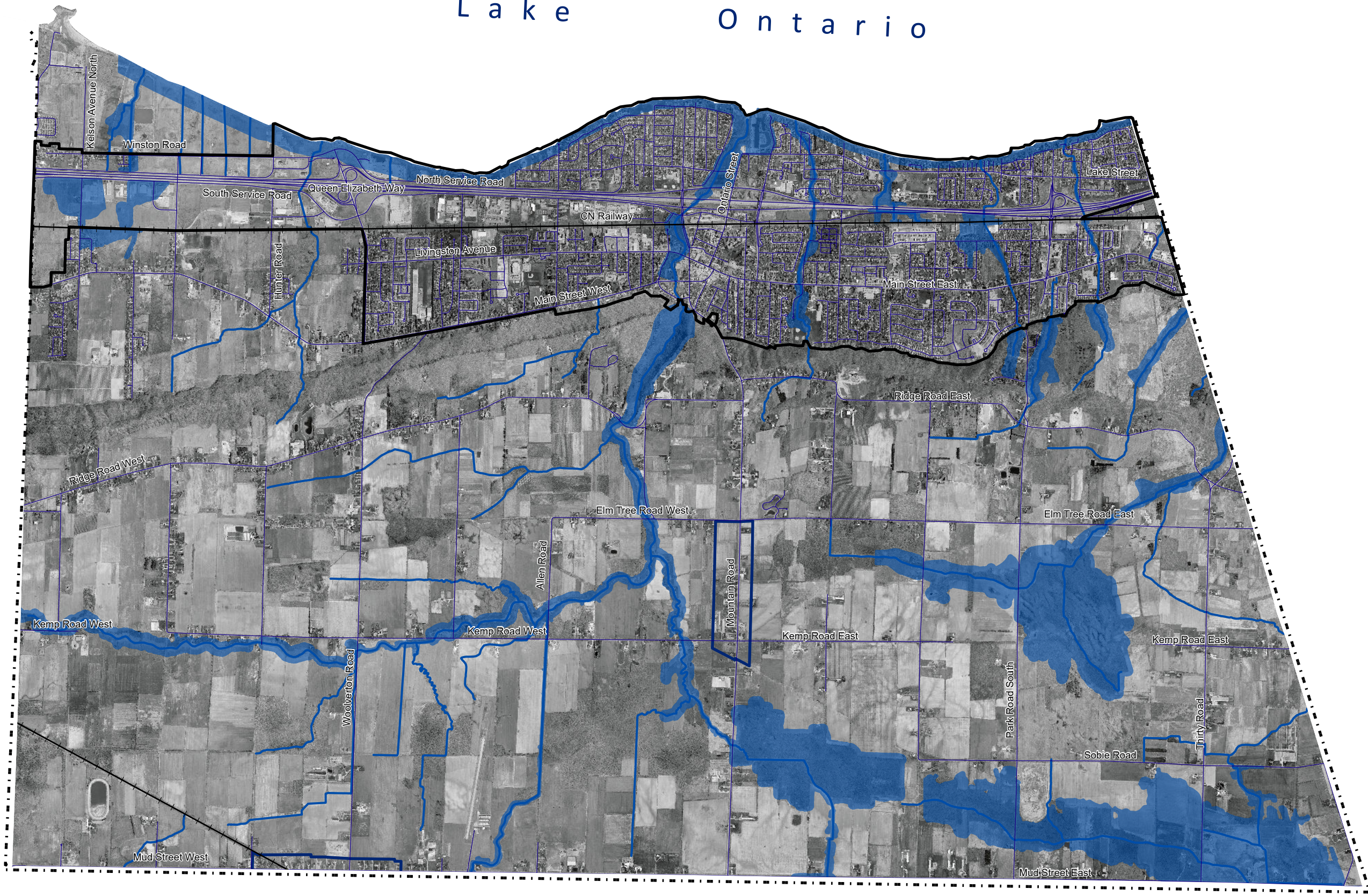
Lake Ontario



- ### Legend
- +--- CN Railway
 - Roads
 - - - - Municipal Boundary
 - ▬▬▬▬ Niagara Escarpment Plan Boundary
 - ▭ Greenbelt Plan Area - Protected Countryside
 - ▭ Urban Settlement Area Boundary
 - ▭ Hamlet Area Boundary
 - Streams
 - Fish Habitat
 - ▭ Provincially Significant Wetland
 - ▭ Provincially Significant Life ANSI
 - ▭ Earth Science ANSI
 - ▭ Other Evaluated Wetland
 - ▭ Other Life ANSI
 - ▭ Significant Woodland
 - ▭ Potential Natural Heritage Corridors

