

## PART 2 AGRICULTURAL AREA LAND USE POLICIES

The following land use policies apply to the *Specialty Agricultural* and Prime Agricultural lands so designated and identified on Schedule 'A' and Schedule 'A1' to this Plan.

### 2.1. SPECIALTY AGRICULTURAL AND PRIME AGRICULTURAL AREAS

#### 2.1.1. Introduction

With the exception of one *rural settlement* area and a small number of existing *Mineral Aggregate Operations*, the Agricultural Area in the Town is comprised of *Specialty Agricultural* and *Prime Agricultural lands*. Within the Agricultural Area are environmental features, managed as part of the Natural Environment designation, which are part of the agricultural system. Preserving the integrity of the Agricultural Area is essential to the ongoing sustainability of the agricultural sector and a key objective of this Plan.

Preserving a balance between the ability of agricultural operations to function efficiently and profitably and the protection and management of environmental features is essential to the ongoing sustainability of agriculture protection. The Town acknowledges that *natural heritage features* are a land use and may conflict with good farming practises. However initiatives to restore lands to natural heritage status must have regard for impacts on farming. Where there are potential adverse impacts on the right to farm, the right of *agricultural uses* to continue will prevail.

Agricultural lands within the Town which comprise the Agricultural Area are diversified and support the production of a wide and evolving range of crops as well as the raising of livestock and poultry. These lands are an important asset to the Town and will be preserved for the benefit of current and future generations. The agricultural sector in the Town is, and will continue to be a major contributor to all aspects of the Town economy.

The agricultural lands in the Town are designated as *Specialty Agricultural* and Prime Agricultural. The *Specialty Agricultural* designation implements the Province of Ontario's Greenbelt Plan and recognizes the importance of specialty croplands for their unique ability to produce certain crops and for their importance in the Provincial, Regional and Town economies. The Prime Agricultural designation protects and maintains land suitable for agricultural production and permits uses which support and/or are compatible with agriculture.

#### 2.1.2. Objectives

- (a) To recognize, respect and value the full range of ecological goods and services delivered to the community through good farming practices.
- (b) To recognize agricultural land as an essential component of the cluster that establishes the Town as a Centre of Excellence for Agriculture.

- (c) To promote the preservation of agricultural lands as the highest priority for the Town.
- (d) To protect the integrity of the Agricultural Area from conflicting uses.
- (e) To manage natural heritage features as part of the Agricultural Area in a way that will protect the feature but not impact on the ability to farm.
- (f) To acknowledge that agricultural land is an integral part of the natural environment and sustains vital linkages.
- (g) To support uses that enable farming and farmers to:
  - Become more competitive and sustainable;
  - Adapt to new and changing markets;
  - Diversify into and take advantage of new agricultural opportunities;
  - Improve the understanding of agriculture by the general public; and
  - Broaden operations to diversify economic activity and add value to agricultural production.
- (h) To emphasize the value of agriculture as an essential part of the Town environment, economy, *character* and quality of life.
- (i) To support the provision of farm related *infrastructure* including water for irrigation and drainage works.
- (j) To encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture.
- (k) To encourage the preservation of agricultural lands for agricultural purposes and to direct non-farm uses to *Settlement areas*.
- (l) To ensure non-farm uses do not conflict with and are well removed from agricultural activity.
- (m) To promote a viable agricultural industry for the production of a range of commodities, to enhance opportunities for directly related employment and to continue as a major component of the economic base of Lincoln.
- (n) To minimize the impact of non-farm uses on the agricultural area.
- (o) To support *development* of rural based *infrastructure* that supports agricultural operations.
- (p) To encourage the further growth of the *agriculture-related* uses and *on-farm diversification uses* including *agri-tourism uses* in appropriate locations and at an appropriate scale relative to surrounding land uses.

- (q) To support the development of fair tax policies that address *value added uses* and economic diversification on farms.
- (r) To consolidate and simplify the regulations associated with farming on agricultural lands.
- (s) To ensure the conservation of existing rural housing stock in order to provide on farm housing accommodation for farmers and farm help.

### **2.1.3. Permitted Uses**

Permitted uses in the *Specialty Agricultural* designation and the *Prime Agricultural* designation include:

- (a) *Agricultural uses*;
- (b) *Agriculture-related uses*;
- (c) *On-farm diversification uses*;
  - (i) *Agri-tourism uses*;
  - (ii) Farm wineries, estate wineries and micro-breweries;
- (d) Forestry and *conservation uses*;
- (e) Passive recreational uses such as active transportation trails and outdoor nature interpretation;
- (f) Residential uses on lots created in accordance with Section 2.1.5.8;
- (g) Single detached dwelling on an existing lot of record; and
- (h) Extraction of mineral aggregates and petroleum resources in accordance with the policies of this Plan in its entirety.

All proposed uses in the *Specialty Agriculture* and *Prime Agriculture* designation shall be compatible with, and shall not hinder surrounding agricultural operations.

### **2.1.4. General Policies in the Specialty Agricultural and Prime Agricultural Designations**

#### **2.1.4.1. Agricultural Uses**

- (a) Agricultural lands are delineated on Schedule 'A1' as either *Specialty Agricultural* or *Prime Agricultural*.

- (b) The size of farm parcels shall be maintained in units which are large enough to maintain flexibility to adapt to economic conditions in agriculture in the future. Consolidation of farm parcels shall be encouraged.
- (c) All types, sizes and intensities of *agricultural uses* shall be encouraged.
- (d) The *Minimum Distance Separation Formulae*, as amended from time to time, shall be utilized for locating new *development* where permitted. Separation distances between new or expanding livestock operations and other land uses in the area shall also be in accordance with the *Minimum Distance Separation Formulae*.
- (e) Additional permanent or portable farm helphouses may be permitted for full-time farm help where the size and/or nature of the farm operation makes the employment of such help necessary, subject to the following criteria:
  - (i) Both the farmer and the employee shall be employed full-time on the farm;
  - (ii) The farm helphouse will be located within the existing farm-building cluster; and
  - (iii) *Sewage and water services* shall be as required by the Region.

The Town may require that the development of a farm helphouse be subject to Site Plan Control. In no case, shall any farm helphouse use established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

#### **2.1.4.2. Uses Prohibited in the Agricultural Area**

Waste disposal sites and transfer stations and automotive recycling uses, including tire storage and recycling uses, are not permitted in the Specialty Agricultural or Prime Agricultural designations. Other uses including: compost facilities; soil manufacturing; storage or processing of treated solid material that is leftover from the municipal waste water treatment process; and storage or processing of other non-agricultural source material, are also prohibited in the Specialty Agricultural or Prime Agricultural designations if the use is not primarily related to the farm operation on the lands.

#### **2.1.5. Specific Policies in the Specialty Agricultural and Prime Agricultural Designations**

##### **2.1.5.1. Specialty Agricultural Designation**

- (a) The re-designation of lands in the *Specialty Agricultural* designation to another designation in this Plan is not permitted, except in accordance with the Greenbelt Plan or any amendment made thereto.
- (b) Buildings, structures or accessory uses associated with existing permitted uses may be expanded into a key natural feature or key hydrologic feature and legally established existing uses may be converted into uses which are more in conformity with this Plan subject to a Zoning By-law Amendment, Development Permit or Site plan control. In considering a Zoning By-law Amendment, Development Permit or

Site plan control the Town, while recognizing the primacy of agriculture in the *Specialty Agricultural Designation*. shall have regard for the Natural Environment policies and Natural Hazard policies of this Plan and shall apply the following criteria:

- (i) That there is no alternative to the expansion and the expansion, alteration or establishment is directed away from the feature to the greatest extent possible;
  - (ii) That the expansion should be limited in nature and minimize its impact upon the feature and its function. In addressing these criteria, the Town may require the preparation of an Environmental Impact Study; and
  - (iii) Where the proposed expansion is located within lands regulated by the Niagara Peninsula Conservation Authority, which includes *watercourses*, *valleys*, *floodplains*, the Lake Ontario Shoreline and *wetlands*, a permit will also be required from the Niagara Peninsula Conservation Authority.
- (c) Uses which are not permitted in the *Specialty Agricultural* designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Permission to expand buildings, structures or accessory uses associated with such a legal non-conforming uses may be considered and legally established existing uses may be converted into uses which are more in conformity with this Plan subject to an amendment to the Zoning By-law or approval of a Minor Variance. In considering an application, Committee shall have regard for the following criteria:
- (i) That the expansion does not require the provision or extension of a municipal water or sewer system;
  - (ii) That the expansion does not result in *development* occurring on a key natural heritage or hydrologic feature, unless there is no other alternative, in which case the expansion should be limited in nature and kept in proximity to the existing structure. In addressing these criteria, the Town may require the preparation of an Environmental Impact Study; and
  - (iii) Where the proposed expansion is located within lands regulated by the Niagara Peninsula Conservation Authority, which includes *watercourses*, *valleys*, *floodplains*, the Lake Ontario Shoreline and *wetlands*, a permit will also be required from the Niagara Peninsula Conservation Authority.
- (d) All uses in the *Specialty Agricultural* designation shall be designed, located and managed to not detract from the primacy of agriculture in the Agricultural Area.
- (e) All lands in the *Specialty Agricultural* designation shall be placed in an Agricultural Zone in the implementing Zoning By-law. Existing uses which are permitted by this Plan shall be placed in an appropriate exception zone if the Town is satisfied that the use has been in continuous operation since December 16, 2004 and the use does not pose a risk to public health or safety.

