



# **OFFICIAL PLAN OF THE MUNICIPALITY OF KINCARDINE**

**Adopted by the Municipality of Kincardine January 2021  
Approved by the County of Bruce April 2021**

**Office Consolidation January 6, 2025**



## List of Amendments to the Official Plan of the Municipality of Kincardine

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## **SCHEDULES**

### **“A” LAND USE PLAN**

A1 – Community of  
Kincardine A2 – Community  
of Tiverton  
A3 – Lakeshore Area A /  
Inverhuron A4 – Lakeshore Area B

### **“B” NATURAL HERITAGE SYSTEM**

B1 – Community of  
Kincardine B2 – Community  
of Tiverton  
B3 – Lakeshore Area A /  
Inverhuron B4 – Lakeshore Area B

### **“C” SOURCE WATER PROTECTION AREAS**

C1- Community of Kincardine  
C2 – Community of Tiverton

## **SECTION "A" INTRODUCTION AND PURPOSE**

### **A1 INTRODUCTION**

#### **A1.1 TITLE**

This Plan shall be known as:

**"THE OFFICIAL PLAN OF THE MUNICIPALITY OF KINCARDINE"**

#### **A1.2 COMPONENTS**

The following text, consisting of Sections "A" through "H", together with the attached Schedules "A", "B" and "C", shall form the Official Plan of the Municipality of Kincardine. Background information from which the policies of the Plan were derived is available.

All grammatical or typographical errors that do not change the intent of this Official Plan shall be incorporated, without an Amendment to this Plan.

#### **A1.3 BACKGROUND**

This Plan is the second Official Plan that covers the settlement areas within the Municipality of Kincardine in a single planning framework; the first Official Plan was approved in 2006. The Municipality of Kincardine includes four former Municipalities, and comprises approximately 578 square kilometres of land. This Plan provides policies related to the Town of Kincardine, Village of Tiverton, Inverhuron and the Lakeshore Area, as depicted on the Schedules which accompany this Plan.

Lands outside of these specific areas continue to be subject to the County of Bruce Official Plan (BCOP). Land uses outside of the settlement areas shown on Schedules 'A', 'B' and 'C' are covered under the BCOP.

This Plan has been developed following the preparation of a Background Report reviewing a variety of topics, and a series of community meetings. The Plan also implements the Bruce County Official Plan and is consistent with the Provincial Policy Statement.

The consolidation of this information and input has resulted in the following model for the future development of the Municipality:

- A coordinated, integrated and comprehensive approach will be encouraged by the Municipality when dealing with planning matters, including partnership opportunities with other public and private bodies
- New development will preserve the quality of life and the quality of the environment.
- Economic opportunities will be encouraged and enhanced throughout the Municipality.

The Official Plan shall serve as the basis for managing change in the Municipality to the year 2045. The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests in order to maintain the liveable and attractive community within the Municipality.

All public and private work shall be in conformity with this Official Plan. In addition policies in the Bruce County Official Plan and the Provincial Policy Statement as well as provisions of the *Planning Act* may affect future development.

#### **A1.4**

#### **SCOPE OF THE PLAN**

This Official Plan will apply to the areas within the boundaries of the Municipality of Kincardine, as identified on Schedules 'A', 'B' and 'C' of this Plan. Schedule A shows the extent of the Plan designations and urban boundaries. Where the external boundaries of urban areas abut or are located immediately adjacent to roads, rights-of-way, railways, transmission lines, lot lines, concession lines and watercourses, it is intended that these boundaries shall coincide with such features. Major deviations from urban or designation boundaries will require an Amendment to this Plan.

#### **A1.5**

#### **INTERPRETATION**

The boundaries between land uses designated on Schedule A are approximate except where they coincide with major roads, railway lines, rivers, transmission lines or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to the boundaries will not require an amendment to this Plan.

All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations from them will be tolerated providing the intent of the Plan is maintained. An exception, however, is the extent of road widening that may be acquired through site plan control, specified in Section H6.1, which may not be exceeded.

## **A1.6            UPPER TIER PLANS**

This Plan is intended to conform to the Official Plan for the County of Bruce and to be consistent with the Provincial Policy Statement. In the event of conflict between these documents, it is intended that the upper tier plans shall prevail. However, this Plan may be more restrictive than the upper tier Plans, in which case the more restrictive provisions of this Plan shall prevail.

## **A2            PURPOSE OF THE PLAN**

The Official Plan provides a structural framework for future growth and development in the Municipality of Kincardine to the year 2039. In accordance with the *Planning Act*, this Plan will be reviewed every five years to determine if it continues to represent appropriate guidelines for the future development of the Municipality.

The purpose of this Official Plan is as follows:

- A2.1            To provide policies to guide future development within the Municipality of Kincardine, encourage an on-going programme for this development and guide the Municipality towards the fulfilment of the goals and objectives of this Plan.
- A2.2            The Official Plan is one of a series of policies, guidelines and regulations that direct the actions of the Municipality and shapes growth and development. The goals, actions and policies contained in the Official Plan are intended to assist Council and its committees, municipal staff, developers, government agencies and the public in making decisions which maintain and strengthen the economic, environmental and social fabric of the Municipality. The policies in this Plan are intended to encourage a coordinated, integrated and comprehensive approach when dealing with planning matters.
- The *Planning Act* provides that all Municipal By-Laws and public works undertaken must be in conformity with the Official Plan.
- A2.3            To provide a consistent policy framework to guide the private sector in making decisions concerning future development and investment within the Municipality of Kincardine.

## **SECTION "B" BASIS OF THE PLAN**

### **B1 BASIS OF THE PLAN**

The Municipality of Kincardine was formed by the amalgamation of the four former municipalities of the Town of Kincardine, the Township of Kincardine, the Township of Bruce, and the Village of Tiverton. As a result of government restructuring in 1999 the four municipalities were amalgamated to form the Municipality of Kincardine.

The amalgamated Municipality comprises approximately 578 square Kilometres of land and as of 2016 had approximately 11,400 residents. This Official Plan governs the Municipality of Kincardine as represented in Schedules 'A', 'B' and 'C'. Developed areas and future development areas of the rural and agricultural areas not covered by this Plan continue to be governed by the County of Bruce Official Plan.

The policies set out in this Official Plan have been determined following a process of background review and public consultation, which included conducting a Comprehensive Review as required by the Provincial Policy Statement. The following facts are included in the Plan to explain the reasoning behind the policies contained in the Plan.

- B1.1 It shall be the intent of the Official Plan to provide policies to guide development in the Municipality of Kincardine to the year 2045. It is intended that a formal review of the policies shall be undertaken if necessitated by a major shift in circumstances which invalidates the basic assumptions upon which this Plan is based, such as much higher than anticipated population and employment growth. There should also be a formal review of these policies at least every five years to be informed by the Bruce County Housing Study, as amended from time to time.
- B1.2 Within the Municipality it is intended that an adequate supply of land will be provided for an appropriate mix and range of employment to meet long term needs, including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and which take into account the needs of existing and future businesses. Within designated employment lands, opportunities for infilling and intensification will be promoted. It is the intent to promote the continued development of a strong tourist industry.
- B1.3 The projected population of the Municipality in the year 2045 is 14,039, of which 12,973 are anticipated to be located within the settlement areas. This growth represents nearly 2,500 new residents across the

Municipality over the 28-year period from 2017 to 2045, and slightly more than 1,500 within the settlement areas covered by this Official Plan

B1.4 The following are estimates of distribution of new households throughout the Municipality by the year 2045, as informed by the Water and Wastewater Servicing Master Plan:

	Kincardine	Tiverton	Lakeshore
2017	4,179	409	1,044
2045	5,080	497	1,269
28-year change	901	88	225

B1.5 The Kincardine Urban Area is constrained to the west by Lake Huron, the Municipal boundary to the south and to a certain extent by Highway 21 to the west. Expansion of the community will occur most logically to the north.

B1.6 The Official Plan will provide land for residential, commercial and industrial growth, thereby encouraging a diverse economic base for Kincardine.

B1.7 The Central Business District will continue to play a major role in the retail, office and institutional fabric of the community and will be the main focus of commercial activity in the Municipality.

B1.8 The Municipality will plan for sewage and water services by completing and periodically updating as necessary, Water and Wastewater Servicing Master Plan and shall direct and accommodate expected growth in a manner that promotes the efficient use of existing municipal sewage and water services. These systems are provided in a manner that can be sustained by the water resources upon which such services rely, is financially viable and complies with all regulatory requirements and protects human health and the natural environment.

B1.9 The qualities that make the Municipality a desirable place to live and a tourist destination are created largely by the recreational attributes associated with Lake Huron, and the historical and cultural character of the Kincardine and Tiverton Urban Areas.

B1.10 The economy of the Municipality is dominated by the Bruce Nuclear Power Development (BNPD), one of the world's largest independent power generating facilities.

B1.11 Agriculture, tourism and retail also continue to play an important role in the economy of the Municipality as well as contributing to the character of the area.

B1.12 The Kincardine airport is important to future growth and accessibility of the area and shall be protected.

B1.13 This Plan recognizes “Municipality of Kincardine Waterfront Development Plan” and the “Strategic Plan (2004) for the Municipality of Kincardine” (as updated from time to time) as two important reference documents. These documents provide a direction and focus for the community and assist in achieving the various goals and objectives of this Plan.

## **SECTION "C" GENERAL DEVELOPMENT POLICIES**

### **C1 GENERAL LAND USE**

This section establishes general policies relating to the various land use categories designated on Schedules "A", "B" and "C".

#### **C1.1 GOAL**

Development in the Municipality of Kincardine will occur in an orderly fashion, which provides the best possible quality of life for its residents.

#### **C1.2 OBJECTIVES**

- C1.2.1 Land use within the Municipality shall occur as far as possible in a manner which ensures that different land uses are compatible with one another, or that safeguards are provided to prevent adverse effects of one land use upon another.
- C1.2.2 Land use in the Municipality will be guided by the policies of this Plan, which will be implemented by means of the Zoning By-Law.

#### **C1.3 POLICIES**

- C1.3.1 In any case where the uses permitted by the Zoning By-law conflict with the intended uses indicated by this Plan, it is intended that an amendment to the Zoning By-Law shall only be made in conformity with this Plan.
- C1.3.2 Buffers will be provided between different land uses to ensure that adverse effects of adjacent land uses on each other are minimized.
- C1.3.3 Given that a sensitive land use may be adversely affected by the noise emissions from an industrial use, the Comprehensive Zoning By-Law shall require all sensitive land uses to be setback from an industrial use in accordance with the Ministry of the Environment "Noise Assessment Criteria in Land Use Planning" [Publication LU-131].
- C1.3.4 An appropriate range of housing types and densities to meet projected requirements of current and future residents shall be encouraged. Densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of alternative transportation modes will be encouraged.
- C1.3.5 The orderly development of the Municipality, in accordance with the

designations of this Plan, shall be encouraged. No public work shall be undertaken and no By-Law shall be passed for any purpose which does not comply with the provisions of this Plan.

C1.3.6 The Municipality recognizes the desire of Indigenous communities to be engaged in development proposals, particularly related to archaeological, environmental and cultural resources.

Proponents of new development are advised to engage the Indigenous communities to determine potential impacts on resources, indigenous interests and other cultural values including the manner in which resources and features are dealt with.'

Municipal staff will engage with Indigenous communities for proposed development / redevelopment, land division, and Zoning By-law / Official Plan amendment applications.

C1.3.7 Brine extraction is known to have occurred adjacent to the Lake Huron Shoreline within the area bounded on the south by Albert Street, on the east by Queen Street and on the north by Lambton Street. In this area, before any Building Permits are issued or development agreements approved, the Municipality shall, in consultation with the Ministry of Natural Resources, ensure that the developer has reviewed all available information and identified any known abandoned oil, gas or brine wells, and that any necessary corrective measures to eliminate any hazard will be taken. In addition, Council will advise applicants that should old brining wells or flow of water, especially salt water, be encountered during the course of construction, the Petroleum Resources Section, Southwest Region, Ministry of Natural Resources, should be contacted.

C1.3.8 It is the intent of this Plan to prioritize existing and future infrastructure and public service facilities within settlement areas in order to support intensification and the achievement of complete communities. The following criteria shall be demonstrated in partnership with the Town and County for the purposes of site identification of a Public Service Facility:

- Public Service Facilities may be permitted within all designations provided the public service facility supports the needs of the area it is servicing without the need for an official plan amendment.
- Are located on an arterial or collector road, with appropriate driveway entrances approved by the Municipality.
- A preliminary traffic investigation that will demonstrate the feasibility of the public service facility as it pertains to the impact of the function of the road.
- Incorporation of appropriate setbacks and design elements (such as landscaping, parking location, ingress/egress,) to appropriate mitigate

any impacts on adjacent residential uses.

- Appropriate water and wastewater services are planned by the municipality or available to support the proposed public service facility.
- Any new residential development applications shall be evaluated with regards to the need and location for a public service facilities in the community.

## **C2 ENVIRONMENT**

### **C2.1 GOAL**

- C2.1.1 The quality of the natural environment of the Municipality of Kincardine shall be preserved and enhanced.
- C2.1.2 Development shall be directed away from areas of natural or human made hazards where there is an unacceptable risk to public health, safety or of property risk.

### **C2.2 OBJECTIVES**

- C2.2.1 The use and protection of natural features such as the Penetangore River Valleys and the Lake Huron shoreline shall be promoted in order to enhance the overall built and natural environment within the Municipality.
- C2.2.2 The Plan shall provide policies and guidelines for the protection of natural heritage features, water resources, agricultural lands, mineral aggregate resources, cultural heritage resources, and archaeological resources for their economic, environmental and social benefits.
- C2.2.3 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- C2.2.4 This Plan will rely on Natural Environmental designation mapping, ANSI mapping and Wetland mapping to achieve much of the Municipality's environmental goals and objectives. Mapping of environmental features will continually be updated in accordance with applicable studies, policies and guidelines as new information becomes available.

Therefore, new development proposed in or adjacent to natural environment areas must also address all of the applicable natural environment features.

As mapping becomes available or future studies identify these natural areas, they will be added to the Schedules of this Official Plan by amendment to the Plan. The Municipality agrees to encourage the completion of these studies to determine the boundaries of these natural environment areas. As outlined in Section D7.3.1 of this document, adjustments are permitted to mapping of natural heritage features and hazard lands without amendment to this Plan.

## **C2.3 POLICIES**

C.2.3.1 The Natural Heritage System within Kincardine, as shown on Schedule B is comprised of lands that contain natural heritage features, key hydrologic features, and hazard lands. The system also includes other lands that serve as linkages, corridors and adjacent lands (as identified in accordance with the PPS). The identification of lands as part of the Natural Heritage System is intended to identify, protect and where possible enhance an interconnected system of natural heritage features and linkages.

The identification of lands as part of the Natural Heritage System is shown on Schedules 'B1' – 'B4' to this Official Plan and is not a land use. Rather, it is intended to guide the consideration of future land uses. The policies of the underlying designation identify the permitted uses of the lands within the Natural Heritage System.

The majority of the Natural Heritage System consists of lands designated as Natural Environment on Schedules 'A1' – 'A4'.

C2.3.2 Development and site alteration shall not be permitted in significant wetlands and significant coastal wetlands.

C2.3.3 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

C2.3.4 Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

C.2.3.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

C2.3.6 The Municipality acknowledges the need to identify the significant woodlands and those portions of the woodlands that need to be protected from negative impacts that may be associated with development. Significant woodlands are identified separately on Schedule B as a component of the Natural Heritage System.

Where development is proposed within 120 metres of a significant woodland, as shown on Schedules 'A' and 'B', Council shall be satisfied that the proposed development will not have a negative impact on the feature or ecological function of the woodland. Council or the approval authority, in consultation with relevant review agencies, may increase the

distance if warranted by the specific features in the general area of the proposed development.

Required supporting materials shall address the impact of proposed development on the woodland and their ecological function, to the satisfaction of the Municipality in consultation with the Saugeen Valley Conservation Authority, and will include:

An Environmental Impact Study as described in Section D7.6, which includes the following:

- A detailed inventory of the woodland, and mapping of the extent of the woodland;
- The existing hydrologic / hydrogeologic function of the woodland (including ecological functions, drainage patterns and surface / groundwater quality) and the impact of proposed development on these functions;
- An analysis of the role and ecological function of the woodland in the area, and particularly whether the woodland is part of a larger wildlife or natural features corridor or link;
- Identification of any rare or endangered species habitat in or in the vicinity of the woodland, and the identification of species habitat of conservation concern;
- Identification of methods to ensure the long term health and viability of the woodland, such as mitigation measures and the maintenance of linkages.

C2.3.7 All development proposals adjacent to natural heritage features shall show existing natural heritage features, and indicate, how they will be retained during development. The Municipality may also utilize provisions of the *Planning Act*, to control development and ensure that adequate measures are taken to protect a site's natural features.

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Adjacent lands are those lands that are contiguous to a natural heritage feature and are considered integral to the protection and functioning of a natural heritage feature, and development or site alteration of these lands could have a negative impact on the feature or area.

An application for development or site alteration within adjacent lands shall be accompanied by an Environmental Impact Study (EIS), which

evaluates the ecological function of the adjacent land and demonstrates that there will be no negative impacts on the natural heritage features or on their ecological functions, as well as recommends applicable mitigation measures.

For the purposes of considering impacts to natural heritage features, the following table shall guide the definition of features and adjacent lands:

<b>Natural Heritage Feature</b>	<b>Boundary defined by:</b>	<b>Extent of adjacent land:</b>	<b>Development and site alteration</b>
<i>Provincially Significant Wetlands</i>	Wetland evaluation carried out according to procedures established by MNRF.	120 metres	No <i>development</i> is permitted in this feature. On adjacent land, the EIS demonstrates there will be no <i>negative impacts</i> on the <i>natural features</i> and their sustaining ecological or <i>hydrologic functions</i> .
<i>Significant threatened or endangered species habitat</i>	An accredited professional or as defined by provincial or federal authorities	120 metres	No <i>development</i> is permitted in this feature. On adjacent land, the EIS demonstrates there will be no <i>negative impacts</i> on (a) the habitat values upon which the species depends directly and indirectly and (b) any related ecological functions.
<i>Fish habitat</i>	From the highwater edge of an aquatic habitat as defined through the EIS process.	120 metres	EIS indicated there will be no negative impact of <i>fish habitat</i> upon which the fishery depends directly and indirectly; or where an authorization has been obtained under the <i>Fisheries Act</i> .
<i>Significant wildlife habitat</i>	<i>Municipality</i> , in consultation with MNRF	120 meters	EIS demonstrates there will be no <i>negative impacts</i> on wildlife or their habitat.
Regionally and locally <i>significant</i> wetland	Wetland evaluation carried out in accordance to procedures established by MNRF.	60 metres	EIS demonstrates there will be no <i>negative impacts</i> on the <i>natural features</i> and on the ecological or <i>hydrologic functions</i> that sustain them.

<b>Natural Heritage Feature</b>	<b>Boundary defined by:</b>	<b>Extent of adjacent land:</b>	<b>Development and site alteration</b>
<i>Significant Woodlands</i>	All woodlands 4 hectares or greater in area and all woodlands of any size straddling or immediately adjacent to a watercourse.	120 metres	EIS demonstrates there will be no <i>negative impacts</i> on the woodlands and the ecological functions that sustain them.
<i>Significant valleylands</i>	<i>Municipality</i> based on criteria established by MNRF	120 metres	Engineering report and EIS demonstrates there will be no hazard to public safety, no property damage, or <i>negative impacts</i> on the natural feature or its ecological function.
<i>Significant areas of natural and scientific interest – life science</i>	<i>Municipality</i> in consultation with MNRF	120 metres	EIS demonstrates that there will be no <i>negative impacts</i> on the ecological features or functions that sustain them.
<i>Significant areas of natural and scientific interest – earth science</i>	<i>Municipality</i> in consultation with MNRF	50 metres	EIS demonstrates there will be no <i>negative impacts</i> on the natural features.

C2.3.8 The Penetangore River Valleys and Lake Huron shoreline shall be utilized to form a comprehensive parks system and be protected as natural environment. In addition to providing recreational opportunities for the residents of the Municipality, these natural features also provide a basis for Tourism activity within the Municipality.

C2.3.9 It is the intent of the Municipality to promote the wise management of fishery resources and to participate in efforts aimed at ensuring the long term economic, tourism and recreational benefits to the area that the fishery resource provides.

In considering new development proposals that may affect fish habitat, the Municipality shall require the submission of an analysis that the development will have on fish habitat, with such analysis including remedial measures to be undertaken in regard to fish habitat protection or improvement. Prior to development proceeding, the Municipality shall circulate the report to the appropriate government bodies for analysis, which shall include the Saugeen Valley Conservation Authority and/or other appropriate Provincial Ministries.

Prior to undertaking any public works adjacent to watercourses, the Municipality shall consult with the Saugeen Valley Conservation Authority to determine what design requirements, if any, are necessary to eliminate adverse impacts on the fishery habitat, including water quality requirements.

Council shall encourage and support local groups and organizations, as well as the provincial government and other agencies in their efforts to maintain or improve the quality of fishery habitat within the Municipality in accordance with relevant fish management legislation.

In addition, Council will encourage the naturalization of stream valleys and shoreline areas to improve water quality throughout the Municipality.

C2.3.10 In order to control flooding, ponding, erosion and sedimentation, and to protect as much as possible aquatic habitat and water quality, appropriate stormwater management techniques shall be required for new development. Stormwater management plans, or similar types of plans, shall be provided to Council and reviewed in conjunction with the Saugeen Valley Conservation Authority, or other appropriate provincial ministries.

Stormwater management plans may be required for any development as determined by Council in consultation with the SVCA, if runoff from the location could potentially affect adjacent lands or water quality.

Stormwater management plans shall be required for all development consisting of more than five new residential lots or for commercial or industrial developments with large amounts of impervious area.

Developments shall be designed to use the prevailing and accepted stormwater management practices at the time.

C2.3.11 Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

C2.3.12 No new development with the exception of Open Space uses, shall be permitted on former landfill sites, which are depicted on Schedule A of this Plan. Where such sites are presently developed for uses other than Open Space uses, the site and adjoining properties shall be monitored for potential methane gas accumulation. Existing landfill facilities shall be protected from incompatible land uses.

No new lots shall be created within 500 metres of an identified sanitary landfill site without the approval of the appropriate authority. This policy shall generally not prohibit development on existing lots of record or within fully serviced urban areas.

## **C3 CULTURAL HERITAGE & ARCHAEOLOGY**

### **C3.1 GOAL**

The conservation and preservation of buildings, areas and landscapes of historic or architectural significance, including archaeological sites shall be encouraged.

### **C3.2 OBJECTIVES**

- C3.2.1 Buildings and sites in the Municipality which are of particular historic or aesthetic value will be protected through the co-operation of Council and the Municipal Heritage Committee, Heritage Kincardine. This will be accomplished through the establishment of a Heritage Register to identify properties of potential cultural heritage value and interest.
- C3.2.2 Sites in Kincardine of archaeological significance will be protected and conserved through the cooperation of Council and the applicable Provincial Ministry. Council will therefore facilitate survey by Government or private agencies should those agencies deem it necessary, and will encourage the preservation or rescue excavation of archaeological resources which may be entailed in any future development.
- C3.2.3 Significant built cultural heritage resources and significant cultural heritage landscapes shall be conserved. This may be achieved through designation of properties under the *Ontario Heritage Act*, through Official Plan policies, a conservation plan, or site-specific assessments undertaken in conjunction with a development proposal.
- C3.2.4 Council may pursue the preparation of an Archaeological Master Plan and / or Cultural Heritage Master Plan / Action Plan in order to assist with the identification and conservation of significant archaeological resources, built heritage resources and cultural heritage landscapes.
- C3.2.5 Council shall encourage the adaptive re-use and conversion of heritage buildings for compatible purposes, in order to help ensure their continued use and vitality.