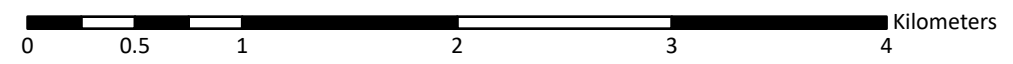


Lake Ontario

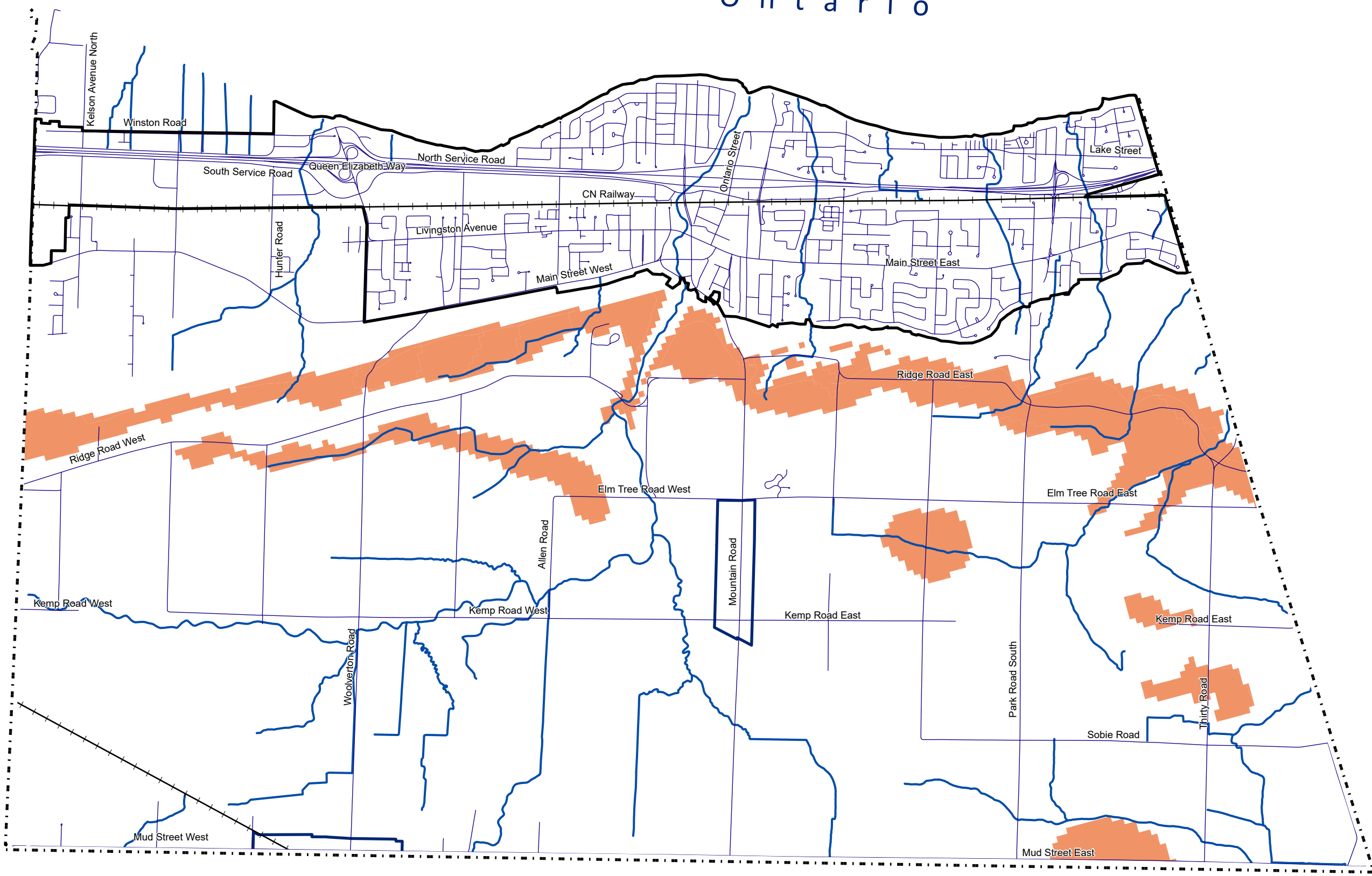


- Legend**
- +— CN Railway
 - Roads
 - - - Municipal Boundary
 - ▭ Urban Settlement Area Boundary
 - ▭ Hamlet Area Boundary