#### **2.1.5.2. Prime Agricultural Designation**

- (a) Non-agricultural uses are not permitted in the Prime Agricultural designation as such uses can have adverse impacts on both agricultural and natural resources. Where

non-agricultural uses are proposed in the Prime Agricultural designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Official Plan Amendment subject to the following criteria:

- (i) A demonstrated need within the planning horizon of this Official Plan for additional land to be designated to accommodate the proposed use within the municipality;
- (ii) The desirability of the proposed use to the community;
- (iii) It will not negatively impact the integrity of the Agricultural area through fragmentation or the introduction of a non-agricultural use;
- (iv) There are no reasonable alternatives to accommodate the proposed use in *Settlement areas*;
- (v) There are no reasonable alternative locations to accommodate the proposed land use on lower priority land within the Prime Agricultural designation;
- (vi) An assessment of the degree of conflict with surrounding *agricultural uses*. Impacts from any new or expanding non- agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible;
- (vii) New residential lots and uses are not permitted in the Prime Agricultural Designations except in accordance with policy 2.1.5.8;
- (viii) Conformity with other policies contained in Section 2 of this Plan;
- (ix) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and
- (x) Compliance with other policies contained in this Plan.

All uses in the Prime Agricultural designation shall be designed, located and managed to not detract from the primacy of agricultural in the Agricultural Area.

- (b) All lands in the Prime Agricultural designation shall be placed in an appropriate Agricultural Zone in the implementing Zoning By-law.
- (c) Non-agriculture uses in prime agriculture areas are not permitted unless for:
  - (i) Extraction of minerals, petroleum resources and *mineral aggregate resources*, in accordance with policies of this Plan in its entirety; or
  - (ii) Limited non-residential uses, provided that all of the following are demonstrated:
    - The land does not comprise a specialty crop area;
    - The proposed use complies with the minimum distance separation formulae;
    - There is an identified need within the planning horizon provided for in policy 1.1.2 of the 2014 Provincial Policy Statement for additional land to be designated to accommodate the proposed use; and
    - Alternative locations have been evaluated and there are no reasonable alternative locations which avoid prime agricultural *areas* and there are no reasonable alternative locations in *prime agricultural areas* with lower priority agriculture lands.

### 2.1.5.3. Agriculture-Related Uses

- (a) *Agriculture-related uses* may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town which in turn facilitates broader access to local food and beverages, agricultural products and VQA wines and preserves the agricultural land base, supports the Town as a Centre of Excellence for Agriculture and maintains the scenic quality of the agricultural landscape.
- (b) *Agriculture-related uses* include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area. These uses support agriculture and benefit from being in close proximity to farm operations and provide direct products from and/or direct services to farm operations as a primary activity.
- (c) *Adaptive re-use* of surplus farm facilities on existing farms for *agricultural related uses* will be encouraged to conserve *built heritage* resources and *cultural heritage landscapes* that would otherwise disappear as a result of no longer being required for farm purposes.
- (d) *Agriculture-related uses* must relate directly to farms in the area. It is recognized that in order to sustain market and allow for efficient operation of *agriculture-related uses*, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away. This is permitted provided the majority of product is from farm operations in the area. To assess whether a proposed *agriculture-related use* meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.
- (e) Lot creation to accommodate *agriculture-related uses* is not permitted.
- (f) Agriculture-related uses involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- (g) Agriculture-related uses involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be permitted subject to the following criteria:
  - (i) Whether the use is more appropriately located in a nearby settlement area;
  - (ii) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
  - (iii) Whether the use is compatible with the existing farming operation and/or surrounding farming operations;
  - (iv) Whether the scale of the activity is appropriate to the site and/or the farming operation;
  - (v) Whether the use is consistent with and maintains the *character* of the agricultural area;

- (vi) The use does not generate potentially conflicting off-site impacts;
- (vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- (viii) The use shall be subject to site plan control in accordance with Section 9.10 in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- (ix) The use does not require significant improvements to utilities or *infrastructure* such as road or hydro services; and
- (x) The use complies with all of the policies of this Plan and Niagara Region Official Plan.

#### 2.1.5.4. On-Farm Diversification Uses

- (a) *On-farm diversification* uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town which in turn facilitates broader access to local food and beverages, agricultural products and VQA wines and preserves the agricultural land base, supports the Town as a Centre for Excellence for Agriculture and maintains the scenic quality of the agricultural landscape.
- (b) *On-farm diversified uses* must be both secondary to the principal *agricultural use* of the property and limited in area. Such uses include but are not limited to home occupations, home industries, *agri-tourism uses* and uses that produce value added agricultural products.
- (c) *Adaptive re-use* of surplus farm facilities on existing farms for *on-farm diversified uses*, and *agri-tourism uses* at a scale that is appropriate to the farm operation, and will be encouraged to conserve *built heritage* resources and *cultural heritage landscapes* that would otherwise disappear as a result of no longer being required for farm purposes.
- (d) Lot creation to accommodate *on-farm diversification uses*, is not permitted.
- (e) Lot creation to accommodate creative culture industries in Agriculture Areas is not permitted.
- (f) *On-farm diversified uses* involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- (g) *On-farm diversified uses* involving *development* over 500 square metres shall be subject to a Zoning By-law Amendment and may be permitted subject to the following criteria:
  - (i) Whether the use is more appropriately located in a nearby settlement area;
  - (ii) Whether the use is required on the agricultural property for it to support and complement the agricultural activity;



- (iii) Whether the use is compatible with the existing farming operation and surrounding farming operations;
- (iv) Whether the scale of the activity is appropriate to the site and the farming operation;
- (v) Whether the uses is consistent with and maintains the character of the agricultural area;
- (vi) The use does not generate potentially conflicting off-site impacts;
- (vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- (viii) The use shall be subject to site plan control in accordance with Section 9.10 in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- (ix) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; and
- (x) The use complies with all of the policies of this Plan and Niagara Region Official Plan.

Specific *on-farm diversification uses* are permitted subject to the following provisions.

#### **2.1.5.4.1. Agri-Tourism Uses**

- (a) *Agri-tourism uses* that are located on a farm and secondary to the principal agricultural use of the property, limited in area to 500 square meters or less, and related to agriculture will be permitted as of right in the implementing Zoning By-law. *Agri-tourism uses* that are both located on a farm and secondary to the principle agricultural use of the property involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be considered based on the following criteria:
  - (i) The scale of the operation is appropriate to the site and surrounding farming operations;
  - (ii) The use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses;
  - (iii) The use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation/traffic;
  - (iv) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure;
  - (v) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
  - (vi) The use complies with all of policies of this Plan and Niagara Region Official Plan.
  - (vii) For special events, the use represents an occasional activity and is not a regular recurring activity; and
  - (viii) The timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding lands.

#### **2.1.5.4.2. Bed & Breakfast Establishments**

Bed and breakfast establishments are permitted as an *on-farm diversified* use in accordance with the policies outlined in Section 9.13.

#### **2.1.5.4.3. Farm Wineries, Estate Wineries and Micro-Breweries**

##### **2.1.5.4.3.1.**

All *farm wineries* and *estate wineries* and micro-breweries permitted within the *Specialty Agricultural* designation and the Prime Agricultural designation, shall be subject to the following criteria:

- (a) All wineries and breweries and accessory uses to the operation are expected to rely solely on private water services and sewage disposal systems that meet the requirements of the Niagara Region and/or the requirements of the Ministry of the Environment and Climate Change, should sewage and waste flows be in excess of 10,000 litres/day unless municipal water and/or sanitary sewer services are readily available across the frontage of the lands and connection is permitted under the policies of the Regional Official Plan;
- (b) No new severance of an existing winery, brewery and/or an accessory use from the farm parcel shall be permitted;
- (c) A special event may be permitted where it is directly related to the winery or brewery located on site and where it has been approved through an amendment to the Zoning By-law or Temporary Use By-law or if it is a special event in association with a main use or secondary use and the proponent has received the permission of the Town in advance of the event. The Town reserves the right to refuse permission or limit an event where it is of the opinion that the event will create a nuisance, be offensive or incompatible with surrounding uses. This policy applies to events, without limitation.

