

SECTION 12

Implementation

12. Implementation

The Policy Plan, together with its policies, operates under a legal and procedural umbrella which defines the limits within which a municipality is permitted to act. The various planning powers and responsibilities of the Region are set out in Ontario Provincial legislation - three of the more important examples being: **The Regional Municipality of Niagara Act**, **The Municipal Act** and the **Planning Act**. The ability to implement the objectives and policies in this Plan is dictated by the content and scope of these pieces of legislation. However, on a day-to-day basis the Plan is implemented through various projects and programs instituted by the different levels of government and by private interests. The Regional Plan, therefore, is essentially a means of guiding short range public and private actions on a region wide scale according to long range considerations of the public interest, and is intended to assist in the creation of conditions within which the private market and public authorities can function most effectively. The Plan is to be re-evaluated periodically as needs and desires change.

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

Objectives for Implementation

- Objective 12.1** To have planning responsibilities and authority for particular matters borne by the level of government best suited to the particular task.
- Objective 12.2** To promote co-operation and co-ordination of planning responsibilities among each of the area municipalities, between the area municipalities and the Region and with adjacent Regions and municipalities.

Policies for Implementation

- Policy 12.1** It is intended that local official plans will be in agreement with and will complement and detail the broad policies contained in the Regional Plan. It is further intended that the initiative for proposing detailed policies, together with maps and written text on matters of local concern, including land use, transportation, recreation, servicing and phasing, will be the responsibility of local municipalities.
- Policy 12.2** In accordance with the provisions of the **Planning Act**, 1990, every official plan and every zoning by-law in effect in the Region shall be amended to conform to the Regional Plan.
- Policy 12.3** The Region will provide all assistance possible to local municipalities to bring local official plans and zoning by-laws into conformity with the Regional Plan. It is further understood that the responsibility for bringing local official plans and zoning by-laws into conformity with the

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Regional Plan is considered a joint local, Regional and Provincial responsibility.

- Policy 12.4** The Region will consult with the Province and with the local municipalities to determine the best method for achieving conformity among the Regional Plan and the local official plans and zoning by-laws.
- Policy 12.5** The Regional Plan, upon receipt of Ministerial approval, shall be binding on all local and Regional agencies and departments, and shall prevail when it is at variance with existing local official plans.
- Policy 12.5.1.A** Pre-consultation between the applicant and the Region is required prior to the submission of an application for a Regional Policy Plan Amendment, unless the Director of Development Services determines that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable. Pre-consultation may also involve the local municipality, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission or other agencies that may have an interest in the application as determined by the Region. A by-law shall be approved by Council requiring pre-consultation. Pre-consultation shall be considered a requirement for the submission of a complete application.
- Policy 12.5.1.B** In order to ensure that all possible information is available to the Region, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in Table 1.
- Policy 12.5.1.C** Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the Region to make this information readily available to the public and commenting agencies including the Region, Niagara Peninsula Conservation Authority and Niagara Escarpment Commission. Where the Region, local municipality, Niagara Peninsula Conservation Authority or Niagara Escarpment Commission has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review which shall be payable upon submission of an invoice from the Region, local municipality, Niagara Peninsula Conservation Authority or Niagara Escarpment Commission.

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Policy 12.5.1.D The Director of Development Services or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Region, local municipality, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission or any other public agency, the application may be deemed to be incomplete.

Table 1 for Complete Application

Information Requirement	Application/Development Scenario
Planning Justification Report	Any proposal for development or site alteration should demonstrate that it meets goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the <i>Municipal</i> Official Plan and provide an indication of whether it conforms to applicable Provincial plans and policies.
Land Use/Market Needs	Any proposal for major commercial or residential proposals should consider the existing supply of available land and future land use needs in the local municipality and in the Region.
Archaeology and Cultural Heritage Assessment	Any development or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archaeological potential.
Heritage Impact Analysis	Any development or site alteration proposed on or adjacent to lands, structures or buildings designated under the Ontario Heritage Act or listed on an approved heritage resource inventory.
Environmental Impact Study	Any proposal for development or site alteration within or adjacent to any natural heritage feature or natural hazard identified on the Region’s Core Natural Heritage Map, the regulated area of the Niagara Peninsula Conservation Authority or the Official Plan of a local municipality shall provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures necessary.