 - Streams
 - NPCA Regulated Area (Ontario Regulation 155/06)

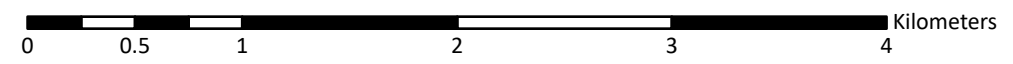
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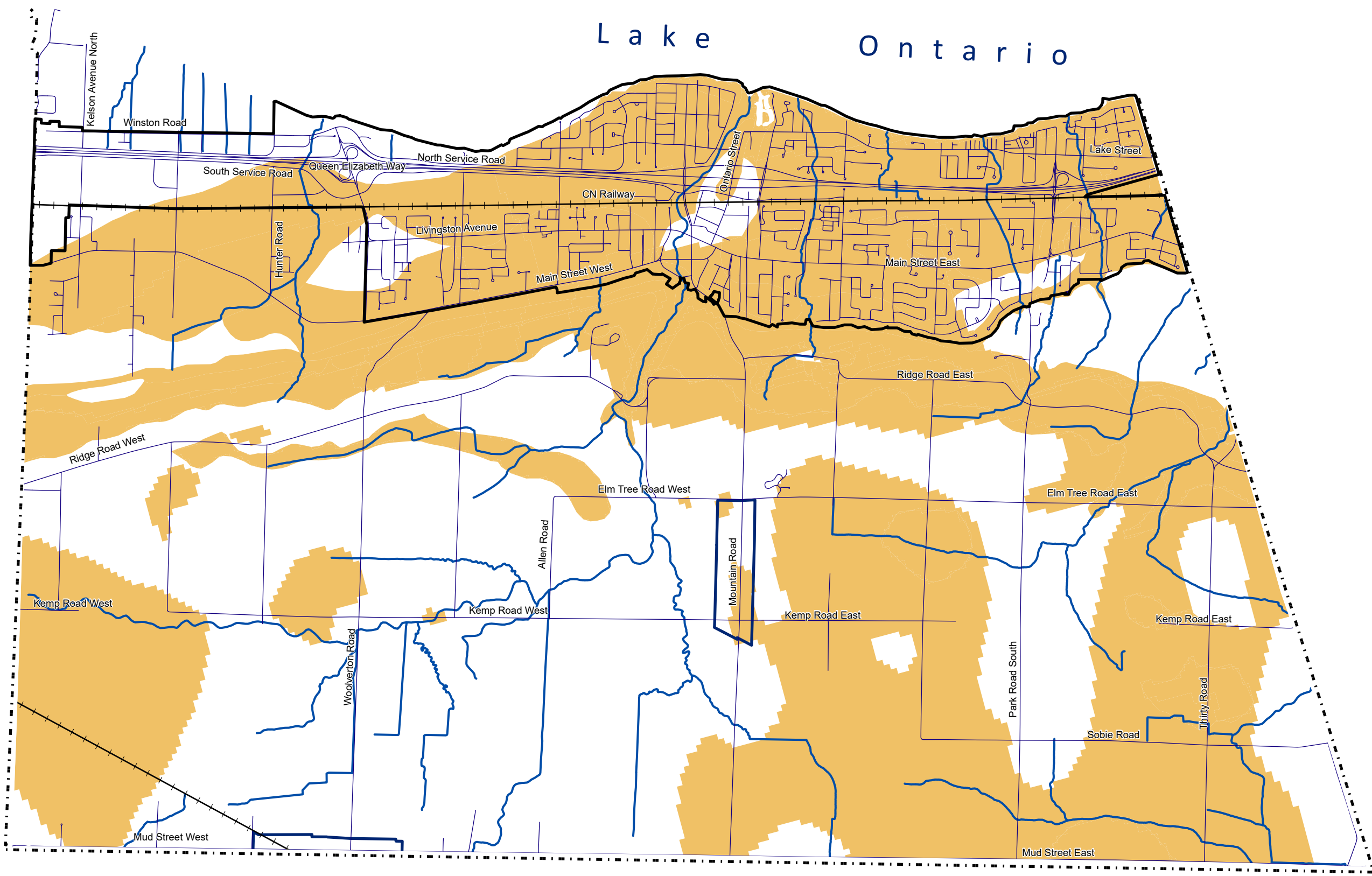
Lake Ontario