##### **2.1.5.4.3.2.**

Farm Wineries may be permitted as *on-farm diversified use* within the Specialty Agricultural and Prime Agricultural designations subject to the following policies:

- (a) A minimum farm parcel of at least 3.2 hectares will be required;
- (b) The implementing Zoning By-law will establish zone provisions for the establishment of farm wineries;
- (c) All wines produced within a *farm winery* shall be made from fruit predominantly from the vineyard and/or fruit farm located on the same land as the *farm winery* as well as part of the farmer's own farm operation;

- (d) A hospitality room where wine and food is served and the retail sale of wine produced on site will be permitted. The implementing Zoning By-law will set out specific retail floor area provisions;
- (e) New winery buildings should be setback sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting;
- (f) Farm wineries shall be subject to Site Plan Control in accordance with Section 9.10;
- (g) A minimum of 2 hectares of the lands shall be planted in vineyards and/or fruit crops and is in full production. The Town will require the vineyard and/or fruit crop planting and production as a condition of approval to be completed prior to the issuance of a building permit; and
- (h) Where a *farm winery* proposes to exceed 500 square metres, it shall be subject to the provisions for an *estate winery* of Section 2.1.5.4.3.3.

#### **2.1.5.4.3.3.**

Estate wineries may be permitted within the Specialty Agricultural and Prime Agricultural designations as an *on-farm diversified use* subject to the following policies:

- (a) The implementing Zoning By-law shall establish a minimum farm parcel size on which an *estate winery* may be established. Generally, a minimum farm parcel size of at least 8 hectares shall be required and most of the land that is arable for viticulture and/or the production of fruit crops shall be in full production. This minimum size is required to provide an agricultural setting for the *estate winery* and to minimize the impact on surrounding land uses. Proposals for estate wineries on smaller parcels may be considered where it can be demonstrated that the proponent can comply with all other policies of the Plan and that it will not impact surrounding land uses;
- (b) The implementing Zoning By-law will establish zone provisions for the establishment of estate wineries;
- (c) The production of wine from an *estate winery* shall be made from fruit primarily grown on farms in the area;
- (d) The establishment of new estate wineries or the expansion of existing estate wineries shall require a site specific amendment to the Zoning By-law;
- (e) The retail sale of wine produced on site will be permitted. The implementing Zoning By-law will set out specific retail floor area provisions;
- (f) A hospitality room where wine and food is served and the sale of products permitted in a farm market/fruit stand are permitted as accessory uses to the *estate winery*;

- (g) Bed and breakfast establishments within a winery and small-scale restaurants may also be permitted where it is clearly demonstrated that such uses are only accessory to and complement the *estate winery*. These uses shall only be permitted on an individual case-by-case basis and subject to a site-specific amendment to the Zoning By-law;
- (h) Larger scale *agri-tourism* uses accessory to estate wineries, such as banquet facilities, large restaurants, and accommodation facilities where the total floor area exceeds 235 square metres will require an amendment to this Plan;
- (i) Estate wineries shall be required to locate with direct and convenient access to a roadway with sufficient capacity to accommodate the anticipated traffic. A traffic study may be required as a condition of the *development* of the *estate winery*. In addition, the winery buildings should be setback sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting;
- (j) Estate wineries shall be subject to site plan control in accordance with Section 9.10;
- (k) The Town shall require that most of the land that is arable for viticulture and/or the production of fruit crops to be planted and be in full production. The Town will require the planting, as a condition of the site specific amendment to the By-law, to be completed prior to the removal of the Holding Provision or prior to the issuance of a building permit; and
- (l) All accessory uses to a winery shall not detract from the principal *agricultural use* nor adversely affect surrounding land uses.

#### **2.1.5.4.3.4.**

Micro-breweries may be permitted within the Specialty Agricultural and Prime Agricultural designations as an *on-farm diversified use*. Micro-breweries up to 500 square metres will be subject to the applicable farm wineries policies and micro-breweries over 500 square metres will be subject to the applicable estate wineries policies with the exception that the crops required on site shall be related to beer production.

#### **2.1.5.5. Home Occupations and Home Industries**

Home occupations and home industries are permitted in agricultural areas in accordance with the policies outlined in Section 9.12.

#### **2.1.5.6. Forestry and Conservation Uses**

Forestry and *conservation uses* are encouraged and in particular woodlots and windbreaks which control soil erosion and act as *groundwater recharge* areas. Land use and *development* that degrade the natural *ecosystem* will not be permitted. However, this policy shall not restrict normal farm practices.

### 2.1.5.7. Passive Recreational Uses

Passive recreational uses, such as active transportation trails and outdoor nature interpretation centres are permitted on lands owned by a public authority. Abandoned hydro corridors should be used for passive trail purposes or offered to adjacent property owners in a similar manner as closed road allowances and not sold as separate building lots.

### 2.1.5.8. Consent Policies

#### 2.1.5.8.1.

The following types of consents may be permitted in the Agricultural Area:

- (a) The severance of a dwelling built prior to December 16, 2004 and surplus to a farm operation as the result of the amalgamation of two or more farms under the ownership of a *bonafide farmer* and containing an active *agricultural use*, and subject to the following criteria:
  - (i) The farms must be merged in title or alternatively the remnant farm parcel be rezoned to preclude residential usage in perpetuity;
  - (ii) The severed dwelling shall meet the Minimum Distance Separation (MDS) Formula;
  - (iii) The severed dwelling shall be in a habitable condition;
  - (iv) The severed dwelling shall be surplus to the farmer's present and future needs as a family residence or a farm helphouse;
  - (v) The remnant parcel of farm land should be of a substantial size to function as a significant part of the overall farm unit;
  - (vi) The applicant must be a bonafide full-time farmer (as defined in this Plan). This provision is intended to encourage part-time farmers to become *bonafide farmers* through the amalgamation of additional farm parcels;
  - (vii) There must be at least one farm dwelling remaining with the farm operation that may consist of one or more parcels of land in the Town;
  - (viii) The remaining farm dwelling must be located on a parcel in the Town that is owned by the farmer and that is of a substantial size to function as part of the overall farm unit;
  - (ix) The size of the parcel containing the surplus farm dwelling shall be limited to the minimum size needed to accommodate the dwelling, including areas for individual *sewage and water services* in accordance with Section 2.1.5.8.2(a); and
  - (x) The severance of a dwelling where there are two dwellings on an existing farm parcel is not permitted.
  
- (b) A severance when *adjacent lands* are to be added to and merged in title with an existing farm operation. Any remnant parcel shall be large enough to maintain a viable farm operation as defined in Section 2.1.5.8.1(d).

- (c) A severance for minor boundary adjustments, which do not create a separate building lot and does not have a negative impact on a farm. In the *Specialty Agricultural* Designation consent for this purpose is permitted if there is no increased fragmentation of a key natural heritage or hydrologic feature.
- (d) A severance for *agricultural uses* provided that the severed and retained parcels are both to be used for agricultural purposes and provided the minimum lot size is 16.2 hectares in the *Specialty Agricultural Area* and 40.5 hectares in the *Prime Agricultural Area*.
- (e) A severance for technical reasons such as an easement or right-of-way. In the *Specialty Agricultural* Designation consent for this purpose is permitted if there is no increased fragmentation of a key natural heritage or hydrologic feature.
- (f) A severance for *infrastructure* purposes as permitted in this Plan, where the facility or corridor cannot be accommodated through the use of an easement or right-of-way and provided the *infrastructure* is supported by the Regional Official Plan, the Provincial Policy Statement, the Greenbelt Plan and the Growth Plan.
- (g) Conveyances to public bodies or non-profit entities for natural heritage conservation provided it does not create a separate lot for a residential dwelling.

#### **2.1.5.8.2.**

New residential lots created in accordance with Section 2.1.5.8 above shall meet the following conditions:

- (a) Proposed lots shall normally have a minimum lot frontage of 45 metres and a minimum useable lot area of 0.4 hectares, except where local conditions or special design proposals require variations in configurations. In all cases proposed lots must meet the requirements of the Region, or the authority having jurisdiction to ensure that the lot has *sustainable private services* and a potable water supply. New lots shall not exceed an area of 0.4 hectares except to the extent necessary to meet the requirements of the Region or to accommodate a special circumstance, or local condition, such as *vulnerable* groundwater conditions, a ravine or creek. Where the lands are serviced by municipal water and sanitary sewers a minimum lot frontage of 18 metres and a minimum lot area of 475 square metres are required.
- (b) No new lot shall be permitted where road access would create a traffic hazard. Joint access from existing driveways shall be encouraged wherever possible.
- (c) All new lots shall have frontage on an open maintained public road year round.
- (d) New lots shall be separated from livestock operations in accordance with the *Minimum Distance Separation Formulas*.

- (e) The location of new lots shall be consistent with the Natural Resource policies of the Greenbelt Plan and Mineral Aggregate Resource policies of the Provincial Policy Statement.
- (f) The location of new lots shall be consistent with the Natural System policies of the Greenbelt Plan and the Natural Heritage Policies of the Provincial Policy Statement.
- (g) New lots shall be located in such a position that minimizes the impact on the remaining farm operation.