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Information Requirement	Application/Development Scenario
Environmental Planning Study or Sub-Watershed Study	Any proposal for a secondary plan or an urban boundary expansion shall address the guidelines and terms of reference of any relevant watershed plans and shall include an environmental inventory and assessment with recommendations on where development may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after development.
Tree Preservation Plan	Any development or site alteration that may have adverse effects on a significant tree or group of trees, including a woodland as defined by the Region’s Tree and Forest Conservation By-law. A significant tree may one that because of its size, age or species it is considered to be of significance to the neighbourhood, streetscape or cultural heritage landscape.
Floodplain and Hazard Lands	Any development or site alteration proposed near floodplain or hazard lands identified by regulations of the Niagara Peninsula Conservation Authority
Geotechnical and Slope Stability Report	Any development or site alteration proposed near valleylands identified by regulations of the Niagara Peninsula Conservation Authority
Environmental Site Assessment	Any development or site alteration on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the property should be accompanied by one or more reports to assess existing conditions and address the need for any further environmental testing or remediation necessary in accordance with Provincial regulations and guidelines.
Air Quality/Noise & Vibration Study	Any development for a sensitive land use that is located near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility, pumping station or landfill operation.

Information Requirement	Application/Development Scenario
Agricultural Impact Assessment	Any proposed development or site alteration for a non-agricultural use on lands situated outside of the Urban Area shall evaluate the capability of the site for agricultural use including soil, micro-climate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership	Any development or site alteration for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
Alternative Sites for Non-Agricultural Uses	Where a non-agricultural use is proposed in an Agricultural area it must be demonstrated that there are no reasonable alternative locations available in Urban Areas, Rural Areas or on lower priority agricultural land in the Region.
Minimum Distance Separation I & II	Any non-agricultural use proposed within 300 metres of an active or potential livestock facility shall include a review of these facilities and calculations to determine conformity with MDS requirements.
Mineral Aggregate Resources	Where development or site alteration is proposed on lands within or adjacent to an area of known mineral aggregate resources, it shall be demonstrated that the resource use will not be hindered in the future, that the resource use is not feasible, that the proposed development or use serves a greater long term public interest, and that other impacts are evaluated.
Municipal Servicing Study	Any plan of subdivision or major development proposal should address the availability of adequate municipal services and impacts of existing municipal services and facilities.

Information Requirement	Application/Development Scenario
Stormwater Management Plans	Any major development or site alteration proposed should address how stormwater runoff will be handled in terms of water quality and quantity, lot grading and drainage controls, and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any development or site alteration that may have a significant impact on traffic flow and safety which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing Plans	Any development outside of the Urban Area where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and lot grading.
Financial Impact Assessment	To address financial implications of a proposed development on the provision of municipal services and utilities that may cause a financial, environmental or economic hardship for the <i>City/Town/Township</i> and the Region.

Policy 12.6

In Unique Agricultural Areas expansions to existing buildings and structures, accessory structures and uses, and/or conversions of legally established existing uses which bring the use more into conformity with this Plan, are permitted subject to a demonstration of the following:

- New municipal services are not required; and
- The use does not expand into key natural heritage features and key hydrological features unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

Other policies affecting lands outside the Unique Agricultural Areas notwithstanding, this plan shall not prohibit the continued operation of legally established residential, industrial, business, agricultural, and institutional facilities. Further, this Plan shall not prohibit the reasonable expansion or change in the use of such facilities provided Urban Area Boundaries are not superseded; the expansion does not involve a major intensification of land use in accordance with Policy 7.B.1.26, the expansion will not have a negative impact on the Core Natural Heritage

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System; or result in the intrusion of new incompatible uses; and subject to:

- (1) the need and desirability of the operation;
- (2) regard for environmental, agricultural, and other policies of this Plan;
- (3) compatibility with existing surrounding uses;
- (4) access and servicing requirements being met; and
- (5) no additional municipal services being required.

Further policies guiding the continued operation and possible expansion of such existing uses should be included in local official plans. In addition, within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies apply to existing uses.

Policy 12.7 The Region accepts that local official plans may be more detailed and comprehensive in their various policies and maps while still complying with this Plan.

Policy 12.8 The Region encourages the preparation by local municipalities of secondary plans (neighbourhood plans, urban renewal plans, etc.) as detailed planning guides for parts of municipalities. These plans should be made available to the public for their information and to the Region for informal comment but need not have any official status.

Policy 12.9 The Region will prepare and request the use of standard terminology and presentation formats for local zoning by-laws and local official plans.

Policy 12.10 In order to assist in reducing the costs of housing incurred through the development approval process, the Region will support all measures necessary to expedite the development approval process, including strict time limits on subdivision approval and registration procedures.

Policy 12.11 Although recognizing the possibility of causing delay in the planning process, the Region supports:

- (a) greater regard for design and environmental features in subdivision approvals;
- (b) adequate provision for public information and public input; and
- (c) the use of "site plan agreements" by municipalities in order to better control and regulate the quality of development proposals.

Policy 12.12 The Region supports reviews or assessments of this Plan at regular intervals.