### **C3.3 POLICIES**

- C3.3.1 To review all development and redevelopment proposals in terms of their impact on the area's heritage resources. An evaluation of the significance of cultural heritage resources and an assessment of impacts may be required to be submitted in support of a development application. The terms of reference for such study shall be based on guidance available from the Province.

C3.3.2 To use all appropriate means available to ensure development and redevelopment proposals are compatible with the heritage resources and existing character of the Community.

C3.3.3 To encourage organizations such as Heritage Kincardine to assist Council to establish an ongoing facade improvement program, promoting the use of the facade design guidelines through annual design awards, design workshops and pamphlets, and display of old photos and before and after pictures.

C3.3.4 The purpose of heritage groups is to assist the Municipality in identifying buildings and districts suitable for historic designation. The following guidelines may be considered by such groups and Council when assessing the value of buildings and districts for historic designation:

- a) has the building or property been associated with the life of an historic person;
- b) is the building an important example of the architectural or construction style of a specific period, or the work of an important builder, designer, or architect;
- c) are comparable structures rare;
- d) does the Community support the designation of the building or property based on its architectural and visual values.
- e) does the building or the property retain a large part of its original character and craftsmanship;
- f) the value of the building as a landmark or as an integral part of a distinctive area or neighbourhood of the Community;
- g) the building's architectural features such as style, plan, and the sequence of spaces; use of materials and details including windows, doors, signs, ornaments; colours, textures, and lighting; and, the relationships of all these to neighbouring buildings.

Based on work undertaken to identify buildings, cultural heritage landscapes and / or heritage conservation districts suitable for heritage designation, Council, with the support of Heritage Kincardine, may pursue designation of such resources under the *Ontario Heritage Act* as applicable.

C3.3.5 With the assistance of local heritage groups, the Municipality should strive to establish "heritage facade design guidelines" through a Façade Improvement program to provide direction to Council, municipal staff, members of local groups

and individual property owners and their tenants in improving the visual appearance of the downtown.

C3.3.6 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. In such cases, the proponent and the consulting archaeologist shall consult with the appropriate Indigenous community(s) to identify approaches to commemorate the site, if desired by the Indigenous community(s).

Where archaeological resources/areas have been identified, a condition will be attached to the development application to ensure archaeological conservation is achieved.

C3.3.7 Development and site alteration may be permitted on adjacent lands to protect the heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

C.3.3.8 Indigenous communities shall be engaged and their interests considered when identifying, protecting and managing cultural heritage and archaeological resources.

## **C4 ENERGY CONSERVATION & CLIMATE CHANGE**

### **C4.1 GOAL**

The Municipality of Kincardine will continue to be active in the field of energy conservation and development, will seek growth and development of its importance in the field of nuclear and alternative energy technologies, and will support measures to prepare for climate change.

### **C4.2 OBJECTIVES**

- C4.2.1 The Municipality will support plans to utilize available energy from the Bruce Nuclear Power Development and available wind generated power and other forms of alternative energy.
- C4.2.2 The Municipality shall support energy efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of climate change through land use and development patterns.
- C4.2.3 The Municipality will encourage research and development of nuclear and alternate energy technologies.

### **C4.3 POLICIES**

- C4.3.1 The Municipality will continue to initiate, endorse and promote proposals to higher levels of Government and interested private groups in conjunction with the County, and the Township of Huron-Kinloss and the Town of Saugeen Shores, to utilize power from the Bruce Nuclear Power Development to its full potential.
- C4.3.2 It is recognized that an abundant, reliable source of energy can be a significant benefit to industrial development. Therefore, it is the intent of this Plan to support efforts to attract industries to the area based on electricity from the Bruce Nuclear Power Development, wind generation and other sources such as natural gas and alternate fuels.
- C4.3.3 The Municipality will support land use and development patterns which promote compact form and a structure of nodes and corridors. The Municipality will promote active transportation in and between residential, commercial, industrial, institutional, open space and other areas where public transit may be developed.
- C4.3.4 The Municipality will encourage development and intensification that will improve the mix of employment and housing uses to shorten commute journeys and decrease traffic congestion. In both development and redevelopment, and construction techniques that conserve energy and lead to affordable life-cycle costs (such as Leadership in Energy and Environmental Design [LEED] certification or equivalent building rating

system) will be encouraged. Energy-conserving lighting and heating systems will be considered.

- C4.3.5 The Municipality will promote design and orientation which maximizes energy efficiency and conservation, and the use of alternative or renewable energy such as solar and wind energy.
- C4.3.6 The Municipality will strive to maximize vegetation within settlement areas, and utilize the mitigating effects of vegetation where feasible.

**C5****ELECTRIC POWER FACILITIES**

C5.1 All existing power facilities shall be permitted in any land use designation without the necessity for an amendment to the Plan. Unless approved under the *Environmental Assessment Act*, any major new electric power facilities or undertakings will require an amendment to this Plan and to the Municipality's Zoning By-Law. Minor new electric power facilities or undertakings, which generate less than a nameplate capacity rating of 50 kV.a may be permitted without the necessity of an amendment to this Plan; however, such minor facilities or undertakings may require an amendment to the Municipality's Zoning By-Law.

C5.2 Land and buildings used for executive, administrative or retail purposes or held under lease or licence from Ontario Power Generation and Bruce Power shall comply with the land use designations and policies of this Plan and the Municipality's Zoning By-Law.

C5.3 The above policies, however, do not preclude the Municipality's right to participate in discussions on the location and design criteria of new electric power facilities.

## **C6 ECONOMY**

### **C6.1 GOAL**

The Municipality shall provide adequate and suitably located areas for various economic activities, and provide policies to encourage the development of such economic functions.

### **C6.2 OBJECTIVES**

C6.2.1 The Municipality will encourage the development of a varied economic base, including tourism, agriculture, transportation, communication, energy and industrial uses.

C6.2.2 The Municipality will encourage and promote opportunities to work with local Indigenous Communities in seeking mutually beneficial and socially and environmentally sustainable economic development opportunities.

C6.2.3 The Municipality will support long-term economic prosperity for the community by expanding the commercial/industrial assessment base to provide a greater source of employment and a strong tax base.

The Municipality shall promote economic development and competitiveness by:

- providing a mix and range of employment opportunities;
- providing a diversified economic base;
- planning, protecting and preserving existing employment areas;
- ensuring necessary infrastructure is available;
- promoting the use of a local energy supply; and,
- recognizing the economic importance of Bruce Power.

### **C6.3 POLICIES**

C6.3.1 The Municipality will seek to achieve a population to employment opportunities ratio of 1:4 resulting in the need for 619 additional employment opportunities in the Municipality by year 2045.

C6.3.2 The Municipality supports the Bruce ECO-Industrial Park and is prepared to accommodate its share of residential, commercial and industrial development, in appropriate areas, that may accompany energy based industrial development.

- C6.3.3 The Municipality shall continue to promote means of benefiting from the proximity to Bruce Power and development of secondary industries necessary to support the activities at Bruce Power.
- C6.3.4 The Municipality supports the efforts of Bruce County and local economic development groups to encourage economic development within the South Bruce Lakeshore Area, including the Municipality of Kincardine.
- C6.3.5 In addition to supporting County and inter-municipal economic development initiatives, the Municipality will also encourage diversification and expansion of the local employment base by promoting economic development within the Municipality.
- C6.3.6 The Municipality, and community-supported agencies will promote and encourage the development of a viable downtown, recreation facilities, tourist attractions and accommodation within the Municipality.
- C6.3.7 It is the intent of this Plan to recognize the contribution of the harbour area to the economy of the Municipality and will seek means to upgrade harbour facilities throughout the Municipality.
- C6.3.8 The Municipality shall, in approving new development, seek to improve the ratio of commercial/industrial to residential assessment.

C6.3.9 The Municipality shall provide a positive climate for small business investment, targeting small industry and commercial enterprises as being consistent with the type of growth and development desired within the community.

C6.3.10 The Municipality shall promote the current availability of fibre optic cabling within the community, in efforts to attract business and industry to the area which benefit from and take advantage of the area's superior telecommunication infrastructure.

C6.3.11 The Municipality shall encourage the establishment of emerging technologies which provide expanded band width capabilities, in order to maintain and advance the area's superior telecommunication infrastructure.

C6.3.12 The Municipality shall optimize the long term availability and use of land, resources, infrastructure and public service facilities.

C6.3.13 The Municipality shall support planning so that major facilities (sewage treatment facilities, industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

C6.3.14 The Municipality shall provide for opportunities for increased energy generation, supply and conservation, including alternative energy systems and renewable energy systems and shall promote research and development of these technologies.

C6.3.15 The Municipality may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

C6.3.16 Until the official plan review or update noted above is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with the Municipality, and subject to the requirements of the Provincial Policy Statement.

C6.3.17 The Municipality will support the diversification of the agricultural industry and the development of value added agricultural products and related research in the municipality.

## **C7 TOURISM**

### **C7.1 GOAL**

The enhancement, revitalization and development of a strong local tourist industry for the Municipality of Kincardine shall be encouraged.

### **C7.2 OBJECTIVES**

- C7.2.1 The Municipality will encourage opportunities for sustainable tourism development both within the Municipality and within the area generally.
- C7.2.2 The Municipality will encourage the preservation of the significant natural features within the Municipality.

### **C7.3 POLICIES**

- C7.3.1 The Municipality shall play an active role in promoting tourism activity in the area through its participation in the Tourism Associations.
- C7.3.2 The specific tourism promotion of the Municipality shall focus on Kincardine being an attractive lakeshore community on Lake Huron, noted for its harbour within close proximity to its downtown, its waterfront, parks, beaches, spectacular sunsets and large number of attractive older residences and heritage buildings.
- C7.3.3 The Municipality shall present its waterfront and marina as important tourism assets. The development of this area should be carried out with input from the Municipality of Kincardine Waterfront Development Plan. To this extent, the Municipality shall strive to:
  - a) develop strong linkages between the downtown commercial core and the waterfront;
  - b) upgrade and enhance boating and marina facilities and uses; and,
  - c) upgrade and enhance the maintenance of the beaches as a significant attraction.
- C7.3.4 The Municipality shall encourage the utilization of the waterfront and riverfront as an important tourism and recreational asset, focussing on the outdoor-environmental aspects of the recreation experience (fishing, boating, camping, walking, biking, viewing nature).

C7.3.5 The Municipality shall encourage a broad range of tourist accommodations, ranging from campgrounds and Bed and Breakfast establishments to motels and resorts.

C7.3.6 A wide range of four-season recreational facilities will be encouraged in order to address the needs of local residents, cottagers, and visitors. Specific emphasis shall be paid to the development of passive recreational/leisure opportunities such as a linked trail system, natural environment conservation areas and camping and picnic areas.

C7.3.7 The Municipality shall encourage the development of an Arts and Cultural Centre to house and support the arts and cultural interests of the community and as a tourism attraction and shall support other events and activities that attract and support tourism in the communities.

## **C8            COMMUNITY IMPROVEMENTS**

### **C8.1        GOALS**

Community Improvements shall be an ongoing comprehensive program in the Municipality of Kincardine. The goals of this program are:

- To preserve and rehabilitate older residential neighbourhoods.
- To preserve, redevelop and strengthen the downtown commercial area and integrate proposed extensions to this commercial area.
- To preserve and improve the existing industrial areas.
- To enhance the public realm by improving the streetscape and pedestrian environment, including through active transportation initiatives.
- To develop the business park at the intersection of Highway No. 21 and 9.
- To upgrade and improve municipal hard services, social and recreational facilities, medical and health facilities and public utilities.
- To provide the necessary municipal hard services and economic and social services to broaden the economic base of the Municipality.

## **C8.2 OBJECTIVES**

The following objectives should be considered when identifying Community Improvements:

- C8.2.1 To provide hard municipal services (i.e. sewers, water, roads, sidewalks, street lighting, etc.) in the areas of Kincardine and Tiverton where these services have been identified as being deficient.
- C8.2.2 To provide municipal water services to those developed areas of the shoreline where the existing private water systems may present a health hazard. This objective shall be undertaken in conjunction with the Municipal Servicing Plan and/or Environmental Assessment process.
- C8.2.3 To make available and accessible soft municipal services (i.e. parks, playgrounds and related facilities, community centres) to all the people of Kincardine and to upgrade those services and facilities which have been identified as deficient.
- C8.2.4 To regulate traffic through the use of traffic control devices and a hierachal road network to facilitate the safe and efficient vehicular and pedestrian movement and emergency services in all areas of the Municipality.
- C8.2.5 To encourage the maintenance and rehabilitation of existing housing stock.
- C8.2.6 To encourage the preservation of or rehabilitation to buildings of historical and architectural significance.
- C8.2.7 To encourage the relocation of inappropriate or non conforming uses where it is the opinion of Council that the use is undesirable because of the age, dilapidation, overcrowding, facility arrangement, unsuitability of buildings, incompatibility or for any other reason.
- C8.2.8 To encourage residential growth through infilling development of vacant land or redevelopment of underutilized properties.
- C8.2.9 To encourage redevelopment by either the private and/or public sectors within the downtown commercial area or as planned extensions to the commercial area.
- C8.2.10 To improve the existing commercial areas or expand the commercial areas by encouraging improvements dealing with such matters as off street parking, street beautification or facade improvements and accessibility.
- C8.2.11 To encourage the redevelopment of brownfield sites, existing vacant or

underutilised industrial properties in existing industrial areas.  
C8.2.12 To encourage public and/or private initiatives to expand, infill and intensify existing industrial areas prior to developing new industrial areas.

C8.2.13 To encourage joint public and private involvement in projects to improve the appearance, functionality or efficiency of residential, commercial, institutional or industrial areas of the Municipality.

### **C8.3 CRITERIA FOR THE SELECTION OF COMMUNITY IMPROVEMENT AREAS**

The following general criteria shall be used in the selection of community improvement areas:

C8.3.1 Condition and adequacy of commercial areas including areas within commercial building or building facades which exhibit structural deficiencies or need for rehabilitation, inappropriate signage, insufficient off street parking, the need for improvements to the commercial streetscape, inadequate pedestrian access to commercial businesses or inadequate vehicular access or traffic circulation within the commercial area.

C8.3.2 Condition and adequacy of Industrial areas including areas within industrial buildings or building facades which exhibit structural deficiencies or the need for rehabilitation, inappropriate signage, insufficient off street parking, inadequate vehicular access to or traffic circulation within industrial areas, or inadequate space or inappropriate location of industrial facilities for efficient industrial operation.

C8.3.3 Deficiency in the availability and/or condition of municipal hard services such as roads, sanitary sewers, water systems, storm water drainage, sidewalks, street lighting, or hydro.

C8.3.4 Deficiencies in the availability and/or condition of municipal recreation facilities such as parks, playgrounds, arenas, community centres or trails.

C8.3.5 Deficiencies in the availability and/or condition of municipal, social and cultural facilities such as administration offices, meeting rooms, galleries, libraries or craft rooms.

C8.3.6 Areas where a significant portion of the buildings and/or building facades exhibit the need for improvement or rehabilitation.

C8.3.7 Areas where there is a conflict in land uses with the Official Plan and/or Zoning By-law

C8.3.8 Areas where there are a lack of physical services such as pedestrian

corridors, off street parking etc.

C8.3.9 The Municipality is shall not be constrained by the above criteria for the selection of Community Improvement Areas if it chooses to approve a Community Improvement Plan that is aligned with other economic development priorities and initiatives.

#### **C8.4 Delineation of Community Improvement Areas**

It is the intention of this policy that Council shall pass a By-law designating all or part of the lands covered by this Official Plan as a Community Improvement Project Area under Section 28(2) of the *Planning Act*, 1990.

#### **C8.5 Phasing of Improvements**

It is the intention of this policy that a prioritized list of Community Improvements be identified in a Community Improvement Plan and not as part of the Community Improvement policies of this plan. It is also the intention of this policy that Community Improvement priorities be subject to continual review due to changes in economic, social or environmental considerations, the Municipality's financial position or the availability of federal or provincial funding. Therefore, at least once every term of Council, a general review of the Community Improvement Plan shall be made.

#### **C8.6 Implementation**

The Municipality of Kincardine will implement the Community Improvement goals and objectives through the following methods:

C8.6.1 Council will designate by By-law a Community Improvement Project Area pursuant to the *Planning Act*.

C8.6.2 Council will undertake the preparation of a Community Improvement Plan.

C8.6.3 Council may acquire and develop land to replace inappropriate and non-conforming uses for facilitating conservation, rehabilitation, redevelopment or development of an area. Council may provide grants, loans or other financial incentives within a Community Improvement Area in accordance with a Community Improvement Plan approved under Section 28 of the *Planning Act*.

C8.6.4 Continue enforcement of property maintenance and occupancy standards By-law.

C8.6.5 Continue support for historical preservation through utilization of provisions contained within the *Ontario Heritage Act*.

- C8.6.6 Co-operation with school boards, service clubs, private businesses, industrial, medical and health services and other private individuals or groups to provide new or redevelop existing facilities and services.
- C8.6.7 Participation in provincial and federal government programs which provide assistance to private landowners for the maintenance, rehabilitation and redevelopment of their properties.
- C8.6.8 The utilization of public funding available to municipalities from provincial and federal programs to assist in implementing community improvements.
- C8.6.9 Support and encourage the business improvement area organizations in their efforts to maintain a strong and vibrant business area.

## **C9 SOURCE WATER PROTECTION AREAS**

### **C9.1 GOAL**

It is the intent of this Plan that all development shall be subject to the following policies to ensure water quality and quantity are not adversely affected. Specifically, it is the Municipality's intent that the development of public and private uses will not:

- significantly alter groundwater recharge or discharge
- impair groundwater or surface water quality
- negatively impact municipal groundwater supply.

Maintaining a sustainable groundwater supply is a priority to meet the needs of current and future residents. The Municipality recognizes a relationship between groundwater and surface water in terms of recharge and discharge functions. The policies of this Plan are intended to address both groundwater and surface water protection.

### **C9.2 INTRODUCTION**

The *Clean Water Act, 2006* is intended to ensure that protection of municipal drinking water supplies by setting out a risk-based process on watershed basis to identify vulnerable areas and associated drinking water threats and issues through the preparation of Assessment Reports; and develop policies and programs to eliminate or reduce the risks posed by identified drinking water threats through the preparation of Source Protection Plans. This process is otherwise known as Source Protection Planning.

The science-based Assessment Report is the technical basis upon which a Source Protection Plan is prepared. The Source Protection Plan contains policies to address the drinking water threats identified in the Assessment Report. The policies of this Plan are intended to implement and complement the policies of the Source Protection Plans that apply within the Municipality of Kincardine.

The Municipality is located within the Saugeen Valley Source Protection Area. The applicable Source Protection Plan covers the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region, and contains the policies for the protection of municipal drinking water sources within the Municipality.

The area affected by the Source Protection Plan as it applies to the Municipality of Kincardine is identified on Schedule 'C' to the Official Plan.

### **C9.3 OBJECTIVES**

The Municipality commits to pursuing the following relating to water resources:

- a) ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic systems on an integrated watershed management basis;
- b) protect surface and groundwater quality and quantity through the use of regulatory and voluntary means of prohibiting, restricting or influencing land uses and activities within vulnerable areas, and overlying vulnerable aquifers;
- c) ensure that development meets provincial water quality objectives;
- d) ensure levels of wastewater treatment that are appropriate for the size, location and scale of development anticipated;
- e) ensure development does not alter groundwater levels to the detriment of surrounding users and resources;
- f) support policies to protect municipal water sources;
- g) protect wetlands and areas that make significant contributions to groundwater recharge;
- h) ensure the base flow needed to protect streams, fisheries and wetlands are maintained;
- i) support sustainable stormwater management practices that protect or, where feasible, enhance water quality and water quantity control;
- j) promote efficient and sustainable use of water resources that maintain and enhance water quantity and quality through the retention of vegetation or through re-naturalization;
- k) maintain and enhance fish habitat;
- l) protect or enhance the function of sensitive groundwater recharge areas, discharge areas, aquifers and headwaters;
- m) ensure land use decisions promote water conservation efforts and support the efficient use of water resources;
- n) require impact studies where development proposals have the potential to affect water or water related resources;
- o) to amend this Plan where appropriate to implement the policies of those Source Protection Plans applicable to the Municipality.

## **C9.4 POLICIES**

### **C9.4.1 Vulnerable Areas**

Wellheads and intake areas within the Municipality act as the source of water for the municipal water supply systems. These municipal water supply systems must be protected from contamination associated with certain land uses and activities in order to secure a long-term potable water supply for residents and businesses and for future growth in the

Municipality.

The Approved Assessment Reports has identified vulnerable areas where certain land uses and activities may pose a risk to the quality of municipal water supplies. Identified vulnerable areas within the Municipality include Wellhead Protection Areas (WHPAs), Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs), Events Based Areas (EBAs) and Significant Groundwater Recharge Areas (SGRAs).

The approved Assessment Report has also measured the degree to which vulnerable areas are vulnerable through the assignment of a 'vulnerability score'. The term "vulnerability" describes how easily a source of water can become contaminated with a hazardous material. The vulnerability score of an area can range from 1 to 10, with 10 being the most vulnerable. The vulnerability score is used, together with a table of drinking water threats published by the Province to determine whether a drinking water threat is either significant, moderate, or low.

WHPAs and intake zones are identified on Schedule 'C' and identify the WHPAs for the wells servicing the Municipal water supplies, as well as the adjacent supplies of the Township of Huron-Kinloss. The policies of this section only apply to WHPAs and IPZs / EBAs. HVAs and SGRAs are identified on Schedule 'D' for information purposes only. When and if policies specific to HVAs and SGRAs are added to the Source Protection Plan then the Municipality will amend the policies of this Plan.

A WHPA is the area around a municipal wellhead where land use activities have the potential to affect the quality and quantity of water that flows into the well. The WHPAs that are generally considered to be most vulnerable to surface activities are assigned a vulnerability score of 8 to 10, with vulnerability decreasing further away from the well. Generally, the WHPAs are modelled based on two factors: the time related capture zones of each well and the vulnerability of the aquifer. The time related capture zones include the following:

- a) WHPA-A: 100 metre radius surrounding the well
- b) WHPA-B: 2 year travel time for water to enter the well
- c) WHPA-C: 5 year travel time for water to enter the well

The Source Protection Plan policies also apply to the Kincardine Drinking Water Intake Protection Zone and Events Based Area as shown on Schedule C.

Where WHPAs and IPZs for local municipal wells extend beyond the Municipal Settlement Area boundaries, land use policies will be governed by the policies of the County Official Plan, the abutting municipality's Official Plan, and the relevant Source Protection Plan.

#### **C9.4.2 Land Uses in Wellhead Protection Areas and Intake Protection Zones**

WHPAs and IPZs/EBAs identified on Schedule 'C' are special protection areas where certain land uses involving a significant drinking water threat activity may be prohibited or regulated in accordance with Section 57 or 58 of the *Clean Water Act, 2006*, and the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, notwithstanding the uses permitted by the underlying land use designation.

The policies of this subsection are intended to prohibit or restrict significant drinking water threats from establishing within WHPAs and IPZs/EBAs in accordance with the relevant Source Protection Plan and to ensure that permitted uses can be established with an acceptable level of risk to groundwater and surface water quality.