### **2.1.6. Special Provisions**

The following existing land uses do not conform to the permitted uses listed in Section 2. However, notwithstanding Section 2 they are considered to be permitted uses under this Plan and expansions to these uses and uses addressed in Section 5.B.8.3 of the Regional Official Plan shall be permitted unless the expansion is proposed on lands not previously owned and occupied by the use.

#### **2.1.6.1.**

In addition to the permitted uses of the Specialty Agricultural designation, those lands located on the west side of Regional Road No. 24 (Victoria Avenue) in part of Lot 1, Concession 1, in the former Township of Clinton, may also be used for neighbourhood convenience commercial uses in accordance with Section 3.1.11.

#### **2.1.6.2.**

In addition to the permitted uses of the Specialty Agricultural designation, those lands located on the south side of Fly Road, east of Mountain Road, in part of Lot 18, Concession 7, in the former Township of Clinton, may also be used for a public park.

#### **2.1.6.3.**

In addition to the permitted uses of the Specialty Agricultural designation, those lands located on the south side of Fourth Avenue, east of Nineteenth Street in part of Lot 18, Concession 4, in the former Township of Louth, may also be used for a school and accessory recreational uses.

#### **2.1.6.4.**

In addition to the permitted uses of the Specialty Agricultural designation, those lands located on the south side of Fourth Avenue and the east side of Nineteenth Street, in part of Lot 18, Concession 4, in the former Township of Louth, may also be used for a place of worship.

#### **2.1.6.5.**

Notwithstanding the permitted uses of the Specialty Agricultural designation, those lands located on the north side of Culp Road, to the east of Victoria Avenue, in part Lot 23, Concession 2, in the former Township of Louth, may also be used for local neighbourhood commercial uses in accordance with Section 3.1.11.

#### **2.1.6.6.**

In addition to the permitted uses of the Specialty Agricultural designation, those lands located on the north side of Fourth Avenue, to the east of Nineteenth Street, in part of Lot 18, Concession 3, in the former Township of Louth, may also be used for a school and accessory recreational uses.

#### **2.1.6.7.**

The Durham Industrial Area (Regional Road 81 and Durham Road) is intended to be developed for industrial purposes of a light and dry nature. Other appropriate commercial uses shall be permitted and include automotive and farm-related commercial and retail outlets for products manufactured on the premises. The development of this area will be guided by the following:

- (a) The *development* of these lands will take place only through the provision of on-site sanitary disposal systems which have been approved by the Region or the Ministry of the Environment and Climate Change where required, for each particular use;
- (b) Material used to fill and grade the subject lands will follow the recommendations of the MOECC "*Management of Excess Soil – A Guide for Best Management Practices*"; the Town will require that a "fill and grade plan" is submitted to the Town and approved by the Town, the Niagara Peninsula Conservation Authority and the Ministry of the Environment and Climate Change, and this "fill and grade plan" shall include, among other matters, the nature and type of material to be used, the hours of operation of the trucking operation if such an operation is for a duration of more than five working days and arrangements for the clean-up and repair of damages to Town roads;
- (c) The implementing Zoning By-law respecting the subject lands will permit only uses of a "light, dry, industrial" type preferably agriculturally related but may also include other uses including processing or manufacturing that would not require the need for a municipal sanitary sewer connection in the future, or otherwise conflict with the general rural *character* and uses of the surrounding area through the pollution of the atmosphere or the pollution of the drainage system which travels through the subject lands;
- (d) Any diversion of the existing drainage system will require its approval and that of the Niagara Peninsula Conservation Authority; and,
- (e) In areas where liquids and chemicals are stored, provisions shall be made for the containment of accidental spills which are adequate to prevent contamination of surface and groundwater.



## 2.2. RURAL SETTLEMENT

The following land use policies apply to the Rural Settlement Area so designated and identified on Schedule 'A1' to this Plan.

### 2.2.1. Introduction

The purpose of the Rural Settlement designation is to recognize the existing settlement of Tintern which is not expected to experience significant growth in the Town.

### 2.2.2. Objectives

- (a) To provide for limited *development* in the Rural Settlement Area, while maintaining its small community *character*.
- (b) To provide sufficient *development* capacity to accommodate supporting farm-related uses and commercial uses to support the nearby agricultural and rural communities.
- (c) To maintain and enhance a recognizable image for the hamlet and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality.

### 2.2.3. Permitted Uses

Permitted uses in the Rural Settlement designation include:

- (a) Bed and breakfast establishments;
- (b) Group homes;
- (c) Home occupations and home industries;
- (d) Institutional uses including elementary and secondary schools, community facilities, churches and place of worship and day-care centres;
- (e) Parks and open space;
- (f) Low density residential;
- (g) Small scale industrial or commercial uses that serve the needs of the settlement and the surrounding agricultural area; and
- (h) Accessory buildings and structures.
- (i) Tourism related activities and small-scale *creative cultural industries*

#### 2.2.4. General Policies

- (a) Rural *Settlement Areas* play an important housing, social, cultural and economic role for the Rural Settlement Area and the surrounding agricultural area.
- (b) New lots shall be created through consent or in accordance with Section 9.9 of this Plan and shall meet the following conditions:
  - (i) Future growth should be encouraged in depth rather than in linear strips along existing roads.
  - (ii) New lots shall be a minimum of 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate a private water supply and *sustainable private services*. In all cases, a minimum of 0.4 hectares of useable lot area for *sustainable private services* shall be provided.
  - (iii) All *development* must have an adequate private water supply and be suitable for private waste disposal in accordance with the requirements of the Region and/or the Ministry of the Environment
  - (iv) Any residential *development* in excess of five residential units shall be supported by a Functional Servicing Report and Hydrogeological Study to ensure that the *development* can be accommodated on sustainable *private services* without an adverse impact on the quality of the groundwater and on the adjacent uses.
- (c) New non-residential uses may be permitted in the Rural Settlement designation subject to an amendment to the implementing Zoning By-law. Such uses shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit any of the uses listed in Section 2.2.3, the Town shall be satisfied that:
  - (i) The proposed use is compatible with the *character* of the Rural Settlement;
  - (ii) The use has frontage and safe ingress and egress onto a public road so the satisfaction of the Town and/or the Region;
  - (iii) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
  - (iv) The use shall not have a negative impact on the enjoyment and privacy of the neighbouring properties;
  - (v) Adequate parking, loading and landscaping can be provided on site;
  - (vi) Where the proposed use is industrial in nature, the Town will have regard to the Ministry of the Environment and Climate Change D-6: Compatibility between Industrial Facilities and *Sensitive Land Uses*; and
  - (vii) Where the lot boundary of the proposed use abuts or is in proximity to the lot boundary of existing residential uses, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate separate screening between the uses.
- (d) All lands used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law. All lands used for non-residential purposes shall be placed in an appropriate zone in the implementing Zoning By-law. All

undeveloped land may be placed in a Development or Holding Zone which will restrict the uses to those that existed on the date the implementing Zoning By-law comes into effect.

- (e) Proposals for *development* will be reviewed to ensure that the *development* is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added *development* will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated. *Development* should also minimize the impact on agricultural lands, natural hazard lands and on lands within the Natural Environment designation.
- (f) Where Rural Settlement boundaries have been established closer to an existing livestock operation than determined by the *Minimum Distance Separation Formula*, new *development* within the Rural Settlement must comply with the *Minimum Distance Separation Formulae*.
- (g) No new Rural *Settlement Areas*, expansions or minor boundary adjustments to existing Rural *Settlement Areas* are permitted in the *Specialty Agricultural Area*.
- (h) Minor boundary adjustments of existing Rural *Settlement Areas* shall be completed through a *municipal comprehensive review* subject to the following criteria:
  - (i) The adjustment is to address property boundary corrections such as split lots or property corrections/adjustments;
  - (ii) The property area is minor in nature;
  - (iii) The property area does not create a new lot;
  - (iv) Locally designated and/or listed heritage building(s) and/or feature associated with the designation or listing may be added to ensure their long-term protection provided the heritage building is on a property physically contiguous to the hamlet boundary;
  - (v) The adjustment does not include any lands designated Natural Environment unless the designated Natural Environment lands are already part of the Rural Settlement Area; and
  - (vi) The boundary adjustment shall comply with *Minimum Distance Separation Formulae*.

### **2.3. MINERAL AGGREGATE RESOURCE AREA**

The following land use policies apply to the areas identified on Schedule 'E3' as Bedrock Resource Area and Sand and Gravel Resource Area and the areas identified on Schedule 'A1' as 'E3' as Licensed Pits and Quarries.

#### **2.3.1. Introduction**

The purpose of the mineral aggregate resource area policies is to provide direction on future new or expanding operations and existing operations and to manage and protect mineral aggregate resources.