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- Policy 12.13** The Region expects that local official plans will provide policies to recognize and regulate the various clusters of subdivision type development which already exist outside urban areas and are not included in the provisions for such uses as hamlets, lakeshore residential and estate residential, but such policies shall not encourage or extend strip development along Provincial, Regional or local roads. The local official plan or an amendment thereto must identify and designate any such cluster within which additional development may occur, and define the boundaries of the existing development, the intentions of the area municipality with respect to the provision of services (particularly piped services, if any), and the policy for allowing infilling, if any, on vacant lands within the existing cluster. The permitted infilling should not create any potential additional conflict or strengthen any existing conflict with adjacent agricultural uses, and should be small in quantity.
- Policy 12.14** Nothing in this Plan shall prohibit some continued residential development at low density to a depth of 140 metres (450 feet) along the west side of the Niagara Parkway in the City of Niagara Falls from the former village of Chippawa southerly to the northerly boundary of the Town of Fort Erie, but recognizing that the precise form and location of such additional development shall be determined jointly by the City and the Region.
- Policy 12.15** Notwithstanding other policies of this Plan, the industrial area along both sides of Webber Road between Cream and Effingham Streets so designated in the approved Official Plan of the Town of Pelham may be developed and used in accordance with the policies of that Official Plan.
- Policy 12.16** Notwithstanding other policies of this Plan, the head office and manufacturing facility of E.S. Fox Ltd. and its affiliated companies or successors are permitted on their lands consisting of approximately 33 hectares (84 acres) located on part of Lots 214 and 215 in the City of Thorold.
- Policy 12.17** Notwithstanding other policies of this Plan, the lands being comprised of approximately 2.83 hectares (6 acres) at the southwest corner of Lundy's Lane and Garner Road in the City of Niagara Falls may be used for tourist commercial and open space uses.
- Policy 12.18** Notwithstanding other policies in this Plan, an Islamic Cemetery is permitted on a 2 hectare (5 acre) site on the north side of Yokom Road, east of Conrail line in the City of Niagara Falls (part of Lot 7, Concession IV, former Township of Crowland).
- Policy 12.19** Notwithstanding other policies in this Plan, a golf course with clubhouse is permitted on a 58.87-hectare (145.36-acre) site located on the following lands. Firstly: Part of Lots 9 and 10, Concession 7, designated as Part 1, Plan 30R-6376 formerly in the Township of Louth, County of Lincoln now in the Town of Lincoln, Regional Municipality of Niagara; SAVE and EXCEPT that Part of Lot 9, Concession 7, designated as Part 1, 30R-6578. Secondly: Part of lot 8,

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Concessions 6 and 7, and Part of the Road Allowance between Concessions 6 and 7 through Lot 8, designated as Parts 1, 4, 5, and 6, Plan 30R-6375, in the Town of Lincoln, in the Regional Municipality of Niagara.

- Policy 12.20** Lands in the City of Niagara Falls consisting of some 15 hectares (38 acres) located north of Mountain Road, south of the CNR line, west of St. Paul Avenue, and east of the Calaguero Estates property must be developed together in a manner satisfactory to the Region and the City of Niagara Falls so as to improve the appearance of the former sand pit.
- Policy 12.21** Notwithstanding other policies in this Plan, a high school and church on full municipal services are permitted on a site of above 8 hectares (20 acres) excluding the portion of the property fronting on Kerman Avenue located on part of Lot 13, Concession 1 and 2, southwest of the intersection of Livingston Avenue and Kerman Avenue in the Town of Grimsby.
- Policy 12.22** Notwithstanding other policies in this Plan, a church is permitted on a .5 hectare (1.3 acre) site located on the east side of Rice Road and north of Port Robinson Road in the Town of Pelham (Part Lot 165, former Township of Thorold).
- Policy 12.23** Notwithstanding other policies in this Plan, a municipal cemetery is permitted on a site consisting of approximately 4 hectares (10 acres), located east of Mountain Road and north of Elm Tree Road East in the Town of Grimsby.
- Policy 12.24** Notwithstanding other policies in this Plan, a residential dwelling is permitted on a site consisting of about .4 hectare (1 acre) being part of Lot 168, Registered Plan M-1 in the former Township of Niagara and located on the west side of Creek Road near Wall Road in the Town of Niagara-on-the-Lake.
- Policy 12.25** Notwithstanding other policies in this Plan, the extension of a sanitary sewer approximately 200 feet south along Station Street from Second Avenue in the Town of Lincoln to service one single detached dwelling on a 2.8 acre property is permitted.
- Policy 12.26** Notwithstanding other policies in this Plan, a golf course, with related golf club facilities is permitted on a 111 hectares (275 acres) parcel located on the following lands. Firstly: Part of Lots 2, 3, and 4, Concession 10, in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara. Secondly: Part Lot 1, in the City of Thorold, in the Regional Municipality of Niagara. Thirdly: Part Gore Lots 10 and 11 in the City of Niagara Falls, in the Regional Municipality of Niagara. Lastly: Part Lot 5, Concession 10, in the City of St. Catharines, in the Regional Municipality of Niagara.
- Policy 12.27** Notwithstanding other policies in this Plan, a golf course is permitted on a site consisting of about 31 hectares (76 acres) and located on Part of

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Lots 259, 260, and 260 Broken Front Concession, former Township of Thorold, now in the City of Welland.