- Legend**
- CN Railway
 - Roads
 - Municipal Boundary
 - Urban Settlement Area Boundary
 - Hamlet Area Boundary
 - Streams
 - Significant Groundwater Recharge Areas



Lake Ontario



- Legend**
- CN Railway
 - Roads
 - - - - Municipal Boundary
 - ▭ Urban Settlement Area Boundary
 - ▭ Hamlet Area Boundary
 - Streams
 - Areas of High Aquifer Vulnerability

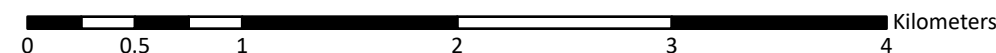


Figure 6.1: Cross Section - South Service Road between Industrial Drive and Casablanca Boulevard
 GO Transit Station Secondary Plan

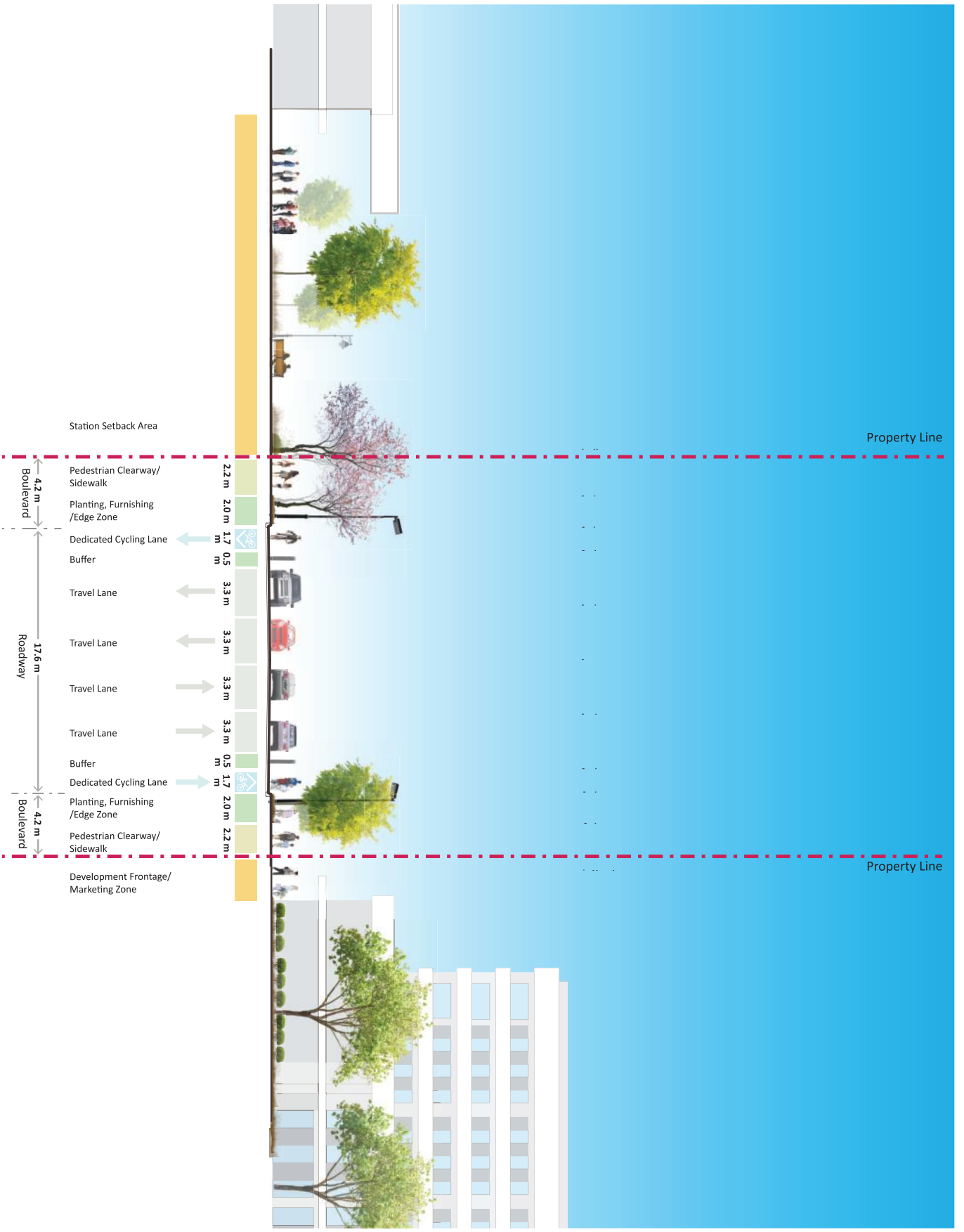


Figure 6.2: Cross Section - Casablanca Boulevard (Typical Cross Section)
 GO Transit Station Secondary Plan