### 2.3.2. Objectives

- (a) To ensure that *mineral aggregate resources* are protected for long-term future use and that as much of the resource as is realistically possible, is made available as close to markets as possible.
- (b) To minimize the long-term impact on the disturbed area by encouraging and promoting the timely, progressive and final rehabilitation of aggregate operations.
- (c) To ensure that land use compatibility issues are addressed.
- (d) To minimize the impact of *mineral aggregate operations* related traffic on the community and the Town's road *infrastructure*.
- (e) To provide criteria for evaluating applications for *mineral aggregate operations*.
- (f) To ensure the orderly extraction and utilization of *mineral aggregate resources*.
- (g) Extraction shall be taken in a manner which minimizes social, economic and environmental impacts.

### 2.3.3. Permitted Uses

- (a) The *mineral aggregate resources* shown on Schedule 'E3' to this Plan may be used for the extraction of mineral aggregates that are found in a natural state on the site, subject to the policies of this Plan in its entirety.
- (b) Other permitted uses on the lands identified as Mineral Aggregate Resource include:
  - (i) *Agricultural uses*
  - (ii) *Forestry and conservation uses*;
  - (iii) *Passive recreational uses such as active transportation trails and nature interpretation centres; and*
  - (iv) Existing uses in accordance with the land use designation for the lands that are identified as Mineral Aggregate Resources are permitted.
- (c) Licensed *mineral aggregate operations* may extract resources, refine process, blend raw aggregate materials and may also utilize recycled aggregate material in conjunction with processing activities in order to produce semi-finished or finished goods. Other uses associated with an operation such as asphalt plants, ready mix concrete plants and aggregate transfer stations are also permitted.

### 2.3.4. Policies

- (a) It is recognized that the Ministry of Natural Resources licenses and regulates *mineral aggregate operations* under the Aggregate Resources Act. It is the intent

of this Plan to ensure that there is open consultation between the appropriate Provincial Ministries and agencies, the proponent of a *mineral aggregate operation*, the Region, the Town and the Niagara Peninsula Conservation Authority before licenses are issued or modified.

- (b) Extractive operations which are located within the jurisdiction of the Niagara Escarpment Plan shall be subject to all of the applicable policies and regulations of that Plan.
- (c) The location of known deposits of potential aggregate resource areas is shown on Schedule 'E3' to this Plan. The protection of known high quality resources shall take precedence, wherever possible, over any use that would preclude the extraction of such resources.
- (d) In areas within 300 metres of known deposits of *mineral aggregate resources*, any proposed *development* outside of a Settlement Area that would preclude or hinder the establishment of new or an expansion to an existing *mineral aggregate operation* or access to the resources shall only be permitted through the completion of a Mineral Aggregate Resource Study which determines the following:
  - (i) The resource use would not be feasible; or
  - (ii) The proposed land use or *development* serves a greater long-term public interest;
  - (iii) Issues of public health, public safety and environment are addressed; and
  - (iv) It does not adversely affect the availability of *mineral aggregate resources* in adjacent areas.
- (e) *Mineral aggregate operations* shall be protected from *development* that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Existing licensed *mineral aggregate operations* shall be permitted to continue without the need for an Official Plan Amendment, Zoning By-law amendment or Development Permit under the *Planning Act*.
- (f) All new *mineral aggregate operations* and/or expansions to existing *mineral aggregate operations* onto lands that are not designated as *Licensed Pits and Quarries* shall require an amendment to the Official Plan and Zoning By-law and the Regional Official Plan. An application to amend the respective Official Plans and Zoning By-law shall require the submission of supporting material and studies, subject to pre-consultation in accordance with Section 9.16 of this Plan which may clarify, scope or refine the required supporting material and studies. The material and studies shall be prepared by a qualified professional based on clear, reasonable and attainable standards and guidelines, and will be consistent with the reporting standards under the Aggregate Resources Act, where appropriate. This may include, but not be limited to the following:
  - (i) A detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereof;

- (ii) Planning justification report addressing and summarizing conformity with matters required under the Regional and Town Official Plans and Provincial policies;
- (iii) The Planning justification report will include consideration of social, environmental and economic impacts based on predictable, measureable, significant, objective effects caused by factors such as, without limitation, noise, dust, traffic levels and vibration. The assessment will be informed by other studies as required under this Plan and be based on Provincial standards, regulations and guidelines. The assessment will consider and identify methods of addressing the anticipated impacts in the area affected by the extractive operation;
- (v) Traffic and haul route impact study demonstrating that any additional traffic and/or road improvements will not have unacceptable impacts on the safe, efficient use and planned function of the road network or adjacent land uses, cultural landscapes, or lands within a *Natural Heritage Area* designation;
- (vi) An Archaeological Assessment and Heritage Impact Assessment in accordance with Section 8.2.3(e);
- (vi) Water resources study which will include surface water impacts, groundwater impacts, surface/groundwater interaction impacts and impacts on adjoining private wells;
- (vii) Noise and vibration study;
- (viii) Assessment of potential impacts to air quality and recommended measures to minimize such impacts;
- (ix) Public consultation strategy;
- (x) Comprehensive summary of monitoring requirements, recommended in any of the above mentioned studies addressing purpose, timing, frequency, responsible party or agency and reporting requirements;
- (xi) Agricultural impact assessment; and
- (xii) Detailed site development plan(s) including a progressive rehabilitation plan prepared to Aggregate Resources Act standards, which will include:
  - The location, topography, contours, dimensions and size of the property proposed for a *mineral aggregate operation*, as well as the extent of adjacent property which may be intended for future *mineral aggregate operations*;
  - The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for mineral aggregate extraction;
  - The location, height, dimensions of all buildings or structures existing or proposed to be erected on the site;
  - The location, quality and estimated quantity of *mineral aggregate resources*;
  - Existing and anticipated final grades of excavation setbacks within the site;
  - Surface water diversion, storage and drainage provisions;
  - All entrances, exists and proposed routes to be used by associated transport;

- Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the lands after the extractive operations have ceased; and
  - Other information as the Region and Town may determine through pre-consultation.
- (g) In considering an application for an amendment pursuant to Section 2.3.4(f), the following will be evaluated:
- (ii) Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
  - (iii) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
  - (iv) Potential impacts on the quality and quantity of surface and groundwater systems;
  - (v) Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;
  - (vi) Potential impacts on the *transportation system* which will require truck routes and points of site access to be established;
  - (vii) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
  - (viii) On *prime agricultural lands* the site will be rehabilitated back to the condition in which substantially the same areas and same average soil capability for agriculture is restored in accordance with 2.3.4(j);
  - (ix) Proposed progressive rehabilitation plan; and
  - (x) Other matters as the Region and Town deem necessary.
- (h) Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate *negative impacts* to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. The Town will require the completion of a progressive rehabilitation plan which will determine how the rehabilitation will be completed sequentially, within a reasonable time and in accordance with the Aggregate Resources Act and any other regulations or applicable plans.

Within a Natural Environment designation, the Town will require rehabilitation to enhance the restoration of *ecosystem* integrity in accordance with the policies of this Plan, the Regional Official Plan and Provincial policies.

- (i) When operators are undertaking rehabilitation of *mineral aggregate operation* site within the Specialty Crop Areas in the *Greenbelt Area* the following provisions apply:
- (i) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, the long-term ecological integrity will be maintained or restored, and to the extent possible, improved;

- (ii) 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:
  - a. The health, diversity and size of these features will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and
  - b. Any permitted extraction of *mineral aggregate resources* that occurs in a feature will be completed, and the area rehabilitated, as early as possible in the life of the operation.
- (iii) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement representative of the natural *ecosystem* in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of this policy.
- (j) In Prime agriculture areas, on prime agriculture land, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*. Complete rehabilitation to an *agricultural condition* is not required if:
  - (i) Outside of a specialty crop area, 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;
  - (ii) In a specialty crop area, there is a substantial quantity of high quality *mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
  - (iii) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in area of Canada Land Inventory 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agriculture lands where rehabilitation is feasible. Where no other alternatives are found, prime agriculture lands shall be protected in this order of priority: specialty crop areas, Canada Land inventory Class 1, 2 and 3 lands; and
  - (iv) Agricultural rehabilitation in remaining areas is maximized.
- (k) Final rehabilitation of *mineral aggregate operations* in the Greenbelt Natural Heritage System shall 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 pre-existing natural *ecosystem* in that particular setting or ecodistrict;
  - (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 ecodistrict; 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.
- (l) Where cultural heritage resources exist, the Town will promote and encourage rehabilitation of *mineral aggregate operations* in a manner which incorporates the cultural heritage resources in or adjacent to the site, including the conservation of *significant* cultural or heritage features.
- (m) In accordance with the Provincial Greenbelt Plan, there shall be no new pit or quarry or wayside facility or accessory use to any aggregate facility established within the Protected Countryside of the Greenbelt Plan in the Town between Lake Ontario and the Niagara Escarpment Plan Area.
- (n) Within the Specialty Agricultural designation to the south of the Niagara Escarpment Plan Area, in addition to the policies contained Section 2.3.4, the following policies apply to new or expanding *mineral aggregate operations* in the Specialty Agricultural designation:
- (i) Any new *mineral aggregate operation* or the expansion of an existing operation shall only be permitted in the Specialty Agricultural designation where the applicant demonstrates the following:
- The physical characteristics of the proposed site allow for the rehabilitation of the property back to an *agricultural condition*, which allows for restoration of substantially the same areas and same average soil capability for agriculture, the same range and productivity of specialty crops common in the area to be achieved, and allows for the microclimate which the site and surrounding area may be dependent for specialty crop production to be maintained; or
  - 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 surrounding area may be dependent for specialty crop production to be maintained, the applicant shall consider alternative locations. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on *prime agricultural lands* shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2, and 3 lands; and
  - Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the *Specialty Agricultural* 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. The second priority will be for other agricultural rehabilitation.