- Policy 12.28** Notwithstanding other policies in this Plan, a golf course is permitted on a site consisting of about 55 hectares (135 acres) and located on Part of Lot B and C on the Eastern Gore and Part of Lots 1 and 2, Concession 2 and Part of Lot C, Concession 3 situated between the "bench face" and the Niagara Escarpment in the Town of Grimsby.
- Policy 12.29** The lands described in Amendment 61 (Meadowood Estates area) to the Regional Policy Plan involving a 9.40 acre expansion to the Urban Area for Beamsville in the Town of Lincoln include a 2 metre strip of open space owned by the Town of Lincoln and inside the Urban Area along the northern boundary of the expansion area, in order to establish a clear and identifiable Urban Area Boundary.
- Policy 12.30** Notwithstanding other policies in this Plan, an asphalt manufacturing facility is permitted on parts of Lots 28 and 15, on the east side of the Third Welland Canal, in the City of Thorold.
- Policy 12.31** Notwithstanding other policies in this Plan, a municipal sports park is permitted on a site consisting of about 17 hectares (43 acres) and located south of Fly Road and east of Mountain Road on part of Lot 18, Concession 7, in the former Township of Clinton, now in the Town of Lincoln.
- Policy 12.32** Notwithstanding any other Policies in this Plan, an Elementary School, a High School and related recreational facilities for the Niagara Reformed Christian Association School are permitted on a 20 acre site on the south side of Fourth Avenue, part of Lot 18, Concession 4, former Township of Louth. Connections to municipal water lines and sewer lines are also permitted.
- Policy 12.33** Other policies in this Plan notwithstanding, a day camp use including a picnic pavilion, washroom facility, and playing fields involving approximately 2 hectares (5 acres) on the northern upland portion is permitted on the parcel of land consisting of approximately 57 hectares (140 acres) and located on Kilman Road on Part of Lots 7 and 8, Concession 5 in the Town of Pelham provided:
- (a) day campers are limited to no more than 50 people a day,
 - (b) non-agricultural buildings and structures are limited to a picnic pavilion and a 4500 litre/day washroom facility,
 - (c) uses on the site, excluding the approximately 2 hectare (5 acre) parcel on the upland portion, are to be limited to agriculture, conservation, nature viewing, and walking trails,
 - (d) overnight camping is not permitted, and
 - (e) recreation uses and development on the site shall be in accordance with the policies of the Niagara Escarpment Plan.

- Policy 12.34** Notwithstanding other policies in this Plan, three residential dwellings are permitted with municipal water and sewer services on a 2.6 acre parcel located at 370 Martindale Road in the City of St. Catharines.
- Policy 12.35** Notwithstanding other policies in this Plan, a golf course is permitted on a site consisting of about 40 hectares (96 acres) and located north of Carl Road east of Moyer Road (Regional Road 84) and west of an unopened road allowance in the City of Welland.
- To minimize the impact of the golf course upon surface water resources, the development of the golf course, and all facilities associated with the golf course, shall be in accordance with the Ministry of the Environment and Energy's Stormwater Management Practices Planning and Design Manual, June 1994.
- Policy 12.36** Notwithstanding other policies in this Plan, a church with a connection to a municipal waterline is permitted on a site consisting of about 0.8 hectares (2 acres) and located between Old Martindale Road and Martindale Road in the City of St. Catharines.
- Policy 12.37** Notwithstanding other policies in this Plan, a church is permitted on a site consisting of about 3 acres and located on Quaker Road to the west of Rice Road in the City of Welland.
- Policy 12.38** Notwithstanding other policies of this Plan, a concrete batching plant is permitted on a site consisting of about 1.8 hectares (4.5 acres) and located west of Davis Road and south of Old Thorold Stone Road in the City of Thorold.
- Policy 12.39** Notwithstanding other policies in this Plan, a recreational club containing up to 2,500 square feet of buildings is permitted on a site of about 10 hectares (25 acres) at the northeast corner of Lundy's Lane and Townline Road in the City of Niagara Falls, with the buildings to be located to the west of the Ministry of Transportation of Ontario's designated right-of-way, and the remainder of the site east of the right-of-way to be used only for picnics.
- Policy 12.40** Notwithstanding other policies in this Plan, a church is permitted with municipal water and sanitary sewer services on a site of about 2.48 hectares (6 acres) located south of Fourth Avenue, east of Nineteenth Street in part of Lot 18, Concession 4, in the former Township of Louth now in the Town of Lincoln.
- Policy 12.41** Notwithstanding other policies this Plan, a golf course with related golf club facilities is permitted on a site of about 140 acres consisting of parts of Lots 9, 10, 11 and 12, Concession 7, former Township of Willoughby, City of Niagara Falls provided there is no development within the Wetland, all tees and greens are outside the floodline for Lyon's Creek as registered by the Niagara Peninsula Conservation Authority, all stormwater is collected and contained within the golf course lands above the floodline, and water is not taken from Lyon's Creek for the operation of the golf course. A 15 metre naturally