#### **C9.4.3 Prescribed Drinking Water Threats**

Land use activities which may pose a drinking water threat to municipal water supplies are defined by the *Clean Water Act, 2006* as an activity or condition that adversely affects, or has the potential to adversely affect, the quality and quantity of any water that is or may be used as a source of drinking water. Drinking water threats are prescribed by Ontario Regulation 287/07 of the *Clean Water Act, 2006*, and include the following:

1. Waste disposal sites within the meaning of Part V of the *Environmental Protection Act*.
2. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
3. The application of agricultural source material to land.
4. The storage of agricultural source material.
5. The management of agricultural source material.
6. The application of non-agricultural source material to land.
7. The handling and storage of non-agricultural source material.
8. The application of commercial fertilizer to land.
9. The handling and storage of commercial fertilizer.
10. The application of pesticide to land.
11. The handling and storage of pesticide.
12. The application of road salt.
13. The handling and storage of road salt.
14. The storage of snow.
15. The handling and storage of fuel.
16. The handling and storage of a dense non-aqueous phase liquid (DNAPL).

17. The handling and storage of an organic solvent.
18. The management of runoff that contains chemicals used in the de-icing of aircraft.
19. An activity that takes water from an aquifer or surface water body without returning the water to the same aquifer or surface water body.
20. An activity that reduces the recharge of an aquifer.
21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

#### C9.4.4

#### Prohibitions and Regulations – New Uses & Activities

The significance of a prescribed drinking water threat listed in Section C9.4.3 depends on the characteristics of the activity and where the activity is occurring within a WHPA or IPZ/EBA. The policies of the Source Protection Plan set out whether a significant drinking water threat is to be prohibited or regulated within WHPAs or IPZ/EBA.

The Municipality's Risk Management Official shall determine whether a new land use or activity is, or involves, a significant drinking water threat in accordance with the *Clean Water Act*, 2006 and whether the use or activity is prohibited, or regulated through a Risk Management Plan in accordance with the Source Protection Plan or a Prescribed Instrument. Therefore, notwithstanding the land uses permitted by the underlying land use designation in this Plan, permitted land uses that involve a significant drinking water threat within a WHPA or IPZ/EBA identified in Schedule 'C' to this Plan may be either prohibited or regulated by the Source Protection Plan.

An application for development, redevelopment, or site alteration for any land use within a WHPA or IPZ/EBA that may involve a significant drinking water threat shall only be deemed complete under the *Planning Act* if the Risk Management Official has issued a Section 59 Notice in accordance with the *Clean Water Act*, 2006. The Risk Management Official may provide guidance to assist the Municipality in screening applications for development, redevelopment or site alteration.

#### C9.4.5

#### Source Protection Plan Specific Land Use Policies

##### Individual Septic Systems

Notwithstanding the policies of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, the following policies shall apply to all lands within the Municipality:

- a) Where septic systems would be a significant drinking water threat within a WHPA with a vulnerability score of 10, new lots created

through severance or plan of subdivision will only be permitted where they are serviced by municipal sanitary sewers or where an on-site septic system could be located outside of a WHPA with a vulnerability score of 10.

- b) Where no municipal sanitary sewers exist and where septic systems already exist within a WHPA with a vulnerability score of 10, all future or replacement private septic systems on lots where they would be a significant drinking water threat shall be located as far as practically possible from the wellhead while remaining in compliance of the Building Code.

#### Waste Disposal

Notwithstanding the policies of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, the following waste disposal activities shall be prohibited within WHPAs with a vulnerability score of 8 or 10, where they would be considered a significant drinking water threat:

- i. Land disposal of petroleum refining waste within the meaning of clause (d) of the definition of “land disposal” in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*,
- ii. Land disposal of municipal waste, hazardous waste, liquid industrial waste, or processed liquid industrial waste, within the meaning of clauses a) and b) of the definition of “land disposal” in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*, and
- iii. Land disposal of liquid industrial waste, industrial waste, or commercial waste within the meaning of clause (c) of the definition of “land disposal” in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*.

#### Fuel Storage

Within the Kincardine Drinking Water Intake Events Based Area (as shown on Schedule C), the establishment of new fuel storage in a quantity of 3,000 L or more (EBA-3000) shall be prohibited. The expansion or replacement of existing fuel storage is permitted if it can be demonstrated to the Risk Management Official’s satisfaction that the expansion or replacement will provide greater integrity. Therefore, the storage of fuel is designated for the purposes of s.57 of the *Clean Water Act*.

Within the Kincardine Drinking Water System Events Based Area, where fuel is currently stored in a quantity of 3,000 L or more (EBA-3000), 5,000 L or more (EBA-5000), and 10,000 L or more (EBA-10000), the capacity of

existing fuel storage shall be determined and recorded within three years of the effective date of the Source Protection Plan. The expansion or replacement of existing fuel storage is permitted, if it can be demonstrated to the Risk Management Official's satisfaction that the expansion or replacement will provide greater integrity. Establishment of a Risk Management Plan is required. The storage of fuel may only occur in accordance with an approved Risk Management Plan. Therefore, the storage of fuel is designated for the purposes of s.58 of the *Clean Water Act*.

## **C9.5      Implementation**

### **C9.5.1    Review of Source Protection Plans**

Future reviews of the approved Source Protection Plan may result in a change in the vulnerability scoring or the geographic extent of an existing WHPA or IPZ. The establishment of a new municipal water supply source will result in the establishment of a new WHPA or IPZ. Abandonment of a municipal water supply source will indicate the need to remove the corresponding WHPA or IPZ associated with the supply source.

Changes to the extent or vulnerability of an existing WHPA or IPZ, or the establishment of a new WHPA, IPZ or vulnerable area as defined in the *Clean Water Act*, 2006, as a result of a review and amendment to an approved Source Protection Plan will not require an amendment to this Plan. Changes to any policies in the approved Source Protection Plan, which require municipal implementation will require an amendment to this Plan.

### **C9.5.2    Zoning By-laws**

The Municipality will amend the Zoning By-law and may also adopt other development controls to protect WHPAs and IPZs in accordance with the policies of this Plan and the Source Protection Plan. The Zoning By-law will identify the WHPAs and IPZs as identified in the Source Protection Plan and provide regulations to prohibit or restrict significant drinking water threats from establishing within WHPAs and IPZs in accordance with the Source Protection Plan.

## **C9.6      Water Quality and Quantity – Protection Measures**

The following policies provide for the establishment of additional protection measures of either a regulatory or voluntary nature by Council.

Council shall encourage the use of alternative protection measures within highly vulnerable areas, including but not limited to, land acquisition,

conservation easements, growth management and landowner partnership programs. Nothing in this subsection shall imply that County Council and/or local Council is required to commit financial compensation for changes in land use or land management practices as a result of the implementation of the policies of this Section or approved Source Protection Plan.

Council will support a program to establish a system of monitoring wells within municipal WHPAs in order to assist in identifying contaminants in the groundwater before they reach the municipal wells in consultation with the Risk Management Official. Priority of monitoring will be given to WHPAs where the pumped aquifer is highly vulnerable (i.e. vulnerability of 8 or 10) and where existing water quality indicates changes from background conditions.

Council will encourage the development and promotion of Best Management Practices (BMPs) in vulnerable areas.

Council shall undertake public education and outreach programs as required by the applicable Source Protection Plan.

Council shall consider the development of programs offering financial incentives to protect and maintain groundwater and surface water quality.

Council is encouraged to adopt guidelines or regulate the proper maintenance and regular evacuation of septic tanks to assist in the proper maintenance and operation of septic systems.

Council is encouraged to adopt guidelines or regulate the drilling of private wells on lots where municipally operated communal water services are already provided.

Council is encouraged to develop programs to identify and decommission unused water wells and encourage the owners of dug wells to install a drilled well and decommission the dug well.

## **C10      EMERGENCY PLANNING**

C10.1 All development applications shall be reviewed having regard for the health and safety of existing and future residents and business. Applications shall be reviewed to ensure that they are in keeping with the Municipality's Emergency Response Plan.

C10.2 The Municipality shall update its Emergency Response Plan at regular intervals based on levels of growth and forms of non-residential development. Where necessary, this Plan may be amended to ensure that public works and future land use is consistent with the Emergency Response Plan.

## **SECTION "D" DETAILED LAND USE POLICIES**

This Section establishes policies relating to the various land use categories, including Residential, Commercial, Industrial, Institutional, Open Space, Natural Environment and Development Constraint, Business Park, Shoreline and Future Development. This Section should be read in conjunction with Schedules A, B and C which shows the location of the various land use categories.

### **D1 RESIDENTIAL**

#### **D1.1 GOAL**

An ample supply of affordable and quality living accommodation in terms of type and location will be provided for the Municipality's present and future residents.

#### **D1.2 OBJECTIVES**

D1.2.1 Residential development will be permitted according to the policies contained in this Plan when access to transportation and Municipal services are adequate; and will be staged to the satisfaction of the Municipality of Kincardine.

D1.2.2 Premature residential development which would create an adverse economic burden for the Municipality will be discouraged.

D1.2.3 Buffering of residential areas from higher-density residential areas as well as other land uses will be required when the residents living environment would be adversely affected.

D1.2.4 The Municipality shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households, by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

The Municipality shall promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas to be developed.

D1.2.5 Assisted owner and rental housing will be encouraged as the need is identified in local and County housing studies.

D1.2.6 The Municipality shall monitor the amount of land available for residential development to ensure that there is, at all times at least a 12 year supply of land designated for residential development.

D.1.2.7 The Municipality shall permit the conversion of residential buildings located adjacent to the Core Commercial area (e.g. Princes Street) for office uses or small-scale commercial shops, to serve as a transition between the downtown and residential neighbourhoods. Such conversion shall be subject to applicable Zoning By-law amendment and site plan process, and comply with policies and guidelines that may be enacted by Council to provide applicable guidance.

D.1.2.8 The Municipality shall permit compatible institutional uses (such as elementary schools, libraries and places of worship) within the Residential designation, subject to meeting other requirements of this Plan and required details through site plan approval.

### **D1.3 PERMITTED USES**

The Residential designation means that the predominant use of the land in the areas so designated shall be for residential dwelling units. Permitted Residential uses shall include low density housing such as single family detached units, semi-detached units and duplex units, and may include apartment dwelling units, medium density triplexes, quadplexes and townhouses, high density housing including apartments, group home and additional residential units (ARU).

Up to two (2) additional residential units (ARUs) are permitted on a lot and can be located within a single detached dwelling, semi-detached dwelling, duplex dwelling or row dwelling or in a detached accessory building on the same lot as a single detached dwelling, semi-detached dwelling, duplex dwelling or row dwelling, subject to the policies of this Plan.

Uses of land which are complementary to and compatible with Residential uses shall also be permitted. Such uses include:

- Institutional Uses in accordance with Section D5
- Open Space Uses in accordance with Section D6
- Home Occupations
- Local Commercial Uses in accordance with Section D2.7
- Bed and Breakfast Establishments
- Home-based Child Care
- Unlicensed Child Care

### **D1.4 GENERAL POLICIES**

D1.4.1 The quality of existing residential development in areas designated for continued residential use will be maintained and, where possible, improved.

D1.4.2 Residential development will not be permitted in areas subject to high levels of pollution, whether from noise, air or water.

D1.4.3 Appropriate buffering shall be provided between residential areas and industrial uses, major facilities, commercial uses, arterial roads, County Roads, Provincial Highways and railways.

D1.4.4 New residential development will be allowed in all Residential designations, both as infilling and expansion. Infilling may proceed by severance or by registered plan of subdivision. The expansion of Residential areas will be primarily by registered plan of subdivision. New development taking place in greenfield areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities in order to conserve energy and shall be designed in recognition of wind and snow effects, and when appropriate as determined by a comprehensive review.

D1.4.5 Plans of Subdivision in greenfield areas will be phased as a condition of draft plan approval and subdivision agreements to ensure that a range and mix of housing options is provided at all stages of development and that existing and future residents will not be adversely impacted by on-going construction activity.

D1.4.6 Availability of Affordable Housing

- a) The Municipality shall encourage an adequate supply of affordable housing.
- b) The Municipality shall attempt to have 30% of all new residential construction affordable. In a given year the residential development may meet, exceed or fall short of the 30% target and therefore, to achieve a more realistic picture of the progress made in achieving this target, five year averages shall be used to meet affordable housing objectives.
- c) The Municipality shall ensure that the Comprehensive Zoning By-law does not require standards which preclude the development of affordable housing and may provide incentives such as increased density bonusing for the development of affordable housing.
- d) The Municipality shall consider providing incentives to the public and private sectors to create new affordable rental units;

- e) The Municipality shall provide a grant-in-lieu of residential development charges, planning fees and building permit fees for affordable housing developments in return for a commitment by the developer to meet specified affordability targets;
- f) The Municipality has a 'housing first' policy for surplus municipal lands. Specifically, the first priority in the decision making process respecting surplus or potentially surplus municipal property shall be affordable housing development and that the surplus property be made available for affordable housing purposes at a reduced cost; and
- g) The Municipality shall promote, and where possible, assist in the administration of County, Provincial and Federal housing programs.

#### **D1.4.7 Supply of Serviced Residential Land**

- a) A supply of residential land shall be maintained at all times in the Plan area to accommodate the growth that is anticipated over the next 15 years (minimum), as directed by the Provincial Policy Statement. The supply of land will take into consideration opportunities for intensification and redevelopment.
- b) The Municipality shall establish and maintain an on-going inventory of potential sites for affordable or supportive housing projects.
- c) The Municipality shall negotiate with developers in efforts to establish plans that include the types of housing needed within the Municipality.

#### **D1.4.8 Range of Housing Types**

- a) The Municipality shall support a wide range of housing types, zoning standards and subdivision design standards where appropriate.
- b) The Municipality establishes the following housing mix targets for the entire Municipality:

Low Density	-	70%
Medium Density	-	25%
High Density	-	5%

- c) In order to achieve these targets existing low density residential areas and existing commercial areas may need to develop through residential redevelopment and infilling. The Municipality will target 20 percent of all new housing to be developed in this manner. These areas may be zoned to permit higher density uses in the Zoning By-law.

It is the policy of this Plan to encourage average density in residential designations to increase to 15 units per hectare within serviced settlement areas, and 5 units per hectare within un-serviced settlement areas, over the planning period. Some areas with no services may require lower densities in order to achieve sufficient area for septic system requirements.

d) The Municipality shall strive to maintain and improve the existing mix of housing tenure. To this end, the Municipality establishes the following housing tenure targets:

Ownership	-	70%
Rental	-	30%

e) The Municipality will encourage intensification and redevelopment in commercial areas as a method of creating potential opportunity for a range of housing.

f) A duplex/semi-detached dwelling shall be permitted in all residential areas that permit single detached dwellings, where municipal water and municipal sewer services are provided.

#### **D1.4.9 Special Needs Housing**

a) The Municipality shall seek to improve access to housing for people with special needs, including assisted housing for low income people, seniors housing and housing for physically and developmentally handicapped individuals.

b) The Municipality shall work with local groups to determine the demand for special needs housing. The Municipality shall support appropriate applications and proposals for special needs housing.

c) The Municipality shall consider alternative approaches to providing housing targeted specifically to the seniors population.

d) The Municipality will permit temporary housing as is required to meet the needs of temporary workers involved in the expansion to the BNPD facilities or other large projects requiring an influx of temporary residents.

i) Mobile homes shall not be permitted except within a mobile home park. The establishment of a mobile home park will require an amendment to this Plan to create 'an Area Specific Policy' except where the use is required for the temporary housing of workers.

ii) The Municipality will support the development of short term housing to accommodate temporary workers required to

expand Bruce Power.

This form of development may include modular or mobile dwelling units in a planned temporary park that may be placed on lands designated Residential, Industrial or Commercial as a temporary use provided that:

- i) the dwellings are connected to full municipal services;
- ii) there is an agreement between the Municipality and the land owner specifying the length of time that the use may exist and the conditions under which the development may proceed; and ,
- iii) the development shall be subject to Site Plan Control under Section 41 of the *Planning Act*.
- iv) A Temporary Use By-law is passed by Council to permit the use.

D1.4.10 New Residential developments, especially subdivision proposals will be encouraged to be as visually interesting as possible. Possible approaches include mixing housing densities and styles, varying the location of buildings on lots and utilization of the natural features of a site. The Municipality may pursue the creation of Urban Design Guidelines for new subdivision development.

D1.4.11 Reduced urban development standards such as smaller frontages, narrower road allowances and shared services may be considered, where appropriate, in new areas of development and/or in areas of existing development which require unique development standards. Where reduced standards are considered for a development, the development shall be placed within a Special Zone in the Zoning By-Law.

D1.4.12 Notwithstanding policies D1.4.10 and D1.4.11 all new residential development in older, established residential areas will be encouraged to be developed in keeping with the overall built form, massing and building setbacks of such areas.

D1.4.13 In all residential areas, great care shall be taken to preserve mature vegetative growth. Existing trees shall be preserved, wherever possible and other vegetative cover and natural drainage patterns shall be an essential consideration in the design of any proposed residential development. The preservation of trees along streets and roads shall be encouraged by Council, except where removal is necessary because of disease or obstruction of viewing angles.

D1.4.14 Where new development occurs adjacent to existing development that is at significant lower density, the new development shall be designed to provide a transition of density and height in order to provide for compatible built form. In addition, landscape buffers for new buildings may be required

in order to minimize potential impacts on existing developed areas.

D1.4.15 All new Residential uses in the urban areas of Kincardine and Tiverton shall be connected to Municipal water and sewage services, except in limited situations where physical constraints make it economically not feasible. In such cases, the proposed servicing shall be subject to the approval of the Municipality and/or the Ministry of the Environment.

D1.4.16 Home Occupations

Home occupations will be permitted in the Residential designation, subject to the provisions of the Zoning By-law. Home occupations will be continuously monitored, by licensing if necessary, to ensure their compatibility with the Residential environment. The Zoning By-law or other by-laws under the *Municipal Act* will provide regulations which:

- a) may include a detailed list of permitted home occupations uses;
- b) Restrict the number of people which may be employed in the home occupation;
- c) Provide a maximum percentage of the floor area of the residence which may be used for the home occupation;
- d) Maintain the external appearance of the residence and control exterior signs (in accordance with Section H11 of this Plan); and,
- e) Provide appropriate parking standards for such use.

D1.4.17 Small-scale institutional uses permitted within the Residential designation shall be subject to the Institutional Policies contained in Section D5 of this Plan, and shall require amendment of the Zoning By-Law.

D1.4.18 Bed and Breakfast Establishments

Bed and Breakfast operations may be permitted within single detached homes within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide Bed and Breakfast regulations which ensure:
  - i) that the establishment of such uses not change the residential character of the area;
  - ii) all requirements of the zoning by-law are met, including adequate off-street parking, minimum floor area for guest rooms and maximum number of guest rooms;
  - iii) such uses may be permitted in buildings which constitute the

- iv) principal residence of the operator or an accessory structure;
- iv) the maximum number of guest rooms for overnight accommodations shall not exceed 3;
- v) the Bed and Breakfast suite meets all health, safety, servicing and building code standards; and,
- vi) any other regulation deemed necessary by the Municipality.

b) Bed and Breakfast operations shall be encouraged to locate in the older established areas of the Municipality in close proximity to the downtown business area and/or the recreational amenities of the Lake Huron Shoreline. This policy is not intended to restrict such businesses from locating in other residential areas of the Municipality; and,

c) Bed and Breakfast operations may be subject to Site Plan Control.

#### **D1.4.19      SECONDARY RESIDENTIAL UNITS**

##### **a) ADDITIONAL RESIDENTIAL UNITS (ARU)**

The term additional residential unit (ARU) means a separate residential unit subsidiary to and located on the same lot as a principal dwelling unit, within the principal dwelling or in a detached building on the same lot.

- i. An ARU may be permitted, within a single detached dwelling, semi-detached dwelling, duplex dwelling or row dwelling or in a detached building on the same lot, subject to the policies of this Plan and the requirements of the Comprehensive Zoning By-law.
- ii. Where an ARU is listed as a permitted use:
  - 1. On a lot serviced with full municipal water and sanitary services, the maximum number of residential units shall be three (3) which includes the principal unit and a maximum of two (2) ARUs.
  - 2. On a lot serviced with partial municipal services or private services, the maximum number of residential units shall be two (2) which includes the principal unit and one (1) ARU.
  - 3. Notwithstanding 2 above, an ARU shall not be permitted on a partially or privately serviced lot that is legal non-conforming with respect to lot area or lot width, except where:
    - a) The lot area is 4,000 square metres (0.4 hectares) or greater; or
    - b) A smaller lot size is supported by the required studies outlined in Section 'E' Municipal Services.
- iii. It must not be a stand-alone, principal unit, capable of being severed;
- iv. The Comprehensive Zoning By-law may provide ARU regulations which:
  - 1. Restrict any business or commercial enterprise from taking

2. place within the ARU;
2. Set out restrictions involving the unit size, alteration to the outside of the building or structure, parking and entrance requirements, maximum separation distance between a principal unit and a detached ARU, and water and sewer/septic servicing requirements.

**b) GARDEN SUITES**

The term Garden Suite is used to describe a temporary detached residential unit accessory to a primary residence and which offers an alternative arrangement for housing elderly parents, family members with special needs or other similar individuals.

A Garden Suite shall be considered an additional residential unit (ARU) for the purpose of counting the total number of ARUs permitted per lot."

Garden Suites may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide Garden Suite regulations which:
  - i. require the residential unit to be detached and accessory to a primary dwelling unit;
  - ii. restrict any business or commercial enterprise from taking place within the residence;
  - iii. require the dwelling unit to meet all requirements of the Comprehensive Zoning By-law, including yard setbacks; and,
  - iv. prohibit the use of a mobile home.

Garden suites, while complying with the regulations outlined in the Comprehensive Zoning By-law, will require land use permission through the adoption of a Temporary Use By-law pursuant to Section 39 of the Planning Act, 1990.

- b) The Municipality shall enter into an agreement with the property owner or occupant to cover issues such as:
  - i. conditions under which the Garden Suite will be removed from the property;
  - ii. the Garden Suite not be used as a rental dwelling unit for profit or gain;
  - iii. the Garden Suite meets all health, safety, servicing and building code standards;
  - iv. the need for bonding or security to ensure that certain conditions of the agreement are met; and,
  - v. other issues deemed important by the Municipality.
- c) Garden Suites may be subject to Site Plan Control.

**D1.4.20 Child Care Centres**

- a) The term "Child Care Centre" means a premises operated by a person who is licenced by the province to operate a child care centre at the premises.
- b) Child Care Centres may be permitted within the Residential designation subject to the provisions of the Comprehensive Zoning By-law.
- c) The facility shall be licensed by the Ministry of Education under the *Child Care and Early Years Act*, 2014 including any amendments, or its successor.
- d) The facility shall meet all health, safety and building code standards.
- e) Child Care Centres may be subject to Site Plan Control.

#### **D1.4.21 Area Specific Policies (as shown on Schedule 'A')**

Development of the lands located north of the North Line Extension and west of Bruce Road 23 shall only occur in accordance with the following:

- d) a comprehensive EIS identifying natural heritage features including but not limited to wetlands, significant woodlands, natural drainage courses and natural habitat areas shall be completed and the development shall be designed to protect and preserve the natural features of the land.
- e) The development shall be designed in a manner sensitive to existing development in the area taking into consideration lot size, density, height, and variations in topography and existing/proposed vegetative buffering and spatial separation.
- f) the development shall be supported by a traffic study that establishes a road pattern and identifies external road improvements that will be undertaken, to ensure that existing uses are not adversely affected by increased traffic. Road systems serving the shoreline residential uses and the urban residential uses shall be separated as much as possible, and traffic from new Urban Residential areas shall be directed primarily to Bruce Road 23.