- (o) Where a new *mineral aggregate operation* or an expansion to an existing operation is proposed in lands within the Greenbelt Natural Heritage System the policies applicable to aggregate operations in Section 2.4.7 will apply.
- (p) *Wayside pits and quarries*, portable concrete plants and portable asphalt plants used for public authority contracts shall be permitted in all land use designations without the need for Planning Act approvals, except in those areas of existing development or in lands within a Natural Environment designation. The Town shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.
- (q) The implementing Zoning By-law shall place all licensed aggregate operations in a zone that permits quarries and sand and gravel extraction operations. The Implementing Zoning By-law may contain setbacks for extraction operations from adjoining properties designated for residential use by the Plan, municipal rights-of-way and property boundaries.
- (r) Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- (s) 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.

## **2.4. NATURAL ENVIRONMENT AREA**

The following land use policies apply to the Natural Environment Area so designated and identified on Schedule 'A'.

### **2.4.1. Introduction**

The purpose of the *Natural Environment* designation is to improve, protect and enhance the ecological integrity of "The Core Natural Heritage System" as identified by the Region of Niagara and the Greenbelt Natural Heritage and Water Resources Systems as established in the Greenbelt Plan (2005).

The *Natural Environment* is comprised of the following designations:

- *Environmental Protection Areas*;
- *Environmental Conservation Areas*;

- Greenbelt Protected Area; and
- Potential Natural Heritage Corridors.

Except for the Potential Natural Heritage Corridors, these areas are shown on Schedules 'A1', 'E1', 'E2' and 'E5'. The Potential Natural Heritage Corridors are shown conceptually in the Regional Official Plan on Schedule C: Core Natural Heritage.

In implementing these policies the Town recognizes that the natural environment is a broadly based system incorporating natural and working landscapes and acknowledges the role agricultural lands have as an essential component of the Natural Environment Area preserving open spaces, providing linkages and preserving natural features. Subject to the specific policies of this Plan, a full range of existing and new agricultural, *agriculture-related* and *on-farm diversified* uses are permitted in the Natural Environment Area.

The Town also acknowledges that natural heritage features are a land use and may conflict with good farming practises. Initiatives to restore lands to natural heritage status must have regard for impacts on agricultural activities and must allow agriculture to continue on the understanding that good farming practises will prevail.

Nothing in this Section is intended to limit the ability of *agricultural uses* to continue with flexibility to evolve and expand in accordance with the policies of this Plan.

The Town encourages farmers to prepare and implement Environmental Farm Plans (EFP) and encourages the Province to strengthen the program so the EFP becomes an integral part of the *development* process and can replace the requirement for an Environmental Impact Study or additional environmental studies for agriculturally related *development*.

In implementing these policies the Town supports the healthy landscape policies of the Regional Official Plan.

#### **2.4.2. Components of the Environmental Protection Area**

- (a) The Environmental Protection Area designation contains natural heritage features and functions of special importance to the *character* of the Town and the Niagara Region. These areas are *significant* because of their size, location, outstanding quality, or *ecological functions*. They contribute to the health of the broader landscape and may contain features of local, provincial or even national significance.
- (b) The Environmental Protection Area is intended to identify *significant* natural heritage features including:
  - (i) Provincially Significant Wetlands (PSW), outside of the Greenbelt Plan area;
  - (ii) Provincially Significant Life Science Areas of natural and scientific interest (ANSI), and the habitat of endangered species and threatened species outside of the Greenbelt Natural Heritage System; and
  - (iii) Provincially Significant Earth Science Areas of Natural and Scientific Interest.

- (c) The status and boundaries of the features identified in this policy may change as new information becomes available and consultation with the Provincial and Regional agencies prior to *development* is recommended. Additional *significant* natural heritage features may be identified through comprehensive planning or a *development* application process. Those new features shall be evaluated for significance and appropriate policies applied, accordingly.
- (d) Lands within the Environmental Protection Area are shown on Schedule 'A1' to this Plan. The specific features of the Environmental Protection Area are shown on Schedule 'E1' to this Plan.
- (e) Mapping of the *habitat of endangered species and threatened species* is not specifically identified on the schedules to this Plan. Habitat of *endangered species* and *threatened species* will be identified through the Planning and Development review process. Where such habitat is identified *development* and *site alteration* shall not be permitted except in accordance with Provincial and Federal legislation.

### 2.4.3. Components of the Environmental Conservation Area

The purpose of the Environmental Conservation Area designation is to recognize and maintain other environmental features not included in the Environmental Protection Area. Features within the Environmental Conservation Area represent Environmental Conservation Areas under the "Core Area-Environmental Conservation Areas" of the Regional Official Plan.

- (a) Below is a listing of those components of the Natural Environment Area, outside of the Greenbelt Natural Heritage System that comprise the Environmental Conservation Area designation:
  - (i) Locally *significant wetlands* outside of the Greenbelt Plan area;
  - (iii) *Significant* habitat of species of concern;
  - (iii) *Significant woodlands*;
  - (iv) *Significant* valley lands;
  - (v) Regionally *significant* Life Science Areas of natural and scientific interest;
  - (vi) Savannahs and tall grass prairies;
  - (vii) Alvars;
  - (viii) *Significant wildlife habitat*;
  - (ix) Publicly owned conservation lands; and
  - (x) *Fish habitat*.
- (b) Lands within the Environmental Conservation Area are shown on Schedule 'A1' to this Plan. The specific features of the Environmental Conservation Area are shown on Schedule 'E2'.

### 2.4.4. Components of the Greenbelt Natural Heritage System Designation

- (a) The components of the Greenbelt Natural Heritage System designation include the following Key Natural Heritage Features:
- Significant habitat of endangered species, threatened species and special concern species;
  - *Fish habitat*;
  - *Wetlands*;
  - Life Science *Areas of natural and scientific interest (ANSIs)*;
  - *Significant valleylands*;
  - *Significant woodlands*;
  - Significant wildlife habitat;
  - Sand barrens, savannahs and tall grass prairies;
  - Alvars; and
  - Publicly owned conservation lands
- (b) The components of the Greenbelt Natural Heritage System designation include the following Key Hydrologic Features:
- Permanent and intermittent streams;
  - Lakes and their littoral zones;
  - Seepage areas and springs; and
  - Wetlands.
- (c) Lands within the Greenbelt Natural Heritage System are shown on Schedule 'A1' to this Plan. The specific features of the Greenbelt Natural Heritage System are shown on Schedule 'E1'. Due to a lack of data at the time that this Official Plan was developed, some features have not been mapped. It will be a priority at the time of an Official Plan Review to specifically review environmental feature data prepared by the Region through the "Contemporary Watercourse Mapping for the Niagara Region" project, the NPCA or any Provincial Ministry to ensure the information contained in this Plan is up-to-date.
- (d) The Town may require a proponent of a development application to assess or confirm the boundaries of key hydrologic features on-site or within 120 metres of the proponent's lot in cases where Schedule E1 identifies a hydrological feature or where such a feature has been confirmed by a field assessment. Should a key hydrologic feature be confirmed in accordance with the Greenbelt Plan, the policies of this Section with respect to impact assessment shall apply.

#### **2.4.5. Permitted Uses**

Notwithstanding other policies in this Plan or the Regional Official Plan, within the Environmental Protection Area and the Greenbelt Natural Heritage system, *development* and *site alteration* shall be limited to the following:

- (a) Agricultural drains, conservation and flood control projects where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available;
- (b) *Agricultural uses*;
- (c) Forest, fish and wildlife management uses; and
- (d) Small-scale, passive recreational uses such as active transportation trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the *ecological functions* of such features.
- (e) In addition to the uses permitted in the *Environmental Protection Area*, the following uses are permitted in the *Environmental Conservation Area*
  - (i) Agricultural-related uses and *on-farm diversified uses*;
  - (ii) Single detached dwellings on existing lots of record.

Where such uses are proposed, the proponent may be required to prepare an Environmental Impact Study (EIS) in accordance with Niagara Region's EIS Guidelines.

In accordance with the policies of the Greenbelt Plan (2005), new *development* and/or *site alteration* is not anticipated within the Greenbelt Natural Heritage System designation as this designation is intended to represent the most *significant* natural heritage features in the Greenbelt.