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vegetated buffer shall be established between the development and Lyon's Creek and the Wetland to be implemented through a restrictive zoning designation.

Furthermore, stormwater management for the golf course shall be designed in accordance with the Stormwater Management Practices Planning and Design Manual, June 1994. All watertakings, including the creation of ponds, in excess of 50,000 litres/day will require a Permit to Take Water pursuant to the **Ontario Water Resources Act**. The approval of any associated facilities such as a club house shall be subject to the satisfaction of all requirements of the Regional Public Health Department to ensure that all matters related to potable water and sanitary sewage treatment are addressed.

Policy 12.42 Notwithstanding other policies and provisions in the Regional Policy Plan to the contrary, a golf course expansion is permitted to the existing Peninsula Lakes Golf Course on a 13.96 hectares (34.5 acres) site located on Part Lot 12, Concession 7, in the Town of Pelham, west of Cream Street and south of Tice Road. No built structures requiring private sewage treatment facilities are permitted on the expansion site.

Policy 12.43 Notwithstanding other policies in this Plan, the following Non-Farm Rural Areas and Service Commercial Areas are permitted on private services subject to the more detailed descriptions and policies contained in the Town of Niagara-on-the-Lake Official Plan.

- (a) Non-farm Rural Areas on lands located on either side of Firelane 14 (McNab Road) north of Lakeshore Road and east of Eight Mile Creek.
- (b) Lands on either side of Four Mile Creek Road, south of Lakeshore Road and extending north and south of Wall Road.
- (c) Lands located west of Four Mile Creek Road, south of Virgil and north of Line 3.
- (d) Lands located north of Queenston on either side of the Niagara Parkway to a point just north of Line 8, (Crysler Road).
- (e) Lands generally north and south of Queenston Road between the Glendale Urban Area east to St. David's and including lands located west of Concession 7 Road, south of Queenston Road.
- (f) Lands located in the Homer area north of Niagara Stone Road (Regional Road 55) and south of Eastchester Road, and
- (g) Service Commercial Areas on lands located west of the Glendale Urban Area between Queenston Road and the QEW, and
- (h) Lands located west of St. David's on the north side of Regional Road 81.

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- Policy 12.44** Notwithstanding other policies in this Plan, airport uses and commercial uses as set out in the Niagara-on-the-Lake Official Plan are permitted on the Niagara District Airport property as designated in the Niagara-on-the-Lake Official Plan.
- Policy 12.45** Notwithstanding other policies and provisions in the Regional Policy Plan to the contrary, a recreation/meeting hall and kitchen facility with a maximum total size of 3100 square feet is permitted on a site of about 10 hectares (25 acres) located on the northeast corner of Lundy's Lane and Townline Road in the City of Niagara Falls. Any buildings must be located to the west of the Ministry of Transportation of Ontario designated right-of-way for the Highway 20 By-pass and the remainder of the site east of the right-of-way used only for picnics. Furthermore, no development shall take place within the registered floodplain area of Beaverdams Creek. The entrance to the development must be relocated to the south in a location satisfactory to the Regional Public Works Department and to the Ministry of Transportation when the highway is constructed. Use of the recreation hall will be limited to 100 seated persons. The number 100 is based on the capacity of the existing private septic system. If an expanded system is approved by the Regional Public Health Department, then the number of persons can be increased to the capacity of the expanded system.
- Policy 12.46** Notwithstanding other policies in this Plan, a golf course is permitted on a site consisting of approximately 35 hectares (87 acres) located on the north side of River Road, west of South Pelham Road in the City of Welland.
- Policy 12.47** Notwithstanding other policies in this Plan, a golf course and driving range is permitted on a site consisting of about 16.2 hectares (40 acres) located on part of Lot 121 in the former Thorold Township now in the City of Thorold, north of Regional Road 20.
- Policy 12.48** Notwithstanding other policies and provisions in the Regional Policy Plan to the contrary, Phase 1 of a Township of West Lincoln Leisureplex consisting of approximately 16 hectares (39.5 acres) and located on the northeast corner of Regional Road 14 and south Grimsby Road 6, west of Smithville in the Township of West Lincoln is permitted. The Leisureplex consists of a variety of active and passive recreational uses as further defined in the Township of West Lincoln Official Plan and Zoning By-law for the site.
- Policy 12.49** Notwithstanding other policies in this Plan, an expansion to the existing Country Lane Golf Course is permitted on an approximately 19.5 hectare (48 acre) site located on the east side of Sherk Road, south of Second Concession Road, on Part Lot 12, Concession 2 in the City of Port Colborne.
- Policy 12.50** Notwithstanding other policies in this Plan, the following Highway Commercial and Rural Clusters are permitted on private services subject to the more detailed descriptions in the Township of West Lincoln Zoning By-law and the policies contained in the Township of West Lincoln Official Plan:

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- A Rural Cluster located on the north and south sides of Regional Road 65 midway between Abingdon and Plazek Auto Recyclers Limited.
- A Rural Cluster east of Boyle along Canborough Road near Vineland Townline Road (Regional Road 24) and a portion of the west side of Vineland Townline Road (Regional Road 24) near Canborough Road.
- A Rural Cluster situated along Regional Road 12 (Grimsby Road) north of Regional Road 20 and the Highway Commercial designation. On the west side of Regional Road 12, the Cluster extends to the Hydro corridor. On the east side of Regional Road 12, the Cluster extends north of the Highway Commercial designation to the last of a group of three dwellings south of the livestock barns.
- A Highway Commercial designation located north of Regional Road 20 at Regional Road 12 and south of the Rural Cluster.
- A Rural Cluster (Kimbo) located along Regional Road 20 east and west of South Grimsby Road 10.
- A Highway Commercial designation located south of Regional Road 20 at South Grimsby Road 10 at the centre of the Kimbo Rural Cluster.
- A Rural Cluster designation located on the east side of Westbrook Road and south of Regional Road 65 in the Township of West Lincoln.

Policy 12.51 Notwithstanding the provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, a soccer and slo-pitch sport and recreation facility with connections to municipal water and sanitary sewage services is permitted on a 37 hectare (92-acre) site located west of the former Mountain Road Landfill, east of Mewburn Road and south of the CNR line in the City of Niagara Falls.

Policy 12.52 Notwithstanding other policies in this Plan, a seniors' long-term care facility is permitted on municipal services outside the Provincially Significant Draper's Creek Wetland on lands of about 1 hectare (2.5 acres), being part of Lot 1, Concession 10 in the former Township of Pelham and located on the west side of South Pelham Road in the Town of Pelham immediately north of the Pelham-Welland municipal boundary.

Policy 12.53 Notwithstanding other policies in this Policy, a municipal fire station is permitted on a site consisting of approximately 0.6 hectares (1.4 acres) and located on the south side of R.R. 55 (Niagara Stone Road), west of Concession 6 Road and north of Line 3 Road in the

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Town of Niagara-on-the-Lake. Furthermore, the fire station is to be connected to piped municipal water and sanitary sewer facilities.

Policy 12.54 Notwithstanding the provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, a church is permitted on private water and private sewage treatment services on a 4.03 ha (10-acre) site located east of First Street Louth, north of Rykert Street, and west of a Hydro right-of-way in the City of St. Catharines.

Policy 12.55 Notwithstanding other policies in this Plan, a tent rental service is permitted on a site consisting of about 0.9 hectares (2.3 acres) and located on part of Lot 15, Concession 8 in the former Township of Pelham, now in the Town of Pelham, on the east side of Maple Street south of Regional Road 20.

Policy 12.56 Notwithstanding other policies in this Plan, a golf course and a golf practice area are permitted on a 79 hectare (195 acre) site located on the south side of Grassy Brook Road, on parts of Lots 5 and 6, BF Concession in the former Township of Crowland, now in the City of Niagara Falls.

Policy 12.57 The Region as the approval authority for local official plans may exempt some local official plan amendments from Regional approval. Local official plan amendments to be considered for exemption will be of local interest only, not extensive or comprehensive in nature and not involving a change to the municipality's urban area boundaries. Only those amendments which satisfy the following criteria are eligible for exemption:

- The amendment must be site specific and/or minor in size and nature,
- The amendment conforms to the Regional Policy Plan and has regard to the Provincial Policy Statement,
- The amendment does not impact on any adjacent municipality or conflict with the Niagara Escarpment Plan, and does not require new Regional financing or servicing,
- The amendment complies with the Region's financial and servicing strategy,
- The amendment incorporates any concerns or modifications recommended by the Region to address Regional or Provincial concerns, and
- Any subsequent changes made to the local official plan amendment by the local Council in adopting the amendment do not conflict with the Regional Policy Plan or previous requirements by the Region.