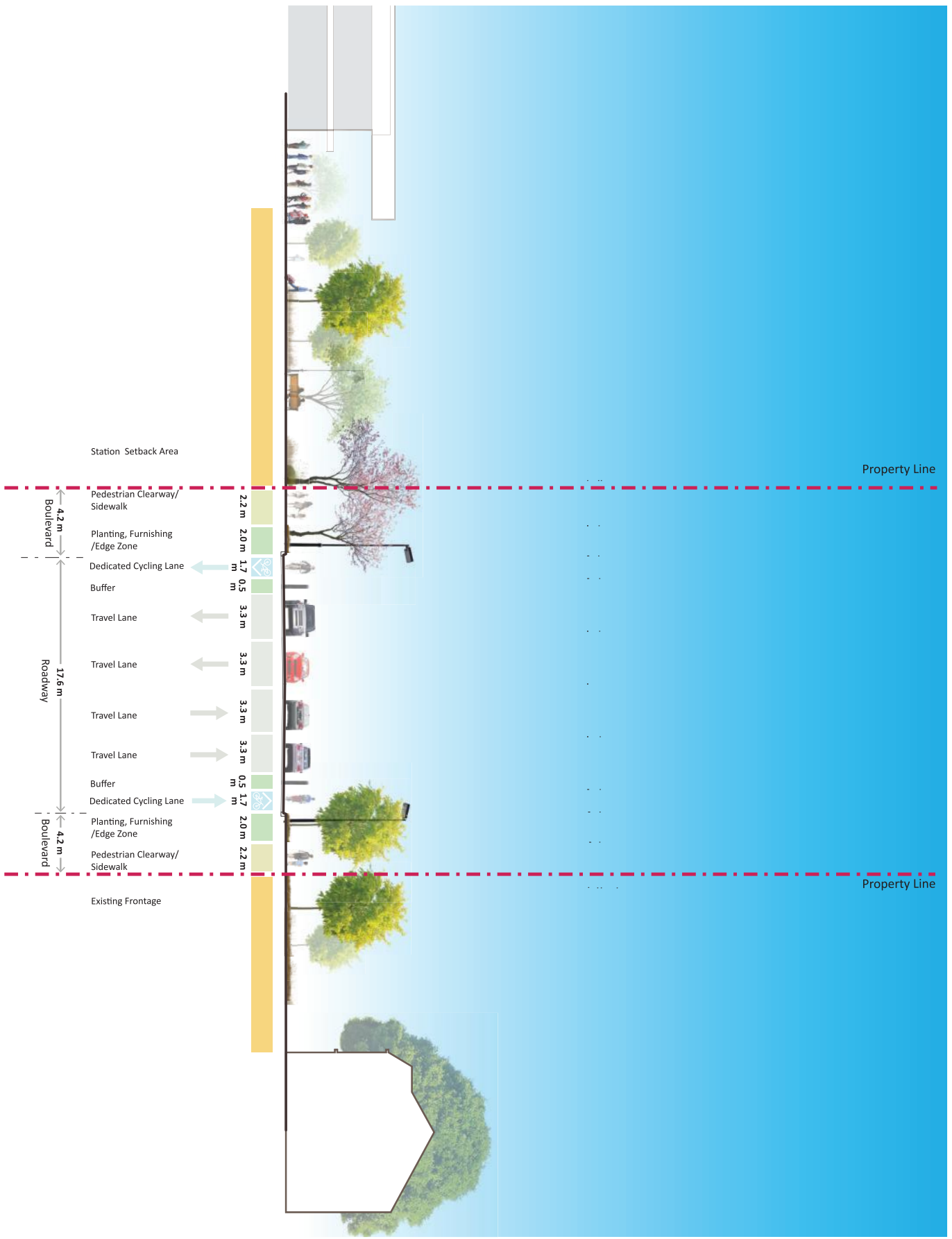


Figure 6.3: Cross Section - Casablanca Boulevard (Bridge over QEW - Subject to the Casablanca Environmental Assessment)
GO Transit Station Secondary Plan