In accordance with the Greenbelt Plan and Regional Official Plan, no new *development* or *site alteration* shall be permitted within lands designated Greenbelt Natural Heritage System, including any associated vegetation protection zone, with the exception of uses specified in Section 2.4.7.

## **2.4.6. Policies for Environmental Protection and Environmental Conservation Areas**

### **2.4.6.1. General Conditions for Development and Site Alteration**

- (a) Given the *sensitive* nature of features in the Environmental Protection Area, applications for new *development* and *site alteration* only permitted in accordance with Policy 2.4.5 of this Plan. Where *development* is proposed, the proponent may be required to prepare an Environmental Impact Study to the satisfaction of the appropriate approval authority as outlined in Section 4.7 of this Plan.
- (b) *Development* and *site alteration* may be permitted in the Earth Science Area of Natural and Scientific Interest (ANSI) shown on Schedule 'E1' if it has been demonstrated to the satisfaction of the Niagara Peninsula Conservation Authority in consultation with the Region and the Town that there will be no *negative impacts* on the earth science feature for which the area was identified or on *ecological functions* related to the ANSI.

- (c) Where an amendment to this Plan or a major *development* is being proposed within an Earth Science ANSI adequate information shall be submitted with the application respecting:
  - (i) Site topography, *significant* geological features and stratigraphic exposures; and
  - (ii) Planning and design measures recommended to avoid *negative impacts* on the features and its *ecological functions* or, if not possible, to mitigate them.
- (d) New *development* and *site alteration* may be permitted in the Environmental Conservation Area provided it has been demonstrated through an Environmental Impact Study that there will be no negative impact to the natural heritage feature or its *ecological functions*. *Agricultural uses* may be exempt from the requirement for an Environmental Impact Study in accordance with Niagara Region's EIS Guidelines.
- (e) Specific requirements for an Environmental Impact Study shall be determined in conformity with the provisions of Section 4.7 of this Plan.
- (f) Where *development* or *site alteration* is proposed in proximity to lands in an Environmental Protection Area or Environmental Conservation Area, efforts should be made to identify and create, maintain and where possible enhance linkages amongst lands in an Environmental Protection Area, Environmental Conservation Area, and/or Greenbelt Natural Heritage System.
- (g) Where *development* or *site alteration* other than an *agricultural uses* is proposed in an Environmental Protection Area or Environmental Conservation Area, a Tree Preservation Plan shall be required to provide recommendations with respect to the protection or enhancement of existing trees. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and implementation of the Plan should be authorized and monitored by a member of the Ontario Professional Forestry Association.

#### 2.4.6.2. Existing Uses

Existing, legal uses located within an Environmental Protection Area shall be recognized as legal non-conforming uses in this Plan or as exceptions in the implementing Zoning By-law. With the exception of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*, such uses shall not be physically expanded or enlarged.

An expansion to an existing residential use located within an Environmental Conservation Area may be permitted if it will have no negative impact on the natural heritage feature or its *ecological functions*. If the expansion involves a substantial *intensification* in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Study in accordance with Section 4.7 of this Plan. The applicant may be required to obtain a permit from Niagara Peninsula Conservation Authority where the expansion is located within a regulated area.

### 2.4.6.3. Adjacent Lands

*Adjacent lands* are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the *development* proposal must be addressed. For the purposes of this Official Plan, *adjacent lands* are defined as all lands within:

- 120 metres from the boundary of a Provincially *Significant Wetland* (PSW);
- 50 metres from the boundary of a Provincially *Significant Life Science Area of Natural and Scientific Interest* (ANSI);
- 50 metres from the significant habitat of endangered species and threatened species;
- 30 metres from Critical or Class 1 *Fish Habitat* as defined by the Ministry of Natural Resources;
- 15 metres from Important or Marginal *Fish Habitat* as defined by the Ministry of Natural Resources; and
- 50 metres from land designated Environmental Conservation Area.

For the purposes of establishing setback for *fish habitat* the measurement shall be taken from the stable top of the bank.

No *development* or *site alteration* shall be permitted on *adjacent lands* unless an Environmental Impact Study demonstrates that there will be no negative impact on the feature or its *ecological functions*. The Town or the Niagara Peninsula Conservation Authority shall approve any Environmental Impact Study prepared to address impacts on *development* or *site alteration* within *adjacent lands*. The requirements for an Environmental Impact Study are contained in Section 4.7 of this Plan.

### 2.4.6.4. Existing Lots

A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part in an Environmental Conservation Area if they are sited, designed, and constructed to minimize *negative impacts* on the natural features and *ecological functions* of the subject lands and provided such *site alteration* or *development* has addressed Niagara Peninsula Conservation Authority regulations to allow the issuance of a work permit. Nothing shall restrict *agricultural uses*, *agriculture-related uses* and *on-farm diversification uses* on existing lots.

### 2.4.6.5. Lot Creation

Where lot creation is proposed in a parcel comprised of lands in an Environmental Protection Area or Environmental Conservation Area the severed lot(s) shall not be comprised of that land. The retained lands shall be retained as a single lot in a natural state and shall be zoned or identified through a Site Plan Agreement to protect *ecological functions* and natural features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempted from this policy requirement.



If a proposed single residential lot is to be located entirely within *adjacent lands* the requirement for an Environmental Impact Study may be waived if the Town and the Region in consultation with the Niagara Peninsula Conservation Authority and in accordance with the Region Environmental Impact Study guidelines are satisfied such that standard mitigation measures can avoid *negative impacts* on the natural heritage features and *hydrologic functions*.

In conjunction with the pre-consultation and processing of any application, the Town will ensure the Region and Niagara Peninsula Conservation Authority are provided an opportunity to review and provide comments on such applications.

New lots shall comply with the *minimum distance separation formulae*.

#### **2.4.6.6. Infrastructure**

New or expanding *infrastructure* is not permitted in an Environmental Protection Area or an Environmental Conservation Area with the exception of linear *infrastructure* constructed by a public authority or agency through an environmental assessment process provided there is no reasonable alternative.

Where *infrastructure* is permitted to cross or encroach into such areas, it shall minimize *negative impacts* and disturbance on the feature or its related functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

Where linear public utilities and *infrastructure* is proposed in the Earth Science Area of Natural and Scientific Interest (ANSI) shown on Schedule 'E1' it must be demonstrated to the satisfaction of the Niagara Peninsula Conservation Authority in consultation with the Region and the Town that there will be no *negative impacts* on the earth science feature for which the area was identified or on *ecological functions* related to the ANSI.

Drainage works, as defined and authorized by the Drainage Act, may be established within Environmental Protection Area features provided all reasonable efforts are made to keep such *infrastructure* out of such features, the proposed *infrastructure* is consistent with other applicable legislation, and best management practices are employed.

#### **2.4.6.7. Mineral Aggregate Operations**

Where a new or expanding *mineral aggregate operation* is proposed in lands located within the Environmental Conservation Area, a potential Natural Heritage Corridor or *Fish Habitat* or within *adjacent lands* an Official Plan Amendment and Zoning By-law Amendment shall be required and shall be supported by an Environmental Impact Study prepared in accordance with Section 2.4 and 4.7 of this Plan. In addition to the requirements of Section 4.7, the Environmental Impact Study shall also specifically consider:

- (a) Whether connectivity among natural heritage and hydrological features will be maintained or enhanced, before, during and after mineral aggregate extraction;

- (b) Whether *significant* hydrologic features and functions will be maintained or enhanced, before, during and after mineral aggregate extraction;
- (c) How Environmental Conservation Area features and their *ecological functions* that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural *ecosystem* in the particular setting or ecodistrict of the feature or features to be impacted;.
- (d) Any new *mineral aggregate operation* or wayside pit and quarry within the Greenbelt Natural Heritage System shall meet the policy of this Plan in its entirety, the Regional Official Plan, the Greenbelt Plan and the Provincial Policy Statement; and;
- (e) Expansion of an existing *mineral aggregate operation* may be permitted in the Greenbelt Natural Heritage System, including Core Natural Heritage System features and key hydrologic features, and in any associated vegetation protection zone, only if the expansion is consistent with the Greenbelt Plan and Provincial Policy Statement.

#### **2.4.6.8. Significant Woodlands**

When *development* or *site alteration* is proposed within 50 metres of a *Significant Woodland* identified on Schedule 'E2', an assessment based on the criteria in the Regional Official Plan, will be required to determine if the feature is *significant*. This assessment will be completed to the satisfaction of the Town, Region and Niagara Peninsula Conservation Authority.

#### **2.4.7. Policies for Greenbelt Natural Heritage System**

##### **2.4.7.1. Policies for New Development**

Any proposal for *development* or *site alteration* on lands within 120 metres of any feature located within the Greenbelt Natural Heritage System (Schedule E1) designation, shall prepare an Environmental Impact Study, the primary purpose of which is to identify a self-sustaining vegetation protection zone. The Environmental Impact Study is to be prepared to the satisfaction of the Niagara Peninsula Conservation Authority in consultation with the Town and Region.