Pedestrian access to the beach shall be established in such locations and in such a manner as to minimize adverse impacts on existing shoreline properties.

- g) the development shall be supported by a comprehensive development plan that incorporates a Subdivision Design / Lot

Layout; Stormwater Management Plan; Servicing Options Report; Comprehensive

Environmental Impact Statement (EIS); Archaeological Study; and any other information as deemed necessary by Council.

h) the lands identified as "ASP D1.4.21e)" on Schedule "A" shall be developed with an overall density not to exceed 5 units per hectare.

**D1.4.22** The following maximum gross residential densities will apply to new Low Density Residential uses:

<b>HOUSING TYPE</b>	<b>MAXIMUM NO. OF UNITS PER GROSS HECTARE</b>
Low Density	
Single Detached	25 u.p.h.
Semi-Detached	35 u.p.h.

Gross Residential Density shall mean the density of residential development in an area including local roads and such other uses as parks and local commercial facilities.

## **D1.5 MEDIUM AND HIGH DENSITY HOUSING**

**D1.5.1** The following factors will be considered when reviewing proposals for any medium and high density housing development:

- a) Compatibility with existing land use in the immediate area, historical significance of existing buildings, the nature of the residential area;
- b) Where adjacent to low-density residential areas, medium and high density housing shall maintain a low building profile to conform visually to the adjacent low-rise residential areas. This may be achieved through transitioning between areas by maintaining compatibility at the edges of a development, then shifting to higher forms/density towards the interior of the development. New development shall respect the massing, composition, and architectural design of the surrounding area.
- c) Adequate off-street parking shall be provided;
- d) Buffering from any adjacent low-rise residential use shall be provided;
- e) Suitable landscaping and on-site amenities in the form of open space / green space shall be provided. The amount of amenity area shall be in appropriate proportion to the level of density;

- f) The adequacy and proximity of community facilities such as schools, shopping and recreation facilities;
- g) The adequacy of Municipal services to accommodate the proposed density of development;
- h) Such development will be encouraged in proximity to commercial areas where traffic congestion can be minimized;
- i) The manner in which the development relates to proposed future land uses in developing residential areas;
- j) Medium and high density housing shall be in separate zones in the Zoning By-Law. Such development will proceed by an amendment to the Zoning By-Law;
- k) Medium and high density housing will be subject to the Site Plan Controls of the *Planning Act*; and,

D1.5.2 The following maximum net residential densities will apply to new medium and high density residential uses:

<b>HOUSING TYPE</b>	<b>MAXIMUM NO. OF UNITS PER NET HECTARE</b>
Medium Density Triplex, Townhouse, Low-rise Walk-up Apartments	50 u.p.h.
High Density Apartments	95 u.p.h.

Net Residential Density means the area of the site proposed for development, not including roads, parks, local commercial facilities, etc.

D1.5.3 Consideration may be given to waiving locational requirements and reducing parking standards for medium and high density senior citizens housing or affordable housing developments, subject to amendment of the Zoning By-Law.

D1.5.4 Conversion of single family homes into multiple family units will be permitted subject to the provisions of the Zoning By-Law, provided they are structurally adequate, that no external changes are required which will detract from the physical appearance of the building, and that adequate rear yard parking can be provided. Such conversions shall be subject to the development policies of Section D1.5.2 of this Plan.

D1.5.5 Condominium development will be considered for various forms of

residential development, provided the proposal complies with the requirements of *The Condominium Act*, and subject to the provisions of the Zoning By-law.

**D1.5.6** Proposals which would result in the conversion of rental housing to condominium ownership, may only be permitted where:

- a) the rental vacancy rate for comparable units for the has been at or above 3 percent for the preceding three years; or,
- b) the conversion will address and result in the creation of affordable housing for affordable home ownership; or,
- c) the conversion will rectify existing health and safety issues through the completion of building renovations/retrofits, the cost of which would necessitate an increase in rent levels above the affordability threshold; and,
- d) the owner/applicant submits a detailed inspection report on the physical condition of the property by a qualified architect or engineer to the satisfaction of the Municipality;
- e) tenants have the option to continue to lease their units following the approval of the conversion to condominium in accordance with the provisions of the *Residential Tenancies Act*; and,
- f) the owner enters into an agreement with the Municipality which states that tenants may have first right to purchase their units or allows them to continue to rent despite the tenure of the building.

## **D1.6 GROUP HOMES**

The term Group Home is used to describe a range of special needs residential living opportunities as a single-family unit within a single detached dwelling unit. Group Homes shall be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law shall provide regulations which recognize group homes offering long term (more than 1 year) housing within a single housekeeping unit for five (5) or less seniors, developmentally and/or persons with a disability, as a permitted use in all residential zones provided the following criteria is satisfied:
  - i) that no physical alterations be made to change the character of the structure as a single detached residential dwelling unit;
- b) The Comprehensive Zoning By-law may provide regulations which recognize group homes offering long term (more than 1 year)

housing to six

(6) or more seniors, and/or persons with a disability subject to an amendment to the Comprehensive Zoning By-law which is assessed based on the following criteria:

- i) whether the facility is licensed, regulated and/or approved by a government regulatory body;
- ii) that a demonstrated local need exists for such a facility;
- iii) that additional supportive services and facilities exist for the residents;
- iv) that no other group home is located within close proximity to the proposed site; and,

c) The Comprehensive Zoning By-law may provide regulations which recognize halfway houses offering short term (less than 1 year) or long term (more than 1 year) housing to individuals who require such service subject to an amendment to the Comprehensive Zoning By-law which is assessed based on the following criteria:

- i) whether the facility is licensed, regulated and/or approved by a government regulatory body;
- ii) that a demonstrated local need exists for such a facility;
- iii) that additional supportive services and facilities exist for the residents;
- iv) that 24 hour supervision and security is in place;
- v) that no other group home is located within close proximity to the proposed site; and,

d) Group Homes may be subject to Site Plan Control.

## **D2 COMMERCIAL**

### **D2.1 GOAL**

A well balanced and varied Commercial economy will be established to serve the needs of residents of the Municipality of Kincardine, the rural trade area and the travelling public.

### **D2.2 OBJECTIVES**

- D2.2.1** A viable and reasonable range of shopping facilities to serve the needs of the public shall be established by adapting commercial activities to changing market size and composition, in accordance with the Municipality's growth.
- D2.2.2** Downtown and harbour improvement programmes, shall be encouraged to maintain the downtown commercial area as the Municipality's major focus of commercial, institutional and recreational activities; and, to ensure appropriate development of commercial uses related to the waterfront and harbour area of the Municipality.
- D2.2.3** Additional complimentary uses shall be encouraged within the downtown and adjacent areas, subject to meeting other objectives of this Official Plan.
- D2.2.4** Commercial areas outside of the downtown shall be maintained and improved, provided that development of such areas does not detract from the function of the downtown.
- D2.2.5** Local commercial establishments shall be encouraged to develop in harmony with, and in proximity to residential development as the market demands mature.
- D2.2.6** Adequate space shall be provided for commercial uses which are highway/service oriented and require large parcels of land, and a high ratio of parking to floor area, but which do not compete on a functional basis with the downtown or shopping centres.
- D2.2.7** The development of tourist-oriented commercial facilities shall be encouraged, in order to support a strong tourist industry.
- D2.2.8** The introduction of compatible non-commercial uses shall be encouraged in appropriate locations within the Municipality, in order to create vibrant mixed-use commercial / residential nodes.

## D2.3

### PERMITTED USES

The Commercial classification of land shall mean that the predominant use of land in areas so designated shall be buying, selling and leasing of personal, business and recreational services. Other complimentary uses may be added as outlined herein. Such activities shall be located in established Commercial areas of the Municipality.

Commercial uses within the Municipality of Kincardine may be classified by function into five (5) groupings:

- a) A wide range of Core Commercial uses and complimentary residential uses located in the downtown core, and designated as Core Commercial on the Land Use Plan (Schedule "A");
- b) Uses permitted within the Highway Commercial designation shall include those uses which because of space and parking demands are not compatible with the compact nature of the core area or which are dependent upon vehicular traffic. Highway Commercial areas are located along major corridors within the Municipality, and are designated on the Land Use Plan.
- c) Mixed Use areas are intended to encourage a broader range of uses, introducing medium- to high-density residential uses alongside more traditional commercial and office uses. Mixed Use areas may form a transition between low density residential areas and commercial or business park areas. Prominent locations within the Municipality are appropriate for a mixing of uses, and have been identified as such. These areas are designated as Mixed Use on the Land Use Plan.
- d) Local Commercial uses which serve the daily need of an adjacent Residential neighbourhood, providing only convenience and personal service facilities including professional or personal services that are provided for gain and where the retail sale of goods, wares, merchandise or articles is only accessory to the provisions of such services. Local Commercial uses are not shown on the Land Use Plan; and,
- e) Resort Commercial uses which include Commercial uses related to the waterfront, such as marinas, restaurants, tourist accommodation, multiple - family residential, and recreational facilities and which are designated as Resort Commercial on the Land Use Plan.

The following uses as they relate to the waterfront and on lands designated 'Resort Commercial', and with reference to the

Waterfront Development Plan, shall be permitted: marinas, restaurants, recreational facilities, convention centres, and specialized retail uses. All development shall be specifically designed to ensure and maintain public access to the waterfront. Uses in Core Commercial, Highway Commercial, Mixed Use and Resort Commercial areas, may also include recreational facilities, institutional uses, utilities, accessory buildings, parking lots, open space, child care centres. New Residential units shall be permitted in the downtown Core Commercial area above and behind commercial uses, and within Mixed Use areas, provided that adequate off-street parking facilities are provided and other policy requirements of this Plan are met. Home-based child care and unlicensed child care may be permitted in legally existing single-detached and semi-detached dwellings.

## **D2.4 GENERAL POLICIES**

- D2.4.1 New Commercial Development will be subject to the Site Plan
- Control. D2.4.2 Landscaping shall be required as part of new Commercial development.
- D2.4.3 Co-ordinated design in keeping with adjacent uses shall be encouraged for building elevations.
- D2.4.4 Entrance and exit access to off-street parking areas shall be designed to minimize danger to vehicular and pedestrian traffic. Wherever possible adjacent parking areas should be connected to permit traffic flow through the parking areas.
- D2.4.5 Screening and buffering shall be provided between new Commercial uses and adjacent uses, in accordance with the provisions of the Zoning By-law.
- D2.4.6 Commercial establishments shall be required to erect signs which do not detract from the visual quality of the Commercial area, with respect to size, illumination location and nature of construction.
- D2.4.7 Council, in co-operation with the B. I. A. and the Chamber of Commerce, will encourage merchants to maintain and enhance the attractiveness of their businesses to the consumer and passer-by. The Council may lend support to the B.I.A. and Chamber of Commerce in organizing special activities, and the providing of financial assistance to assist in matters such as façade restoration.

D2.4.8 The Municipality shall be responsible for monitoring the build-up of retail development outside of the downtown core areas of Kincardine and Tiverton, in order not to jeopardize the long-term planned function of the downtown core. Where major commercial development is proposed outside of the downtown core areas Council may require the submission of a market impact analysis to assess the potential impact of the development on the function of the particular downtown core area. Council may retain independent advisors to assist them in understanding the implications of such development on the planned function and character of the downtown.

D2.4.9 The Municipality may prepare Urban Design Guidelines to provide further direction regarding site design.

D2.4.10 **Parking Requirements**

Adequate off-street parking shall be provided to encourage use of the downtown.

Shared Use Parking may be considered, through an amendment to the Comprehensive Zoning By-law, within areas designated Core Commercial. Shared Use Parking is based on the assumption that a parking space may be used in certain instances to serve two or more individual land uses without conflict or encroachment.

This technique is intended to lessen the duplication of parking supply and to optimize the use of existing and new parking facilities for mixed use developments/redevelopments. The use of shared use parking should be limited to mixed use developments located on the same property. This technique is not intended to be utilized by two or more uses located on separate lots.

Shared use parking only works for developments which meet certain criteria. Careful analysis should be undertaken before shared use parking is considered. The following guidelines should be followed when assessing and implementing shared use parking:

- a) Each parking space should be useable at all times and shall include facilities for special needs parking;
- b) The facility should accommodate significant in-bound and out-bound traffic flow at one or more periods of the day. The design of the access and the circulation system should be easy to understand and use;
- c) Because of the variety in types of parkers (business, daily vs. infrequent, shoppers, visitors, recreational etc.) the facility should have effective signage, markings and other communication tools;

- d) Thought should be given to enforcement of parking times for on-site visits, since the facility will be affected by parkers who overstay their limits;
- e) A strategy should be developed in order to guide parkers to all spaces in the facility. The strategy should also consider separation of parkers who tend to compete for space (shoppers and matinee movie goers); minimum walking distance to those land uses having a captive market; and,
- f) Shared parking can be used as a development tool.

#### D2.4.11 Shopping Centres

The following policies shall apply to Shopping Centre development. Shopping Centre type development includes any group of commercial uses permitted within the Highway Commercial designation which is owned and/or operated as a unit. A 'Shopping Centre' may be considered a group of commercial uses owned or managed by one corporation.

- a) All proposals for new Shopping Centre development shall require an amendment to the Zoning By-law. The Kincardine BIA and Chamber of Commerce shall be given formal notice of all such proposals at the time of Zoning By-law Amendment.
- b) Shopping Centre development should only be permitted if:
  - i) it is demonstrated in a market analysis study that the additional retail floor space is justified by reason of changes in population, personal disposable income, retail sales per capita and existing retail floor space; and,
  - ii) it is demonstrated in an economic analysis study the proposed centre will not have a long term detrimental effect upon the existing commercial base of the downtown commercial core.
  - iii) the planned function of the Core Commercial area is not negatively impacted.
- c) In order to facilitate the review of Shopping Centre proposals, the following information should be supplied as part of the information required to support an application for a zoning amendment.
  - i) a general review of the location, size and type of other commercial areas within the market area;
  - ii) a breakdown of the amount of floor space to be devoted to food shopping, department store type merchandise and to ancillary services;
  - iii) gross floor space of the proposed development;

- iv) a survey of customer shopping patterns which is used as a basis for forecasting the centre's share of the market;
- v) a study of the impact of the proposed development on existing commercial areas and an estimate of their anticipated recovery period from this impact; and,
- vi) a study of the impact of the new centre on the existing roads.

d) Site design considerations for Shopping Centre uses should include:

- i) Adequate buffer planting or fencing shall be established between the Shopping Centre and adjacent residential uses. It shall be the responsibility of the Shopping Centre developer to provide and maintain the required buffer;
- ii) Adequate off-street parking shall be provided;
- iii) The design and appearance of buildings, including exterior materials, siting, location, landscaping, exterior lighting and signing shall not detract from other surrounding land uses;
- iv) The lot size shall be adequate for the proposed development; and,
- v) Proposals for Shopping Centre development shall be subject to Site Plan Control and the developer shall be required to enter into an agreement with the Municipality as a condition of Site Plan approval.

## **D2.5 CORE COMMERCIAL POLICIES**

D2.5.1 The downtown core area shall continue to provide the Commercial, Business and Institutional focal point for the Municipality. All development and redevelopment shall be directed toward retaining and improving the economic viability of the core area.

D2.5.2 The Municipality may promote the conversion of vacant or under-utilized upper level or rear areas of buildings in the Core Commercial designation to residential apartment units in order to intensify the use of existing buildings and to increase the population density of commerce areas. Reductions to parking requirements or other requirements may be considered by Council where affordable housing units are provided, and implementation of Transportation Demand Management strategies.

D2.5.3 The Land Use Plan (Schedule "A") generally establishes the limits of the downtown core, to provide a compact Commercial area and prevent encroachment on adjacent Residential neighbourhoods.

D2.5.4 Downtown and Harbourfront improvement programmes shall be

encouraged to strengthen ties between the downtown and harbour, to improve the harbour's recreational and commercial facilities and to improve the downtown commercial core by devising and implementing improvements to building facades, sidewalks, roads traffic and pedestrian circulation and landscaping. This will enhance the attractiveness and operational efficiency of the downtown and harbour. All such improvements shall have regard to, among other things, the goals, objectives and policies contained in Section C of this Plan. Council may provide assistance through Community Improvement Programs and partnerships with the private sector to improve these areas.

D2.5.5 Outside storage of supplies or waste materials shall be discouraged, unless adequately screened.

## AREA SPECIFIC POLICIES

D2.5.6 Notwithstanding their designation, for lands at the northwest corner at Lambton Street and Victoria Street, the only permitted commercial uses shall be a medical clinic and professional offices.

D2.5.7 Notwithstanding their 'Core Commercial' designation, those lands comprised of Part Lots 1 and 2, West Side of Princes Street and being Parts 1 and 2, Plan 3R-3997 shall only be used for parking and access/egress purposes.

D2.5.8 Notwithstanding their 'Core Commercial' designation, the use of those lands located in the easterly halves of Blocks 'F' and 'H', Plan M-1, shall be limited to primarily service oriented commercial uses.

D2.5.9 Not used.

D2.5.10 Notwithstanding their 'Core Commercial' designation, on those lands described as Part of Lots 'A' & 'B', W/S Queen, Plan 61, the Municipality may, through its comprehensive zoning by-law, permit dwelling units including an apartment dwelling.

D2.5.11 Notwithstanding their 'Core Commercial' designation, on those lands described as Lot 6, S/S Durham Market, Townplot of Penetangore, the Municipality may, through its comprehensive zoning by-law, permit an apartment dwelling as a principle use.

D2.5.12 Notwithstanding Section D.2.3.e 'Commercial- Permitted Uses' policies of this Plan, the lands described as part of PLAN 55 PT LOT 6 MILL RP 3R-6161 PART 1 UNREG (Village of Tiverton), Municipality of Kincardine, residential uses are also permitted as a principal use.

## D2.6

## HIGHWAY COMMERCIAL POLICIES

The following uses shall be considered as being permitted with the Highway Commercial designation:

- i) Service stations, public garages, automobile sales and service, car washing establishments;
- ii) Drive-through restaurants;
- iii) Hotels, motels, and related tourist facilities;
- iv) Bowling alleys, curling rinks, public and private clubs, and other places of entertainment and recreation;
- v) Agricultural and industrial equipment sales and service;
- vi) Restaurants;
- vii) Boat, snowmobile, mobile home and trailer sales and service agencies;
- viii) Building supply sales, home furnishing and appliance sales and storage;
- ix) A local convenience store, personal service facilities ;
- x) Veterinarian clinics and associated uses;
- xi) Transportation depots;
- xii) Nurseries and greenhouse;
- xiii) Small-scale stand-alone business or professional office uses (<929 m<sup>2</sup> / 10,000 ft<sup>2</sup>); and,
- xiv) Office(s) accessory to permitted principal use.

### D2.6.1

Highway Commercial uses should be grouped to minimize entrances and provide interior connections in parking areas. Comprehensive development will occur by means of common access to arterial roads by service roads, in order to prevent irregular lot depths or landlocking.

### D2.6.2

Site design considerations for Highway Commercial uses include:

- a) Landscaping shall be provided between any Highway Commercial use or parking area and the adjacent highway, except for designated entrances and exits; and between a Highway Commercial use and an abutting Residential use;
- b) Adequate landscaping shall be provided on the site, in accordance with Municipal Site Plan Control standards;
- c) Adequate off-street parking shall be provided, in accordance with Municipal Zoning By-law regulations;

- d) Signs should be designed to be functional and avoid visual clutter and distraction;
- e) Outdoor lighting shall direct light away from adjacent streets and uses;
- f) Outside storage shall be located to the rear of the main building on the lot, wherever possible; and
- g) New developments shall be designed to complement the area and provide continuity in architectural and landscape design.

**D2.6.3 Area Specific Policies**

Notwithstanding the permitted uses of Section D2.3, the Municipality may, through its comprehensive Zoning By-law, permit an Ontario Provincial Police station.

**D2.7 MIXED USE POLICIES**

**D2.7.1** Mixed Use areas shall contain a mix of commercial, residential, and office uses in order to create an integrated and cohesive development. Mixed Use sites have the ability to accommodate both density and the intensification of uses.

**D2.7.2** The following uses shall be considered as permitted within Mixed Use areas:

- i. Office,
- ii. Compatible commercial uses (such as retail, restaurants, financial establishments)
- iii. Personal service facilities
- iv. Studios
- v. Medical clinic or health-related uses
- vi. Retail, including small-scale food stores
- vii. Residential uses as outlined below.

Uses which would affect the planned function of the Mixed Use area are discouraged.

**D2.7.3** Residential uses shall be of a medium-high density built form, and may be either integrated above the ground floor of a mixed-use building or located within a separate building on a mixed-use site. Standalone residential buildings may be permitted when demonstrated they form part of an

overall mixed-use site that be built in phases. Residential uses may also include consideration of long-term care facilities and retirement homes, to be evaluated on a site-specific basis and implemented through the Zoning By-law.

D2.7.4 Although residential uses are permitted and encouraged within lands designated as Mixed Use, it is not the intent of Mixed Use lands to lose the planned retail and commercial function to service the surrounding neighbourhood. As such, the implementing zoning shall only permit a site designated Mixed Use to be developed exclusively with one use when it is demonstrated that it does not impact the planned function of the area, or when it is demonstrated that the entire property forms part of an overall mixed-use plan of subdivision that will be developed on a block-by-block basis. Notwithstanding this, existing sites where only one use currently exists may transition to a more mixed use in the future but in the interim are deemed to conform to the Mixed Use designation.

D2.7.5 Drive-through proposals may be considered within the Mixed Use designation, but may require the submission of supporting information to demonstrate that the facility will not conflict with the planned character of the area or residential uses.

D2.7.6 A minimum / maximum amount of commercial floor area and / or residential area in one or multiple phases may be further regulated through the implementing Zoning By-law. Other matters such as setbacks and building heights may also be defined.

D2.7.7 Mixed Use sites require a high level of urban design in order to ensure pedestrian connections across the site and between uses, as well as compatibility with adjacent land uses. The Municipality may implement specific site design or building design requirements through site-specific zoning and Site Plan Control.

D2.7.8 Mixed Use sites are expected to continue to evolve over time, and should be designed to support and accommodate this evolution.

D2.7.9 Site design considerations for Mixed Use areas shall include:

- a) Landscaping shall be provided between any Mixed Use site and the adjacent highway, except for designated entrances and exits; and between a Mixed Use site and an abutting Residential use;
- b) Adequate landscaping shall be provided on the site, in accordance with Municipal Site Plan Control standards;
- c) Adequate off-street parking shall be provided for automobiles and bicycles, in accordance with Municipal Zoning By-law regulations;

- d) Signs should be designed to be functional and avoid visual clutter and distraction;
- e) Outdoor lighting shall direct light away from adjacent streets and uses, as well as not cause undue light trespass for onsite residential uses;
- f) Any required loading and garbage areas shall be located in an unobtrusive area of the site; and
- g) Mixed use developments shall be of a type and scale which is compatible with the area.
- h) Noise attenuation and mitigation considerations between residential and non-residential uses shall be considered in site design.