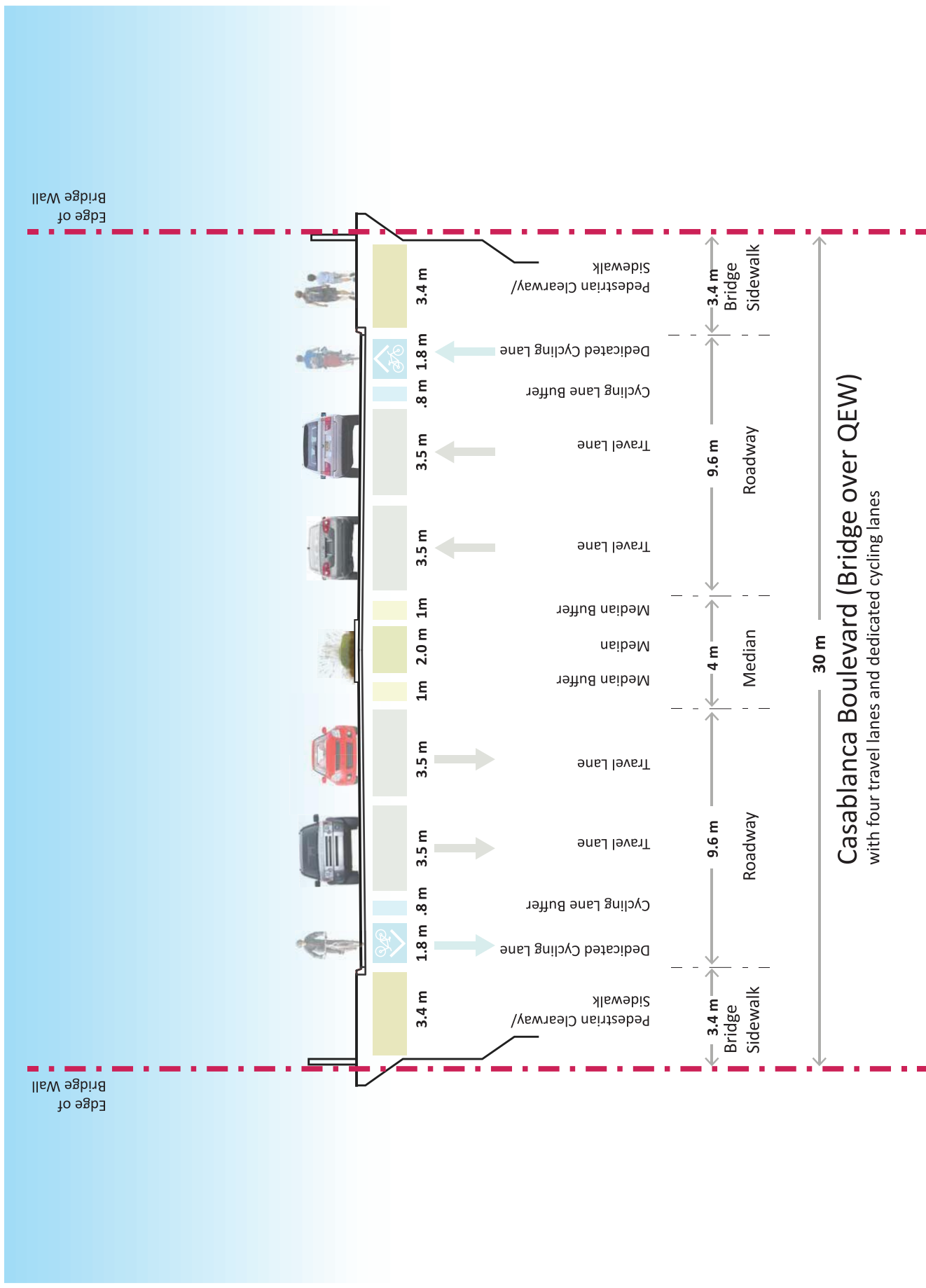


Figure 6.4: Schematic Representation of Building Stepback for a Mid-Rise Building
GO Transit Station Secondary Plan