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All amendments will be subject to preconsultation with the Region and subsequently submitted to the Region in draft form with supporting information in sufficient time to allow consideration and possible exemption based on the criteria set out above.

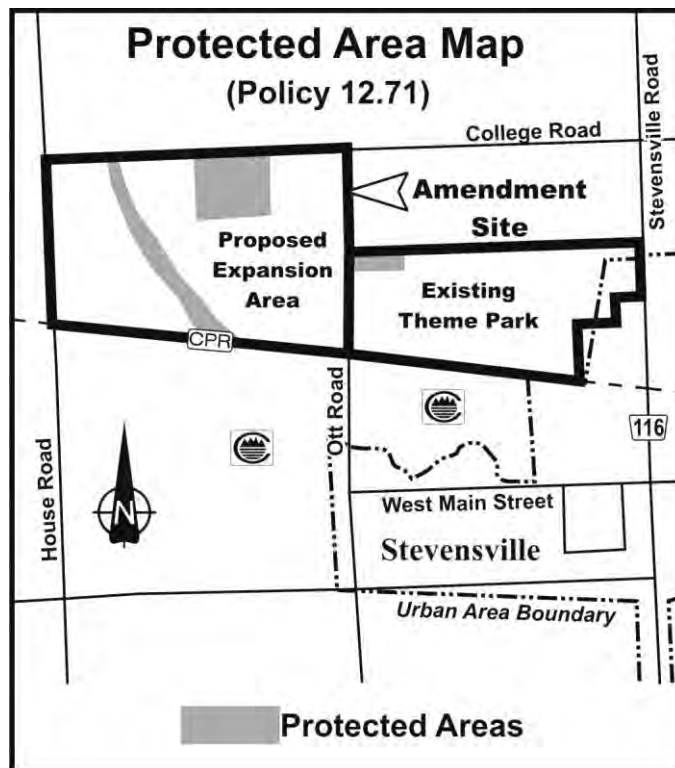
- Policy 12.58** Notwithstanding other policies in this Plan, a golf practice facility is permitted on a site consisting of about 9.3 hectares (23 acres) and located on part of Lot 4, Concession 7 in the former Township of Pelham, now in the Town of Pelham, south of Tice Road and west of Lookout Street. The severance of two existing dwellings from the property is also permitted.
- Policy 12.59** Notwithstanding other policies in this Plan, a golf course, driving range and accessory facilities are permitted on a site consisting of about 64.9 hectares (160 acres) located on part of Lots 19 and 20, and part of the road allowance between Lots 19 and 20, Concession 3, in the former Township of Pelham, now in the Town of Pelham, on the east side of Regional Road 24.
- Policy 12.60** Notwithstanding the provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, an expansion to an existing community sports park, (Fenwick Centennial Park) consisting of about 10.2 hectares (25.3 acres) is permitted on a site located east of the existing park at 999 Church Street in the community of Fenwick in the Town of Pelham.
- Policy 12.61** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas Policies in the Regional Policy Plan, a church is permitted on a site located on the west side of Woolverton Road, north of the community of Grassie in the Town of Grimsby. The Town of Grimsby through its Official Plan should restrict the designation of the site to only those lands required for the church and a modest playing field in order to encourage as much of the remaining property as possible to be used for agricultural purposes.
- Policy 12.62** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas, a church with a rectory is permitted on a site located east of Boyle Road and north of Canboro Road, in the Township of West Lincoln. Only those portions of the overall property required for the church, parking, stormwater management and a rectory should be designated in the Township of West Lincoln Official Plan in order to encourage as much of the remaining property as possible to be used for agricultural purposes.
- Policy 12.63** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas Policies in the Regional Policy Plan, a 21-bedroom inn and a 40-seat restaurant in an existing building in combination with a minimum of 12 acres of vinifera grapes, are permitted on a 6.8-hectare (16.76-acre) site located at 16104 Niagara River Parkway, south of John Street in the Town of Niagara-on-the-Lake. Vehicular access to the site is to be provided from John Street only.