## **D2.8 RESORT COMMERCIAL POLICIES**

- D2.8.1 Resort Commercial uses will only be allowed if they conform to a Small Craft Harbour Facilities study, approved by Council, and by amendment to the Zoning By-Law.
- D2.8.2 Aesthetic quality will be encouraged through the use of Site Plan Control under the *Planning Act*.
- D2.8.3 Continued upgrading of marine facilities will be encouraged to further develop the local tourist industry.
- D2.8.4 Site design considerations for Resort Commercial uses shall include:
  - a) The location and massing of buildings to maintain attractive harbour vistas;
  - b) The number and location of entrances/exits relative to the existing road network;
  - c) Adequate landscaping shall be provided with landscaping between Resort Commercial uses and adjacent land uses;
  - d) Development will be of a type and scale which is compatible with the area; and,
  - e) Adequate off-street parking shall be provided.

## **D2.9 LOCAL COMMERCIAL POLICIES**

D2.9.1 Development will be of such a scale and type that will be compatible with the existing character of the area and that will serve only the needs of the residents of the surrounding neighbourhood. Local Commercial uses shall also be permitted in Residential, Institutional and Shoreline designations.

Local Commercial uses serve the daily needs of an adjacent residential neighbourhood, providing only convenience and personal service facilities. Local Commercial uses are not shown on the Land Use Plan, but may include barber shops, beauty shops, tailor shops, shoe repair shops, wine and/or beer making establishments, and offices as permitted uses.

D2.9.2 Local Commercial development shall not affect the economic viability of other Commercial areas, including the downtown.

D2.9.3 Development shall be located and designed to minimize traffic conflicts and where possible, shall be encouraged to locate at street intersections.

D2.9.4 Landscaping shall be provided between Local Commercial uses and abutting Residential uses.

D2.9.5 Adequate off-street parking shall be provided.

D2.9.6 External advertisements and signs shall be designed to maintain the appearance of the area.

D2.9.7 The establishment of Local Commercial uses will proceed by amendment to the Zoning By-law and proceed through Site Plan Control.

## **D3 INDUSTRIAL**

### **D3.1 GOAL**

The Municipality of Kincardine will be recognized as a Centre of Excellence serving the needs of nuclear and alternate energy industry.

A greater number and variety of job opportunities will be encouraged by providing adequate and suitably located areas for Industrial activities and by providing policies to promote the development of these functions.

### **D3.2 OBJECTIVES**

D3.2.1 Serviced areas for future industrial development will be provided, and the development of the Bruce ECO-Industrial Park with an attractive and functional site design will be encouraged.

D3.2.2 Diversification and expansion of the Municipality's Industrial base will be encouraged.

D3.2.3 Secondary industries related to Bruce Power or spin- off industries related to the Bruce ECO-Industrial Park will be encouraged to locate in the Bruce ECO-Industrial Park.

The Municipality will plan for, protect and preserve employment areas for current and future uses and will ensure that the necessary infrastructure is provided to support current and projected needs.

D3.2.4 The Municipality of Kincardine will continue to follow an aggressive industrial development strategy.

### **D3.3 PERMITTED USES**

In areas designated Industrial, the predominant use of the land shall be for the manufacture, assembly, process, fabrication, repair, maintenance and storage of goods, materials, commodities and equipment and related uses and includes fuel storage depots.

Complementary uses such as wholesale outlets, offices, training facilities and showrooms accessory to industrial operations and research and development facilities may also be permitted. Other complementary uses may include recreational facilities oriented to physical fitness, parks and open space, public uses, such as roads, public works yards, services and utilities and educational, commercial or recreational uses which directly serve the industries or employees.

## D3.4 POLICIES

D3.4.1 All industries shall meet the emission standards of the Ministry of the Environment, and where necessary, obtain the approval of the Ministry of the Environment with respect to water supply, sewage treatment, solid waste disposal, and emissions including noise, fumes and odours.

D3.4.2 New Industrial development will be subject to Site Plan Control.

D3.4.3 Heavy Industrial uses shall be located so that surrounding uses are not adversely affected, and so that adverse effects of any emissions of smoke, noise and odours or increased traffic generation are minimized.

D3.4.4 Where residential land or other sensitive land uses are within the distances identified below from proposed industrial uses, an assessment of the potential impact of the industrial use and mitigation measures to prevent adverse effects that may be experienced shall be required in accordance with the Ministry of Environment Guideline D-6 (Compatibility Between Industrial Facilities and Sensitive Land Use):

	<u>TYPE OF USE</u>	<u>AREA OF INFLUENCE</u>
a)	Class III (Heavy industrial uses) Large scale manufacturing or processing industries, characterized by major annoyances and high probability of fugitive emissions	1000 metres
b)	Class II (Medium industrial uses) Medium scale processing and manufacturing including outdoor storage, associated with minor annoyances including noise, odour, dust, vibrations and low probability of fugitive emissions.	300 metres
c)	Class I (Light industrial uses) Small scale, self-contained plants or buildings having a low probability of fugitive emission and has no outdoor storage	70 metres

Where an impact assessment study recommends larger setbacks, such larger setbacks shall be considered the appropriate minimum setbacks for industrial development from residential or other sensitive land uses. In cases where the

separation distance can be reduced through other buffering or mitigation measures approved by the Municipality where feasible, noise attenuation measures shall be implemented during the construction phase of the development.

- D3.4.5 Open storage of goods or materials shall be located in interior lots, in rear yards and interior side yards, not fronting on major roads and shall be adequately screened by plantings, berms, fences, or buildings and shall comply with the provisions of the Zoning By-Law.
- D3.4.6 Any approved noise attenuation measures will be implemented through methods such as the use of Holding (H) provisions or through the subdivision or condominium approvals process.
- D3.4.6 Upgraded landscaping shall be provided where Industrial uses abut Residential areas or municipal roadways. Landscaping materials should be indigenous and self-sustaining.
- D3.4.7 All industries shall be provided with adequate off-street parking, loading facilities, buffer and setbacks, in accordance with the provisions of the Zoning By-Law.
- D3.4.8 Development within the Industrial park will provide for the preservation of those existing landscape features which are determined by Council to be worthy of conservation.
- D3.4.9 All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access. Negative effects of lighting in parking and all outdoor areas shall be minimized to ensure safety for use of the property and of adjoining streets and properties. Lights should shine down and away from abutting properties or roads.

## D4

## BUSINESS PARK

In addition to the policies which apply to all industrial areas, the following policies shall apply to those lands designated “Business Park”. For ease of reference these lands shall be referred to as “Business Park.”

### D4.1

### PERMITTED USES

In areas referred to as Business Park the various uses permitted shall complement the economic function of the downtown commercial core and not have a negative impact on the economic viability of the downtown. In general the range of uses include highway commercial uses, light industrial uses, as well as some mixed-use developments where compatible.

The predominant highway commercial uses shall be those commercial uses which are dependent upon a high degree of access and visibility to vehicular traffic such as motels, eating establishments forming part of a motel, motor vehicle service stations and gas bars, automotive and recreational vehicle sales, service and rental establishments, agricultural and industrial equipment sales and service establishments, and contractor yards.

Limited retail commercial establishments having large floor area and parking and/or outdoor storage or display requirements not consistent with the compact nature of the downtown commercial core shall be permitted. The Permitted Uses shall be limited to:

- i) major furniture and appliance sale;
- ii) warehouse outlet;
- iii) building supply outlet;
- iv) fitness centre
- v) restaurant;
- vi) supermarket/grocery store;
- vii) similar retail commercial uses

All limited commercial establishments (with the exception of restaurants) shall have a minimum of 232 m<sup>2</sup> (2500 ft<sup>2</sup>) of ‘net retail floor area’. Smaller unit sizes may be considered through a site-specific Zoning By-law amendment where a site is anchored by a large-format tenant having a minimum ‘net retail floor area’ of 929 m<sup>2</sup> (10,000 ft<sup>2</sup>). ‘Net retail floor area’ means the floor area of the building/structure minus those areas used for storage, receiving, HVAC etc.

The predominant Industrial uses shall be non-obnoxious light industries

involved with the manufacture, assembly, process, fabrication, repair, maintenance and

indoor storage of goods, materials, commodities and equipment, enclosed warehousing, self-storage facilities, offices, public utilities, research and development facilities, computer, electronic or data processing establishments, scientific or technological establishments, communication, business and government services, and information technology based businesses, services and industries.

## D4.2

### POLICIES

- a) The Municipality shall encourage new Highway Commercial and Light Industrial development to locate within the Business Park designation.
- b) Mixed use buildings and mixed use site may be permitted in accordance with the policies of Section D.2.7.
- b) In order that the Business Park lands develop as an attractive entrance to the community the following site development standards shall be addressed by all development proposals:
  - i) Landscaping shall be provided between any permitted use or parking areas and the adjacent roads;
  - ii) Outdoor storage for uses other than automotive and recreational vehicle dealerships shall generally be restricted.
  - iii) Signs shall be designed to be functional, attractive and avoid visual clutter and distraction, and where possible should be consolidated on shared sign structures;
  - iv) Underground servicing for electrical and telecommunication infrastructure shall be required. Overhead high voltage trunk electrical lines may be installed. And,
  - v) Landscaping shall be provided within parking areas to create visual breaks in the expanse of parking areas. The equivalent of one landscaped space for every 50 parking spaced shall be provided.
- c) Access to the Business Park and individual lots shall be from internal roadways and joint use parking areas. In no case shall individual lots have direct access onto Highway #21 or Highway # 9 unless they are used by a public authority providing municipal or emergency services with approval.
- d) Adequate off-street customer and employee parking facilities shall be provided.

- e) Off-street parking, drive-ways and/or loading areas adjacent to residential uses shall be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment, given the size of the use proposed.
- f) All parking areas shall be appropriately illuminated to ensure the safety of pedestrian and vehicular access. Negative effects of lighting in parking and all outdoor areas shall be minimized to ensure safety for use of the property and of adjoining streets and properties. Lights should shine down and away from abutting properties or roads.
- g) Effects of Business Park development on adjacent land uses shall be minimized by:
  - i) providing distance separation and/or the construction and maintenance of buffer strips and/or screening between such uses;
  - ii) the arrangement of lighting facilities and commercial signs, in accordance with H11, to minimize impact on surrounding uses;
  - iii) ensuring that off-street parking facilities do not adversely affect surrounding uses; and,
  - iv) providing for a 30 metre buffer area planting strip stocked with mature coniferous and deciduous trees when development abuts an existing Residential zone or when abutting a residential use along the front lot line (street line).
- h) All new buildings and structures shall be set back a minimum of 15 metres from Highway #21 and Highway #9.
- i) The minimum lot size shall be dependent on the nature of the use, the topography and drainage.
- j) The internal road pattern for the Business Park, identified on Schedule A to this Plan, is conceptual in nature and may be changed or altered without the need for an amendment to this Plan.
- k) All Business Park development shall be subject to site plan control.

### **D4.3 AREA SPECIFIC POLICIES**

- a) Notwithstanding the above policies, those lands identified as "Business Park Special" may be used in accordance with the "Residential" policies of this Plan found in Section D1 of this Plan. These lands are recognized as being occupied by a historic log cabin which may continue to be used for residential purposes until such time as the owner decides to use the property in accordance

with the above noted “Business Park” policies.

The lands within the “Business Park Special” designation include the lot described as Part Lot 2, Concession 1 SDR (being Part 1, RP 3R-3887 and Part 1, RP 3R-6579), Municipality of Kincardine (geographic Town of Kincardine), plus a 30 metre buffer area abutting the western and southern lot lines of the above noted property.

The 30 metre buffer area shall be a planting strip stocked with mature coniferous and deciduous trees. It is the intent of this Plan to limit the impact on the “Business Park Special” area by future commercial or industrial development. Development proposals abutting this area shall incorporate into their site plans measures to minimize impacts on this property.

## **D5 INSTITUTIONAL**

### **D5.1 GOAL**

Institutional, educational and cultural facilities will be provided in suitable locations to adequately serve all interest groups.

### **D5.2 OBJECTIVES**

- D5.2.1 Institutional uses will be encouraged to serve the entire Municipality and to locate within or near the core area where possible.
- D5.2.2 Institutional uses, including major education and training facilities will be actively promoted in the Municipality.
- D5.2.3 Co-operative use of community facilities with nearby Municipalities will be promoted.
- D5.2.4 Development of cultural facilities will be encouraged.
- D5.2.5 Multiple use of Institutional areas and buildings will be promoted.
- D5.2.6 Creative use of design to blend Institutional uses into the surrounding area will be promoted.

### **D5.3 PERMITTED INSTITUTIONAL USES**

In the Institutional classification of land, the predominant use of land shall be for public and private Institutional uses. Small scale institutional uses are generally compatible with residential land uses, and are permitted in the Residential designation as identified in the Residential development policies. Child care centres may also be permitted, as well as home-based child care and unlicensed child care in legally existing single-detached and semi-detached dwellings. Major Institutional uses are designated on the Land Use Plan as Institutional. Ancillary uses such as parking lots, accessory residences and open space shall also be permitted.

### **D5.4 POLICIES**

- D5.4.1 Institutional uses shall be located and designed to perform efficiently without disrupting adjacent land uses.
- D5.4.2 Joint use of both community and educational facilities, and the location of schools adjacent to public open space will be encouraged where practical.

- D5.4.3 Adequate buffering, screen planting and/or fencing shall be provided between Institutional uses and adjacent Residential areas.
- D5.4.4 Adequate off-street parking areas with suitable screening and buffering will be provided. Shared parking arrangements may be considered in order to better balance parking between facilities, such as schools and parks. Entrances and exits to parking areas will be limited in number and designed to minimize danger to vehicular and pedestrian traffic in the immediate area.
- D5.4.5 The Municipality will seek to assist the Bluewater District School Board and the Grey-Bruce Roman Catholic Separate School Board by providing any information required to determine future education requirements.
- D5.4.6 New Institutional uses shall proceed by amendment to the Zoning By-Law and may be subject to Site Plan Control under the *Planning Act*.
- D5.4.7 New Major Institutional uses shall require an amendment to this Plan.

## **D6 OPEN SPACE**

### **D6.1 GOAL**

It shall be the goal of this Plan to maintain and enhance the quality of the environment of the Municipality of Kincardine by ensuring that sufficient land is preserved for Recreational purposes, by maximizing the Recreational opportunities on existing lands with recreational capability and by providing the necessary facilities to meet the future needs of the residents of Kincardine. Accordingly, a Parks and Recreation Master Plan is currently being completed on behalf of the Municipality. Once adopted by Council, applicable recommendations may be incorporated into this Official Plan.

### **D6.2 OBJECTIVES**

D6.2.1 The Municipality shall promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including walking and cycling.

The Municipality shall provide for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based resources.

The Municipality shall provide opportunities for public access to shorelines including an integrated multi-use trail facility.

The Municipality shall consider the impacts of planning decisions on provincial parks, conservation reserves and conservation areas.

Adequate urban parks and recreational facilities of all sizes and functions will be provided.

D6.2.2 A full range of recreational programmes will continue to be promoted.

D6.2.3 The development of the tourist industry will be encouraged through improving and promoting tourist attractions.

### **D6.3 PERMITTED USES**

The predominant use of land designated Open space shall be for Open Space conservation and recreation. Open Space includes natural areas, parks, playgrounds, tennis courts, community centres, community trails and similar recreational uses; and buildings and structures accessory to such recreational and open space uses. Only those uses which do not

impair ecological processes and the environmental features so identified will be permitted.

## D6.4 POLICIES

D6.4.1 Public Open Space will be provided according to the following standards:

### PUBLIC OPEN SPACE AREA STANDARDS

AREA	NUMBER OF HECTARES PER 1000 POPULATION	SERVICE RADIUS	MINIMUM SIZE
Sub-Neighbourhood	Included in neighbourhood and community parks	0.20 km	500m <sup>2</sup>
Neighbourhood Park and Elementary School combination	2.0	0.40 to 0.80 km	4 hectares
Community Park and Secondary School Combination	1.5	0.6 to 2.4 km	12 hectares
Regional and Special Use	6.5	8 to 50 km	20 hectares
TOTAL OPEN SPACE		10.0 Hectares	
TOTAL OPEN SPACE		10.0 Hectares / 1000 Population	

These standards can be reduced by 25 per cent where a park and a school are adjacent and completely accessible to one another.

Upon completion of a Parks and Recreation Master Plan, the provision of public Open Space shall consider the recommendations of that Plan.

D6.4.2 Council shall require in the case of a subdivision proposed for commercial or industrial purposes two percent dedication of land for park purposes; and in all other cases five percent dedication of land for park purposes, in the following circumstances:

- a) as a condition of subdivision or condominium approval under Section 51(25) of the *Planning Act*,
- b) as a condition of development or redevelopment of land under Section 42(1)

a) or b)

Council may pursue the provision of parkland and community facilities

through a Community Benefits By-law and related study.

D6.4.3 Cash-in-lieu of the whole or part of the park dedication may be accepted, pursuant to Section 42(6) and 51.1(3) of the *Planning Act*, under the following circumstances:

- a) Adequate parkland is available or being provided to serve neighbourhood requirements;
- b) The park dedication would be unsuitable in terms of size, shape or location for park purposes; and,
- c) Where the required park dedication would render the remainder of the development site unsuitable or impractical for development.

D6.4.4 With regard to the provision of park space, subdivision and development agreements will consider the following:

- a) The site is centrally located, visible and accessible to neighbourhood residents, including those living adjacent to the proposed development, where appropriate;
- b) The site is properly drained and physically suitable for functional use; and,
- c) Responsibilities are set out for the development of the park area and the provision of park facilities and equipment.

D6.4.5 Parks and Open Space will be developed on the basis of site plans.

D6.4.6 Existing roadside trees shall be maintained or replaced by the Municipality, wherever possible; and roadside tree planting of one tree every lot on both sides of the road shall be provided in new subdivisions by the developer.

The Municipality shall also encourage the establishment of natural wind breaks to reduce erosion and snow accumulation throughout the Municipality.

D6.4.7 Where any lands are designated for Open Space use which are under private ownership, this Plan does not intend that this land will remain as Open Space indefinitely, nor shall it be construed as implying that Open Space areas are free and open to the general public, or that the lands will be purchased by a public authority. If proposals are made to develop such lands, which are under private ownership, and no public authority wishes to purchase the lands in order to maintain them as Open Space, then an application for re-designation will be considered as an amendment to this Plan.

- D6.4.8 It shall be the policy of this Plan to retain existing actively maintained public parks within the Open Space designation and increase public access to the waterfront wherever appropriate.
- D6.4.9 The Municipality shall work towards the development of a trail system linking the river system, the shoreline and natural and open space areas, with major commercial, residential and institutional land areas. Connectivity shall be maintained with transportation systems and trails.
- D6.4.10 The development of the Municipality's waterfront shall be with reference to Waterfront Development plans.
- D6.4.11 The Municipality shall work towards improving opportunities for picnicking by the travelling public and local residents within appropriate areas of the community.
- D6.4.12 The Municipality shall encourage the establishment and expansion of the Provincial campground uses and facilities at Inverhuron.

## **D7 NATURAL ENVIRONMENT AREAS**

The Natural Environmental designation is comprised of three core components, including:

- Natural Heritage Features
- Key Hydrologic Features
- Hazard Lands

Natural heritage features consist of known significant woodlands, significant valleylands, wetlands, life science Areas of Natural and Scientific Interest (ANSI), habitat of endangered species and threatened species, fish habitat or any other area that has been determined to be environmentally significant as a result of a planning approval process.

Key hydrologic features consist of known permanent and intermittent streams, seepage areas and wetlands.

Hazard lands includes both hazardous land adjacent to watercourses, small inland lakes, and the Lake Huron shoreline, including land subject to flooding hazards, erosion hazards, steep slopes, dynamic beach hazards, and any other physical condition that could be unsafe for development and site alteration (i.e. unstable soils or bedrock).

The main natural environment lands within this Plan area of the Municipality are the Penetangore River, its tributaries and their adjacent valley slopes, other watercourses that flow to Lake Huron, the Lake Huron shoreline, the ancient bluffs, and other natural heritage features that fall within the Plan area.

Natural Environment designations are shown on Schedules 'A1' – 'A4' of this Official Plan. The Natural Heritage System is identified on Schedules 'B1' – 'B4' of this Plan.

### **D7.1 GOAL**

To protect and preserve areas with inherent physical and/or environmental constraints to development which if developed could pose a danger to life or property; and, to conserve the natural heritage features of the Municipality.

To maintain, restore and improve the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, and to recognize linkages between and among natural heritage features and areas, surface water features and ground water features.

### **D7.2 OBJECTIVES**

D7.2.1 To identify those areas that pose a risk to development, safe ingress /

egress, and to public safety; and to direct development away from such areas.

D7.2.2 Significant natural heritage features and areas shall be protected for the long term.

D7.2.3 A long term programme will be undertaken to consider remedial works, where warranted, to reduce the threat to existing development.

In addition, a long term programme will be undertaken to consider works in the inshore area of Lake Huron which will have the effect of protecting and enhancing the shoreline through accretion of sand and gravel materials, widening the beach area, and lowering the slope of the inshore lake bottom.

D7.2.4 The Penetangore River Valleys and the Lake Huron Shoreline will be encouraged to be developed as a major Open Space area, both for natural environment protection, public use and open space linking Residential and Commercial Areas. The SVCA should be consulted to ensure that any proposed uses and/or construction of trails are appropriate for specific areas.

### **D7.3 GENERAL PRINCIPLES**

The Natural Environment designation includes significant natural heritage features such as valley lands, significant woodlands, wildlife habitat and fish habitat, provincially, locally and regionally significant wetlands, Areas of Natural and Scientific Interest (ANSIs); and cold water streams. Development and site alteration shall not be permitted in areas containing or adjacent to natural heritage features, except in accordance with applicable Provincial and County policies and guidance, as well as the policies of this Plan.

In addition, the Natural Environment designation is comprised of those lands having inherent natural hazards such as flood or erosion susceptibility, steep slopes, poor drainage, areas of organic soils, dynamic beaches, and other physical conditions which, if developed upon, could cause loss of life, property damage, social disruption or result in the degradation of the environment. The approximate location of the natural hazards applicable to this Plan are shown on Schedules B-1 – B-4. Development and site alteration shall not be permitted within the Natural Hazards (SVCA) areas identified on Schedule B, except in accordance with approvals as may be issued in consultation with the SVCA.

The hazard lands component of the Natural Environment designation as shown on Schedule 'A' is generally based upon one or more of the following features:

- a) The Regional Storm floodplain for (1) the Penetangore River and its tributaries; (2) Tiverton Creek; (3) Nile Creek; and (4) Tributary of Little Sauble River.
- b) The valley slopes bordering the Penetangore River and its tributaries, plus a horizontal setback for the long-term stable slope;
- c) The one in 100 year flood level along the Lake Huron Shoreline as indicated on the Saugeen Valley Conservation Authority Flood Risk Maps for the Municipality of Kincardine plus a:
  - i) Flooding and Erosion Hazard Limit - being a 15 metre allowance for wave uprush, erosion and other water related hazards, measured horizontally landward from the 100 year flood line;

And where appropriate a:

- ii) Dynamic Beach Hazard Limit - being a dynamic beach allowance of up to 30 metres measured landward from the Flooding and Erosion Hazard limit to recognize areas of inherently changeable accumulations of shoreline sediments.

The exact location of the flood line or other hazardous feature on any property, the owner is advised to review the detailed mapping available at the Saugeen Valley Conservation Authority, and to obtain their input, interpretation, and recommendation.

#### D7.3.1

#### Interpretation of boundaries

The boundaries and extent of natural heritage features and hazards identified as part of the Natural Environment designation and the Natural Heritage System are approximate. Adjustments to the boundaries of natural heritage features and hazards, may occur through an *Environmental Impact Study* or similar site-specific assessment completed in accordance with Section D7.6, that demonstrates the appropriateness of the change to the satisfaction of the Municipality, in consultation with the Conservation Authority. This may include revisions to the extent and limits of features, including adjustments to woodlot edges or minor refinements for a single lot severance application.