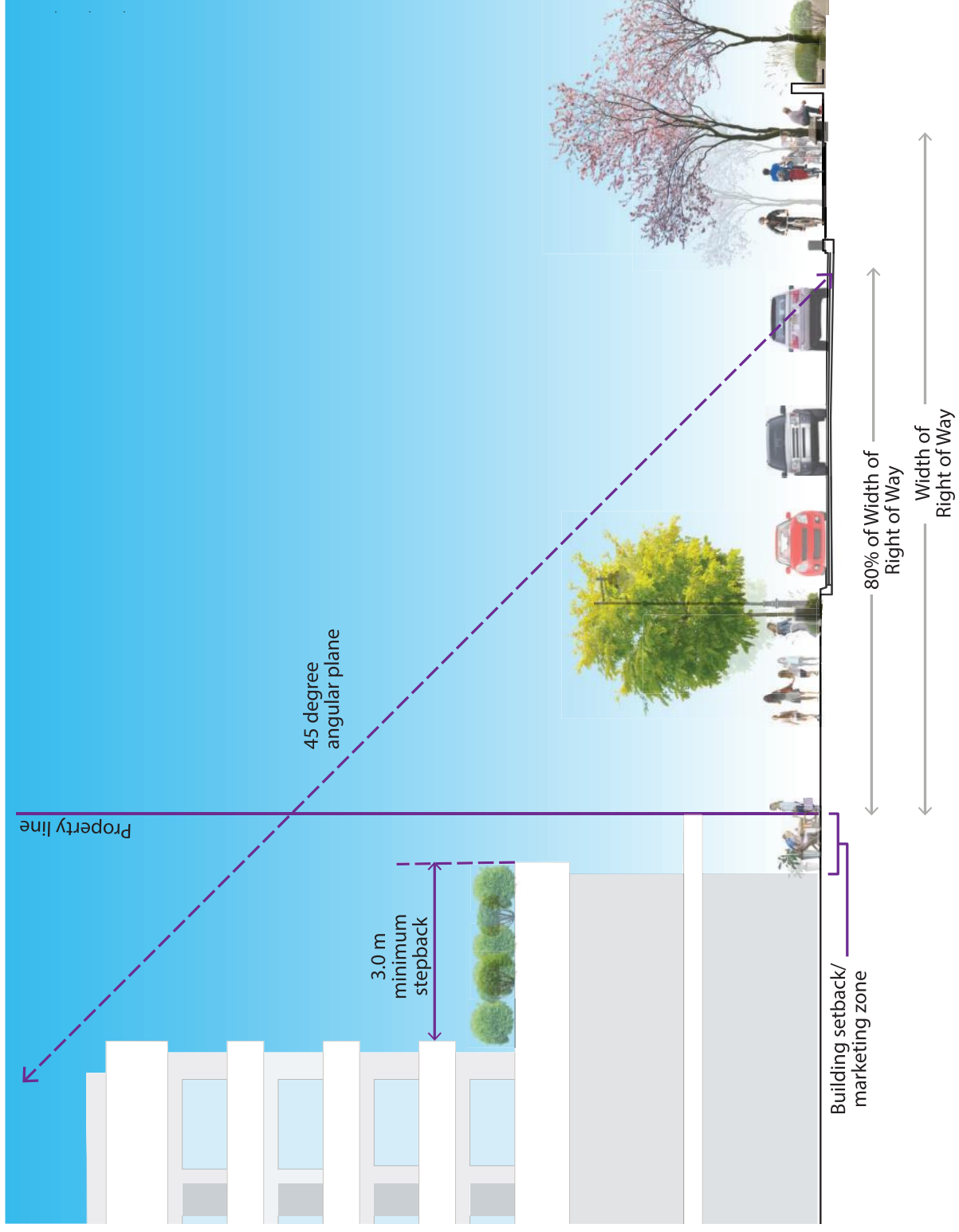


Table 12.1: Phasing for Capital Improvements - Grimsby GO Transit Station Secondary Plan

Capital Improvement	Details/Extent	Priority (short-, mid- or long-term)
New Connections and Roadway Improvements		
South Service Road Widening	Widen from 2 to 4 lanes and develop as a complete street	Mid-Term
Casablanca Boulevard Widening		Short-Term
QEW Interchange Improvements		Short-Term
Hunter Road Flyover	Potential extension over the QEW	Long-Term
Livingston Avenue Extension	Subject to an Environmental Assessment	Long-Term
Grade Separation at Railway	To segregate road traffic from Rail where the CN Rail track crosses Casablanca Boulevard	Mid-Term
South Station Access via Livingston Avenue		Short-Term
Bike Route/Lane (On-Road)		
Casablanca Boulevard	Between North Service Road and Main Street West	Short-Term
South Service Road	Between Hunter Road and Roberts Road	Short-Term
Industrial Drive	Between Hunter Road and the South Service Road	Mid-Term
Hunter Road	Between North Service Road and Livingston Avenue	Long-Term
Roberts Road	Between the South Service Road and Livingston Avenue	Long-Term
Multi-Use Trail		
South Access to the Station	Trail linkage to the station from the south extending from Livingston Road	Short-Term
Station Access from Casablanca Boulevard	Trail linkage from Casablanca Boulevard to the station	Short-Term
QEW Pedestrian Crossing	From South Service Road to Windward Drive	Short-Term
Streetscape Improvements		
South Service Road and Casablanca Boulevard Major Streetscape Improvement	From the proposed AT crossing to Casablanca Boulevard, continuing south along Casablanca Boulevard to Livingston Avenue	Short-Term
South Service Road Minor Streetscape Improvement	Between Casablanca Boulevard and Roberts Road	Short-Term

Capital Improvement	Details/Extent	Priority (short-, mid- or long-term)
South Service Road Minor Streetscape Improvement	Segment of the South Service Road between the AT crossing and Hunter Road	Short-Term
Industrial Drive Minor Streetscape Improvement	From Hunter Road to the South Service Road	Mid-Term
Casablanca Boulevard Minor Streetscape Improvement	From the South Service Road to the waterfront	Mid-Term
Neighbourhood Traffic Improvements East of Casablanca and North of Livingston Avenue	Local road configuration and traffic calming in residential neighbourhoods	Long-Term
Gateway Features		
Major Gateway at the South Service Road and Casablanca Boulevard		Mid-Term
Public Space		
New Public Space at the South Service Road and Industrial Drive		Mid-Term
New Public Space at the South Service Road and Casablanca Boulevard		Short-Term
New Public Space East of Casablanca Boulevard and South of the South Service Road		Mid-Term