SECTION TWELVE IMPLEMENTATION

- Policy 12.64** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas Policies in the Regional Policy Plan, a golf course is permitted on a site located on a 22 hectare (54.4 acre) parcel located west of Morris Road, south of Grassy Brook Road and north of Biggar Road in the City of Niagara Falls. No portion of the golf course is permitted within the woodland on the site or within a natural buffer area at least 15 metres on either side of the top of the bank of Grassy Brook Creek and Lyon's Creek.
- Policy 12.65** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas, several mini soccer fields extending no more than 45 metres west of the Urban Area Boundary into the 60 metre hydro corridor are permitted on a site located immediately west of the Club Roma property on Vansickle Road in the City of St. Catharines.
- Policy 12.66** Notwithstanding the land use provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, a contractor's shop and yard with ancillary offices in a "Good General Agricultural Area" is permitted. The 1.1 hectare (2.72 acre) site is located at the northeast corner of McKenney Road and Biggar Road, in the City of Niagara Falls, Part of Lot 8, and Concession Broken Front.
- Policy 12.67** Notwithstanding the land use policies contained in Section 6 Agriculture and Rural Areas in the Regional Policy Plan, a 9 hole expansion to the existing Sparrow Lakes Golf Course is permitted on about a 24 hectare (60 acre) site located to the west of the existing course on two parcels to the north and south of River Road on part Lot 2 Concession 14 and part of the road allowance between Lots 1 and 2, Concession 14 in the Town of Pelham. The golf course development is not permitted in the wooded area found on that portion of the northern parcel north of River Road.
- Policy 12.68** Notwithstanding the provisions contained in Policy 6.A.9.1 in the Regional Policy Plan, a consent to sever about a 1.35 acre residential infilling lot located at 3756 Bertie Street in the Town of Fort Erie is permitted.
- Policy 12.69** Notwithstanding the land use provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, wind turbines are permitted on three (3) sites, with no more than 3 wind turbines per site, to a total of no more than eight (8), with each wind turbine taking approximately an acre of land in the Township of Wainfleet. The first site of approximately 140 hectares (346 acres) is between Braun Road and Station Road (Regional Road 3), north of Lakeshore Road and south of the abandoned CN Rail line. The second site of approximately 126 hectares (311 acres) is between the Regional boundary and Burkett Road, south of the Welland Feeder Canal and north of Lakeshore Road. Site C of approximately 60 hectares (148 acres), divided by Concession 1 Road, is between Minor Road and Burkett Road, north of the abandoned CNR railway with a northern portion one concession north within the western half of Lot 28.

SECTION TWELVE IMPLEMENTATION

- Policy 12.70** Notwithstanding the land use provisions of Section 6, Agriculture and Rural Areas Policies in the Regional Policy Plan, an agriculturally-related manufacturing operation, with an expansion of approximately 1,800 square metres to an existing 4,645 square metre industrial operation in a “Good General Agricultural Area” is permitted on a 3 hectare (7.6 acre) site with a frontage of 253 metres and a depth of 122 metres, located at 7793 Young Street on the north side of the road in the Township of West Lincoln, Part of Lot 13 & 14 in Gore A.
- Policy 12.71** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas Policies in the Regional Policy Plan, the Zooz theme park is permitted on approximately 116 hectares (288 acres) of land located on the west side of Regional Road 116 (Stevensville Road), north of the former CP rail line east of House Road and south of College Road in the Town of Fort Erie. The subject lands are generally illustrated on the Protected Area Map (below). Development on these lands may connect into existing municipal sewer and water systems subject to the approval of the Region and the Town of Fort Erie. No development shall be permitted within the environmental areas to be protected as shown on the Protected Area Map (below).



SECTION TWELVE IMPLEMENTATION

- Policy 12.72** The Region may establish programs for the provision of grants and loans to local municipalities for the purpose of achieving the goals of Community Improvement Plans within the Urban Area Boundaries.
- Policy 12.73** Notwithstanding the provisions of Section 6, Agricultural and Rural Areas Policies of the Regional Policy Plan, cemetery and accessory uses, including a reception centre facility, are permitted in addition to the uses allowed under Policy 6.A.6 on the westerly undeveloped portion of the lands of Pleasantview Memorial Gardens Cemetery, Part of Township Lots 149 and 150, Old Township of Thorold, now in the City of Thorold, consisting of approximately 10.5 hectares (26.0 hectares) of land located on the east side of Merrittville Highway (Regional Road 50), north of Highway 20 (Regional Road 20) and south of the former CN Rail line (Fonthill Spur).
- Policy 12.74** The use of lands owned from time to time by the Niagara Parks Commission is governed by the provisions of the **Niagara Parks Act**, R.S.O. 1990, c.N.3. The Niagara Parks Commission, in the use of its lands, shall be consistent with Provincial Policy Statements and shall conform with the Provincial plans that are ineffect or shall not conflict with them, as required from time to time under subsection 3(5) of the **Planning Act**, R.S.O., c.P.13. Before carrying out any undertaking that The Niagara Parks Commission considers will directly affect the Regional Municipality of Niagara, The Niagara Parks Commission shall consult with and have regard for the established planning policies of the municipality as may be required from time to time under subsection 6(2) of the **Planning Act**, R.S.O., c.P. 13.