These adjustments can occur without amendment to this Plan where justified by the site-specific assessment. Such adjustments made as described above are deemed to conform to the Official Plan, and will be incorporated during the subsequent Official Plan update. Where the boundary to the Natural Environment designation is revised, the abutting

land use designation or designations shall apply. The appropriate land use schedules will be updated at the time of a future Official Plan update or house-keeping exercise.

A boundary modification for a Provincially Significant Wetland can only be authorized by the Ministry of Natural Resources and Forestry through an Ontario

Wetland Evaluation System report prepared to the satisfaction of the Conservation Authority in consultation with the County and Municipality.

Other provincial ministries and agencies shall be included in consultation when required. Hazard lands are identified by the Saugeen Valley Conservation Authority. Adjustments to the hazard land boundaries as approved by the Saugeen Valley Conservation Authority shall not require an amendment to this Plan.

#### **D7.4 PERMITTED USES**

The predominant uses of land within the Natural Environment designation shall be agriculture, conservation and preservation of the natural environment, wildlife areas, existing agricultural uses, public parks, forestry, emergency services (except in hazard lands) specifically for water rescue, and passive outdoor recreation but not including golf courses. Nursery gardening, marinas, boat houses and active outdoor recreation may be considered in areas outside of significant features and hazard lands.

Those uses and activities which could be adversely affected by, or which could increase the potential risk associated with the inherent physical hazards, shall be prohibited. Only those uses which do not impair ecological processes and the natural heritage features so identified will be permitted.

Approval of the Saugeen Valley Conservation Authority (SVCA) shall be obtained for any permitted use as per the policies of this Plan, where required under the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06). The approximate SVCA Regulated areas are shown on Schedule B of this Plan. The SVCA should be contacted to determine the site-specific location of the Regulated Area.

#### **D7.5 POLICIES**

The following policies apply to the Natural Environment designation:

- a) The erection of buildings, ~~and structures is generally prohibited~~ and

Site alteration, including the placing or removal of fill of any kind, whether originating on the site or elsewhere, or clearing of vegetation within a Natural Environment Area is generally prohibited, except as otherwise permitted within the policies of D7.5. Minor extensions or enlargements of existing buildings and structures shall be discouraged and will only be permitted if it is shown:

- There is no increase in risk to public safety from natural hazards (if present) the hazard (if present) could be mitigated in accordance with provincial standards,
- new hazards are not created, and existing natural hazards are not aggravated,
- natural heritage features are not negatively impacted as per Section C2 of this Plan.

b) Certain buildings and structures that must be located within the Natural Environment Area by the nature of their use, such as for flood or erosion control, are permitted. Nonetheless, any building or structure which could be located outside the Natural Environment Area is not permitted. Non-habitable buildings connected with public parks, such as picnic shelters, may be permitted.

c) The boundaries of the Natural Environment designation are approximate, as delineated on the attached Schedules 'A', and 'B'. The location of the boundaries of the Natural Environment Area shall be delineated in the implementing Zoning By-law, and may be refined through the review of site-specific development applications. Areas designated Natural Environment shall be zoned in a separate classification in the implementing Zoning By-Law.

d) Development and site alteration shall not be permitted within the floodway portion of the floodplain, as defined by the Regional Storm flood. The Municipality may undertake future study to apply a two-zone floodplain in certain areas to better define the floodway and floodplain.

e) Replacement of existing buildings or structures damaged by natural causes may be permitted if there is no feasible room outside the Natural Environment designation to relocate; the risk to public safety is minor; the hazard can be mitigated as per Provincial standards; and no adverse environmental impacts will result.

f) New development or site alteration shall not be permitted within 30 metres of a cold water stream or 15 metres of a warm water stream, except for the restoration or minor expansion of buildings or

structures legally existing at the date of adoption of this Plan, or site alteration in association with a legally established use.

Landowners are encouraged to forest or naturalize the areas within 30 metres of any stream to maintain and improve fish habitat and the ecological function of the stream and to increase natural connections. Existing agricultural uses will be encouraged to minimize the potential impact on the environment by following best management practices endorsed by the SVCA.

- g) Development or site alteration may be permitted in significant wildlife features and in adjacent lands provided an acceptable Environmental Impact Study is completed in accordance with the criteria outlined in Section D7.6 of this Plan, which demonstrates that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.
- h) Uses that require landform modifications, such as parking lots, are not permitted in areas of environmental sensitivity, such as the Lake Huron shoreline.
- i) Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
  - an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, child care centres and schools;
  - an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
  - uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- j) Development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and natural hazard.
- k) Where new development is proposed on a site, part of which has physical or environmental hazards, then such land will not necessarily be acceptable as part of the dedication for open space purposes required under the *Planning Act*, R.S.O., 1990, as amended. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open watercourse is dedicated to the Municipality, adequate space

shall be provided for maintenance operations. If necessary, the Municipality may request a maintenance easement, at no cost to the corporation, in its favour.

- l) It shall be the policy of this Plan that in considering an application for development or site alteration within lands designated Natural Environment, Council will consider if all of the following can be satisfied:
  - i) The hazards can be safely addressed and new hazards are not created or existing ones aggravated. This may include preparation of an engineering study to the satisfaction of Council and the SVCA;
  - ii) No adverse or negative environmental impacts will result, and it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which they have been identified. The Municipality, in consultation with the SVCA shall require an Environmental Impact Study to be prepared, at the proponent's expense, in accordance with Section D7.6 of this Plan;
  - iii) Vehicles and people have a way of safely entering and exiting at all times;
  - iv) The development does not include institutional uses, emergency services (excluding emergency services specifically for water rescue), or involve hazardous substances, and;
  - v) The advice, or approval where required, of the Conservation Authority shall be obtained.
- m) Where development or site alteration is proposed and detailed mapping is not available, the proponent shall be required to produce the necessary mapping.
- n) Written permission may be required from the Saugeen Valley Conservation Authority pursuant to Ontario Regulation 169/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development and/or site alteration is proposed within a Regulated Area as shown on schedules filed with the SVCA where such mapping exists or otherwise generally within or near the Natural Environment designation.

## **D7.6 ENVIRONMENTAL IMPACT STUDY**

It is the intent of the Municipality to protect natural heritage areas, functions, and features. In certain areas development is prohibited, while in other areas some level of development is permitted, provided it can be shown that the proposed development has no negative impact on the natural heritage features or functions. Based on the level of development or site alteration, an Environmental Impact Study (EIS) may need to be completed.

The Municipality may waive the requirement for the preparation of an EIS upon recommendation of the SVCA and the County, if the proposal is of such a minor nature or site conditions are such that the preparation of an EIS would serve no useful purpose for the protection of the environmental features. The following criteria should be used to determine whether or not an EIS is necessary for development within or adjacent to lands designated Natural Environment:

- Where an application for development or site alteration is of a minor nature (e.g. new accessory structure or minor expansion of legally existing uses, buildings, or structures), the Municipality, in consultation with qualified experts, may waive or scope EIS requirements.
- Where a property is zoned for residential development and fragmentation of a significant woodland already exists, an EIS may not be required. Requirements of the *Endangered Species Act* must still be fulfilled.
- Development on existing lots of record subject to a suitable building envelope being identified through a scoped EIS and/or in consultation with qualified experts.

If required, an EIS shall be completed by a qualified professional with expertise in the appropriate environmental sciences at the expense of the proponent. The study shall conform to the County of Bruce Environmental Impact Study Guideline, as amended from time to time.

It is the policy of the Municipality to involve the Saugeen Valley Conservation Authority and Bruce County staff whenever an EIS is required and that; the SVCA and County staff shall be pre-consulted to discuss the Terms of Reference for the EIS, prior to undertaking the study.

## D7.7

## ADJACENT LANDS

In this Plan the Adjacent Land shall be defined as outlined in Section C2.3.9 of this Plan. Development within the Adjacent Lands shall only occur in accordance with the criteria contained within Section C2.3.9, as well as the following policies:

- a) Development which may have a significant impact on lands located within or adjacent to valleylands may require the preparation of an Environmental Impact Study (EIS) and/or Slope Stability Study, by the proponent, to ensure that lands are not negatively impacted by the proposed development. An EIS shall be prepared in accordance with Section D7.6.
- b) Since the Natural Environment designation includes the valley slopes but may not always include the long-term stable slope from the top of the slope, the potential for slope instability may not be fully addressed by this designation alone. Therefore, the SVCA should be consulted prior to the issuance of a building permit within 50 metres of the top of the valley slope. The policy stated in Section D7.9 b) shall apply to proposed developments within this setback area.

## D7.8

### **NATURAL ENVIRONMENT EXCEPTION - KINCARDINE HARBOUR**

Notwithstanding any other section of this Plan, on lands referred to as the Kincardine Harbour, and designated “Natural Environment - Exception”, uses related to the waterfront, such as marinas, restaurants, recreational facilities and specialized retail uses shall be permitted, provided they comply with the Municipality of Kincardine Waterfront Development Plan, and provided they meet the following design standards:

- a) habitable uses shall not be permitted;
- b) buildings shall be set back from the water's edge (edge of harbour wall) a minimum of 6 metres;
- c) buildings shall be floodproofed to the Regional Storm Flood elevation;
- d) appropriate erosion and sediment control measures shall be used during construction to prevent sediment entering the river;
- e) public access to the waterfront is maintained; and,
- f) approval of the SVCA shall be obtained prior to the issuing of a building permit;

## D7.9

### **NATURAL ENVIRONMETN EXCEPTION – BROADWAY STREET**

Notwithstanding the Natural Environment designation, and the uses prohibited by Section D7.5a, the property referred to as 741 Broadway Street (LOTS C, D, & E. REGISTERED PLAN 61) may be developed in

accordance with the uses contemplated in the R4-d zone (as affirmed through OMB Decision 0957, July 15, 2003) subject to obtaining required permits from the Municipality and SVCA to allow construction.

## **D7.10 DEVELOPMENT CONSTRAINT AREAS**

A study of all the slopes within the Municipality of Kincardine has been completed by the Saugeen Valley Conservation Authority. This study identifies areas within the Municipality with slope stability problems ranging from minor, to moderate, to severe. The severe areas were noted to be: the east valley slope bounded by Queen Street and Harbour Street; Kincardine Avenue between Adelaide Street and Park Street; the west valley slope east of Victoria Street between Lambton Street (extension) and Russell Street; the valley with the tributary of the North Penetangore River between River Lane north to the former Town of Kincardine limits; and, the west valley slope adjacent to the Kincardine and District High School.

To augment the Natural Environment designation policies in this plan and to recognize the slope instability problems in the Municipality, two Development Constraint Areas have been established.

- Development Constraint Area 1**

A major project was completed by the Municipality and the Saugeen Valley Conservation Authority in the area of Queen and Harbour Street to improve slope stability for the existing development. The Penetangore River Slope Stability and Erosion Control Project is designed to reduce the slope hazard but does not completely remove the threat of soil instability. Therefore, the Development Constraint Area shall continue to apply to the Queen St. - Harbour St. downtown area. New development and redevelopment must still address possible soil instability while also ensuring the project is not compromised.

- Development Constraint Area 2**

Development Constraint Area 2 applies to the ancient glacial Lake Algonquin bluff west of Penetangore Row and Huron Terrace. New development and redevelopment should be designed to address site specific slope hazards found in this area.

- Permitted Uses**

The Development Constraint Area designation is an overlay designation designed to recognize the potential for slope stability problems. Development within this designation will be permitted in accordance with

the underlay designation subject to the policies in Section D7.10.

- **Policies for Development Constraint Areas**

- a) New development or redevelopment shall not be permitted where the Municipality or the Saugeen Valley Conservation Authority are of the opinion that any aspect of an existing slope stability project, including the Penetangore River Slope Stability and Erosion Control Project, could be compromised.
- b) Studies may be required, such as geotechnical reports, prepared at the proponent's expense, to address potential slope or soil instability concerns. Such studies shall be prepared by a professional engineer and to the satisfaction of the Municipality and the SVCA.
- c) The areas within the Development Constraint Areas 1 and 2 shall be zoned with a Special Zoning Provision that requires both the Municipality and SVCA to be satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed. The objective of this zoning approach is to ensure that adequate measures have been undertaken to mitigate potential slope and soil instability problems.

## **D8 SHORELINE DEVELOPMENT**

### **D8.1 GOAL**

To promote the establishment of a resort community that will satisfy, to some degree, the Provincial and local demand for recreational development and encourage an orderly and efficient pattern of land use in the Lakeshore Area as identified on Schedules A-3 and A-4 of this Plan.

To provide the amenities and features associated with a resort community including public open space areas and recreational facilities, natural environmental features and commercial services.

To recognize and preserve the historic character of Inverhuron.

To establish a basis of permitting the development and redevelopment of the area as a permanent residential settlement on the basis of full municipal services or otherwise as may be appropriate.

### **D8.2 OBJECTIVES**

- a) To formulate policies and development standards designed to achieve orderly, compatible and attractive development.
- b) To ensure that permanent residential development is located in areas where appropriate municipal services are provided.
- c) To protect those undeveloped shoreline areas for future public recreation and open space.
- d) To ensure the maintenance of the Shoreline Area and Inverhuron as residential, resort and cottaging area.
- e) To develop an efficient pedestrian and vehicular circulation system, parking and to upgrade the road standards for the Plan area.
- f) To discourage large traffic volumes within the residential portions of the Plan area and to beaches.
- g) To recognize areas having limited municipal services and prevent the need to extend services to these areas to address environmental or health problems.
- h) To plan for full sewer and water services for these areas.
- i) To maintain and improve public access to the shoreline.

## **D8.3 PERMITTED USES**

The permitted uses in the Shoreline Development designation include permanent and seasonal dwellings, resort commercial uses, convenience commercial uses, institutional uses serving the immediate community such as schools and places of worship, marinas, public parks, campground and other outdoor recreational uses and natural heritage features. Child care centres may also be permitted, as well as home-based child care and unlicensed child care in legally existing single-detached and semi-detached dwellings. Existing agricultural uses will also be permitted.

## **D8.4 GENERAL DEVELOPMENT POLICIES**

- D8.4.1** Development in this area shall only proceed when a complete and comprehensive evaluation of a development proposal has taken place. The designation of land as Shoreline Development is no assurance that any given land is suitable for development. New developments proposed within this designation shall be reviewed using a cautionary approach, with attention being given in particular to the impacts of new developments on the natural features and ecological functions of the natural environment. New development proposals within this designation shall be assessed on their own merits and should site conditions be unable to support sound, planned development, new proposals may be refused.
- D8.4.2** Future development will generally occur on public roads built to Municipal standards. Services such as school bussing, garbage collection and snow ploughing will not be provided to development on existing private roads.
- D8.4.3** The Council will encourage the acquisition of points of public access and public open space areas along the Lake Huron shoreline where such become available, for the purposes of developing water oriented public recreation areas.
- D8.4.4** The Lake Huron lakeshore and beach areas will be retained in its natural state where possible and the Council will take measures to prohibit vehicular access to the lakeshore.
- D8.4.5** All new development which is not along the waterfront must attempt to provide or service access to the waterfront for its residents either through easements or special agreements with waterfront owners for access; or through linkages of the internal pedestrian movement system with existing public rights-of-way and access points. The Municipality will encourage the provision of access through open space corridors to the lake, where ever possible.

- D8.4.6 Development will not be permitted where such development would result in surrounding lands becoming landlocked or where the opportunity for the provision of appropriate road access to adjacent lands is not maintained.
- D8.4.7 Development shall not be located in areas which have a significant natural habitat(s) or features, or where sites of historical, geological or archaeological significance would be adversely affected, or where there is a flooding, erosion and / or dynamic beach hazard.
- D8.4.8 Mobile homes will not be permitted, except where the use is required for the temporary housing of workers.
- D8.4.9 It is the intention of Council to control future development so as to ensure that growth occurs in a logical and progressive manner from the built-up area to facilitate a continuity and efficient utilization of road and services. In this regard, new development will be discouraged where services such as roads, water and sewage lines must be extended through vacant or undeveloped parcels of land unless the appropriate agreements are in place to enable the intervening lands to utilize those services.
- D8.4.10 Written permission may be required from the Saugeen Valley Conservation Authority pursuant to Ontario Regulation 169/06–Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area as shown on schedules filed with the SVCA where such mapping exists or otherwise generally identified on Schedule ‘B’ of this Plan.

## **D8.5 SHORELINE RESIDENTIAL USES**

### **D8.5.1 Permitted Uses**

The predominant use of land designated Shoreline Development shall be for detached residential dwellings occupied on a permanent or seasonal basis. In addition, other complimentary and compatible uses such as local parks, public utilities, convenience retail uses, limited resort commercial uses, bed and breakfast establishments, and existing non-intensive agricultural uses, will also be permitted. The construction of permanent homes and the conversion of cottages from seasonal to permanent use shall only be permitted where current servicing standards are met. Additional residential units (ARU) may also be permitted, subject to the D1.4.19 SECONDARY RESIDENTIAL UNITS policies in this Plan.

## **D8.5.2 Policies**

### **D8.5.2.1 New Development**

New development will generally take place by registered plan(s) of subdivision or condominium. Consents for new lots may be permitted for infilling or minor extensions to the built-up area.

Lineal subdivision development will be discouraged and preference will be given to subdivisions which utilize a cluster design and orient public space to the lakeshore.

When reviewing proposals for new residential development the approval authority shall review the proposal in the context of the growth targets outlined in Section B1.4 and the housing targets outlined in Section D1.4.

Depending upon the scale and intensity of a proposed new development, the Municipality may require the completion of an Environmental Impact Study in accordance with the criteria outlined in this Plan, and may also require additional supporting information, to assess the impacts of the proposal on the natural environment and ensure that the protection of significant environmental feature.

### **D8.5.2.2 Development and Servicing Standards**

Any development in excess of three units or lots shall be supported by a servicing options report outlining the most appropriate form of servicing for the development in accordance with Section E of this Plan.

Storm drainage shall be considered in all development applications and will be required to comply with the standards of the SVCA.

In order to avoid causing undue hardship on those existing lots which were created in the past on private substandard roads, it is the policy of this Plan that such lots may be zoned to permit the construction of a residential dwelling where there is no desire by the residents to see the roads taken over by the Municipality, or where the Municipality is not interested in assuming the road subject to:

- a) a minimum lot area of 1,000 m<sup>2</sup> (10,764 sq. ft.) and a minimum lot frontage of 15 m (50 ft.);
- b) satisfactory arrangements being made for the provision of emergency vehicle access to the lots;

- c) any necessary arrangements including a registerable agreement being entered into between the owner and the municipality regarding the provision of municipal services to the lot; and,
- d) any other applicable policies contained in this plan. On site servicing costs will be borne by the developer.

#### D8.5.2.3 Density for Shoreline Residential Uses

##### a) Lots Serviced by Full Municipal Services or Communal Services

It is the policy of this Plan to require the residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that will be serviced by full municipal services or communal services to have a density target of no less than 15 'dwelling units' per 'gross developable hectare', in accordance with Section G2.3 of this Plan.

##### b) Lots Serviced by Private Waste Disposal or Private Water

The minimum lot area for all new development shall be no less than 4,047 square metres per lot unless a smaller lot size is supported by the required 'Hydrogeological Report' and 'Sewage Disposal Suitability Report' as outlined in Section 'E' Municipal Services. In no case shall lots for new development on partial services be less than 1,428 square metres in area.

An average lot frontage of 30 metres shall also be maintained. The frontage to depth ratio shall be a maximum of 1:3.

##### c) Lots on full private services

Construction of dwellings on existing lots of record (on either public or private roads) is permitted with private services, in areas where full municipal services or communal services are not available. Connection to full services would be required in the event they are made available in the future.

#### D8.5.2.4 Policies for Dwellings for Year Round Occupancy

Where residents choose to occupy dwellings on an extended seasonal or permanent basis in areas where the Municipality does not presently provide services such as snow removal, garbage collection, school bussing, fire protection or policing on a year round basis they shall be required to complete an agreement with the Municipality wherein the

owners and inhabitants acknowledge the lack of such services and indemnify the Municipality against any claims that may arise from the extended occupation of the lands.

The construction of permanent homes and the conversion of cottages to permanent use shall only be permitted:

- a) where the lot fronts on and has direct access or deeded access from a travelled public road maintained on a year round basis;
- b) on full services, or
  - i) where the type of sanitary disposal facilities, size of lot and groundwater conditions are suitable for the year round operation of an individual sewage disposal system, subject to the approval of the Municipality and/or the Ministry of the Environment. Where a large number of private sewage systems exist in one area, a study of the capacity for continued use should be undertaken to the satisfaction of the approval authority.
  - ii) on a water supply system which is suitable for operation on a year round basis, subject to the approval of the Municipality and/or the Ministry of the Environment,
- c) in areas where year round road maintenance, school bus service, fire protection, garbage collection, and snowploughing during the winter months is provided by the Municipality or other public body or agency or where the owners have completed an agreement with the Municipality acknowledging that these services may not be available on a year round basis;
- d) where the subject residence meets the standards of both the Ontario Building Code and the Municipality by-laws for permanent residences;

#### **D8.5.2.5 Parks and Landscaping**

Where a plan of subdivision, condominium or consent includes lakefront property, a continuous public water-front strip, up to 50 m wide measured from the high water level or the lands defined as flood plain or hazard lands, whichever is greater, should be conveyed to the municipality, together with suitable public pedestrian access. Where these lands are not considered environmentally sensitive such dedications may be considered as part or all of the parkland dedication required under the provisions of the *Planning Act*. On inland developments, walkways will be provided and designed so as to link adjacent open space or other walkways leading to the lakeshore.

The Municipality of Kincardine holds a marine allowance along the Lake Huron shoreline which is available for public use. Because of fluctuations in the high water mark, the marine allowance can be considered as part of the above mentioned 50 m public waterfront strip. In making their applications, development proponents will be required to retain and protect natural features and as much tree cover as possible. In areas of significant tree cover and not designated Natural Environment, a tree preservation plan shall be required.

#### **D8.5.2.6      Implementation**

All residential land use categories shall be reflected in a separate category in the implementing Restricted Area By-Law.

#### **D8.5.2.7      Area Specific Policies**

##### **Woods (L-2021-011)**

Notwithstanding the policies of Section G2.4 [Land Division Policies] of this Plan, on the lands described as INVERHURON PARK N PT LOT 3 (Bruce Twp), Municipality of Kincardine, and identified as OPA #2, a lot may be created by infilling where the infill lot is between two existing dwellings and the dwellings are more than 100 metres apart.

### **D8.6      COMMERCIAL USES**

#### **D8.6.1      Local Commercial Uses**

Convenience retail uses or similar commercial uses which serve the day to day needs of the residents of the Shoreline Area will be permitted subject to re-zoning.

Local Commercial uses serving the daily needs of an adjacent Residential neighbourhood, providing only convenience and personal service facilities, including professional or personal services that are provided for gain and where the retail sale of goods, wares, merchandise or articles is only accessory to the provisions of such services, shall be permitted. Local Commercial uses are not shown on the Land Use Plan.

D8.6.2      In reviewing an application to rezone for this purpose, the Council will ensure that:

- a) the proposed use is needed and will primarily serve the immediate neighbourhood.
- b) the neighbourhood which the proposal will serve is adequately developed to sustain the commercial operation.