Specific requirements for an Environmental Impact Study shall be determined in conformity with the Region EIS guidelines:-

The vegetation protection zone shall be determined at the time of a planning approval. However for *wetlands*, seepage areas and springs, *fish habitat*, permanent and intermittent streams, lakes and *significant woodlands*, *significant wildlife habitat* and habitat of species of concern, the minimum width of the vegetation protection zone shall be in accordance with the Greenbelt Plan.

Any vegetation protection zone developed in accordance with this Section should be sufficient to protect features as identified in the Greenbelt Natural Heritage System designation and the related function(s) of the feature during and subsequent to *site alteration* or *development*. Vegetation protection zones shall also be designed to exist over the long term in a natural self-sustaining manner. Vegetation protection zones may also be zoned or recognized in Site Plan Agreements or Development Permits to protect their natural features and *ecological functions*.

New agricultural buildings and structures, agricultural related buildings and structures or *secondary uses* are permitted in the *adjacent lands* to a feature in the Greenbelt Natural Heritage System designation provided such buildings or structures maintain a minimum 30 metre vegetation protection zone.

However, if the lands located within the minimum vegetation protection zone are used for agricultural purposes at the time of construction, such *development* may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, *agricultural uses* should pursue best management practices to protect and/or restore key hydrological features and functions.

Any new *mineral aggregate operation* or wayside pit and quarry within the Greenbelt Plan area shall meet the policy of this Plan in its entirety, the Regional Official Plan, the Greenbelt Plan and the Provincial Policy Statement; and

Expansion of an existing *mineral aggregate operation* may be permitted in the Greenbelt Plan area, including key features, and in any associated vegetation protection zone, only if the expansion is consistent with the Greenbelt Plan and Provincial Policy Statement.

#### **2.4.7.2. Expansion of Buildings or Structures**

The expansion of agricultural buildings or structures and residential dwellings, together with accessory uses, may be permitted on lands and features in the Greenbelt Protected Area provided the existing buildings or the proposed expansion does not occur in a Provincially *Significant Wetland* (PSW) or Life Science ANSI, or the *significant* habitat of *endangered species* and *threatened species*. Where such *development* is proposed, the following policy shall apply:

- (a) there is no reasonable alternative, the expansion, alteration or establishment is directed away from the feature to the maximum extent possible\_and *negative impacts* on the natural feature and *ecological functions* have been minimized; and
- (b) Any application to expand an existing building shall be subject to an application to the Committee of Adjustment to expand a legal non-conforming use or a Development Permit. In conjunction with the pre-consultation and processing of any application, the Town will ensure the Region and Niagara Peninsula Conservation Authority are provided an opportunity to review and provide comments on such applications.

## **2.5. GENERAL POLICIES FOR THE NATURAL HERITAGE SYSTEM**

### **2.5.1. Other Areas Identified Through a Planning Process**

There may be areas in the Town where a planning approval process identifies a currently non-designated natural heritage feature or Natural Heritage Corridor that should be protected from *development*. Specifically, features may be identified at the time of the review of a *development* application or as part of a Secondary Plan process. Such areas may be incorporated within the Official Plan through the Secondary Plan process or by separate Official Plan Amendment, and shall be subject to the policies of this Plan.

Significant modifications to Natural Environment designations such as a change in the classification of a feature or in the spatial extent or boundaries of a feature will require an amendment to this Plan unless otherwise provided for in the Plan.

Minor refinements to the extent of the Environmental Protection Area or Environmental Conservation Area shall not require an amendment to this Plan, provided such refinements are undertaken in consultation with the Ministry of Natural Resources (MNR), where such refinements affect Provincially *Significant Wetlands* (PSWs), Provincially *Significant* Life Science ANSIs, or the *significant habitat of endangered species and threatened species*.

The Region is proposing to conduct a study to define Natural Heritage Corridors. When this study is complete and appropriate policies are implemented by the Region, this Plan shall be amended to incorporate these policies.

### **2.5.2. Use of Lands in Private Ownership**

Where any land within the Natural Environment Area designations is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

### **2.5.3. Transfer of Environmental Lands into Public Ownership**

Council will support the efforts of the Niagara Peninsula Conservation Authority and the Niagara Escarpment Commission to develop and implement a land securement strategy that would support and/or facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the Natural Environment Area will be purchased by the Town or any other public agency.

The use of conservation easements will be considered by the Town to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the Natural Environment Area through the *development* approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the Planning Act.

#### **2.5.4. Zoning By-law Implementation**

The boundaries of the Natural Environment Area designations were derived from mapping provided by the Niagara Region and the Niagara Peninsula Conservation Authority and are shown on Schedule 'A1', with individual features shown on Schedules 'E1', 'E2' and 'E3' to this Plan. Lands within the Natural Environment Area designations will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the Natural Environment Area designations in relation to the extent and sensitivity of the natural heritage features and *ecological functions* of the area.

Some of the policies in this Section that apply to *adjacent lands* are discretionary and in most cases the ability to alter or develop land is dependent upon the completion of an Environmental Impact Study. Where this is the case, *adjacent lands* may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with future *development* subject to the fulfilment of specified technical requirements, which may include the issuance of work permit from the Niagara Peninsula Conservation Authority. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by a By-law prepared in accordance with the policies of this Plan.

Nothing in this Section is intended to limit the ability of *agricultural uses* to continue with flexibility to evolve and expand, in accordance with the policies of this Plan.

#### **2.5.5. Overlapping Designations**

Where an area has multiple environmental designations all policies shall apply, however, where there is a conflict, the more restrictive policy shall apply.

### **2.6. NIAGARA ESCARPMENT PLAN AREA**

#### **2.6.1. Introduction**

The Province of Ontario, through the Niagara Escarpment Planning and Development Act, provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment. Within the Niagara Escarpment Plan Area, development; (as defined in the Niagara Escarpment Planning and Development Act) is to be compatible with the natural environment in accordance with the Niagara Escarpment Plan. Municipal zoning regulations do not apply to lands in Development Control areas under the jurisdiction of the Niagara Escarpment Plan. Instead, a development permit is required from the Niagara Escarpment Commission for all development not specifically exempted.

Pursuant to the Niagara Escarpment Planning and Development Act, the Niagara Escarpment Plan prevails over any local Official Plan or Zoning By-law where conflicts occur between them. Where policies in this Official Plan are more rigorous or restrictive

than the Niagara Escarpment Plan, they are considered not to be in conflict with the Niagara Escarpment Plan and continue to apply.

*Farm diversification uses* within the Niagara Escarpment Plan Area must also comply with the policies of the Niagara Escarpment Plan and the Niagara Regional Official Plan.

### **2.6.2. Objectives**

- (a) To provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment.
- (b) To ensure that all new development is compatible with the natural environment.

### **2.6.3. Policies**

- (a) The Niagara Escarpment Plan, as amended from time to time, prescribes designations, policies and development criteria to regulate the use of land within the Niagara Escarpment Plan Area within the Town. The outer boundary of the Niagara Escarpment Plan Area is fixed and inflexible and shall only be changed by an amendment to the Niagara Escarpment Plan. The Niagara Escarpment Plan Area within the Town is shown on Schedule 'A'.
- (b) The Niagara Regional Official Plan which has been amended to incorporate the Niagara Escarpment Plan contains land use designations and policies affecting lands within the Niagara Escarpment Plan Area. Where the Regional Official Plan policies are more stringent than those in the Niagara Escarpment Plan they shall take precedence unless doing so would conflict with the Niagara Escarpment Plan.
- (c) Development within the Niagara Escarpment Development Control Area is regulated by the Niagara Escarpment Commission through the issuance of development permits.
- (d) Within the Niagara Escarpment Plan Area, development includes a change in the use of any land, building or structure.
- (e) In the review of development proposals within the Niagara Escarpment Plan Area, the Town shall apply the policies of the Niagara Escarpment Plan as well as the policies of this Plan. Where the policies of this Plan are more stringent than those in the Niagara Escarpment Plan, they shall take precedence unless doing so would conflict with the Niagara Escarpment Plan.
- (f) Notwithstanding Schedule 'D', new roads and road improvements within the Niagara Escarpment Plan Area shall be in harmony with the Escarpment landscape. The objective is to design and locate new and expanded transportation facilities to minimize the impact on the Escarpment environment and the natural and agricultural landscape. Any development shall comply with the objectives, policies and development criteria of the Niagara Escarpment Plan.

- (g) The Niagara Escarpment Plan contains policies and a framework for the Niagara Escarpment Parks and Open Space System that stretches the length of the Escarpment. The Bruce Trail, Ball's Falls, Mountainview, Louth and Rockway Conservation Areas and the Cave Springs lands are an integral part of the Niagara Escarpment Park's and Open Space System within the Town. It shall be the policy of the Town to support the development of the Niagara Escarpment Parks and Open Space System in this area.