- c) the proposed use will not generate a surplus of similar uses in the neighbourhood.
- d) adequate off-street parking is provided.
- e) adequate buffering is provided between such a use and adjacent residential areas by such means as landscaping and building setbacks.
- f) the maximum gross retail floor space is limited to 185 m<sup>2</sup>.

#### D8.6.3

#### **Resort Commercial Uses**

Commercial uses may be permitted in the Shoreline Development area subject to rezoning. Resort Commercial uses may only include a private park, a lodge, a resort hotel, a cabin rental establishment, a marina and boat rental facility or a restaurant. For the purposes of this section, a private park does not mean a seasonal campground or a mobile home park. In reviewing an application to rezone for this purpose, the Council will ensure that:

- a) the proposed use is of a scale and character compatible with adjacent residential uses;
- b) an Environmental Impact Study is prepared in accordance with Section D7.6 of this Plan, where applicable;
- c) large volumes of vehicular traffic from the proposed use will not be incompatible with nearby residential uses;
- d) a servicing study is completed to the satisfaction of the Municipality to demonstrate how the development will be serviced;
- e) adequate off-street parking is provided; and,
- f) that adequate buffering is provided between a resort commercial use and adjacent residential areas by such means as screening, landscaping and building setbacks.
- g) a Site Plan Agreement is entered into with the Municipality.

#### D8.6.4

The Zoning By-law will establish standards for resort commercial developments may be permitted on the basis frontage on the water per unit and a maximum density base on units per hectare where a unit is defined as:

- a) a tent site
- b) a trailer site

- c) a rental cabin or rental cottage
- d) a room or suite in a hotel, motel or lodge.

The Zoning By-law standards will reflect the character of the existing development in the Municipality. Densities up to a maximum of two metres frontage on the water body per unit and a maximum density that does not exceed ten units per hectare, may be permitted through an amendment to the zoning by-law subject. Shoreline developments that combine residential and commercial uses, including fractional ownership, time share, cooperatives, or condominiums shall meet frontage and density requirements based on the proportion of the development used for residential and commercial purposes.

#### **D8.6.5      Implementation**

All commercial land use categories shall be reflected in a separate category in the implementing Zoning By-Law.

## **D9 FUTURE DEVELOPMENT**

D9.1 Areas designated as Future Development represent lands directly adjacent to the Urban Service Area of Kincardine and within the designated Primary Urban Community, and are most likely to form part of the urban area at some time in the future. For this reason, development of these lands for intensive agricultural uses or other uses that may preclude the orderly expansion of the Kincardine urban area shall not be permitted in these areas.

D9.2 Uses permitted in the Future Development designation shall include existing uses as of the date of adoption of this Plan, low intensity agricultural uses in compliance with the MDS formula and rural residential uses on existing lots. Existing uses may be permitted to expand provided that the expansion does not involve significant alteration to the landscape or major capital investment in roads and services. New uses or major expansions to existing uses will require an amendment to this Plan.

D9.3 Lands located in Lots 1, 2 and 3 in the Third Concession south of Durham Road are recognized as having draft plan approval for 100 residential mobile homes as of the date of approval of this Plan. Minor changes to the form of housing and or alternative servicing options for this development may be considered through an amendment to the zoning by-law.

D9.4 In the event that residential development occurs at a rate significantly higher than that projected by this Plan, the Future Development lands north and east of the lands presently designated Residential shall be re-designated to accommodate future growth.

## **SECTION "E" MUNICIPAL SERVICES**

### **E1      GOAL**

Adequate and efficient systems of water supply, sanitary sewers, storm drainage, emergency services and waste disposal will be provided to all areas of development in the Municipality of Kincardine.

### **E2      OBJECTIVES**

- E2.1      Municipal sewage services and municipal water services are the preferred form of servicing for all settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted wherever feasible.
- E2.2      New development or redevelopment within the Kincardine, Tiverton and Inverhuron Settlement areas identified on Schedule A shall only take place on the basis of full municipal services, (i.e. municipal sanitary sewers, municipal water, storm drainage and waste disposal).
- E2.3      Premature development which would require the extension of existing municipal services and create an economic burden on the Municipality of Kincardine will not be approved.
- E2.4      All prospective subdividers will enter into a subdivision agreement with the Municipality, which incorporates conditions for servicing the development.
- E2.5      The Municipality will prepare a 'Multi-Year Sewage and Water Servicing Plan' and monitor its municipal services to ensure that future growth can be accommodated.

### **E3      POLICIES**

- E3.1      A Multi-Year Sewage and Water Servicing Plan has been prepared (and will be updated as applicable) to provide direction for: future extension or expansion of services, and the implementation of this Plan. In some instances existing uses that presently utilize private services may continue to be serviced in that manner where physical conditions would make costs to provide full municipal services prohibitive. This would apply to isolated homes separated from main sewer lines by river valleys or long distances.

E3.2 The Municipality may consider reduced servicing standards as new servicing standards become accepted. Any developer proposing to use such methods (e.g. natural percolation or shared services) must demonstrate to Council and the Ministry of the Environment that these alternative methods are acceptable in terms of environmental, health and quality standards.

E3.3 In order to control flooding, ponding, erosion and sedimentation, and to protect as much as possible aquatic habitat and water quality, appropriate stormwater management techniques shall be required for plans of subdivision, developments with more than five lots, developments with large impervious areas or other developments as may be determined by the Conservation Authority. Stormwater management plans and lot grading plans, or similar types of plans, shall be provided by proponents to the Municipality for approval, in consultation with the Saugeen Valley Conservation Authority.

Stormwater management techniques are constantly evolving as well as being dependent on the location. Thus new development will comply with the stormwater management standards in general acceptance at the time a development application is made, through consultation with the Municipality and the Conservation Authority.

Such plans may be required for other development, as determined by the municipality in consultation with the Conservation Authority, if the area has existing drainage problems or if runoff could significantly affect adjacent lands or water quality.

In accordance with Provincial guidance, both stormwater quality and quantity treatment is required for those development proposals that are subject to the stormwater management criteria outlined in this Plan in which drainage is to outlet directly to Lake Huron.

E3.4 It shall be a policy of the Municipality that all new development, redevelopment and infilling in the Kincardine, Tiverton and Inverhuron Settlement areas and redevelopment shall be provided with full municipal water supply and municipal sewage disposal services, to such standards as may be required.

E3.4.1 Notwithstanding Policy E3.8, sanitary and water services for new development, infill and redevelopment within the Shoreline designation as identified on Schedule 'A' shall be provided based on the following hierarchy of services:

- a) full municipal services;
- b) combination of municipal service and communal service (i.e.,

- municipal water + communal septic);
  - c) partial services provided the policies of Sections E3.4.3 and E3.4.4 are met;
  - d) private communal services.

E3.4.2 Communal services shall be owned, operated and maintained by a condominium corporation or through assumption of ownership, operation and maintenance of the service by the Municipality.

E3.4.3 A 'Hydrogeological Report' evaluating the quantity and quality of water available shall be submitted for all new development, infill or redevelopment in the Shoreline designation that is not serviced by municipal water service and includes a lot size less than 4,047 square metres.

A 'Sewage Disposal Suitability Report' evaluating the potential impact of such disposal shall be prepared and submitted for all new development, infill or redevelopment in the Shoreline designation that is not serviced by municipal sewage services. The Report shall reference applicable Provincial guidelines and standards.

E3.4.4 Partial services shall only be provided for 'infill' or the 'rounding out of existing development' in the Shoreline designation.

'Infill' shall be defined as the development of lands between two existing dwellings or an intersecting roadway on the same side of the road provided that the dwellings are not more than 90 metres apart.

'Rounding out of existing development' shall be defined as new development or redevelopment that will have one or more dwellings constructed immediately adjacent to an existing developed area of five or more existing dwellings that are all currently partially serviced.

E3.4.5 Private water supplies and sewage disposal systems may only be permitted for existing lots and lots created by consent where connection to a municipal service is not feasible or is financially prohibitive.

A municipal service shall be considered 'not feasible' when the 'end of the municipal sewer or municipal water pipe' is more than 150 metres from the closest edge of the proposed/existing lot **or** sufficient water pressure/capacity or pumping capacity is not available at the end of the service pipe.

A municipal service shall be considered 'financially prohibitive' when the cost of construction and installation of the municipal sewer or municipal water service exceeds three (3) times the cost of an equivalent individual on-site system.

- E3.4.6 Development Agreements that provide for an equitable distribution of the costs of future servicing will be a prerequisite of all development or redevelopment not on full municipal services.
- E3.4.7 All new lots developed or redeveloped on private services must be designed for future connection to municipal water and sewage systems.
- E3.5 The Municipality shall initiate a program to extend its water/sewage works to areas within the Municipality which are on private services, except where physical conditions would make costs prohibitive.
- E3.6 Adequate reserve capacity in the Municipality's water/sewage works must be demonstrated to be available to accommodate proposed development. Limitations in the capacity or operating performance of the water/sewage works shall be recognized as a constraint to the timing of new development.
- E3.7 The Municipality shall pass by-laws and enter into agreements, including financial arrangements, with property owners for the installation of municipal services.

## **SECTION "F" TRANSPORTATION**

### **F1        GOAL**

A comprehensive, well-planned efficient transportation network will be developed which provides for the safe movement of people and goods and services to reduce travel time and provide a reasonable number of alternative routes and methods.

### **F2        OBJECTIVES**

- F2.1        The Municipality shall plan for and protect corridors and rights-of-way for vehicular transportation, transit and infrastructure facilities to meet current and projected needs.  
  
Land use decisions and all development proposals shall have regard to the implications for the transportation network.
- F2.2        The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.  
  
Channelization of through traffic to the appropriate major traffic routes will be required.
- F2.3        Transportation links to nearby industries and other centres within the County and Province will be improved and encouraged in conjunction with appropriate agencies.
- F2.4        A pedestrian movement system, including sidewalks, walkways and trails shall be encouraged.
- F2.5        Major traffic hazards, such as poorly designed intersections, confusing road signs and narrow roadways, will be eliminated as transportation improvements are undertaken.
- F2.6        The airport shall be protected from land uses that may impact its growth and development.

## **F3**

## **CLASSIFICATION**

Transportation will be by road, railway and water. Road transport is the mode of transportation of greatest importance to the Municipality at present. Roads are divided into four (4) major categories, including Provincial Highways, Arterial, Collector and Local. Road categories are shown on Schedule 'A' of this Plan.

### **F3.1**

### **PROVINCIAL HIGHWAYS**

Provincial Highways are under the jurisdiction of the Ministry of Transportation. The role, function, and control of provincial highways is sole responsibility of the Ministry of Transportation.

Highway #21 and Highway #9 are classified as controlled access highways by the Ministry of Transportation, and as such no new private entrances to the highway will be permitted, except in accordance with applicable standards and approval requirements.

New public road entrances onto Provincial Highways will only be permitted at locations acceptable to the Ministry of Transportation.

Any lands slated for new development will be encouraged to gain their access from local roads and may be required to undertake a Traffic Impact Study, prepared to the satisfaction of the Province.

### **F3.2**

### **ARTERIAL**

Arterial roads are designed to handle movement of traffic on as many as four (4) traffic lanes within or through the Municipality and provide limited access to abutting properties. All County Roads are considered arterial roads. Where possible, arterial roads shall have a minimum right-of-way width of 30 metres (100 feet). Sidewalks shall be provided on both sides of Arterial roads.

### **F3.3**

### **COLLECTOR**

Collector roads are designed to collect and carry local traffic to the arterial roads or distribute traffic to the local roads on two (2) or four (4) traffic lanes and provide some access to abutting properties. Collector roads shall have a minimum right-of-way width of 20 metres (66 feet). The precise location of these roads will be determined in the subdivision process. Sidewalks shall be provided on both sides of collector roads.

### **F3.4 LOCAL**

Local roads are designed primarily to provide access to abutting properties and to discourage the movement of through traffic. Except in areas of special development requiring reduced development standards, local roads shall have a minimum right-of-way width of 20 metres (66 feet). Sidewalks shall be provided on both sides of local roads.

### **F3.5 LAND ACQUISITION**

As a condition of development or redevelopment, including land division, condominium approval or site plan control, the approval authority may require lands to be dedicated free of charge to the appropriate road authority in order to achieve the planned right of way width. Generally road widening acquired will be taken equally from both sides of the roads. Where this is not possible, the land to be acquired from each side will not exceed half the required width as measured from the centre line. Any additional requirements will be acquired by other means

## **F4 POLICIES**

### **F4.1 GENERAL**

- F4.1.1 Airport improvements will be continued by the Municipality, in co-operation with the County of Bruce and other interested stakeholders as applicable. Development that would impede the expansion of the airport shall not be permitted. In order to permit the expansion of the airport no residential development will be permitted within the 28 NEF contour associated with the airport.
- F4.1.2 Development of a high order transportation node north of Kincardine in the vicinity of the existing airport, where air, water, rail and highway transportation uses would converge will be encouraged.
- F4.1.3 The development and improvement of water transportation facilities will be encouraged.
- F4.1.4 The Municipality, in co-operation with other agencies, shall seek to improve pedestrian access to the lakeshore.

## **F4.2 ROADS**

F4.2.1 Direct access to roads will be restricted where it would be adversely affecting the design capacity and function of the road. Vacant residential lots created in a plan of subdivision or by Consent will be prohibited to front on any arterial road or Provincial Highway. Shared access between adjoining properties is encouraged. In addition, any new entrances within 300 metres of an intersection with a Provincial Highway will be prohibited.

F4.2.2 The Municipality will co-ordinate with other agencies, including the County of Bruce and the Ministry of Transportation responsibilities for maintenance and improvement of roads within the Municipality.

F4.2.3 Council, in conjunction with applicable police and Emergency Services staff, shall identify major traffic hazards and work to eliminate these hazards on a priority basis as funds become available.

F4.2.4 Highways 21 and 9 are under the jurisdiction of the Ministry of Transportation. All development adjacent to this facility will require building/land use, entrance and sign permits to be obtained prior to construction being undertaken, and outdoor storage for commercial and industrial uses shall be screened.

F4.2.5 Roads shall be located and designed to maximize safety and minimize maintenance especially as it relates to snow and wind effects.

## **F4.3 PEDESTRIAN**

F4.3.1 The Municipality will consider recreational trails as a public use and permit them in all designations. New trails may be restricted by type of use or land use.

F4.3.2 Pedestrian walkways will be developed to connect major Commercial, Residential (including schools) and Open Space areas in a continuous system to encourage active transportation through the development of safe pedestrian and cycling routes. Winter maintenance will be considered for multi-use pathways along routes that connect pedestrians to key destinations. The form of trails may include hiking, canoe routes, biking, skiing and snowmobile trails.

F4.3.3 Pedestrian access from the downtown to the harbour area will continue to be improved, to stimulate the function of the harbour as focal point for the downtown.

F4.3.4 In all new road construction, particularly bridges, consideration shall be

made of the need for a separate pedestrian walkway. All new local roads shall be constructed with sidewalks on one side of the street, with consideration of sidewalks on both sides of the street in the vicinity of schools to ensure the safety of pedestrians.

- F4.3.5 The development of pedestrian walkways along the lakeshore and the Penetangore River Valleys shall be encouraged.
- F4.3.6 The Municipality will encourage a built environment that supports and encourages active transportation while reducing automobile dependency. An Active Transportation Master Plan and / or Cycling Master Plan shall be prepared to further this initiative. Such a Plan should include identification of fragmented sidewalk and trail connections, as well as a plan to improve such areas.

## **SECTION "G" LAND DIVISION POLICIES**

### **G1 PURPOSE**

It is the intent and purpose of this Plan that by its adoption, the Municipal Council adopts the following Land Division Policy. It is intended that these policies will be adhered to by Council and any other agencies influencing the creation of new lots within the Municipality.

### **G2 POLICIES**

G2.1 Development shall be in accordance with the designated uses as shown on the Land Use Plan (Schedule A) and the applicable policies of this Plan, and the provisions of the Zoning By-Law.

G2.2 The division of land will take place in the following ways:

- a) By registered plan of subdivision; or
- b) By consent of the Land Division Committee for the conveyance of land into smaller parcels.

G2.3 It is intended that most new lots will be created by the registered plan of subdivision process, particularly in the development of new areas, and in accordance with the following criteria:

- a) Plans of subdivision or condominium will be required for the creation of new lots, where a parcel of land under single ownership has a potential for more than five (5) lots and/or, where additional public road(s) will be created. Creation of new lots by consent shall only be considered where a plan of subdivision is deemed not to be required by the Municipality.
- b) The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that will be serviced by full municipal services or communal services to have a density target of no less than 15 'dwelling units' per 'gross developable hectare', (6.1 dwelling units per gross developable acre). Approval may be granted for developments that do not meet this density when justified and appropriate. An applicant/developer requesting a reduced density must provide a planning justification at the time of application.

For the purposes of this Plan, 'Gross Developable hectare" shall mean the total area of the proposed development minus the area of any lands designated or zoned Natural Environment, Environmental Protection or similar constraint in this Plan or the Comprehensive Zoning By-law. When considering proposals with more than one land use, the uses may be separated for determining applicable density.

- c) The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that can accommodate 10 or more 'dwelling units' that will be serviced by municipal sewer and water or communal services to have a minimum of 30% of the proposed 'dwelling units' to be achieved through the use of 'medium density' (or higher density where appropriate) 'dwelling units'.

Approval may be granted for developments with a reduced percentage of 'medium density' when appropriate and justified. An applicant/proponent/developer requesting a reduced percentage must provide a planning justification at the time of application

- d) Council shall recommend the approval of a plan of subdivision only if it is satisfied that the subdivision can be provided with adequate utilities and standards as required by this Plan; and that the plan of subdivision is not premature and will not adversely affect the financial position of the Municipality, and is in the public interest.
- e) Proposals for approval of a plan of subdivision shall be prepared to a standard acceptable to Council, and the subdivider shall enter into such agreements with the Municipality as are required by this Plan.
- f) In any case where the land involved in an application for a plan of subdivision or condominium is within, partly within or within 120 metres of areas designated Natural Environment and/or Development Constraint, such application shall be accompanied by an Environmental Impact Statement/Study, prepared to the satisfaction of the Saugeen Valley Conservation Authority. Such Statement/Study shall review and assess the impact/appropriateness of the proposed land use(s) on the Natural Environment and/or Development Constraint, including the impact to public safety and to property damage in accordance with the policies of Sections C2 and D7.6 of this Plan.
- g) Consultation with other agencies and standing committees (including the Municipal Heritage Committee) shall occur as necessary through the review and approvals process, to assist in the identification of properties of potential cultural heritage value

and interest / archaeological interest.

G2.4 If a registered Plan of Subdivision is not deemed necessary, consents may be granted subject to the following criteria:

- a) Consents for new lots will only be permitted where a parcel of land under a single ownership has a potential of not more than five (5) lots and there is no possibility of further land division of the lands.
- b) Consents will be granted in areas where the undue extension of any major Municipal service will not be required.
- c) Consents shall be primarily used to infill existing developed areas. Infilling means the development of lands between two existing dwellings or an intersecting roadway on the same side of the road provided that the dwellings are not more than 100 metres apart
- d) The size of any parcel of land created by consent shall be appropriate for the use proposed and in no case will any parcel be created or remain which does not conform to the provisions of the Zoning By-Law.
- e) Both the severed and retained parcels shall have adequate frontage and access onto a public road which is of a reasonable standard of construction.
- f) Consents will not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades or proximity to an intersection.
- g) Ribbon development along arterial roads shall be prevented and direct access to arterial roads shall be restricted.
- h) The topography, soils and drainage of the site are satisfactory for the lot size and uses proposed. This criteria should apply to the review of subdivisions as well as consents.
- i) In any case where the land involved in the application is within, partly within or within 120 metres of areas designated Natural Environment and/or Development Constraint, such application shall be accompanied by an Environmental Impact Statement/Study, prepared to the satisfaction of the Saugeen Valley Conservation Authority. Such Statement/Study shall review and assess the impact/appropriateness of the proposed land use(s) on the Natural Environment and/or Development Constraint, including the impact to public safety and to property damage, in accordance with the policies of Sections C2 and D7.6 of this Plan. This criteria should apply to the review of subdivisions as well as consents.

- j) Consents to be granted shall be conditional upon an agreement being entered into with the Municipality, if required by the Council. This criteria should apply to the review of subdivisions as well as consents.
- k) In cases where the land involved is within the area identified in subsection C1.3.7. Council shall, in consultation with the Ministry of Natural Resources, ensure that the applicant has reviewed all available information and identified any known abandoned oil, gas or brine wells, and that any necessary corrective measures to eliminate any hazard will be taken. In addition, Council will advise applicants that should old brining wells or flow of water, especially salt water, be encountered during the course of construction, the Petroleum Resources Section, Southwest Region, Ministry of Natural Resources, should be contacted. This criteria should apply to the review of subdivisions as well as consents.
- l) As a condition of approval Council may require the dedication of parkland or cash-in-lieu of parkland in accordance with Section D6.4 and road widenings in accordance with Section F3.5. This criteria should apply to the review of subdivisions as well as consents.
- m) Consultation with other agencies and standing committees (including the Municipal Heritage Committee) shall occur as necessary through the review and approvals process, to assist in the identification of properties of potential cultural heritage value and interest / archaeological interest.

## **SECTION "H" IMPLEMENTATION**

### **H1 ZONING BY-LAW**

Following the adoption of this Plan, the existing Zoning By-Law shall be reviewed and, if necessary, a new / updated By-Law shall be prepared and passed by Council to establish:

- a) Suitable land use zones to permit the types of development intended by this Plan;
- b) Site development standards appropriate to each type of development;
- c) Other development regulations, as required to meet the intent of this Plan.

The Zoning By-Law is not intended to zone each area initially for the ultimate use as designated by this Plan. Generally, lands will be zoned to reflect existing uses and when conditions are deemed suitable for development in accordance with the policies and land use designations of this Plan, they will be rezoned in an appropriate category to permit the uses set forth in this Plan. Where existing land uses are in conflict with this Plan, they may be zoned in accordance with the land use designation in this Plan and rendered legal non-conforming.

The Council and any planning related bodies having jurisdiction in the Municipality, shall ensure conformity to the intent of this Plan in considering applications to amend the Zoning By-Law.

### **H2 MINOR VARIANCES**

Where an existing lot and/or an existing building or structure does not meet the standards of the Zoning By-Law, the erection or expansion of a structure will be permitted only upon application to, and with the approval of the Committee of Adjustment, for a minor variance. In considering an application, the Committee will have regard for the following matters in addition to those matters outlined Section 45 of the *Planning Act*.

- a) It is not possible for the applicant to alter his/her building plans or to acquire sufficient property to comply with the minimum requirements without creating undue hardship.
- b) The side yards are of sufficient width to ensure that provision is made for adequate light and air with respect to subject lot and adjoining lots and to

ensure that there is adequate space for service lines, building maintenance, and emergency access.

- c) Adequate provision is made for vehicular access and off-street parking on the lot.
- d) Building coverage does not preclude the provision of adequate landscaped areas on the lot.
- e) The lot and building size and architectural character (bulk and height) of the proposed structure are in keeping with adjacent development and the general intent of the provisions of the Zoning By-law.
- f) The proposed structure is sited and/or designed in such a manner that a reduction in the minimum lot width and area does not adversely affect the amenity of the surrounding properties.
- g) The Municipal services available are sufficient to accommodate the proposed use.

### **H3            NON-CONFORMING USES**

- H3.1        Legal non-conforming land uses are those uses which do not conform to the Zoning By-Law or the Official Plan but which lawfully existed on the day of the passing of the By-Law; or, those uses the plans for which were approved by the Building Inspector prior to the date of passage of the Zoning By-law.
- H3.2        As a general rule, non-conforming uses throughout the Municipality in the long run, should cease to exist so that the land affected may revert to a use which conforms with the intent of this Plan and the provisions of the implementing Zoning By-Law. In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship, providing the application conforms with the policies of this Section.
- H3.3        Where a legal use predating this Plan is not in conformity with the policies of this Plan, Council may consider recognizing the use on a site specific basis in the Zoning By-law where it is satisfied that:
  - a) The use does not constitute a danger or a nuisance to neighbouring uses by virtue of the activity it is engaged in or the traffic which it generates or attracts;
  - b) The use will not detract from the future intended land uses for the property or area; and

- c) The use is not located in a floodway or a flood fringe area.

Where an application is made to expand or extend a legal non-conforming use the application may be dealt with as a zone change or a minor variance. Council may consider approval of the expansion of the legal non-conforming use under the following conditions:

- a) The proposed expansion or extension shall not unduly aggravate the situation created by the existence of the use;
- b) The proposed expansion or extension shall be reasonable relative to the same size of the existing use as it existed on the date of passing of the Zoning By-law;
- c) Neighbouring conforming uses will be protected by appropriate site plan control measures;
- d) Traffic and parking conditions in the vicinity of the non-conforming use will not be adversely affected by the expansion or extension;
- e) That water, sanitary and storm drainage services and roads are adequate or will be made adequate; and,
- f) The proposed expansion or extension does not extend beyond the original parcel of land, as it existed on the date of the passing of the Zoning By-law.

#### H4

## PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

Council will continue using its Property Maintenance and Occupancy Standards By-Law, which prescribes standards for the maintenance and occupancy of all property within the Municipality of Kincardine. The standards of the By-Law generally apply to health and safety aspects of all properties. It prohibits the occupancy or use of property that does not conform to the standards and causes property below the standards to be repaired and maintained to comply with the standards or be cleared of all buildings, structures, debris or refuse and left in a graded and level condition.

The By-Law will continue to be enforced by an Enforcement Officer and a Property Standards Committee will review orders issued by the Officer.

Where necessary, a By-Law will be passed in accordance with Section 32 of the *Planning Act* to provide for the making of grants or loans to registered or assessed owners of land to pay for the whole or any part of the cost of required repairs, cleaning, grading and levelling of lands or rehabilitating contaminated lands on such terms and conditions as prescribed by Council.

## H5

## SITE PLAN CONTROL

The intent of Site Plan Control generally is to improve the efficiency of land use and servicing and to encourage a visually attractive built environment for the Municipality of Kincardine.

Pursuant to Section 41 of the *Planning Act*, as amended from time to time, the whole of the Municipality as shown on Schedule 'A' is designated a proposed Site Plan Control area.

H5.1 While specific areas and uses where Site Plan Control will apply will be designated by By-Law, it is intended that 'Residential Low Density' uses which include single and semi-detached dwelling and group homes, will be exempt. Home based business, Bed and Breakfast Establishments and Garden Suites are not exempt from Site Plan Control. Such uses however, may be subject to Site Plan Control in areas which exhibit physical and/or environmental constraints (e.g. within the Natural Environment designation, Development Constraint Area); or, for special development proposals involving reduced development standards.

H5.2 The basic criteria to be used for reviewing development proposals are contained in the relevant policies of this Plan. Through the application of these policies the Municipality will seek to provide for development which, without limiting the foregoing, will:

- a) be functional for the proposed use;
- b) be properly designed for on-site services and facilities;
- c) be safe for vehicle and pedestrian movements;
- d) provide compatibility of conceptual design between uses; and,
- e) minimize adverse effects on adjacent properties.

H5.3 The Municipality may, as a condition of granting approval for the development or redevelopment of land or buildings, require the owner to enter into a Site Plan Agreement regarding the provision, maintenance and use of such facilities including the following matters:

- a) Widening of highways that abut on the land that is being developed or redeveloped to provide the minimum road right-of-way widths prescribed by this Plan. Generally road widening acquired through site plan control will be taken equally from both sides of the roads. Where this is not possible, the land to be acquired from each side will not exceed half the required width as measured from the centre line. Any additional requirements will be acquired by other means.

- b) Subject to the *Public Transportation and Highways Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon.
- c) Off-street vehicular and bicycle parking and loading areas and access driveways including the surfacing of such areas and driveways.
- d) Walkways and all other means of pedestrian access.
- e) Removal of snow from access ramps, driveways, parking areas and walkways.
- f) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and any buildings or structures thereon.
- g) Conveyance to the Municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly acquired watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
- h) Floodlighting of the land or of any buildings or structures thereon.
- i) Walls, berms, fences, hedges, trees, shrubs or other suitable ground cover to provide adequate landscaping of the land or protection to adjoining lands.
- j) Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.
- k) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-Law.
- l) the massing and conceptual design of the proposed building;
- m) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design.

## **H6 HERITAGE CONSERVATION**

H6.2 Council may investigate and adopt other measures available for the implementation of policies concerning the conservation of cultural heritage resources. These may include:

- a) Legislation pursuant to *The Municipal Act*, more especially tree preservation, sign regulation and improvement area designation;
- b) The designation of demolition control areas affected by the maintenance and occupancy by-law;
- c) Subdivision agreements requiring the retention or protection of heritage resources;
- d) Site Plan Control agreements requiring the retention or protection of heritage resources;
- e) Funding sources such as grants and loans to assist with conservation efforts;
- f) Tax incentives for property owners of heritage buildings; and
- g) Enhanced property standards by-laws addressing heritage resources.

## **H7 PUBLIC WORKS**

Future public works shall be undertaken in accordance with the policies established by this Plan and no public works will be undertaken which would be in conflict with the policies of this Plan.

## **H8 COMMUNITY IMPROVEMENTS**

Future community improvement will be undertaken in accordance with the policies established in this Plan in a manner consistent with Section C7.

## H9

## AMENDMENT AND REVIEW OF THE PLAN

It is not intended that the policies and land use designations remain unchanged, although one of the stated purposes of this Plan is to provide a continuing and consistent guide for the future of the Municipality.

### H9.1

### AMENDMENT AND REVIEW

This Plan shall be subject to continuous review in light of changing economic, social and technological circumstances. A comprehensive review of the Plan will be undertaken every five (5) years, or more often, if circumstances warrant, to ensure its continuing relevance.

Amendment to this Plan will be required when:

- a) A major change in the boundaries between land use districts occurs.
- b) A proposed land use is not specifically permitted within a particular land use designation.
- c) A revision is considered to any definition or policy statement within the text.

### H9.2

### TECHNICAL AMENDMENTS TO THE PLAN

Council shall not issue public notification under the *Planning Act* for changes to the Official Plan which facilitate the following:

- a) Changes made based on the policies related to Interpretation.
- b) Change the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- c) Consolidate previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- d) Correct grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps; or,
- e) Translate measurements to different units of measure; or change reference to legislation; or changes to legislation where that legislation has changed.

In all other instances, notification to the residents of the Municipality of public meetings held by Council shall be given in accordance with the requirements of the *Planning Act*.

## **H10 SIGN CONTROL**

It is intended that the Municipality will use legislation pursuant to the *Municipal Act* governing signs to ensure that such uses are appropriately regulated and controlled within the Municipality.

## **H11 HOLDING PROVISIONS**

It is the intent of this Plan that the Municipality of Kincardine will make use of the provision stated in Section 36 of the *Planning Act*, R.S.O. 1990, whereby the Council may by by-law utilize a Holding Symbol "H" or "h" in conjunction with a land use designation. The Municipality may designate in the Zoning By-Law the ultimate use of specific lands, however it may hold back the actual development to a future date, when certain conditions regarding the specific development are met.

Incorporating a program utilizing Holding Zones provides the landowners with a degree of certainty on what land uses will be permitted and allows the municipality the opportunity to clearly state its intentions to have the lands developed for such uses at an appropriate time in the future.

H11.1 Utilizing the Holding Zone allows the Municipality the opportunity to zone certain lands for permitted uses but delay their development until such time as conditions/standards appropriate for their development can be satisfied. When the conditions / standards have been achieved, the "H" shall be removed from the zoning placed on the lands.

H11.2 The "H" may be used to control or govern the phasing of development of land until it is required or to prevent development pending the provision of water, sewer, road or other similar municipal services or conditions as may be appropriate.

### **H11.3 RESIDENTIAL**

Within the Municipality of Kincardine, lands designated for residential development, but not as yet fully developed for such purposes, may be zoned in a Holding Zone pursuant to Section 36 of the *Planning Act*, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the "H" is removed.

#### **H11.3.1 Objectives**

- a) To maintain an appropriate standard of development;
- b) To ensure an appropriate level of municipal services;

- c) To stage development through comprehensive plans thereby reducing scattered and uncoordinated development;
- d) To ensure that the residential areas of the Municipality are utilized in an efficient and effective manner; and,
- e) To streamline the local residential development approval process.

## **H11.4 COMMERCIAL**

Within the Municipality of Kincardine, lands which are designated for commercial purposes, but not as yet developed for such purposes, may be zoned in a Holding Zone pursuant to Section 36 of the *Planning Act*, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

### **H11.4.1 Objectives**

- a) To maintain the character of the existing commercial areas;
- b) To maintain a traditional pattern of development throughout the commercial areas;
- c) To promote an appropriate standard of exterior design; and,
- d) To promote those activities which are supportive or neutral to the maintenance and development of the commercial areas.

## **H11.5 INDUSTRIAL**

Within the Municipality, lands which are designated for industrial purposes, but as yet not developed for such purposes, may be designated in a Holding Zone pursuant to the provisions of Section 36 of the *Planning Act*, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

### **H11.5.1 Objectives**

- a) To utilize municipal services in the industrial areas where available and practical and to encourage development to such areas;
- b) To stage development through comprehensive plans thereby reducing scattered and uncoordinated development; and,
- c) To ensure that the industrial areas are utilized in an efficient and effective manner.

## **H11.6 DEVELOPMENT CONSTRAINT AREA**

Within the Municipality, lands which are identified as being within the Development Constraint Area, but not as yet developed, may be designated in a Holding Zone pursuant to the provisions of Section 36 of the *Planning Act*, R.S.O. 1990. Such a zone would only permit uses legally existing at the date of such zoning until such time as the Holding provision is removed.

### **H11.6.1 Objectives**

- a) To ensure that adequate measures are undertaken to mitigate potential slope stability problems.
- b) To protect the Penetangore River Slope Stability and Erosion Control Project.

**H11.7** The same criteria for the removal of the Holding Provision applies to the Residential, Commercial, Industrial, and Development Constraint Area designations.

## **H12 PUBLIC CONSULTATION**

It is a policy of the Municipality to encourage public involvement in all land use decisions affected by this Plan. The Municipality will endeavour to provide information to the general public on all planning matters and proposals in a manner that is informative, understandable, timely and cost effective:

- a) The Municipality will endeavour to make decisions on planning applications as efficiently as possible and in accordance with the general guidelines set out in the *Planning Act*.
- b) Those submitting applications for development approval are encouraged to engage in pre-consultation with Municipality, County and Conservation Authority staff prior to submitting an application. The pre-consultation will determine which impact assessments, if any, will be required. Applicants are encouraged to submit their impact assessments with their planning application. Council may defer making a decision on any planning application until such time as it is satisfied that it has been provided with adequate information upon which to make a decision.
- c) Where a planning or related matter under consideration by the Municipality has a statutory requirement for public notice and input,

the Municipality may extend the minimum municipal requirements under the *Planning Act* and provide additional opportunities for public participation where such matters are considered to be complex, have significant or potentially significant adverse impacts, or where significant public interest is generated.

- d) While the *Planning Act* requires at least one public meeting prior to any amendment to the Official Plan or zoning by-law, Council may consider holding as many information meetings or additional public meetings as it deems appropriate so as to provide the public with a full opportunity to express their views and concerns.
- e) The Municipality may establish and maintain a register of individuals, interest groups and organizations and businesses, and agencies who have indicated an interest in being kept informed on a regular basis of planning matters and proposals, studies and activities in the Municipality and will distribute such information to these persons or bodies as it becomes available.
- f) Where a planning or related matter is under consideration by the Municipality and there is no statutory requirement for public participation under the *Planning Act*, the Municipality may provide opportunities for public input prior to making a decision on the matter.
- g) In the preparation of a secondary plan, community improvement plan, heritage conservation district plan, special study, five-year Official Plan review or similar initiative, the Municipality may appoint an advisory committee or task force of interested citizens and stakeholders as a means of providing proactive, sustained and substantive input.

## H13

### OTHER INFORMATION TO BE SUBMITTED IN SUPPORT OF A PLANNING APPLICATION

As per the requirements of the *Planning Act*, a person, public body or applicant shall provide together with an amendment or application, in addition to the information prescribed by the *Planning Act*, or Regulations thereto, any additional required assessments, evaluations, reports, statements, studies or plans as requested by the Province, County, Municipality, or any agency at the sole discretion of the Municipality.

The specific submission requirements for any given application will be determined depending on the phase and/or scale of the proposal, its location, its location in relation to other land uses, and whether the proposal implements other planning approvals that may have been

previously obtained, prior to consideration of the specific application.

All assessments, evaluations, reports, statements, studies or plans shall be prepared/conducted by an individual(s) who is competent by virtue of training and experience to engage in practices that would also constitute professional practice. Such qualifications may be submitted with the assessments, evaluations, reports, statements, studies or plans.

The Terms of Reference for an assessment, evaluation, report, statement, study or plan shall:

- i. Be determined through consultation and direction from the Municipality and/or the County of Bruce and/or any relevant agency including the appropriate Conservation Authority and/or the Province; and,
- ii. Be prepared in accordance with industry standards, norms, practices and/or government guidelines/regulations.

Peer reviews of an assessment, evaluation, report, statement, study or plan or any other study required to support a development application or proposal may be required by the Municipality and/or the County of Bruce, at the cost of the proponent.

Notwithstanding the required studies and assessments listed above, Council may ask for any additional information that is considered reasonable and necessary in order to make a decision on a planning application.

## **H14 DENSITY BONUSING**

Bonusing may be used by the Municipality in order to assist in the development or redevelopment of key areas or sites, and may involve increasing the height and/or density of a development or redevelopment in exchange for community benefits.

H14.1 Regulations may be incorporated into the Zoning By-law to permit increases in the height and/or density of a development or redevelopment where such development or redevelopment would provide community benefits above and beyond what would otherwise be required in accordance with the *Planning Act*.

H14.2 Community benefits may include such measures as:

- a) energy and/or water conservation measures;
- b) incorporation of Transportation Demand Management (TDM) strategies;
- c) land dedicated for any municipal purpose;

- d) non-profit arts, cultural or community or institutional facilities;
- e) parkland and/or improvement to parks;
- f) protection, conservation, restoration and/or enhancement of natural heritage features;
- g) public parking which allows for the more efficient use of land, including parking structures, underground parking and shared parking arrangements;
- h) renewable energy systems or alternative energy systems;
- i) the conservation and maintenance of protected cultural heritage resources;
- j) the construction of buildings or the retrofit of existing building to LEED standards or equivalent building rating system;
- k) the provision of affordable, special needs, assisted or subsidized housing;
- l) the provision of indoor or outdoor amenity areas which are accessible to and equipped for the use by the general public for passive or active recreation or for public gatherings; n) the provision of public art, representing at least 1 percent of the value of construction of the development or redevelopment; or,
- m) the provision of dwelling units in the Downtown.

H14.3 Bonusing by-laws will only be considered where there is sufficient infrastructure and capacity to accommodate the additional height and/ or additional density of the development or redevelopment and that the development is compatible and meets the other policies of this Plan.

H14.4 Prior to the enactment of a Zoning By-law to permit bonusing, the Municipality will require the owner to enter into one or more legal agreements to be registered on title against the lands to which it applies, dealing with the amount of additional height and/or density and the provision and timing of community benefits.

## **GLOSSARY**

**Accessory:** A land use that is supportive of and secondary to the primary use assigned to a given designated property.

**Active transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Adjacent:** means

for the purposes natural heritage resources, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;

for the purposes of cultural heritage resources, those lands contiguous to a protected heritage

**Adverse Effects:** As defined in the *Environmental Protection Act*, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with normal conduct of business.

**Affordable:** means

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

For the purposes of this definition, low and moderate income means, (i) in the case of ownership housing, households with incomes in the lowest 60% of the income distribution for the regional market area; (ii) in the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the regional market area.

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Bed and Breakfast Establishment: A single-detached residential dwelling, not containing a secondary unit or garden suite, with no greater than four guest rooms which provide short-stay overnight accommodation for the travelling or vacationing public. A bed and breakfast establishment does not include a hotel, motel, group home, lodging house, or restaurant.

Brownfield site: An undeveloped or previously developed parcel or site that may be contaminated. Brownfields are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Heritage Resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and /or international registers.

Conserve/Conservation: In regard to cultural heritage resources, the identification, protection, use and/or management in such a way that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority or decision maker.

Contiguous: Lands that are situated in sufficiently close proximity such that development or site alteration could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation; or producing a substantial disruption of existing natural linkages or the habitat of a significant species.

Cultural Heritage Landscape: a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a

community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Cultural Heritage Resources: Built Heritage Resources, Cultural Heritage Landscapes, and Archaeological Resources or Areas of Archaeological Potential, which include but are not limited to:

- Buildings;
- Structures;
- Monuments;
- Cemeteries;
- Scenic roads;
- Vistas/viewsheds;
- Culturally significant natural features;
- Movable objects; and,
- Cultural traditions.

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

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

Drinking water threat: means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by regulation as a drinking water threat.

Ecological Function: The natural processes, products or services that living and non-living environments provide or perform within or among species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered Species: A species that is classified as “Endangered Species” on the Species at Risk list, as updated and amended from time to time.

**Environmental Assessment:** A process for the authorization of an undertaking under legislation such as the *Environmental Assessment Act*, and the *Ontario Energy Board Act*.

**Environmental Impact Study:** A study prepared in accordance with established procedures to identify and/or refine the boundaries of elements of the Natural System, identify the potential impacts of proposed development or site alteration on such elements, and recommend a means of preventing or minimizing these impacts through avoidance or mitigation and a means to enhance or restore the Natural System.

**Environmentally Significant Discharge Areas:** Lands where groundwater discharges to the surface of the soil or to surface water bodies to sustain wetlands, fisheries, or other specialized natural habitats.

**Environmentally Significant Recharge Areas:** Lands where water infiltrates into the ground to replenish an aquifer that sustains, in full or in part, natural features.

**Erosion Hazard:** The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Fish:** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood Fringe:** For watercourses and small inland lake systems, the outer portion of the floodplain between the floodway and the limit of the flooding hazard. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**Floodplain:** For watercourses and small inland lake systems, the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding Hazard:** The inundation of areas adjacent to the Lake Huron shoreline, watercourses and small inland lake systems not ordinarily covered by water. The flooding hazard limit is the greater of: (a) the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; (b) the 100 year flood; and (c) a flood which is greater than (a) or (b) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard

for that specific area by the Province; except where the use of the 100 year flood or the actually experienced event has been approved by the Province as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard). For the Lake Huron shoreline, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards.

**Floodproofing and Flood Damage Reduction Measures:** Refers to a combination of structural changes and/or adjustments incorporated into the design and/or construction of buildings, structures or properties for the purpose of reducing flood damages.

**Floodway:** For watercourses and small inland lake systems, the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. Where the One Zone concept is applied, the floodway is the entire contiguous floodplain. Where the Two Zone concept is applied, the floodway is the contiguous inner portion of the floodplain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the Two Zone concept applies, the outer portion of the floodplain is the flood fringe. In all cases, the floodway includes areas of inundation that contain high points of land not subject to flooding.

**Groundwater feature:** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Gross developable hectare:** Shall mean the total area of the proposed development minus the area of any lands designated or zoned Environmental Protection, Hazard, Natural Environment, Natural Hazard, or similar constraint in the County of Bruce Official Plan, Municipality of Kincardine Official Plan or Comprehensive Zoning By-law. When considering proposals with more than one land use, the uses may be separated for determining applicable density.

**Hazard Lands:** Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes- St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limit. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

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

**Hazardous Waste:** Waste that requires special precautions in its storage, handling, collection, transportation, treatment or disposal, to prevent damage to persons, property or the environment and includes explosives, flammable, volatile, radioactive, toxic, and pathological waste.

**Heritage Impact Assessment:** A study to determine if cultural heritage resources will be negatively impacted by a proposed development and/or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of development or site alteration.

Mitigative or avoidance measures or alternative development approaches may also be recommended.

**Home Business:** Means the use of a part of a dwelling unit for a service or profession by at least one of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit.

**Housing options:** means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings and uses such as, but not limited to life lease housing, coownership housing, co-operative housing, community land trusts, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

**Hydrologic Function:** The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septic treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Institutional, Major:** means uses that serve a broader regional community, including educational facilities (i.e. a secondary school), health care facility (i.e. a hospital) and other similar large-scaled institutional uses.

**Institutional, Small Scale:** means those institutional uses that are generally compatible with residential land uses, such as elementary schools.

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

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

**Linkages:** Areas that connect natural features along which plants and animals can propagate, genetic interchange can occur, populations can move in response to environmental changes and life-cycle requirements, and species can be replenished from other natural features. Linkages can also include those areas currently performing, or with the potential to perform, through restoration, linkage functions. Although linkages help to maintain and improve natural features, they can also serve as important natural features in their own right.

**Major facilities:** means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Municipal sewage services:** means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by the Municipality.

**Municipal water services:** means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, 2002.

**Natural heritage features and areas:** means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to

continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts: means

- a) degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

One hundred year flood: *for river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

- a. for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b. in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c. for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards: means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

- a) municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) municipal water services or private communal water services combined with individual on-site sewage services.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private

residences and is not owned by the Municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, 2002 that serves six or more lots or private residences.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure. (PPS, 2020)

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional Recharge Area: A large natural feature where considerable deposits of sand and gravel allow for the infiltration of large quantities of rainfall and snowmelt deep into the ground. Regional Recharge Areas serve two important functions. From an environmental perspective, groundwater discharge from the shallow aquifers located within Regional Recharge Areas sustains a wide range of aquatic habitats and ecosystems. This groundwater discharge also provides a high percentage of the baseflow to surrounding rivers and cold-water streams and therefore is critical to maintaining the health the Region and downstream communities. The second function of Regional Recharge Areas is to replenish deep underground aquifers that serve as a source for a significant share of the municipal drinking-water supply.

Regulatory Flood: The inundation under a flood resulting from the rainfall experienced during the Hurricane Hazel storm (1954) or the 100-year flood, wherever it is greater, the limits of which define the flooding hazard.

Section 59 Notice: refers to the requirements under Section 59 of the *Clean Water Act*, which requires issuance of a notice from the Township's Risk Management Official before permitting an activity that is considered a restricted land use as identified in the Source Protection Plans.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, child care centres, and educational and health facilities.

Sewage and water services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant:**

- a) In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size (greater than 4 ha) or due to the amount of forest cover in the planning area; or economically important due to the site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) In regard to other natural heritage features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- d) In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

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

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

**Significant drinking water threat:** means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk (Source: *Clean Water Act*)

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

**Site Plan:** A plan prepared under Section 41 of the *Planning Act*, which details building location and design as well as other site specific considerations such as walkways, landscaping, lighting and storage areas.

**Surface Water:** Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Vulnerable: means surface and/or ground water that can be easily changed or impacted. Watershed: means an area that is drained by a river and its tributaries.

Wellhead Protection Area (WHPA): means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats.

Wetlands: Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas.