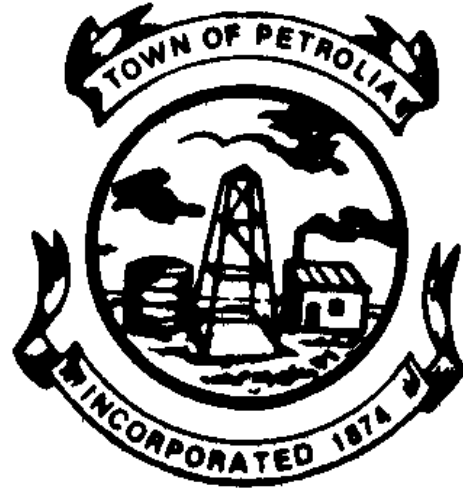


# **Town of Petrolia Official Plan**



**Prepared with the  
assistance of:  
The County of Lambton  
Planning & Development  
Services Department**

**February 2016**

This Plan was adopted by the Town of Petrolia Council on February 7, 2016 by By-Law 13 of 2016.

This Plan is an update to the previous Official Plan adopted by By-law 56 of 1999.

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**PART A**

**INTRODUCTION**

SECTION 1.0	Purpose of the Plan
SECTION 1.1	Effect of the Plan
SECTION 1.2	Basis of the Plan
SECTION 1.3	General Development Concept

## INTRODUCTION

### 1.0 PURPOSE OF THE PLAN

The policies contained herein, together with any Land Use or other Schedule(s) and any amendment(s), which are adopted and finalized pursuant to the *Planning Act*, constitute the Official Plan for the Town.

The purpose of these policies is:

- to provide a planning policy framework for decision-making by the Town and its Committees, and other public bodies;
- to serve as a guide for the public and the business community regarding the growth and development of the Town; and
- to provide a local context for the application of Provincial and County Planning Policies, including the 2014 Provincial Policy Statement.

The policies contained herein are established primarily to guide the physical development of the Town while having regard to relevant social, economic and environmental matters.

### 1.1 Effect of the Plan

After this Official Plan is adopted and finalized pursuant to the *Planning Act*, no public work shall be undertaken and, except as provided for under the *Planning Act*, no By-Law shall be passed for any purpose that does not conform to the Plan.

### 1.2 Basis of the Plan

While it is recognized that both the Province of Ontario and the County of Lambton have planning policies establishing the general planning policy context for growth and development at a Provincial and County scale, more detailed policies are necessary to reflect local circumstances, and long term goals and aspirations.

### 1.3 General Development Concept

The general development concept upon which this Plan is based is one that recognizes the historic land use patterns and development trends and builds upon these to promote efficient, cost-effective development and appropriate land use patterns. This type of development will stimulate community and economic growth as well as protect the natural environment and public health.

**PART B**

**GENERAL DEVELOPMENT POLICIES**

SECTION 2	Transportation
SECTION 3	Public Uses and Utilities
SECTION 4	Municipal Services, Stormwater Management and Sensitive Land Uses
SECTION 5	Natural Heritage
SECTION 6	Heritage Resources Policies

## GENERAL DEVELOPMENT POLICIES

### 2.0 TRANSPORTATION

It is the policy of the Town to provide and maintain an adequate system of roads and pedestrian walkways to serve the needs of the local population, and to encourage the appropriate road authority to provide and maintain an adequate road system within and through the Town in accordance with their respective jurisdiction and authority.

Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

#### 2.1 Road System

- a) The Town acknowledges that the road system needs of motorized vehicles must be met in order to ensure an adequate overall transportation system;
- b) Connectivity within and among motorized and non-motorized systems and modes should be promoted where possible.
- c) The following hierarchy of roads is hereby established and is illustrated in Schedule B:
  - Arterial Roads (e.g. Oil Heritage Road )
  - Collector Roads (e.g. Centre Street)
  - Local Roads (e.g. Wingfield Street)

##### 2.1.1 Arterial Roads

###### function

- a) Arterial Roads transport large volumes of traffic between the different communities and districts in the Town and through the Town. Existing Arterial Roads are:
  - Oil Heritage Road
  - Petrolia Line.

###### access

- b) Direct access to an Arterial Road is usually from other Arterial Roads and Collector Roads. Direct access to Arterial Roads from Local Roads and

abutting properties is not encouraged, except where local circumstances do not provide satisfactory alternatives;

#### **right-of-way width**

- c) The minimum right-of-way width for Arterial Roads will generally be 26 to 30 metres (86 to 100 feet). A greater right-of-way width will be provided for turning lanes at road intersections, where required;

#### **intersection improvements**

- d) In areas which are already developed, existing Arterial Road intersections will be improved as required;

#### **new intersections**

- e) In areas where new development is proposed, Arterial Road intersections will be adequately spaced, and will be provided with necessary traffic control equipment and room for vehicle storage, including turning lanes, to maintain a safe and desirable movement of vehicular and pedestrian traffic;

#### **setbacks**

- f) The Zoning By-law will establish minimum setbacks for buildings along Arterial Roads to ensure future road widenings and installation of additional traffic lanes, if required. Arterial Road widenings will not be undertaken until the impact on abutting properties is studied and any negative effects are minimized;

#### **high traffic land uses**

- g) Land uses which generate high volumes of traffic, including truck traffic, will be encouraged to locate along Arterial Roads.

#### **trucks**

- h) The movement of truck traffic through the Town will be encouraged on Arterial Roads rather than Collector Roads or Local Roads.

### **2.1.2 Collector Roads**

#### **function**

- a) Collector Roads generally carry traffic between Arterial Roads and Local Roads. In certain circumstances access to abutting properties along Collector Roads may be restricted. Existing Collector Roads are:



- Centre Street
- Discovery Line
- Tank Street
- Eureka Street
- Garfield Avenue
- First Avenue
- Maude Street
- Dufferin Avenue
- Glenview Road

**access**

- b) Collector Roads carry traffic volumes to and from major traffic generators or within or between residential neighbourhoods. Direct driveway access to Collector Roads from low density residential uses will generally be discouraged, wherever possible;

**right-of-way width**

- c) Collector Roads will have a minimum right-of-way width of 20 metres (66 feet);

**intersection improvements**

- d) Collector Road intersections will be adequately spaced to ensure the safe and desirable movement of traffic and pedestrians and to minimize the amount of through traffic of Local Roads in residential neighbourhoods.

**2.1.3 Local Roads****function and access**

- a) Local Roads provide direct access from abutting properties to the municipal Road system;

**right-of-way width**

- b) Local Roads will have a minimum right-of-way width of 20 metres (66 feet);

**connections to collector roads**

- c) Local Roads will generally connect to Collector Roads rather than Arterial Roads;

**designed for local traffic**

- d) Local Roads will be designed to carry local traffic only, and unduly long sections of Local Roads shall be discouraged.

**2.1.4 Land Acquisition for Roads Purposes**

As a condition to the approval of a plan of subdivision or consent for land severance, the Town may require the dedication of new roads. In addition, land dedication for road widening or intersection improvements for a plan of subdivision or consent for land severance may be required where the road right-of-way width is less than that required by the Town as presented in this Plan.

**2.1.5 Development Applications & Road Widening**

Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Approval policies of this Plan.

- a) Development shall not be permitted in planned corridors that could negatively influence the use and purpose of such corridor. Proposed development on lands adjacent to existing corridors and transportation facilities should support the long term function of such corridor and must be carried out so that impacts on the corridor are minimized.
- b) Land will be conveyed at no expense to the Town for municipal road widenings and will be included in the conditions of approval for severances, plans of subdivision, or new proposed development, changes in use that generate significant traffic volumes, additions that substantially increase the size or usability of buildings or structures, where the subject lands front on municipal roads. For lands fronting on County or Provincial roads, development proponents are encouraged to consult with the appropriate County or Provincial road authority.
- c) Unequal widenings may be taken where topographic features, federal land ownership, historic buildings or other cultural heritage resources, significant environmental concerns or other unique conditions necessitate taking a greater widening or the total widening on one side of an existing municipal road right-of-way.
- d) Right-of-way width requirements for a specific section of roadway may be reduced where special circumstances warrant the road's function will not be affected.

## **2.2 Parking Facilities**

### **minimum standards**

**2.2.1** The Zoning By-law will establish minimum off-street parking standards for all appropriate land uses and forms of development. All new development will comply with these minimum standards.

**2.2.2** These minimum parking standards will be related to the amount of traffic generated by individual uses.

### **on-street parking discouraged**

**2.2.3** On-street parking will generally be discouraged except on Local Roads. Where such on-street parking is eliminated as a result of road improvements, the Town will encourage the provision of equivalent off-street parking wherever feasible and practical.

### **accessible to handicapped**

**2.2.4** The Town will ensure the development of off-street parking facilities, whether public or private, are designed and located in such a manner as to be accessible to handicapped persons.

### **parking provided on same lot**

**2.2.5** Off-street parking, loading and truck storage facilities will generally be provided on the same lot as the land use which the parking facilities serve.

### **cash in lieu**

**2.2.6** The Town may accept cash in lieu of parking spaces subject to the following provisions:

- a) Cash in lieu of parking will not be acceptable for operations that provide short term accommodation (e.g. motels, bed and breakfast).
- b) Cash in lieu of parking will not be accepted for highway commercial areas unless it is determined that adequate parking is provided through communal parking areas e.g. shared parking in plazas).

## **2.3 Pedestrian and Bicycle Traffic**

### **sidewalks and walkways**

- 2.3.1** Adequate provision will be made for sidewalks to enhance the convenience and safety of pedestrians. Sidewalks with a minimum width of 1.8 metres will be required along both sides of all arterial roads identified on Schedule “B”. Sidewalks with a minimum width of 1.8 metres will be required along one side of all collector roads identified on Schedule “B”. (OPA No. 6)
- 2.3.2** Sidewalks at least 1.5 metres wide will be required within all Residential and Central Commercial Areas. (OPA No. 6)
- 2.3.3** Facilities for the safe movement of pedestrians, including access and on-site movement, will be provided in all new developments, including the redevelopment of land.
- 2.3.4** Sidewalks shall be provided on one side of the street if adjacent to high pedestrian generators such as schools, institutional or commercial uses.

Sidewalks shall be provided on one side of streets within all new residential subdivisions to minimize walking distances between dwellings and schools, parks, and commercial uses, including downtown Petrolia. The developer of a subdivision is responsible for the installation of the sidewalks.

Sidewalks are required on one side of cul-de-sacs when 20 or more lots or dwelling units are located on the cul-de-sac. (OPA No. 6)

- 2.3.5** Sidewalks will be separated from road pavement by landscaped boulevards in all new residential subdivisions, except where physical conditions prohibit them. (OPA No. 6)

### **bicycle ways**

- 2.3.6** During most times of the year, the bicycle is a viable alternative to other modes of transportation, is environmentally sound, and supports active, healthy lifestyles. Wherever feasible, the Town will promote and initiate improvements to enhance bicycling as a means of transportation.
- 2.3.7** Bicycle ways within parks and between residential areas and schools, parks and commercial facilities shall be provided wherever feasible and practical.
- 2.3.8** Bicycle rights-of-way along Arterial Roads will be provided wherever feasible and practical.

- 2.3.9** Consideration will be given to the provision of bicycle routes in the preparation and review of Official Plan policies, plans of subdivision and consents, where such routes will contribute to the development of linkages or extensions to existing routes.

**bicycle parking**

- 2.3.10** The Town will require as a condition of approval of development, the provision of adequate parking facilities for bicycles at major activity nodes and employment centres. Facilities such as change rooms and showers in places of employment to enhance the use of the bicycle for work based travel will also be encouraged.

**lead by example**

- 2.3.11** The Town may provide accessible and sufficient bicycle parking areas at all Town owned and operated facilities in order to promote the use of the bicycle as an alternative to motor vehicles.

### **3.0 PUBLIC USES AND UTILITIES**

#### **3.1 General Policies**

Except as provided in Section 3.2, the following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:

- transportation, communication and electric power transmission corridors and facilities subject to applicable laws and regulations under Province of Ontario Statutes;
- water supply, sewage treatment and storm drainage facilities, municipal landfill sites and utility services;
- municipal government buildings and facilities, including libraries and other community service centres;
- the re-use of abandoned utility and/or transportation corridors for public purposes;
- public open space; and
- natural gas pipelines and accessory works

#### **3.2 Restrictions on Public Uses**

##### **site plan control**

- 3.2.1** The Town will encourage, wherever feasible and practical, the submittal and approval of a site plan application in accordance with Section 41 of the *Planning Act*, RSO 1990, as amended, with respect to new public services and facilities, wherever the provision of such services includes the construction of a new building.

##### **significant natural areas**

- 3.2.2** The public services and facilities listed in Section 3.1 will be prohibited in significant natural areas unless they are authorized under an environmental assessment process, or subject to the *Drainage Act*.

### **3.3 Electric Power Facilities**

#### **electric power facilities permitted in any designation**

- 3.3.1** All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilovolts and above, or facilities that transform from above 50 kilovolts to less than 50 kilovolts including all works as defined in *The Power Corporation Act*, (such as transmission lines, transformer stations and distributing stations) will be permitted in any land use designation without an amendment to the Plan provided that such development satisfies the provisions and regulations of *The Environmental Assessment Act*, and any other relevant statutes. The electric power utility will be required to consult with the Town regarding the location of new electric power facilities.

#### **other electric facilities**

- 3.3.2** Other electric power facilities including buildings and facilities not used directly for the generation and supply of power, shall comply with the other provisions of this Plan and the Zoning By-law.

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

#### **secondary uses**

- 3.3.3** Secondary land uses may be permitted on the electric power utility lands where deemed by Council to be compatible with adjacent land uses and by agreement with the electric power utility.

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## **4.0 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES**

### **4.1 Sanitary Sewage**

This section outlines the Town's requirements for sanitary sewage collection, treatment and disposal systems.

#### **4.1.1 Policies**

##### **municipal service area**

- 4.1.1.1** Within the Town all development will be serviced by sanitary sewer facilities. When development is proposed and, where the necessary sewer lines are not yet installed, the developer will be responsible for the provision of necessary extensions.

##### **reallocation of capacity**

- 4.1.1.2** The Town may reallocate sanitary sewage capacity as required by new development, when the Town deems that allocated sewage capacity is not being utilized by existing approved development, including approved draft plans of subdivision subject to the time period outlined in the draft approval. Reallocation will occur only when the specified time limit of draft approval has expired and no appeal has been filed.

##### **phasing of development**

- 4.1.1.3** The Town will make no commitment or approve any development that would cause the capacity of the sewage treatment plant to be exceeded. In certain cases improvements to the sanitary sewer system may be required before development may proceed. Such improvements may include the provision of a new pumping station and/or sewer line extensions.

### **4.2 Water Service**

#### **pipied water supply**

- 4.2.1** All development within the Town will be served by municipal pipied water.

#### **industrial process use**

- 4.2.2** The Town may serve industrial needs for process or cooling water from the municipal system. As an option, industrial uses may provide their own water supply system, subject to municipal approval and to the standards and approval of the Province.



### **high volume industrial users**

- 4.2.3** High volume industrial users using the municipal water supply system may be required to enter into an agreement with the Town that, if the capacity taken by the industrial use is needed for other purposes and, subject to sufficient notice defined in the agreement, the industrial user will provide its own system and cease use of the municipal system.

## **4.3 Stormwater Management**

The traditional approach to managing stormwater has been to remove runoff from parking lots, roads and lots as quickly as possible and to channel it to nearby watercourses through a system of subsurface drains. This traditional approach has a number of drawbacks including the potential for water pollution, excessive loading of sewage treatment plants where storm sewers connect with sanitary sewers, lowered water tables, erosion and increased dependence upon costly public drainage works infrastructure.

### **4.3.1 Objectives**

- 4.3.1.1** Considering a changing climate and potential negative impacts, maintain the existing volume and rate of stormwater runoff; to control flooding, erosion and sedimentation; to enhance ground and surface water quality; and to promote a net gain in fisheries habitat and other natural features.
- 4.3.1.2** To minimize or mitigate adverse impacts on stream water quality that may occur as a result of development.
- 4.3.1.3** To encourage neighbouring municipalities to participate, in a coordinated manner, with the Town and the St. Clair Region Conservation Authority in implementing watershed and subwatershed planning.
- 4.3.1.4** Considering a changing climate and potential negative impacts, provide appropriate guidelines for proper stormwater management and to form the basis for the development of stormwater collection and treatment systems in urban areas.

### **4.3.2 Policies**

#### **watershed and subwatershed plans**

- 4.3.2.1** The Town will consider programs, regulations and new technology that enhance the natural ability of the environment to reduce the rate of stormwater runoff, and to improve the quality of stormwater conveyed to the watercourses in the Town.

The Town may support the St. Clair Region Conservation Authority in preparation and implementation of Watershed and Sub-Watershed Plans.

### **retention and detention**

**4.3.2.2** Development proponents will be encouraged to employ Best Management Practices as the preferred strategy for the management of stormwater. The following methods should be encouraged:

- a) The use of greenspace for detention/retention ponds;
- b) The use of cisterns or drywells on site which capture water for non-potable uses (lawn watering, car washing);
- c) The use of infiltration trenches;
- d) The use of natural systems and processes such as man-made wetlands and permeable landscape surfaces to absorb and distribute stormwater and recharge groundwater;
- e) The use of oil grit separators and permeable surfaces.
- f) The integration of detention/retention ponds into the municipal open space system.

### **management principles**

**4.3.2.3** To achieve no overall increase in the peak level and volume of stormwater runoff by requiring that all new development should provide suitable site grading and outlet facilities for storm drainage purposes, and will be guided by the following principles:

- a) that the flow of water resulting from a stormwater facility(s) does not create or contribute to an erosion problem and/or water quality impairment;
- b) that a stormwater facility does not contribute to a drainage problem on other lands where such lands are intended to be developed, utilized for agricultural purposes or utilized for active recreational open space;
- c) that any stormwater facility is designed in accordance with accepted engineering standards;
- d) that the stormwater facility does not adversely affect the hydrology of environmentally sensitive areas;

- e) that the Town may consult the St. Clair Region Conservation Authority, and the Province when considering multiple consents and plans of subdivision.
- f) stormwater management facilities require the issuance of a certificate of approval under the *Ontario Water Resources Act*.

#### **separation of stormwater and sanitary**

- 4.3.2.4** The Town will encourage the separation of stormwater inflow/infiltration from municipal sanitary waste water systems and initiate the disconnection of rooftop leaders from sewers and elimination of other factors that have added stormwater to combined sewers.

#### **municipal drains**

- 4.3.2.5** The principles of natural channel design will be utilized in the construction or rehabilitation of drains. This may include the following:
- a) grassed slopes and other forms of plantings should be introduced and should be maintained on the banks of drains which add to the stability of the drainage channel but which do not adversely affect the function of the drain;
  - b) tile outlets will be constructed to minimize erosion along watercourses;
  - c) tree planting or other buffer measures should be installed where appropriate to act as a windbreak, protect drain banks, and act as a barrier for uses too close to drain banks;
  - d) ponding areas should be incorporated in drains to reduce the speed and volume of flow, act as settling areas for water borne particulate, enhance evaporation and serve as water storage areas.

### **4.4 Land Use Compatibility**

The proposed use of all land in the Town must be compatible with adjacent land uses. Residential areas and other uses of similar sensitivity, such as hospitals and nursing homes, will be protected from undesirable air quality and excessive noise and vibration through the policies of the Plan and the use of site plan control. Developers may be required to carry out noise and/or vibration assessments and determine control measures which are satisfactory to the Town and the Province.

### **4.5 Decommissioning**

Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary

prior to any activity on the site associated with the proposed use such that there will be no adverse effect. Adverse effects include one or more of the following:

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

## **4.6 Waste Management Systems**

### **definition**

- 4.6.1** Waste Management Systems include sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

### **increase in capacity**

- 4.6.2** Any increase in the capacity of a landfill site will require approval under the applicable Provincial environmental legislation.

### **development on or in vicinity**

- 4.6.3** Schedule 'A' shows the location of known active and former waste disposal sites (as of the date of approval of this Plan). Any new development or change of land use on or within 500 metres of the perimeter of an active or closed waste disposal site (or other such sites located in adjoining municipalities), will be subject to consultation with the Province before any Zoning By-law, Zoning By-law amendment, official plan amendment or other *Planning Act* approval is adopted or granted for such lands. A study may be required to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including but not necessarily limited to methane gas and leachate. The study will address the feasibility of mitigation measures, if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.

Where development or change of use is proposed on a former waste site, no Zoning By-law amendment, official plan amendment or other *Planning Act* approval will be

adopted or granted until approval from the Province is obtained in accordance with Section 46 of the *Environmental Protection Act*, if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

#### **4.7 Sewage Lagoons**

##### **buffer**

- 4.7.1** New residential developments and other sensitive land uses will not be permitted within 100 metres of any existing municipal sewage lagoons in order to provide an odour buffer.

#### **4.8 Public Utilities**

##### **underground lines required**

- 4.8.1** Underground utilities, including electric power lines and telephone lines, will be required in all new developments within Residential Areas and in other areas where feasible.
- 4.8.2** With the approval of the local utility authorities, both public and private, all overhead wiring will be encouraged to be re-installed underground where feasible.

##### **multiple uses of rights-of-way**

- 4.8.3** The Town will encourage the multiple-use of hydro rights-of-way to accommodate drainage or service corridors, parking areas, parkland, and natural gas, oil and petrochemical pipelines, in accordance with the policies and designations of this Plan.
- 4.8.4** Natural gas, oil and petrochemical pipelines will be installed within existing rights-of-way wherever feasible and practical.
- 4.8.5** Wherever possible, 'easements' should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

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## 5.0 NATURAL HERITAGE

### 5.1 Objectives

These policies have been designed to be consistent with the Provincial Policy Statement (2014), Section 2.1.

- 5.1.1 To preserve and improve the quality and integrity of the natural environment system within the Town such that current and future residents will be assured of a healthy natural environment.
- 5.1.2 To accommodate and incorporate utilization of natural heritage areas, where appropriate, for the purpose of recreational experiences that are enhanced by such natural areas (e.g. hiking, nature viewing, etc.).
- 5.1.3 To prohibit development and site alteration on lands that are not appropriate for development due to susceptibility to flooding, erosion or other unstable condition, and significant wetlands.
- 5.1.4 To maintain and enhance important linear wildlife habitats such as stream banks, valley lands, hedgerows, significant wetlands, woodlands, wildlife habitat, areas of natural and scientific interest, tree lines and utility corridors in order to maximize their biological potential and to enhance their function as wildlife corridors.

### 5.2 Policies

#### significant natural areas

- 5.2.1 The Town will designate significant natural areas on 'Schedule A'; and will encourage those lands that exist on private property to be maintained in their natural state where possible. Development and site alteration will be prohibited in wetlands and prohibited in significant woodlands, significant valley lands, significant wildlife habitat and significant areas of natural and scientific interest, unless it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions. The 'Environmental Protection' designation may be combined with a Natural Hazard designation.

#### other natural features

- 5.2.2 It is recognized that there will be natural features, located both within and outside of the areas that will be designated as Hazard and Environmental Protection, that may be important elements of the Town's natural heritage. To protect these, the Town will work with residents and service groups to identify the natural features, such as rare trees and tree rows, cemetery landscaping, and vegetated areas; and, will encourage

development proponents to conserve and enhance these features as part of the development application approval process.

### **municipal activities**

- 5.2.3** The Town will incorporate management practices with respect to municipal buildings and property to reduce the amount of contaminants (pesticides, herbicides, and salt) entering receiving watercourses through street cleaning, snow removal and weed control activities.

### **watercourses**

- 5.2.4** The following principles will apply to any development that borders a watercourse in the Town:
- a) grassed slopes and other forms of plantings should be introduced and should be maintained on the banks of watercourses;
  - b) construction of tile outlets should not be allowed to contribute to erosion along watercourses;
  - c) tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the "biological corridor" role of watercourses;
  - d) interim measures to protect the watercourse during construction and development activities should be incorporated.
  - e) an appropriate setback for all development from the top of bank of watercourses is required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat.

### **trees**

- 5.2.5** In order to maintain a healthy stock of mature trees, the Town will require development proponents, as a condition of approval, to preserve mature trees where possible and when trees must be removed, these shall be replaced with new plantings.

### **clearing of woodlots**

- 5.2.6** In accordance with the County of Lambton Woodlands Conservation By-law, no clearing of woodlots will be permitted except for minor clearing for convenience purposes as approved by the Woodlands Conservation Officer or the Woodlands

Hearings Board. The Woodlands Conservation Officer or the Woodlands Hearings Board may require, as a condition of approval, reforestation of, at least, an equivalent area of land.

### **legislative measures**

- 5.2.7** To encourage protection, the Town may consider implementing relevant sections of the *Forestry Act*, the *Woodlands Improvement Act*, the *Municipal Act* and any other relevant legislation.

### **tree saving plans**

- 5.2.8** Once necessary evaluations, as required by Section 5.3.3.2, have been completed and approved, development proponents within or adjacent to wooded areas will be required to submit a Tree Saving Plan, satisfactory to the Town as a condition of approval. The Tree Saving Plan shall be prepared by a licensed arborist and shall:
- a) contain an inventory of existing trees;
  - b) indicate the impact of development on existing trees;
  - c) indicate measures necessary to reduce the impact of development;
  - d) indicate the trees to be removed and ensure the preservation of the remaining trees;
  - e) indicate a plan for the replacement of removed trees; and
  - f) be included in the development agreement.

### **watershed and subwatershed plans**

- 5.2.9** The Town will implement available programs, regulations and technology that enhance the natural ability of the environment to reduce the rate of stormwater runoff, and to improve the quality of stormwater conveyed to the receiving watercourses.
- 5.2.10** The Town may support the St. Clair Region Conservation Authority in the preparation and implementation of watershed and sub-watershed Plans.

### **links with Lorne Henderson Conservation Area**

- 5.2.11** The Town will work with the St. Clair Region Conservation Authority to establish physical links such as trails between the Town and the Lorne Henderson Conservation Area.



### 5.3 NATURAL HAZARDS

Major watercourses, corresponding flood plains and valley systems with significant slopes represent constraints to development. The following policies will apply to development within and adjacent to flood plains and adjacent to significant slopes. These policies have been designed to have regard to the Provincial Policy Statement (2014) issued under Section 3 of the *Planning Act*.

The topographical variations of a flood plain directly affect the nature and characteristics of a flood. There are two different types of topography: 1) valley topography; and 2) flat topography.

In valley topography, flood plains tend to be well defined and areas that are subject to flooding are generally distinguishable from areas that are subject to minimal or no flooding. Floods within valley topography tend to be deeper and have higher velocity flows. Due to the flood characteristics there is major concern for loss of life and significant property damage. In this case, a **One Zone Concept** should be utilized. Under the One Zone Concept, development in the flood plain is rigorously limited.

In areas characterized by flat topography the flood plain can be extensive and severely hazardous areas may not be clearly definable. The resulting floods tend to be shallow and of low velocity and consequently the major concern is property damage. Under these conditions, more opportunity for development is possible, provided flood susceptibility is minimized through flood proofing and problems upstream or downstream are not created. In this case, a **Two Zone Concept** should be utilized, in which development is permitted, subject to specific flood proofing measures, in the area known as the flood fringe. At the time when development is proposed, the preparation of engineering reports may be required to determine the extent of the regulatory flood plain. The elevation of the regulatory flood plus 0.3 metres will (generally) be the flood proofing elevation.

#### 5.3.1 Flood Plain Policies

##### Regulatory Flood Standard

- 5.3.1.1 The Regulatory Flood Standard for the Town is based upon the Hurricane Hazel storm centred event (1954).

##### One Zone Concept

- 5.3.1.2 The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the regulatory flood standard which will be determined in consultation with the local Conservation Authority.

All buildings and structures will be prohibited with the exception of:

- a) those necessary for flood or erosion control;
- b) those necessary for conservation purposes;
- c) minor buildings such as rain shelters;
- d) those structures that comprise a portion of a recreation pathway; or
- e) those permitted through the specific policies outlined in Section 12(Hazard and Environmental Protection)

All such development below the regulatory flood line will require a "Development, Interference with Wetlands & Alterations to Shorelines & Watercourses" permit from the St. Clair Region Conservation Authority.

### **Two Zone Concept**

- 5.3.1.3** The Two Zone floodplain concept approach must be undertaken on a watershed/subwatershed basis and examine upstream and downstream impacts. Floodplain lands that do not fall within the boundaries of the 'Hazard and Environmental Protection' designation are subject to the policies (which correspond with the Two Zone Concept) outlined within specific land use designations. These policies outline flood proofing requirements for lands within the flood fringe area. These areas are generally contained within "Constraint" designations.

### **absence of engineered flood lines**

- 5.3.1.4** In areas where no engineered flood lines exists, when development is proposed, the preparation of engineering reports to determine the extent of the floodplain may be required. The cost of required reports will be borne by the development proponent.

### **existing development in the floodplain**

- 5.3.1.5** Any redevelopment or expansion of existing development within the flood plain must be in conformity with the Provincial Policy Statement (2014) and the policies of the local Conservation Authority. All such development below regulatory flood lines will require a permit from the local Conservation Authority.

## **5.3.2 Unstable Land**

### **setbacks from slopes**

- 5.3.2.1** Development adjacent to steep slopes or watercourse valleys will be subject to setbacks from the stable top of bank and will represent the erosion hazard setback. The erosion hazard setback will be determined in consultation with the proponent, the Town and the St. Clair Region Conservation Authority. The setback will reflect the degree, severity and extent of the hazard and follow accepted geotechnical standards. A standard setback may be included in the implementing zoning by-law.

### **engineering and geotechnical studies**

- 5.3.2.2** Where slope stabilization, development or redevelopment is proposed near the top of bank of a watercourse or significant slope, the proponent will consult with the Town regarding the need for geotechnical or engineering studies.
- 5.3.2.3** Where Ontario Regulations stipulate, the Town will consult with the Conservation Authority, however, outside of regulated areas, the Town may consult with the Conservation Authority at its own discretion. The Town will reserve the right to require geotechnical and/or engineering studies and/or works.

## **5.3.3 Changes to Schedules**

### **minor changes**

- 5.3.3.1** Minor changes to the boundaries of Hazard and Environmental Protection Areas may be permitted without an Official Plan amendment provided that a detailed assessment of the sensitive area and/or hazard has been undertaken to the satisfaction of the Town which demonstrates that there will be no negative impacts on the natural features or their ecological functions.

In the case of Hazard Lands, the Council must consider the existing environmental hazards and the potential impact of these hazards, and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices.

In the case of Environmentally Sensitive Areas or features, Council will consider the nature and sensitivity of the area or feature and must be satisfied that there will be no negative impacts on the natural features or their ecological functions. In either case, the Town will consult with the local Conservation Authority by way of a memorandum of understanding.

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### **private lands**

- 5.3.3.2.** Where any Hazard and Environmental Protection Areas are under private ownership, the Official Plan does not intend that this land will necessarily remain as Hazard and Environmental Protection nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Town or any other public agency. An application for redesignation of lands designated Hazard and Environmental Protection may be approved by Council after taking into account:
1. the sensitivity of the natural area and/or the existing physical hazards;
  2. the potential negative effects of the redesignation on sensitive areas or the impact of the hazards on the proposed redesignation;
  3. the proposed methods by which any negative effects can be addressed in a manner consistent with accepted engineering techniques and resource management practices;
  4. the costs and benefits in monetary, social and biological value in terms of engineering works and/or resource management practices needed to address any negative effects;
  5. the potential for subsequent increases in demand for associated future development such as subdivision expansion, road widening, and bridge crossings which may negatively impact on lands designated Hazard and Environmental Protection; and
  6. the results of an Environmental Evaluation undertaken to assess the potential for development, which can include: i) assessment of the natural feature itself and ii) the potential impacts and iii) demonstration that there will be no negative impacts on the natural features or their ecological functions. Mitigation techniques may be recommended if it is demonstrated that development will have no negative impacts.

### **redesignation/purchase**

- 5.3.3.3** There is no public obligation, to redesignate or to purchase any Hazard and Environmental Protection Areas, particularly if there is a sensitive natural area or an existing or potential hazard that would be difficult or costly to overcome.

## **5.4 PARKS AND RECREATION**

The provision of public recreational space and facilities is an important component in the social well being of the residents of the Town. It is the Town's intent to provide

opportunities for the creation of public parks and recreational facilities and to work with local service clubs, schools boards, and private citizens to improve and expand the park system. Parks and recreation facilities will be provided to meet the general needs and desires of the residents.

#### **5.4.1 Objectives**

**5.4.1.1** To acquire lands and/or funds that may be used to provide park and recreational facilities that cater to the residents of the Town and/or that contribute to the Town being an attractive community.

**5.4.1.2** To create a park system connected by a network of trails and pedestrian/bicycle ways (may include regular sidewalks where a green link is not possible) that link existing and future open space.

#### **5.4.2 Policies**

##### **categories**

**5.4.2.1** The two major categories of public open space in the Town are:

- Major Open Space Areas and publicly-owned Environmentally Sensitive Areas and Hazard Areas which can accommodate some recreational activities by all residents;
- Neighbourhood parks and minor open space areas within communities and which serve local recreational requirements.

##### **interconnected systems**

**5.4.2.2** Wherever possible, an interconnected open space system will be developed. In the event that transportation or utility corridors are no longer required for such purposes, they should be incorporated into the municipal open space system. The Town will encourage the cooperation and participation of public service groups and private citizens in developing such corridors as open space linkages.

**5.4.2.3** Three categories of public parkland will be provided within Major Open Space Areas and all Residential areas. These are:

- a) Major Parks serving the entire Town;
- b) Community Parks at the community or district level;
- c) Neighbourhood Parks at the local level.

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### **neighbourhood parks**

**5.4.2.4** Neighbourhood Parks are permitted uses in all land use designations.

### **community and major parks**

**5.4.2.5** Community Parks and Major Parks will be placed in a separate land use designation and will be subject to the policies governing all uses permitted in Major Open Space Areas.

### **parkland dedication**

**5.4.2.6** Public open space will generally be acquired through the dedication of lands or the payment of funds pursuant to the provisions of the *Planning Act*, RSO 1990, as amended, and will be provided in accordance with the following policies which shall be applied throughout the entire Town:

- a) As a condition of residential development or redevelopment conveyance of land to the Town for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare for each 300 dwelling units proposed: or, cash in lieu thereof;
- b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Town for park purposes will be required at a rate of 2.0 per cent of the land proposed for the development to the Town for park purposes, or cash in lieu thereof.

### **cash-in-lieu of parkland**

**5.4.2.7** Cash in lieu of dedicated parkland shall be based on the appraised value of any lands required to be conveyed for park purposes in accordance with the appropriate provisions of the *Planning Act*, 1990. Cash in lieu will be accepted for example when there is no deficiency in parkland based on the parkland density standards or the parcel proposed is not appropriate for parkland.

Combinations of cash-in-lieu and parkland dedication may be accepted in some instances - for example, when partial dedication would achieve the desired parkland standard for the area or where private recreational facilities are being constructed.

### **condition of dedicated lands**

**5.4.2.8** The Town will generally not accept as part of the minimum parkland conveyance lands required for drainage purposes, lands susceptible to flooding, steep valley slopes, hazard lands, connecting walkways and other lands unsuitable for development.

Furthermore all lands conveyed to the Town will be in a physical condition satisfactory to the Town considering the anticipated park use. At its discretion, the Town may accept some lands that contribute to green links with existing parks in the system as part of the dedication.

- 5.4.2.9** The Town may, from time to time, wish to acquire lands from developers, which are of particular value because of their physical quality or because they provide the opportunity to link other parts of the open space system. Where these lands exceed the 2.0 per cent dedication required for commercial and industrial development or the 5.0 per cent dedication required for other purposes, the Town shall attempt to acquire such lands through purchase from the developer or through the use of bonusing as described in Section 16.4 of this Plan.

**multiple family developments**

- 5.4.2.10** Any multiple family residential development with over 25 units should incorporate private parkettes for the use of its residents.

**agreements**

- 5.4.2.11** This Plan encourages the development of agreements between the Town and other organizations, such as public service clubs or school boards for the increased utilization of space and facilities such as school play and sport fields, gymnasiums, and buildings, in order to serve the residents.

**other agencies**

- 5.4.2.12** This Plan also encourages the assistance of public service groups, businesses and private citizens in the provision of parkland and park equipment.

## 6.0 HERITAGE RESOURCES POLICIES

Heritage resources include buildings or structures, either individually or in groups, which are considered by Council to be of architectural and/or historical significance at the community, regional, provincial or national level. Archaeological and historic sites may also constitute heritage resources.

The Town of Petrolia's very substantial and significant heritage resources provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the Town. These heritage resources, both individually and collectively, contribute in a very significant way to the identity of the Town. They also assist in instilling civic pride, benefiting the local economy by attracting visitors to the Town, and favourably influencing the decisions of those contemplating new investment or residence in the Town.

The Town's heritage resources may be threatened by neglect, obsolescence, redevelopment, and the lack of financial means necessary for protection or rehabilitation. The policies of this Chapter of the Plan, in conjunction with the provisions of the *Ontario Heritage Act*, provide the necessary framework for the protection and enhancement of the Town's heritage resources.

### 6.1 Objectives

It is intended that the application of the policies of this Chapter of the Plan will achieve the following objectives:

- a) Protect, where practical and feasible, those heritage resources which contribute, in a significant way, to the identity and character of the Town.
- b) Encourage the protection, enhancement, restoration, maintenance and utilization of buildings, structures, areas or sites within Petrolia which are considered to be of significant architectural, historical or archaeological value to the community.
- c) Encourage new development, redevelopment and public works to be sensitive to, and in harmony with, the Town's heritage resources.
- d) Increase public awareness and appreciation of the Town's heritage resources, and encourage participation by the public, corporations and other levels of government in the protection, restoration and utilization of these resources.



## 6.2 Policies

### heritage resources inventory

- 6.2.1** Council, through its Heritage Committee will prepare and maintain a descriptive inventory of heritage resources within the Town of Petrolia. The inventory will establish priority levels for the protection of each heritage resource based on a set of established criteria relating to the importance of heritage resources. The location of properties included in the inventory of heritage resources will be identified in a guideline document.

Council may designate heritage resources or examples of heritage resources by by-law pursuant to the *Ontario Heritage Act* based on the following criteria:

### 6.2.2 Criteria for Designation

#### architectural significance

- a) the heritage resource is the work of, or reflects the work of, a major architect, designer or landscape architect;
- b) it is an outstanding example of its architectural style or period;
- c) it is an example of significant engineering or method of construction;
- d) it is a work of outstanding quality as a result of its plan, or its external or internal treatment of materials, space or details;
- e) it is representative of a particular period of design or form of land use; or
- f) it is the only example, or one of the few remaining examples, within the Town of a particular period or style of design.

#### historical significance

- a) the heritage resource is associated with a person or group of persons of local, provincial, national or international importance;
- b) it is associated with an event or movement of local, provincial, national or international importance;
- c) it is associated with some significant aspect of the history or development of the community;

- d) it is an early example or the work of an important architect or builder.

#### **alteration or demolition**

- 6.2.3** Where heritage resources are designated under the *Ontario Heritage Act*, no alteration or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the *Ontario Heritage Act*.

#### **agreements, conservation easements**

- 6.2.4** To ensure a greater degree of protection to designated heritage resources Council may enter into agreements with property owners, or may attempt to secure conservation easements, in order to protect those features or a building or structure deemed to have particular heritage value.

#### **application for demolition**

- 6.2.5** The architectural and/or historical significance of a building will be considered at the time of application for demolition.

#### **archaeological resources**

- 6.2.6** Council will facilitate, wherever practical and feasible, efforts to preserve and excavate historic and pre-historic archaeological resources. Council will consult with the Ministry of Tourism, Culture and Sports on matters pertaining to archaeological resources.

### **6.3 Heritage Conservation Districts**

#### **designation**

- 6.3.1** Council may designate areas of the Town as Heritage Conservation Districts pursuant to the provisions of the *Ontario Heritage Act*. Heritage Conservation Districts may comprise a block, a streetscape, or any other contiguous area. Areas of the Town which Council considers significant to some degree, and which may be considered for designation as Heritage Conservation Districts, may be identified in a guideline document.

#### **official plan amendment**

- 6.3.2** Where a Heritage Conservation District has been designated by by-law, and approved by the Ontario Municipal Board, this Plan will be amended to identify both the general location of the Heritage Conservation District and any relevant area studies or policies which may apply to the area.

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**criteria for designation**

- 6.3.3** The following factors will be considered by Council in the evaluation of an area for designation as a Heritage Conservation District:
- (a) the association of the area with a particular historical event or era that is unique to the community;
  - (b) the presence of properties which are considered significant to the community as a result of their location or setting;
  - (c) the presence of properties representing a design or method of construction which is considered architecturally and/or historically significant to the community, region, province or nation;
  - (d) the presence of properties which collectively represent a certain aspect of the development of the Town which is worthy of maintaining; and
  - (e) the presence of physical, environmental, or aesthetic elements which, individually, may not constitute significant grounds for the designation of a Heritage Conservation District, but which collectively are significant to the community.

**required background information**

- 6.3.4** Council will require the submission of a background study containing detailed supporting information to assist in the evaluation of an area for designation as a Heritage Conservation District. The background study should identify specific elements of the area which collectively warrant the creation of a Heritage Conservation District, and should also contain recommendations on the extent of new development or redevelopment that should be permitted, and how such development can be made compatible with the existing development in the area, in terms of scale, form and character.

**Changes to Buildings or Structures**

- 6.3.5** After a Heritage Conservation District has been designated by Council and approved by the Ontario Municipal Board, the erection, alteration, demolition or removal of buildings or structures within the District shall be subject to the provisions of the *Ontario Heritage Act* and any study which takes the form of a Heritage Conservation District Plan.

### **Heritage Conservation District Plan**

- 6.3.6** In conjunction with the designation of a Heritage Conservation District, Council may prepare and adopt an area study for the purposes of detailing improvements to the area and establishing policies to be considered in the review of development and redevelopment applications. In addition to the provisions of this Plan concerning area studies shall apply.

#### **area study**

- i) Matters which may be addressed through an area study include:
- (a) background information including a description of specific elements of the area which collectively justify the creation and maintenance of the Heritage Conservation District;
  - (b) general guidelines for physical change in the area;
  - (c) a description of the procedure for processing applications for new development, or for alterations to existing development in the area;
  - (d) details of any proposed or recommended improvements to the area, including proposed improvements to any publicly owned lands or facilities;
  - (e) details of any programs for financial or other assistance directed towards enhancement of the architectural and/or historical character of the area.

### **Zoning By-law Amendments**

- 6.3.7** After a Heritage Conservation District has been designated by Council and approved by the Ontario Municipal Board, Council may amend the zoning by-law to control new development and redevelopment so that it is in keeping with the scale, form and character of existing development in the area.

### **Implementation - Heritage Conservation District Plans**

- 6.3.8** Within designated Heritage Conservation Districts, Council shall be guided by the policies of this Plan and the Heritage Conservation District Plan.

## **6.4 Implementation**

### **Municipal Heritage Committee**

**6.4.1** The appointment of a Municipal Heritage Committee (MHC), in accordance with the provisions of the *Ontario Heritage Act*. The responsibilities of the MHC shall include:

- a) making recommendations to Council on the designation of heritage resources and heritage conservation districts;
- b) advising Council on matters pertaining to heritage resources; and
- c) undertaking specific duties pertaining to heritage resources, as assigned and authorized by Council from time to time.

### **other heritage organizations**

**6.4.2** The provision of support for heritage foundations and other non-profit organizations having an interest in, or a commitment to, the protection and restoration of the Town's heritage resources.

### **heritage programs**

**6.4.3** The participation in the programs of senior levels of government designed or intended for the protection and restoration of heritage resources.

### **municipal assistance**

**6.4.4** The consideration of funding programs to aid in the protection and restoration of heritage resources threatened by deterioration, demolition or excavation.

### **municipal by-laws**

**6.4.5** The introduction of new by-laws or the amendment of existing by-laws to encourage the protection and maintenance of heritage resources.

### **publication of information**

**6.4.6** Support for promotional and educational programs designed to increase public awareness of the Town's heritage resources.

**municipally-owned heritage resources**

- 6.4.7** Council will endeavour to protect, restore and maintain municipally-owned heritage resources, and will encourage the efforts of other public bodies and agencies to do likewise.

**threatened heritage resources**

- 6.4.8** Where heritage resources are threatened by deterioration, demolition, sale or transfer, Council may offer assistance to prevent the loss of such resources.

**heritage zoning**

- 6.4.9** The Zoning By-law will contain provisions to recognize and zone properties which are designated by Council under the provisions of the *Ontario Heritage Act*, as being of architectural and/or historical significance, where it is Council's desire to retain the existing structure and encourage compatible development.

**heritage resources inventory**

- 6.4.10** Where a property has been identified by Council on the Heritage Resources Inventory as being of architectural and/or historical importance to the Town, the zoning by-law may contain provisions which notify property owners and the public that the property is included in the Heritage Resources Inventory.

**6.5 Development and Redevelopment**

Council will endeavour, through its approval process, to discourage new development or redevelopment that detracts from the integrity or results in the destruction of heritage resources.

**development incentives**

- 6.5.1** Council will encourage the integration of heritage resources into development or redevelopment projects.

**bonus zoning**

- 6.5.2** Through the use of bonus zoning, Council may permit increases to the density limits applicable to a proposed development in exchange for the preservation of an on-site building designated under the *Ontario Heritage Act* or a streetscape or architectural and/or historical significance which Council has identified as being of interest to the Town and which is identified in the list of potential Heritage Conservation Districts

which have been adopted as a guideline document to this Plan. Provisions for bonus zoning are contained in Section 16.4 of this Plan.

### **impact of planning, public works**

**6.5.3** Council, in its consideration of planning initiatives, policies, by-laws and public works, such as the realignment and widening of streets, will have regard for the potential impact of these undertakings on identified heritage resources.

## **6.6 Heritage Conservation Districts**

Within Heritage Conservation Districts established under the provisions of this Plan, the following policies will apply:

- i) the character of the District will be maintained by encouraging the retention of existing structures and landscape features.
- ii) the design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area.
- iii) regard will be had at all times to the guidelines and intent of the Heritage Conservation District Plan.
- iv) development on land adjacent to designated Heritage Conservation Districts will be encouraged to be sensitive to the characteristics of the District.

## **6.7 Heritage Conservation Areas**

Heritage Conservation Areas comprise individual properties designated under *Part IV* of the *Ontario Heritage Act* and a larger group of properties designated under *Part V* of the *Ontario Heritage Act*.

## **6.8 Crescent Park**

Densities within the original Plan 38 for Crescent Park, lots located on Henry Street, Warren Avenue, Lancey Street, Emma Street, Emmeline Street, and Ella Street, do not exceed 8 units per hectare (3.2 units per net acre). These original parcel boundaries, lot sizes, and overall lot fabric contribute significantly to the heritage value in this original part of Petrolia within its original plan boundaries.

Earlier disruptions to the lot fabric by severances and consents shall not be considered precedents for the future. New lot creation and boundary adjustments within the original Plan 38 shall strive to preserve the original parcel boundaries and integrity of the Plan for its heritage value. As such, division of original parcel boundaries into two parcels shall be prohibited. Beyond the limits of the original Plan 38, in more recent

plans of subdivision, densities shall not generally exceed 12 units per net hectare (4.8 units per net acre).



**PART C**  
**LAND USE POLICIES**

SECTION 7	Residential
SECTION 8	Commercial
SECTION 9	Industrial
SECTION 10	Major Open Space
SECTION 11	Hazard and Environmental Protection
SECTION 12	Rural
SECTION 13	Resource Extraction

## **LAND USE POLICIES**

This section contains development policies for specific uses and applies to all Land Use Designations where such uses are permitted by this Plan. These development policies provide the criteria for the approval of new developments, the provision of roads, services and utilities, amendments to the Zoning By-law, and Official Plan amendments.

### **7.0 RESIDENTIAL**

The policies of this section are intended to apply to lands designated in a Residential category.

#### **7.1 Objectives**

- 7.1.1** In accordance with the 2014 Provincial Policy Statement encourage opportunities for a range of housing accommodation to meet the needs of present and future residents, encompassing a population with diverse lifestyles and economic means.
- 7.1.2** To ensure access to a range of services/amenities that are beneficial and/or necessary and/or complementary to the residents.
- 7.1.3** To conserve the housing stock and character of existing residential areas and to prevent the encroachment of undesirable uses and types of development.

#### **7.2.1 General Policies**

- 7.2.1.1** Future residential development will take place by way of plans of subdivision, severances, and site plans on existing lots within the Residential designation.
- 7.2.1.2** Within Residential areas, new residential development will be encouraged to:
  - a) Maximize the use of existing facilities, including schools, and, as promoted by the 2014 Provincial Policy Statement, minimize the costs required to extend existing services or avoid the costs of creating new services where existing services are capable of accommodating new development;
  - b) Infill existing built-up areas, or redevelop obsolete land uses;
  - c) Relocate existing incompatible uses out of residential areas;

- d) Proceed in such a manner so as not to impose a financial burden on the Town or municipal taxpayers;
- e) Comply with the policies of Section 18.4, Amenity and Design and Section 18.5, Urban Design.

**7.2.1.3** Expansion of the residential component of the Town will be considered where water and sewer services, roads and required community facilities can be provided as economically as possible and only where required to accommodate future population growth.

**7.2.1.4** Infilling in Residential areas will be undertaken by means of planned subdivision development, or where a plan of subdivision is not required, by severance of lands to make the most efficient use of municipal services. Redevelopment of lands to create higher residential densities or to remove existing obsolete uses will be encouraged if such redevelopment is compatible with the existing character and pattern of surrounding development. This Plan sets a target of having 20% of its new residential units established through infilling, intensification and redevelopment.

**7.2.1.5** The design of roads in new subdivisions and/or areas subject to severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels will be dedicated as public rights-of-way.

**7.2.1.6** In approving new residential development, the Town will take into consideration an appropriate mixture of housing types for low income, medium income and upper tier income households according to substantiated need and demand for the Town as a whole.

**7.2.1.7** In existing residential areas, an increase in residential density may be considered where the scale and character of new or renovated residential dwelling units are compatible with the surrounding area. Residential intensification will be considered in areas of existing development that have sufficient servicing capacity. Techniques may include permitting second units in existing detached dwellings, encouraging the creation of infilling lots, converting existing buildings for residential use, redeveloping sites not previously used for residential purposes, and encouraging higher densities in new development.

**7.2.1.9** The Provincial Policy Statement requires the Town to maintain a three-year supply of a combination of draft approved and/or registered lots and blocks on

plans of subdivision. Servicing capacity is to be available for this supply of residential land.

- 7.2.1.10** The Town will encourage innovative housing designs, particularly those which offer improved efficiency or alternative forms of heating, reduced municipal expenditures or lower costs to purchasers.

**phasing**

- 7.2.1.11** The development of some residential areas may be phased, contingent upon the availability of additional servicing infrastructure.

**programs**

- 7.2.1.12** The Town may participate in the housing programs of other levels of government, including the preparation of a housing policy study, in order to achieve the residential goals of the Plan.

**property maintenance**

- 7.2.1.13** The Town will encourage residential property owners to maintain and improve their dwellings and property through the municipal property standards and occupancy by-law.

**affordable housing**

- 7.2.1.14** Efforts should be made to encourage the provision of affordable housing in the Town, where practical. In this regard, the Town should:
- a) provide opportunities for the production of affordable new residential units that contribute to the attainment of the affordable housing targets established for the Housing Market Area (Lambton County);
  - b) reduce the time to process residential applications, to the greatest extent practical;
  - c) encourage residential intensification where practical; and
  - d) adopting alternative development standards where deemed appropriate by the Town.

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### **housing mix**

- 7.2.1.15** A broad mix of housing accommodation to meet the needs of present and future residents, encompassing a population with diverse lifestyles and economic means will be encouraged. Forms of housing that meet the social, health and well-being requirements of current and future residents, including special needs requirements, will be encouraged (2014 PPS).

Complimentary to the range of housing accommodation, the Town will seek to ensure access to a range of services/amenities that are beneficial and/or necessary and/or complimentary to the residents.

- 7.2.1.16** The mixing of densities and housing designs within individual developments will be encouraged, provided that locational provisions are satisfied. The density of development will be ultimately governed by the Town considering the preservation of open space and trees, the ability of the road system to accommodate the generated traffic, the capacity of municipal infrastructure which includes water, sewage, stormwater drainage, parks, etc., and compatibility with existing development patterns.

### **permitted uses**

- 7.2.1.17** Within Residential areas the predominant land use will be residential at all densities up to 100 units per residential hectare (40 units per residential acre), subject to locational and development policies which recognize the character and existing pattern of development, and the level of servicing available. Secondary and supportive ancillary uses which are normally part of a residential community, will also be permitted.
- 7.2.1.18** The primary residential uses permitted within Residential areas are low density housing types, not exceeding 20 units per hectare (8 units per acre), including single and semi-detached dwellings, duplexes, and triplexes, including building conversions to such uses which will be encouraged to develop in all locations of the Residential areas where such uses presently predominate and where they will enhance the character of existing residential neighbourhoods. In all cases standards for the development of new low density dwellings will be equal to, or greater than the standards prevailing in the surrounding residential neighbourhood.
- 7.2.1.19** Other residential uses permitted within Residential areas are as follows:
- a) Medium-density attached or group dwellings up to a maximum density of 40 units per residential hectare (16 units per residential acre),

subject to a Zoning By-law amendment and the provisions of Section 7.3;

- b) High density multiple family dwellings up to a maximum density of 100 units per residential hectare (40 units per residential acre), subject to a Zoning By-law amendment and the provisions of Section 7.4;
- c) Special residential uses such as group homes and senior citizens' accommodation subject to the provisions of Section 7.5;

**7.2.1.20** The primary secondary and supportive ancillary uses that may be permitted within Residential areas are as follows:

- a) Public and institutional uses such as elementary and secondary schools, libraries, hospitals, municipal buildings, places of religious worship and publicly and privately operated day-care centres;
- b) Recreation and Open Space uses including neighbourhood parks, and minor open space areas, subject to the policies of Section 5.4;
- c) Home Occupations, Professional Offices, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings subject to the provisions of Section 7.6, 7.7 and 7.8. The implementing Zoning By-Law will control the types of uses permitted and contain provisions to minimize their visibility and impact within residential neighbourhoods.

**7.2.1.21 Residential Special Policy Area (OPA #4)**

The area designated "Residential Special Policy Area" on Schedule "A" shall be subject to the following:

- i) A 10 metre buffer will be provided from the drip line along the ravine's top-of-slope in accordance with the recommendations outlined in the *Glenview Estates Phase IV Development Environmental Evaluation Report* prepared by AECOM (September 16, 2010) and the Addendum letter to that report prepared by AECOM (November 17, 2010). The first 5 metres provides the required protection for root systems of the adjacent hawthorn thicket. No encroachment within the first 5 metres of any type shall occur. Permitted uses within the remaining 5 metres of setback are limited to community trails, provided the trails are designed, constructed and managed to limit their impact on the environmental and woodland features. Additional open space may be

required between the 10 metre buffer that is provided from the drip line and residential lots. This additional space will be refined through the zoning and site plan approval process. The erosion access allowance of 6 metres is contained within this buffer as well.

The recommendations of the Environmental Management Plan contained in the *Glenview Estates Phase IV Development Environmental Evaluation Report* prepared by AECOM (September 16, 2010) and the Addendum letter to that report prepared by AECOM (November 17, 2010) shall be implemented through the zoning by-law and subdivision agreement where appropriate.

### **7.3 Medium Density Dwellings**

**7.3.1** Applications for an amendment to the Zoning By-law to permit development of medium density dwellings such as row housing at a maximum density of 40 units per residential hectare (16 units per residential acre) or less within Urban Residential Areas will be considered in accordance with the degree of conformity with the following policies:

- a) Close proximity to Arterial or Collector Roads;
- b) Preference will be given to medium density development in locations where the development provides a physical transition between low density dwellings, and residential development exceeding a density of 40 units per residential hectare or commercial, industrial or institutional development; and/or, locations in close proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and central commercial areas;
- c) Where site area is such that adequate separation distances from abutting low density residential development can be provided;
- d) A building design which is compatible with surrounding development if in proximity to low density residential areas, and in accordance with the Site Plan Control provisions of this Plan;
- e) On-site parking and recreational amenities should be provided; and
- f) The height of the proposed development does not exceed three storeys.

## 7.4 High Density Dwellings

The following policies shall apply in all new residential development exceeding a density of 40 units per residential hectare in Residential areas.

### applications for high density

**7.4.1** Prior to consideration of any applications for high density multiple family residential development, planning, transportation and servicing feasibility studies may be required by the Town. The required studies will show that the proposed development is compatible with surrounding land uses and would not place a burden on the existing road system, or exceed the capacity of water and sewer services without appropriate remedial measures being undertaken by the applicant.

**7.4.2** All applications for new high density dwelling development will be subject to the Site Plan Control provisions of Section 41 of the *Planning Act*, RSO 1990, as amended;

**7.4.3** In addition to the studies required in Section 7.4.1, all applications for high density dwelling development will be considered on the basis of conformity with relevant land use policies established by this Plan, and on the degree of conformity with the following policies:

- a) Close proximity to Arterial or Collector Roads;
- b) Preference will be given to high density dwelling development in locations in proximity to natural amenities such as watercourses or major open space; or in proximity to central commercial areas; public transit facilities where they are available; and at the intersection of Arterial Roads or Arterial and Collector Roads;
- c) The site area should be sufficient to provide for adequate separation distances from adjacent lower density residential development where required on-site recreation amenities and off-site parking can be provided;
- d) Exterior building materials should be compatible with surrounding development if in proximity to low density residential areas, wherever feasible and practical;
- e) Building height should not be in excess of that which might create a hazard by virtue of the inability of the Town to provide adequate fire



protection in keeping with accepted practice. The Town's Fire Chief and Lambton County EMS will review proposed developments and provide comments on any safety concerns.

## **7.5 Other Residential Uses**

**7.5.1** Other Residential uses including group homes, residential care facilities, senior citizens housing, short-term accommodation operated or authorized by a public agency, and facilities for special population groups are subject to the applicable policies set out in Section 7.0 of this Plan.

## **7.6 Professional Offices**

Certain types of professional offices can be compatible with a residential neighbourhood, and may serve a needed function to nearby residents. Examples of such uses include a law office, medical clinic, doctor's office, chiropractic practice, dentist, or accounting practice. Appropriate development standards can blend such uses into the residential community so as to minimize undesired impacts.

**7.6.1** A limited amount of local professional offices may be permitted in existing residential dwellings within the residential areas.

**7.6.2** The use will be limited to a professional practice that primarily provides services to individuals and families.

### **development guidelines**

**7.6.3** The establishment of professional offices will be subject to the following guidelines:

- a) The office is located within an existing residential building. Development of new buildings for commercial use may occur if the structure is of similar form and fabric with surrounding residential structures.
- b) Alterations to structures should not preclude the re-establishment of residential uses similar to those existing prior to the establishment of the professional practice.
- c) Adequate off-street parking and buffering of parking areas from neighbouring uses is provided.
- d) The site generally front on an arterial or collector road.

### **7.7.1 Home Occupations**

A home occupation is defined as a business activity (full or part-time) carried out by a person in their residence. Such uses rarely create conflicts during early development however when they succeed and attempt to expand, they may become inappropriate for a residential area.

To ensure that successful home occupations do not expand in a manner that conflicts with the residential use or character of the neighbourhood, existing home occupations wishing to expand will be encouraged to locate in other appropriate non-residential areas.

Where home occupations are permitted, they will be subject to the following policies:

#### **home occupation secondary to residence**

- 7.7.1** A home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit. A home occupation will not be allowed in an accessory building or structure.

#### **non resident employees**

- 7.7.2** A home occupation must be conducted or undertaken by a person or persons permanently residing in the dwelling which is the primary use on that lot. The number of non-resident persons employed in the home occupation, at its location, will be limited in the Zoning By-law.

#### **alterations**

- 7.7.3** No external or internal alteration for a home occupation that is inconsistent with the residential character of the lot or neighbourhood will be permitted.

#### **outdoor storage**

- 7.7.4** No outdoor storage or display of materials or goods used by or produced by a home occupation will be permitted.

#### **sale of goods**

- 7.7.5** The sale of goods associated with a home occupation from the lot used as a home occupation will not be prohibited, but a home occupation that is primarily a retail store is prohibited.

**floor area**

- 7.7.6** Where a home occupation is conducted within a building accessory to a dwelling, the floor area devoted to the home occupation will be limited by the Zoning By-law.

**limitations on occupations**

- 7.7.7** No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication will be considered to be a home occupation.

**signs**

- 7.7.8** Signs associated with a home occupation will be non-illuminated, and the area of the sign will be regulated in the Town's Sign By-law.

**use of machinery**

- 7.7.9** A home occupation will not use machinery or equipment that is inconsistent and incompatible with surrounding residential uses because of its nature or scale, nor will a home occupation be allowed to create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses and the residential character of the area by reason of emission of noise, vibration, smoke, dust, other particulate, heat, odour, noise, refuse, or other emission.

**nuisance**

- 7.7.10** A home occupation will not create a nuisance or conditions inconsistent or incompatible with adjacent or nearby residential uses.

**7.7.11 business license**

The proponent of a home occupation shall obtain a business license from the Town prior to establishing the business.

**7.8 Bed and Breakfast Establishments**

Bed and Breakfast Establishments are private homes where the owner makes temporary accommodation available to the travelling public (usually tourists) in their own homes. In function and impact, they are similar to a home occupation. Generally, the impact is similar to that which occurs when a neighbour has guests staying for a day or two. However, regulation is required to ensure that

a Bed and Breakfast Establishment does not evolve into a restaurant, motel, inn or hotel.

The use of single detached dwellings as Bed and Breakfast Establishments will be permitted they conform with the following policies and regulations set out in the Town's Zoning By-law

**operators**

- 7.8.1** Bed and Breakfast Establishments must be operated only by persons permanently residing in the dwelling.

**temporary accommodation**

- 7.8.2** Only temporary, short term accommodation to the general public will be provided.

**kitchen facilities**

- 7.8.3** Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests will not be permitted.

**alterations**

- 7.8.4** No external or internal alteration of a home utilized as a Bed and Breakfast, that is inconsistent with the character of the surrounding neighbourhood will be permitted.

**number of guest rooms**

- 7.8.5** The Zoning By-law will regulate the maximum number of rooms available to guests.

**accessory buildings**

- 7.8.6** Construction or conversion of accessory buildings to accommodate guests will not be permitted.

**existing non- residential uses**

- 7.9** Existing non-residential uses which are located within areas designated 'Residential' may be placed into an appropriate zone in order to permit the continuation of such uses.

## **8.0 COMMERCIAL**

### **8.1 General Commercial**

The following policies apply to the General Commercial designations on Schedule "A".

#### **permitted uses**

- 8.1.1** Lands designated General Commercial on Schedule 'A' shall be used for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. Also allowed in the General Commercial designation are various public buildings such as the library, the post office and the municipal offices.

A Micro-brewery, as defined by the Town of Petrolia Zoning By-law, is permitted on lands described as Lots 10 to 14, Plan 22, Block A. The subject lands are located at the southwest corner of Robert Street and Fletcher Street and are known municipally as 395 Fletcher Street. **(OPA No. 1)**

#### **secondary uses**

- 8.1.2** Secondary uses shall include residential uses subordinate to commercial developments, subject to policies for residential uses in commercial developments as set out in Section 8.1.4.

#### **purpose**

- 8.1.3** General Commercial uses are intended to serve the day-to-day needs of the residents of the community, and to a limited extent tourists visiting or travellers through the Town.

#### **dwelling units**

- 8.1.4** To enhance the diversity and vitality of downtown Petrolia, the establishment of new dwelling units in the 'central commercial' area will be encouraged in accordance with the following criteria:

- a) In cases where a lot fronts on Petrolia Line, the dwelling units are located above or behind ground floor commercial uses.
- b) Dwelling units are provided with access to an open space area suitably landscaped and maintained, or alternatively are provided with a balcony,

- c) Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.

### **studies**

**8.1.5** To strengthen and enhance the General Commercial area as the focal point of the community and as a healthy business centre, the Town may undertake detailed design/feasibility studies with respect to:

- a) the preservation and rehabilitation of historical landmarks and buildings,
- b) new uses for vacant or under-utilized buildings,
- c) street landscaping, lighting, signage and exterior building design,
- d) the development of efficient pedestrian and vehicular circulatory systems,
- e) the re-location of non-conforming uses,
- f) the provision of adequate and accessible off-street parking.

### **compatibility**

**8.1.6** All new General Commercial development shall only be permitted where compatibility with adjacent land use designations and the commercial structure of the Town can be ensured.

### **form**

**8.1.7** The General Commercial development form will typically be a planned grouping of retail and other commercial uses under common or individual ownership, which may take the form of a shopping centre.

### **location**

**8.1.8** General Commercial uses will generally be located on Collector Roads or Arterial Roads and where they are accessible to local market areas by pedestrians

## **8.2 Downtown Heritage Guidelines**

### **introduction**

**8.2.1** The Town of Petrolia has a strong downtown commercial area, where the architecture and general character still reflect the Town's Victorian oil heritage. The Town feels strongly that preserving this character is a key

element in enhancing the quality of life for its residents and in encouraging tourism and other economic development initiatives in the community.

In addition to the policies of Section 6.0, Heritage Conservation, this subsection provides guidelines for Council to use in reviewing downtown development proposals, and for proponents of development and redevelopment to use in designing those proposals. For the purposes of this subsection, the term “development” refers to both new development on vacant sites and the redevelopment of existing buildings or sites.

### **historically sensitive development**

- 8.2.2** Proponents of development in the General Commercial area will be required to include building and site design elements to ensure that the development is sensitive to the Victorian character of downtown Petrolia.

### **Strategic Master Plan**

- 8.2.3** In considering downtown development Council and the proponent will have regard for the provisions of the “Town of Petrolia Strategic Master Plan” which was adopted by Council in 1994. The Town will make this report available to development proponents.

### **design elements**

- 8.2.4** Proponents will be encouraged to provide the following design elements in any downtown development:

- a) development should follow the Victorian theme where feasible;
- b) new buildings should be at least two storeys in height or have the appearance of at least two storeys;
- c) development should conform to the height of the existing block and adjacent sites;
- d) new buildings and additions to existing buildings should be located as close to the front and/or exterior side lot lines as feasible; Parking is not permitted in a front yard or exterior side yard;
- e) development should incorporate building elements described in Section 7.0 of the Strategic Master Plan;

- f) drive-through businesses will not be permitted. Such uses will be directed to the areas designated "Highway Commercial" on Schedule "A";
- g) Building facades should incorporate traditional details, including cornices, pilasters, awnings, signboards and mouldings;
- h) Other site features which may be required, such as lighting, benches, garbage receptacles etc. will be approved by the Town to ensure consistency with the Strategic Master Plan and the Victorian theme.

#### **site plan control**

- 8.2.5** All development in the General Commercial area will be subject to site plan control.

#### **building elevations**

- 8.2.6** Pursuant to Section 41(4)(2) of the *Planning Act*, 1990, Council may require, as a condition of site plan approval, and prior to issuing a building permit:

Drawings, showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,

1. the massing and conceptual design of the proposed building;
2. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access;
3. the provision of interior walkways, stairs elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
4. matters relating to exterior design, including but not limited to character, scale, appearance and design features of buildings; and
5. design elements including but not limited to landscaping, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
6. facilities designed to have regard for accessibility for persons with disabilities.



**facade improvement program**

- 8.2.7** Council will endeavour to continue its program of providing financial assistance to business owners for the restoration of commercial building facades in a manner which is consistent with the Strategic Master Plan.

**demolition**

- 8.2.8** Where a building in the General Commercial area is proposed to be demolished and replaced with a new building, Council will require that the proponent enter into a site plan agreement prior to being issued a demolition permit.

**consultation**

- 8.2.9** Council may consult with the Heritage Committee, the Business Association or any other group or individual which it feels may have an interest in the matter prior to approving any development in the General Commercial area.

**8.3 Highway Commercial**

- 8.3.1** Highway Commercial areas will be reserved primarily for large, space extensive uses which require large parcels of land for outside storage and selling space, for building coverage, and for off-street parking. Although the types of commercial uses may be different than the central commercial area, the Town should provide a cohesive and attractive appearance to the area that complements and introduces visitors to the traditional downtown.

**permitted uses**

- 8.3.2** Permitted uses within the Highway Commercial designation will include, but not necessarily be limited to, the following:
- a) Automobile service stations; vehicle, trailer and marina sales, repair and service facilities; and car washes;
  - b) Drive-in and drive-through restaurants and theatres;
  - c) Hotels, motels, and related tourist facilities;
  - d) Places of amusement and recreation, such as a bingo hall, bowling alley or curling rink;

- e) Industrial and agricultural equipment sales and service;
- f) Restaurants, gift shops, farmer's markets, antique stores and flea markets;
- g) Existing local retail and office establishments, and new retailing uses in accordance with the policies of this Plan;
- h) Retail warehouses;
- i) Retail building and contractor supply store, and/or bulk sales;
- j) Service industrial uses with limited open storage;
- k) Private commercial recreational facilities such as fitness and health clubs; arenas; tennis, squash and racquetball courts;
- l) Public and private institutions including churches, synagogues, hospitals, medical clinics and funeral service establishments.

#### **ancillary uses**

- 8.3.3** Ancillary office uses may be permitted provided it can be demonstrated to the satisfaction of the Town that they will not interfere with or detract from the activities of the permitted uses in Section 8.3.2.

#### **residential uses**

- 8.3.4** Residential uses will not be permitted in a Highway Commercial area, except in direct association with a use permitted in Section 8.3.2.

#### **site design**

- 8.3.5** New commercial development or re-development in the Highway Commercial area will ensure that there is:

- a) safe and adequate access from an arterial road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to minimize any danger to vehicular and pedestrian traffic. Continuous access will be discouraged in favour of a curb and designated ingress and egress points. Shared access among commercial establishments will be provided wherever possible;

- b) adequate off-street parking and loading, in accordance with the provisions of the zoning by-law, located beside or behind the establishment, where possible;
- c) adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas, including screening and/or buffering to mitigate impacts on adjacent residential land uses;
- d) a front yard setback that accommodates pedestrian movement.
- e) the design does not detract from the vitality and viability of downtowns and main streets.

#### **existing dwelling units**

- 8.3.6** Existing dwelling units will be permitted and shall be protected from adverse impacts related to new development or expansions to existing development.

#### **existing industrial uses**

- 8.3.7** Existing industrial and manufacturing uses, which are located within areas designated General Commercial, are recognized as being permitted to continue and may be placed into an appropriate zone in order to permit the continuation of such uses.

#### **holding zones**

- 8.3.8** Lands not currently used for highway commercial or special commercial purposes may be placed in a holding zone until such time as a proposal for commercial development has been submitted and approved by the Town.

## **9.0 INDUSTRIAL**

The Town of Petrolia includes two distinct industrial areas.

The area generally described as being along both sides of Centre Street and along the west side of Tank Street began as a general industrial area during the years of the oil boom, when the Canadian National Railway spur line extended into downtown Petrolia from the main line, north of the town. The oil-related industries have generally vacated this area, and the rail line has been removed. In more recent years, this area has evolved into a light industrial area, predominated by contractor's yards, warehouses and similar uses. This type of evolution is appropriate, as the area is adjacent to lands that are designated Residential.

The other industrial area is north of Discovery Line on both sides of Bear Creek, and on Oil Heritage Road, north and south of Discovery Line. This area includes the Town of Petrolia's Industrial Park and it may include some larger operations of a more general industrial nature.

### **9.1 Permitted Uses**

**9.1.1** The Industrial designation that affects the area generally described as being along both sides of Centre Street and along the west side of Tank Street is intended to accommodate non-noxious industrial uses such as warehousing, wholesaling, light assembly, contractor's yards, research and development, or any combination thereof within enclosed buildings subject to the policies of this Plan covering open storage. The zoning by-law will restrict the permitted uses to those which are light industrial in nature and are compatible with surrounding designations.

Lands located north of Discovery Line and in the area of the Town's Industrial Park, on the west side of Oil Heritage Road, south of Discovery Line may be used for any of the uses permitted along both sides of Centre Street and along the west side of Tank Street. In addition, these lands may be used for more general industrial uses, such as larger scale manufacturing.

Facilities should be planned to ensure industrial uses are appropriately designed, buffered from other designations in order to prevent and mitigate adverse effects from odour, noise and other contaminants, minimizing the risk to public health and safety.

**accessory commercial uses**

- 9.1.2** Commercial uses accessory or complementary to industrial establishments will be permitted provided they do not detract from the area for industrial purposes now or in the future and may include limited retailing within industrial buildings for the sale of goods manufactured on the premises, the amount of which per building is to be set out in the Zoning By-law;

Parks and public open space uses are also permitted.

**location of accessory uses**

- 9.1.3** The above accessory uses with the exception of Parks and Public Open Space, and retailing uses within industrial buildings will generally be encouraged to locate on Arterial Roads and Collector Roads, preferably at or near the entrances to industrial areas and at major road intersections wherever possible.

**outdoor storage**

- 9.1.4** Outdoor storage of industrial materials and equipment will only be permitted as an ancillary use to the permitted uses in the Industrial Area. The following policies will apply to outdoor storage:

- a) Outdoor storage of industrial materials and equipment along Arterial Roads, Collector Roads, Provincial Highways, on the periphery of Industrial Areas, and/or adjacent to Residential Areas will be discouraged. Any outdoor storage will be located only in a rear yard and will be adequately screened from adjacent properties and streets;
- b) Fencing, and minimum separation distances from non-industrial uses will be required as part of site plan control provisions, as well as landscaping and berming or a combination thereof. Permitted outdoor storage will not extend above the height of the required fencing;
- c) Buffer and planting strips will be maintained around the perimeter of any open storage area. Fencing erected for the purpose of screening open storage areas will be subject to the minimum setback regulations in the zoning by-law.

**development standards**

- 9.1.5** The zoning by-law will prescribe specific development standards related to parking requirements, setbacks, coverage, buffering, separation etc. (i.e.

everything that site plan control can address), to ensure that conflicts with surrounding uses are minimized to the satisfaction of the Town. Buffering will be considered in light of the Ministry of Environment and Energy guidelines on separation distances between industrial facilities and sensitive land uses such as residential or institutional uses.

**access**

- 9.1.6** The Town will require that all industrial development has access to an arterial or collector road, such that vehicles related to the operation do not pass through residential neighbourhoods and that local roads are not subjected to adverse impact of heavy trucks.

**existing residential uses**

- 9.1.7** Existing residential uses which are located within areas designated 'Industrial' may be placed into an appropriate 'Residential' zone in order to permit the setback provisions of the 'Industrial' zone to be complied with.

**residential uses attached to permitted uses**

- 9.1.8** Residential dwelling units for a caretaker or watchperson may be permitted provided they are structurally attached to the main permitted use on the lot.

**noxious uses**

- 9.1.9** Industrial uses which are considered a noxious trade business or manufacture under the *Public Health Act* (R.S.O. 1980) or regulations thereto will not be permitted in the Industrial areas.

## **10.0 MAJOR OPEN SPACE**

**10.1** Major Open Space areas generally cover parkland and public open space to satisfy the outdoor recreational needs of the public.

### **primary permitted uses**

**10.1.1** Community Parks and Major Parks will be the primary public recreation uses permitted within Major Open Space areas, but additional uses such as land, water and forest conservation, and ancillary structures or buildings, are permitted.

### **secondary uses**

**10.1.2** Secondary uses, including any ancillary buildings or structures which may be permitted include the following:

- a) Golf courses including driving ranges and putting greens;
- b) Private Parks;
- c) Public campgrounds;
- d) Cemeteries including crematoria;
- e) Non-commercial gardening including nurseries;
- f) Botanical gardens;
- g) Zoological parks;
- h) Swimming pools, skating rinks and ponds;
- i) Public trail bike racing courses; and
- j) Ancillary retail commercial uses and parking facilities as long as such uses do not inhibit the operation of the primary use.

### **neighbourhood parks not identified**

**10.1.3** The Major Open Space areas are intended to cover significant areas of parkland and open space. Neighbourhood Parks including parkettes and tot lots will therefore generally not be identified as Major Open Space areas.

**lands in private ownership**

- 10.1.4** Where any land designated as Major Open Space is under private ownership, the Plan does not intend that this land will necessarily remain as Major Open Space indefinitely, nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Town or any other public agency.

**conditions of redesignation**

- 10.1.5** Applications for the redesignation to another use of all or part of an existing Major Open Space area may be permitted by the Town after considering the following:

- a) The overall goals and policies of this Plan;
- b) The existence of any significant or unique natural features and/or environmentally sensitive areas;
- c) The proposed methods by which the above would be handled in a manner consistent with accepted engineering practice and environmental management methods;
- d) The costs of benefits in monetary, social and biological value in terms of any engineering works and resource management practices to be used; and,
- e) The concerns of the local Conservation Authority and of the Province.

- 10.1.6** There is no public obligation, however, either to redesignate or to purchase any Major Open Space areas.

**10.2 Major Parks**

- 10.2.1** Major Parks will be acquired, developed and maintained by the Town as large areas of public open space to serve the entire Town. Major Parks will be subject to all policies pertaining to Major Open Space areas provided by this Plan.

- 10.2.2** Major Parks will be developed and maintained to provide a broad range of active and passive recreational pursuits, both structured and unstructured. More specifically, Major Parks will:



- a) Incorporate environmentally significant natural areas wherever feasible;
- b) Provide large open areas which can facilitate active sports activities;
- c) Provide for low intensity passive recreational activities easily accessible to residents throughout the Town;
- d) Be located on or near an Arterial Road or Collector Road wherever possible;

### **10.3 Community Parks**

**10.3.1** Community Parks are intended to serve the recreational needs of the residents at the community level.

**10.3.2** Community Parks will be subject to all policies pertaining to Major Open Space areas provided by this Plan.

**10.3.3** More specifically, Community Parks will:

- a) Provide indoor and outdoor recreation facilities serving several residential neighbourhoods within the Town, and providing a focal point for community activities;
- b) Provide for active recreational activities predominantly;
- c) Be accessible to the neighbourhood and where possible, subdivision plans should incorporate walkways to new or existing parks;
- d) Incorporate elements of the natural environment wherever feasible;
- e) Be located on a Collector or Arterial Road;
- f) Be integrated with a school playing field if possible, where shared use of parkland can be facilitated; and

### **10.4 Neighbourhood Parks**

**10.4.1** Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt areas which serve individual neighbourhoods within a community. More specifically, Neighbourhood Parks will:

- a) Be centrally located within a Neighbourhood and be accessible to pedestrians;
- b) Provide opportunities for minor recreational activities;
- c) Provide opportunities for passive enjoyment of the environment;
- d) Be located in conjunction with an elementary school, where feasible, in which case no physical barriers shall be created to separate complementary facilities;
- e) Be located on a Collector or Local Road.

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## 11.0 HAZARD AND ENVIRONMENTAL PROTECTION

**11.1** The Town contains areas that are subject to flooding and/or subject to instability due to erosion and excessive slopes. Development in such areas will be prohibited or restricted as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Town. The Town also contains natural areas that could include significant natural features (e.g. wetlands and woodlands) which must be protected with special provisions. Development and site alterations in these areas will be prohibited unless it is demonstrated that there will be no negative impacts on the natural features or their ecological functions. Many of these natural areas are coincident with identified hazard lands. Consequently these policies address both hazard and environmental protection. It must be noted that not all hazard areas contain significant natural areas and not all natural areas contain inherent hazards.

**11.1.1** The policies of this section incorporate the principles and reflect the intent of the Natural Heritage and Natural Hazards Policies of the Provincial Policy Statement (2014). In instances where specific natural areas have been identified (i.e. Wetlands, Areas of Natural or Scientific Interest, Environmentally Sensitive Areas) by the Province, additional policies will be outlined.

### **permitted uses**

**11.2** The use of lands in Hazard and Environmental Protection areas will be restricted to agriculture (exclusive of any buildings or structures), conservation, forestry, parks, golf courses and other passive outdoor recreational uses that rely on specific features of the natural environment and marine facilities where appropriate. Some uses (noted above), if located within or adjacent to significant defined Wetlands, ANSIs and ESAs may be restricted.

### **floodplain policies**

**11.3** Development within Hazard and Environmental Protection areas is subject to the policies of this Plan regarding floodplains and unstable lands.

### **fill**

**11.4** No alteration to a watercourse and no placing or removal of any fill or development of any kind whether originating on the site or elsewhere shall be permitted in Hazard and Environmental Protection areas unless such action is approved by the Town or, where Conservation Authority regulations apply, approval by the local Conservation Authority.

**changes to schedules**

- 11.5** Minor changes to the boundaries of Hazard and Environmental Protection areas may be permitted without an Official Plan amendment provided that a detailed assessment of the sensitive area and/or hazard has been undertaken in consultation with the local Conservation Authority and/or the Province. In the case of Hazard Lands, the Council must be informed of the existing environmental hazards and the potential impact of these hazards, and must be satisfied that the hazard can be overcome in a manner consistent with accepted engineering techniques and resource management practices. In the case of Environmentally Sensitive areas or features, the Council must be informed of the nature and sensitivity of the area or feature and must be satisfied that the impact can be alleviated consistent with sound resource management practices.

**private lands**

- 11.6** Where any Hazard and Environmental Protection areas are under private ownership, the Official Plan does not intend that this land will necessarily remain as Hazard and Environmental Protection nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Town or any other public agency. An application for redesignation of lands designated Hazard and Environmental Protection may be approved by Council after taking into account:
- a) the sensitivity of the natural area and/or the existing physical hazards;
  - b) the potential impacts of the redesignation on sensitive areas or the impact of the hazards on the proposed redesignation;
  - c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
  - d) the costs and benefits in monetary, social and biological value in terms of engineering works and/or resource management practices needed to overcome these impacts;
  - e) the potential for subsequent increases in demand for associated future development e.g. subdivision expansion, road widening, bridge crossings) which may negatively impact on lands designated "Hazard and Environmental Protection".

**redesignation/purchase**

- 11.7** There is no public obligation, however, either to redesignate or to purchase any Hazard and Environmental Protection Areas particularly if there is a sensitive natural area or an existing or potential hazard that would be difficult or costly to overcome.

**floodlines**

- 11.8** The Hazard and Environmental Protection designation is not to be construed as delimiting the floodline where it envelopes a watercourse. As noted in the introduction to this section, the designation encompasses a number of types of natural environments and includes hazard areas. It is possible that the delineation of the Environmental Protection designation follows the defined floodline, however this may not always be the situation. Accurate mapping of floodlines may not exist in many cases.

Where any flood and erosion risk mapping, flood control or other works are undertaken which result in significant changes to the boundaries of Hazard and Environmental Protection areas the Official Plan will be amended accordingly.

**parkland dedications**

- 11.9** Where new development is proposed on a site, part of which is within a Hazard and Environmental Protection area, such lands may be considered acceptable by Council for dedication to the Town for park purposes. All lands dedicated to the Town for park purposes will be conveyed in a physical condition acceptable to the Town. Where an open watercourse is involved, adequate space will be provided for maintenance and operations.

**setbacks**

- 11.10** Building setbacks will be imposed from the boundaries of Hazard and Environmental Protection areas in relation to the kind, extent and severity of the existing and potential hazards and as may be recommended in hazard studies. Such setbacks will be set out in the implementing Zoning By-law.

**expansion of non-conforming use**

- 11.11** Existing buildings and structures may be non-conforming and will only be allowed to expand in accordance with the policies of Section 17.3 (Non-Conforming Uses).

**land severances**

- 11.12** Land severances in Hazard and Environmental Protection areas may be permitted in accordance with the policies of Section 20 (Land Division).

**environmental impact assessment**

- 11.13** Prior to any major disturbance, including development, occurring in environmentally sensitive areas the preparation of an environmental impact assessment may be required at the discretion of the Town, unless a report under the Environmental Assessment Act is prepared for the development.

An environmental impact assessment shall evaluate the following:

- a) The sensitivity of the environmentally sensitive area or feature that may be impacted by the proposed disturbance;
  - b) The degree of impact of the proposed disturbance on the environmentally sensitive area or feature;
  - c) The methods proposed to alleviate such impacts to acceptable levels and demonstrate that there will be no negative impacts on the natural features or their functions (refer to Section 13.5.2.3 to 13.5.6 of the MNR Natural Heritage Reference Manual;
  - d) The municipality shall accept the proposed scope of work or require revisions in consultation with the St. Clair Region Conservation Authority or Ministry of Natural Resources and Forestry or other qualified professional.
- 11.14** The Provincial Policy Statement (2014) requires all development proposals to be scrutinized to ensure there will be no impacts on aquatic species, endangered and threatened species or habitat that the SARO species depends on directly or indirectly. This brings the *Planning Act* matters more in harmony with the Species at Risk Legislation (*Endangered Species Act*).

The Town of Petrolia supports the protection of endangered and threatened species. The following policies shall apply:

- a) new development will not be permitted in the portions of the habitat of endangered and threatened species.

- b) development will not be permitted within portions of new identified habitat of endangered or threatened species.
- c) A site assessment for potential habitat of endangered and threatened species shall be required; and, the site assessment should provide an up to date inventory of current habitat conditions as well as an indication of mitigation measures, if appropriate.

**11.15** The Town may prohibit all development, dumping or removal of fill, alteration to watercourses and natural drainage areas, removal of tree stands and the installation of roads and services within the environmentally sensitive areas without a satisfactory environmental impact assessment prepared in accordance with Section 12.13. In addition, other lands not within the environmentally sensitive areas, such as marshes and woodlots, may be subject to the requirement that an environmental impact assessment be carried out prior to development approval.

**designation boundaries approximate**

**11.16** The boundaries of Hazard and Environmental Protection areas are approximate and will be used to guide the preparation of the Zoning By-law provisions which will implement the policies of this Plan. As detailed mapping of Hazard and Environmental Protection lands and/or features becomes available, the local Conservation Authority and the Province will be consulted, and the Official Plan and Implementing Zoning By-law, will be amended as required. The Zoning By-law will establish precise boundaries of Hazard and Environmental Protection areas, and building setbacks appropriate to the degree of hazard and environmental sensitivity.

**zoning**

**11.17** Hazard and Environmental Protection areas will be zoned in a separate category in the implementing Zoning By-law.

## **12.0 COMPATIBILITY CRITERIA**

The terms “compatible” or “compatibility” have been used in association with new in relation to existing development. The following policies are provided in order to give general guidance on what constitutes a consideration in establishing compatibility, while maintaining enough flexibility to accommodate efficient as well as good, and in some cases, innovative development.

### **general**

- 12.1** New development, redevelopment, infilling, special residential and non-residential land uses should be compatible with the established character of the area in which they are proposed.

### **criteria**

- 12.2** In assessing the compatibility of a proposal with the area in which it is proposed, the following criteria should be reviewed to determine whether the proposal will:

- a) Disrupt the established uses on adjacent sites or surrounding areas;
- b) Create disruptive visual impressions which negatively affect the urban quality of the area, or,
- c) Generate activity, noise or traffic levels which put undue pressure on the area and its infrastructure and other support facilities.

### **physical character**

- 12.3** Development in Residential areas will respect the established physical character of those areas, although it should be noted that the term “respect” does not necessarily mean “be the same as”. When assessing development proposals, particular regard will be had for the following:

- a) Size and configuration of lots;
- b) Heights, massing, scale and dwelling type of nearby properties;
- c) Predominant building types in the area;
- d) Setbacks of buildings from streets and lot lines;



- e) Any landscape or building features that contribute to a unique character in the area; and,
- f) Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the Ontario Heritage Act.

### **mitigation measures**

**12.4** This Plan recognizes that compatibility between new and existing development may be enhanced through the use of various measures such as the provision of buffers, landscaping, site design, building arrangements on a site and building design. Where there are concerns regarding the compatibility of new development with an existing area, the use of these measures will be explored with the proponent, and some or all may be employed and implemented through tools such as site plan or subdivision approval.

## **13.0 AFFORDABLE HOUSING**

**13.1** The Town acknowledges the importance of secure long term housing as a foundation for quality of life providing a location to raise children, gather equity, and plan for the future. Further, the Town acknowledges the provision of affordable housing as an important component of community development and endorses the County of Lambton Affordable Housing Strategy.

**13.2** Affordable housing means housing for which the annual accommodation cost or rent does not exceed 30 percent of gross household income, for which the purchase price is 10 percent or more below market value, or for which rent is at or below average market rent.

**13.3** Efforts should be made to encourage the provision of affordable housing in the Municipality, where practical. In this regard, the Municipality will assist the private sector by:

- a) permitting a broad mix and range of lot and dwelling sizes and types and of tenure choices;
- b) where appropriate, permitting second accessory dwelling units in residential units or buildings accessory to a dwelling and permitting apartments within non-residential buildings;

- c) requiring their location and integration with the existing population rather than segregation or concentration with other affordable housing units;
  - d) encouraging residential intensification, infill development, and redevelopment and conversion of surplus non-residential buildings to residential use, where practical;
  - e) encouraging their maintenance as rental units; and
  - f) adopting alternative development standards, where deemed appropriate by the Municipality.
- 13.4** Affordable housing and apartment units should be constructed with site layout and accessibility standards that take into consideration the potential needs of intended and future residents, including persons with disabilities.

**PART D****IMPLEMENTATION AND COMMUNITY  
DEVELOPMENT**

SECTION 14	Official Plan Review and Amendments
SECTION 15	Zoning By-law
SECTION 16	Existing, Non-Complying and Non-Conforming Uses
SECTION 17	Site Plan Control
SECTION 18	Committee of Adjustment
SECTION 19	Land Division
SECTION 20	General
SECTION 21	Community Improvement Policies
SECTION 22	Interpretation
SECTION 23	Public Information

## **IMPLEMENTATION**

### **14.0 OFFICIAL PLAN REVIEW AND AMENDMENTS**

In accordance with the *Planning Act*, a special meeting of Council, open to the public, will be held at least once every ten years for the purpose of determining the need for a comprehensive review of policies and land use designations of this plan, to ensure that it accurately reflects the changing circumstances affecting the Town.

Amendments to this Plan may be proposed from time to time. Council will consider such amendments provided that:

- a) the original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles; and
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken.

### **15.0 ZONING BY-LAW**

The Zoning By-law is the major legal document which implements the policies of the Official Plan by regulating the use, location, density and design of development in the Town. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning By-law.

The land use and development policies of this Plan will be implemented for the most part by a new Zoning By-law to be prepared and enacted following the adoption of this Plan.

Until a new Zoning By-law is enacted, the present Zoning By-laws remain in effect.

#### **15.1 Holding Zones**

Council may place certain lands in a holding ('H' or 'h') zone in conjunction with any zoning category under the Planning Act. This procedure will enable the Town to phase the actual development of these lands until such time as the lands are required for the proposed use. During "holding periods" necessary concept plans, subdivision plans or development agreements may be prepared and/or plans for municipal services, roads and community facilities may be created.

The holding ('H' or 'h') symbol will be removed by by-law passed pursuant to the Planning Act. Although notice will be given by Council when a holding symbol is to be removed by By-law, there may be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.

Until the holding ('H' or 'h') symbol is removed the implementing Zoning By-law will permit existing uses, buildings and structures and agricultural uses in the interim period.

## **15.2 Temporary Use By-Laws**

The Council may, in a By-law passed pursuant to the *Planning Act*, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law or by this Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law (ten years in the case of garden suites). The three year time period may, be extended (by By-Law) for additional three year terms (ten years for garden suites). The temporary use will not become a legal non-conforming use at the date of expiry of the By-law. The types of uses envisaged by Council as using a temporary use By-law include, but are not limited to parking lots, fairs, carnivals, ploughing match, art-in- the-park sales, or temporary use of a mobile home as a dwelling unit outside a Mobile Home Park.

## **15.3 Interim Control By-law**

In accordance with the Planning Act, where the Council has by By-law or resolution directed that a review or study be undertaken with respect to land use planning policies in the Town, or any defined area or areas thereof, the Council may pass an Interim Control By-law to be in effect for a period of time specified in the By-law (less than one year) prohibiting the use of land, buildings or structures for, or except for such purposes as set out in the By-law. Upon expiry, the period of time during which the Interim Control By-law will remain in effect may be extended to a maximum of two years from the date of initial passing of the By-law. Upon final expiry, if the Council has not passed a By-law under the Planning Act, consequent on the completion or review of the study within the period of time specified in the Interim Control By-law, the provisions of any By-law passed under the Planning Act, that applied to the subject lands immediately prior to the coming into force of the interim By-law again come into force. Where an Interim Control By-law ceases to be in effect,

the Council may not for a period of three years pass a further Interim Control By-law that applied to any land to which the original Interim Control By-law applied.

#### **15.4 Bonus Zoning**

In order to implement some of the policies of this Plan, the Town may pass a by-law pursuant to the Planning Act, authorizing increases in height and/or density for development permitted by this Plan, as an incentive to encourage landowners to provide specific amenities. This type of by-law is referred to as a "Bonus Zoning" by-law.

The Town may make use of bonus zoning to authorize increase in height and/or density of development beyond that permitted by the implementing comprehensive zoning by-law in return for the provision of such facilities, services or matters that would comply with the general intent of this Plan. These could include:

- a) preservation of heritage buildings and features;
- b) provision of a community centre or other community/cultural facilities;
- c) provision of additional parking spaces beyond the requirements of the zoning by-law that may be located on the site or on adjacent lands;
- d) provision of additional open space beyond any conveyances under the Planning Act;
- e) provision of additional road or servicing improvements;
- f) preservation of woodlots or environmentally significant/sensitive areas which would not be accepted as parkland dedication;
- g) provision of a wide range of housing types including assisted housing or other low income housing types.

### 15.4.1 Implementation

The bonus zoning provisions of this Plan may be implemented by the Town through a Bonus Zoning By-law passed under the authority of the Planning Act, which constitutes the enabling legislation.

The by-law will identify areas where the bonus provisions would apply, and will:

- a) contain detailed development standards that would apply when the bonus is awarded. If the bonus is not awarded, the standards of the basic zoning category assigned to the site would apply;
- b) specify the bonus standard's relationship to the required conditions in order for these bonus standards to apply to the site;
- c) specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services or matters;
- d) specify the matters to be addressed within the agreement. The reference in the by-law will not make the bonus awarded conditional on entering into the agreement. It should be clear that as part of the bonus being awarded and the standards applying, the agreement will be entered into;
- e) be written in such a way as to ensure that discretion cannot be applied. If the conditions to be met and bonus to be awarded are all agreed to and set out in an agreement, a further rezoning should not be necessary.

In all cases, the increase would be based on a site specific review, taking into account, location, surrounding land uses and design considerations, and in each instance the standards proposed must comply with the policies of this Plan. Bonusing by-laws will only apply to lands where full municipal servicing is available.

## **16.0 EXISTING, NON-COMPLYING AND NON-CONFORMING USES**

### **16.1 Existing Uses**

Uses that are in existence on the date of the adoption of this Plan by Council may be recognized in the implementing Zoning By-law only on the same lot or parcel of land on which they were situated on the said date provided Council is convinced such uses do not impose adverse effects on neighbouring properties.

### **16.2 Non-Complying Uses**

In some cases a land use may be recognized as a permitted use under the implementing Zoning By-law but may be non-complying with respect to various regulations of the by-law. This can be the result of a change in the standards of the Town.

In such cases, the Zoning By-law may allow for additions to non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened.

### **16.3 Non-Conforming Uses**

**16.3.1** Nothing in this Plan will adversely affect the continuation of a use which was legally established at the date of adoption of this Plan. Any land use existing at the date of adoption of this Plan that does not conform with the land use designations as shown on Schedule A to this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

#### **continuation of use**

**16.3.2** Uses that are not permitted in the Zoning By-law have the right to continue indefinitely provided that the use of the property remains the same as on the day the by-law was passed and continues uninterrupted.

#### **extensions or enlargements**

**16.3.3** In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that such extensions or enlargements be handled through the *Planning Act*, and in accordance with the policies of this Plan.



**conditions**

**16.3.4** In considering applications made pursuant to the *Planning Act*, Council will have regard to the following matters:

- a) the land use designations and policies of this Plan;
- b) the feasibility of acquiring the property pursuant to Section 34(8) of the *Planning Act*, as amended;
- c) the possibility of relocating the use;
- d) the impact of the proposal on the immediate area;
- e) the size of the enlarged operation related to the existing use;
- f) the degree to which any objectionable features of the use may be increased by the proposal;
- g) the possibilities of reducing the objectionable features through landscaping, buffering, etc.; and,
- h) the adequacy and availability of municipal services.

**replacement or repair**

**16.3.5** Non-conforming uses which have been destroyed or partially destroyed by an act of God such as fire, winds, and so on, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the Town should be satisfied that:

- a) the size of the building or structure to be replaced is the same size as the building or structure destroyed;
- b) if the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law and in no case shall it further contravene the provisions of the said By-law;
- c) where the non-conforming use is located in an area designated as a site plan control area, pursuant to the *Planning Act*, the Site Plan Control policies of this Plan will apply;

- d) the possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
- e) the use cannot be relocated; and
- f) it is not feasible to acquire the property pursuant the *Planning Act*.

## **17.0 SITE PLAN CONTROL**

### **17.1 Establishment of Site Plan Control Area**

Pursuant to the Planning Act, all lands within the Town are designated as a proposed site plan control area.

The Town may, by by-law, designate the whole or any part of the Town as a site plan control area, either geographically or by reference to one or more zones contained in the implementing Zoning By-law. Low density residential development and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated otherwise.

### **17.2 Approval of Plans or Drawings**

No person will undertake any development in an area designated as a site plan control area unless Council has approved one or both, as Council may determine, of the following:

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section.
- b) Drawings showing plan, elevation and cross-section views for each building to be erected, and displaying,
  - i) the massing and conceptual design of the proposed buildings;
  - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
  - iii) the provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings. Drawings, showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
  - iv) matters relating to exterior design, including but not limited to character, scale, appearance and design features of buildings; and

- v) design elements including but not limited to landscaping, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- vi) facilities designed to have regard for accessibility for persons with disabilities.

### 17.3 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings referred to in this section, the Town may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Town any or all of the following:
  - i) widening of highways that abut on the land subject to the *Planning Act*. Widening will be in accordance with the relevant policies of this Plan.
  - ii) facilities to provide access and curbing and traffic direction signs, subject to the *Public Transportation and Highway Improvement Act*;
  - iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
  - iv) walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
  - v) facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
  - vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - viii) easements conveyed to the Town for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Town or local board thereof on the land; and

- ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the Town and at the sole risk and expense of the owner any or all of the facilities or works set out in this section, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- c) enter into one or more agreement with the Town dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection, or with the provision and approval of the plans and drawings referred to in this section. Such agreements may be registered against the land to which they apply.

## **17.4 Amenity and Design**

### **buffering and screening**

- 17.4.1** In order to minimize the negative effects of conflicting land uses and forms of development, buffering and/or screening will be provided in all areas and for all uses wherever such conflicts may be created.
- 17.4.2** The Town's Zoning By-law, site plan agreements and other special agreements will control and/or guide new development and will ensure that adequate buffering and/or screening is provided wherever required.

### **noxious uses**

- 17.4.3** All land uses and transportation facilities which may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from Residential Areas wherever possible. The Town will be satisfied that prior to approving any development which may be incompatible with adjacent uses, appropriate steps have been or will be taken to reduce any land use conflicts to a tolerable level, or to eliminate them entirely.
- 17.4.4** Buffering and/or screening will be provided where a new Residential Area is developed adjacent to any other land use designation except for the following:
- Major Open Space Areas
  - Environmentally Sensitive Areas
  - Hazard Areas
- 17.4.5** The provision of buffering and/or screening may include any combination of the following:

- a) The separation of uses and/or buildings by means of greater-than-normal setbacks;
- b) Restrictions on outside storage of goods, materials or equipment;
- c) Restrictions on parking facilities;
- d) Restrictions on loading facilities in industrial or commercial areas;
- e) Restrictions on the location and type of outdoor lighting equipment, including the direction of illumination;
- f) The installation of fences, walls and earth berms to create a visual barrier;
- g) Vegetative screens and other forms of landscaping.

#### **high density residential**

- 17.4.6** The design and siting of high density residential development will minimize potential negative effects on all other types of dwellings.

#### **noise guidelines**

- 17.4.7** The appropriate Ministry of the Environment noise guideline standards will be maintained for all new development within or adjacent to Residential Areas.

### **17.5 Urban Design**

#### **high quality design**

- 17.5.1** The Town will encourage the highest quality in design and amenity to be incorporated into the design plans in all land use designations:
- a) Wherever feasible, parking areas, loading areas and waste disposal storage areas will be screened from adjacent public roads by buildings and landscaping;
  - b) A continuous landscaped strip will be installed around the entire periphery of the property, except for entrances, exits and interconnections with adjacent properties for pedestrians and vehicles;
  - c) Parking areas will be paved, curbed and landscaped to an acceptable standard;

- d) Sidewalks will be installed along the street onto which the property fronts and pedestrian walkways will connect sidewalks to the buildings;
- e) The exterior facade of the building exposed to abutting public roads should be designed to complement the existing streetscape.
- f) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage the highest design quality;
- g) Off-street interconnections for pedestrians and vehicles between all existing and proposed developments will be encouraged;
- h) Commercial development will be subject to site plan control in accordance with Section 41 of the *Planning Act*, 1990, as amended.

## **17.6 Energy Conservation**

### **subdivision design**

- 17.6.1** The Town will encourage energy conservation measures to be incorporated into the design of residential subdivisions. Such measures as the solar orientation of new lots will be encouraged and all current design standards maintained.

### **implementation**

- 17.6.2** Design guidelines for energy conservation in urban development will be established for implementation through zoning regulations and site plan control.

## 18.0 COMMITTEE OF ADJUSTMENT

### 18.1 Powers of Committee

The Committee of Adjustment, pursuant to the *Planning Act*, has the power to:

- a) authorize a minor variance from the provisions of the Zoning By-law or an interim control by-law in respect of land, buildings or structures on the land or the use of the land;
- b) permit the enlargement or extension of a non- conforming building or structure and/or a change in use of land, building or structure from one non- conforming use to another;
- c) permit the use of land, buildings or structures for any purpose that in the opinion of the committee conforms with the uses permitted and defined in general terms in the by-law; and
- d) authorize a minor variance from the provisions of any by-law that implements this Plan in respect of land, buildings or structures on the land or the use of land, provided that the committee has been empowered to do so by municipal by-law.

It should be noted that the Committee of Adjustment has no power to permit the enlargement or extension of lands that are used for a non-conforming purpose, nor does it have the power to permit the erection of a new building or structure. The authority to authorize the extension or enlargement of lands that are used for a non-conforming purpose rests with Council, pursuant to the Planning Act. In this regard the relevant policies of Section 19.3 (Non-Conforming Uses) of this Plan shall apply.

### 18.2 Guidelines for Committee of Adjustment Approvals

#### 18.2.1 Minor Variance

When dealing with an application for minor variance, the Committee must consider the following matters and refer to them in its decision:

- a) is the requested variance minor?
- b) is the general intent and purpose of the Official Plan maintained?
- c) is the general intent and purpose of the Zoning By-law (or other by-law which implements this Plan) maintained; and



- d) is the minor variance desirable for the appropriate development or use of the land, building or structure?

### **18.2.2 Permission Regarding Non-conforming Use**

When dealing with an application for permission regarding a non-conforming use, the Committee must consider the following matters:

- a) has the non-conforming use continued from the date of passing of the Zoning By-law to the date of application to the Committee?
- b) was the non-conforming use legally established under the laws in force at that time?
- c) would any enlarged buildings or structures be used for the same purpose as the original buildings or structures were used on the day the by-law was passed?
- d) would any change of use be similar to the previous use or be more compatible with the uses permitted by the by-law?
- e) would the intent and purpose of this Plan be affected in any way?
- f) what impact would the proposal have on the neighbourhood?
- g) how does the size of the enlarged use compare with the existing use?
- h) to what degree would any objectionable feature of the use be increased by the proposal?
- i) is there a possibility of reducing the objectionable features through landscaping or buffering?; and
- j) are the required municipal services available and adequate?

### **18.2.3 Permission Regarding Use**

When dealing with an application for permission regarding a use defined in general terms, the Committee must consider the following matters:

- a) is the general intent and purpose of the Official Plan maintained?; and
- b) does the proposed use conform to the uses permitted in the Zoning By-law?

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**19.0 LAND DIVISION**

**19.1** The creation of new lots will only be permitted when they conform to the policies of this Plan and the regulations of the Zoning By-Law.

**19.2** In addition to those criteria contained in Section 51 (24) of the *Planning Act*, the following policies will apply to all new lots:

- a) The size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, and points of access.
- b) The lot must front onto and have direct access to an improved public roadway that is maintained on a year round basis and is of a standard of construction adequate to accommodate the additional traffic generated.
- c) Severances will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.
- d) Severances may be granted to adjust lot boundaries or to increase the size of existing substandard lots, provided that no new undersized lot is created.
- e) The severance must not result in landlocked parcels.
- f) The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province, the County, the Health Unit and the Town.
- g) As per Section 3.1 (Natural Hazards) in the PPS (2014), the creation of a lot in an area susceptible to natural hazards (flooding, erosion) and subject to Conservation Authority Regulations will be prohibited where natural hazard fragmentation occurs. As per Section 2.1 (Natural Heritage) in the PPS (2014), the creation of a lot shall be prohibited in significant woodlands, wetlands, significant valley lands, significant wildlife habitat, and significant areas of natural and scientific interest unless an Environmental Impact Study demonstrates there will be no negative impacts on the natural features or their ecological functions.
- h) Where development is permitted by infilling, 'Infilling' means the creation of one additional lot between two existing developed lots which are situated on the same side of the road and are more than 100 metres apart.

- i) Where development is permitted by minor expansion of the built-up area, 'Minor Expansion' means an expansion of the built-up area which does not result in significant increases in the existing density of development.
- j) Strip development along roads where services and/or existing development do not exist, will not be permitted.

### **19.3 Multiple Consents**

In some cases multiple lot severances may be more appropriate than proceeding through a plan of subdivision (e.g. where all proposed lots front onto an existing road, or where only minor extension of services is required). In order to ensure that the multiple severance process does not circumvent proper planning procedures and principles the following policies are applicable.

#### **authority**

- 19.3.1** The Town may require a plan of subdivision as opposed to multiple severances. The number of lots shall generally be limited to three; however, the Town will determine whether the proposal should proceed through a plan of subdivision.

#### **services**

- 19.3.2** Applications for multiple severances will only be considered where full municipal sewage and water supply are readily available with uncommitted reserve capacity.

#### **designations**

- 19.3.3** Lands to which the multiple severances apply must already be designated for the proposed use. Where an Official Plan amendment is required, the amendment must be approved prior to a decision on the related severance application(s).

#### **severance agreement**

- 19.3.4** Every lot shall be subject to a comprehensive severance agreement entered into with the Town. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

### **19.4 SUBMISSION REQUIREMENTS**

- 19.4.1** Where an application is submitted under the *Planning Act* for an amendment to this Plan or the Zoning By-law, for a minor variance or permission, or for a

consent or plan of subdivision or condominium approval, or any other approval required, the applicant will be responsible for the completion and submission of such of the following information or materials as deemed necessary by the Municipality:

**natural heritage**

- a) An environmental impact statement where development would encroach on or is adjacent to and could potentially disrupt or negatively impact natural areas, features, or functions.
- b) Forest management or tree preservation plans where site development or lot creation is permitted within forested areas, based on environmental evaluation.

**land use compatibility**

- a) Noise and/or vibration studies where development is proposed in proximity to high traffic roads or major points of noise emissions.
- b) Noise, odour, dust and/or vibration assessments where development with potentially significant emissions are proposed in proximity to residential or other sensitive uses.
- c) Environmental screening reports or other generic evaluations for developments subject to an environmental evaluation under the *Environmental Protection Act* or other legislation.

**economic**

- a) A business plan and/or marketing study showing the viability of a proposed new land use or business, e.g., a residential needs justification study.
- b) An economic impact study of the effects of a new business or loss of a business or industry on the local economy, labour force and/or housing market.
- c) Employment lands needs study where lands are proposed to be removed from a commercial or industrial designation.
- d) Conceptual development and servicing plans and an economic viability assessment where proposed development would leave remnant parcels with marginal economic incentives for development.

- e) Studies on the impacts to key local commercial and retail areas where new or expanded commercial areas or uses are proposed.

#### **natural or man-made hazards**

- a) Flood line mapping, where development is located within areas where no engineered flood line exists.
- b) Slope stability, geotechnical and/or erosion rate studies where development is proposed near the top-of-bank of a major watercourse or significant slope.
- c) An environmental assessment and/or record of site conditions where development is proposed within 500m of a closed or active land fill site or for a change to a "more sensitive" land use on a property known or suspected to have had past uses that may have left contaminants.

#### **resources**

- a) Operation and rehabilitation plans where a new extractive use is proposed.
- b) An aggregate impact assessment, where a proposed land use may limit access to aggregate deposits, to determine the viability of aggregate extraction.
- c) An agricultural impact study quantifying impacts to local agricultural operations and loss of agricultural resources and revenues to the local economy.

#### **engineering**

- a) Sewer capacity studies, where sewers exist and where new designations or proposed increases in density are proposed.
- b) A conceptual stormwater management report or explanation for why one is not required as part of a plan of subdivision or condominium application.
- c) Conceptual servicing plans in support of a draft plan of subdivision, condominium or site plan application.
- d) A lot grading plan where site grades may have an impact on site or plan layout or servicing.

- e) A stormwater management report or explanation for why one is not required as part of a site plan application.
- f) Servicing capacity studies for proposed land uses with high volume water use.
- g) Engineering studies to explore the potential to oversize services or facilities to accommodate future development on abutting lands and the consolidation of infrastructure.

#### **character & cultural heritage**

- a) A visual impact assessment where increases in height or density or very prominent land uses are proposed.
- b) Landscape or streetscape plans by or prepared in consultation with a professional landscape or urban designer for the submission of a site plan or plan of condominium.
- c) A heritage impact study for new development in or in proximity to districts or properties designated under the *Ontario Heritage Act*.
- d) An archaeological assessment where a proposed plan of subdivision is located in an area with known archaeological sites or potential for archaeological resources are per Ministry criteria.

#### **traffic/parking**

- a) A traffic impact study, in connection with site plan approval, lot creation or land use designation changes, where new road access points or increased traffic volumes may create visibility or traffic congestions concerns.
- b) A parking study, where a proposed land use proposes to provide fewer parking spaces than required in the Zoning By-law or may significantly alter the existing supply and/or demand for private and/or public parking spaces.
- c) Transportation feasibility study to determine if the standards of roads and/or necessary modes of transportation required for a proposed land use exist.

#### **Miscellaneous**

- a) Other information or materials as specified elsewhere in this Plan.

- b) Such other information or materials as the Town or its delegates, at their discretion, reasonable feel is pertinent in assessing an application for an approval under the Planning Act.
  - c) Hydrogeological or soils studies where communal or private sewage treatment facilities are proposed.
- 19.4.2** Applicants shall consult with staff and, if necessary, Council to determine which information and materials are necessary in support of an application. Additional information or materials may be required as determined through review of the application and/or the public consultation process, and the Town may withhold a decision pending such information.
- 19.4.3** Applications for Official Plan or Zoning By-law amendment and applications under Section 51 of the *Planning Act*, in particular, will be deemed to have been submitted only upon receipt of all required submissions. Staff shall inform an applicant when their application is deemed complete.
- 19.4.4** The Town may require that the information be prepared by a person or firm of its choice or be reviewed independently by a third party. Information, including any third party review, shall be provided at the expense of the proponent except where the Township specifically agrees to share costs.
- 19.4.5** The information and materials listed and the situations in which they are listed as required are not exhaustive. The Town may also determine that a particular study does not need to be submitted as part of an application on a case by case basis.

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## **20.0 GENERAL**

### **20.1 Signs**

In order to help promote a high standard of design, to help protect the amenity of the Town, and to help avoid unsafe conditions for motorists, the Town may prohibit or regulate signs and other advertising devices under a by-law passed pursuant to the *Municipal Act*.

### **20.2 Property Maintenance**

It shall be the policy of the Town to keep in a fit and well maintained condition all municipally owned structures and properties.

In addition, in order to protect the health, safety and welfare of general population, and to enhance the community's character, the Town has, pursuant to the *Planning Act*, passed a by-law to:

- a) prescribe standards for the maintenance and occupancy of property within the Town or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- b) require property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition; and
- c) prohibit the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

### **20.3 Special Studies**

Despite the policies of this Plan, Council recognizes and accepts its responsibility to carry out special studies of the Town as the need arises. Such studies will be aimed at developing implementable policies for Council and/or other government bodies to follow. Where necessary, amendments to this Plan will be undertaken as a result of these studies.

### **20.4 Capital Works Program**

The construction of all public works within the Town will be carried out in accordance with this Plan and Community Improvement Plan and within the financial capacity of the Town.



## **20.5 Financial Restrictions**

The ability of the Town to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be regulated by this Plan to ensure that the level of expenditure and debt, as compared to revenue and equalized assessment is maintained at equitable levels. Council may:

- a) restrict development if the amount of such development causes an imbalance in the assessment ratio; or
- b) delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve such development.

## 21.0 COMMUNITY IMPROVEMENT POLICIES

The entire Official Plan deals with various aspects of community improvement, however, the policies of this Section are designed to assist the Town in the identification and prioritization of Community Improvement Areas and Projects, subject to available resources.

The entire Town will be designated as a Community Improvement Area. Within the Town individual Community Improvement Project Areas may be identified and prioritized. Criteria for selecting and designating these project areas are outlined.

### 21.1 Objectives

The objectives in this section address the general aims of this Plan, as well as specific aspects of community improvement. It is the objective of this section to outline a basis for selecting and defining community improvement areas, while meeting the requirements of the *Planning Act* in order to be eligible to participate in community assistance programmes that may be offered from time to time.

#### **general objectives**

21.1.1 For all areas, it is the intent of the Town:

- a) to contribute to an enhanced sense of community in the Town;
- b) to upgrade and improve municipal infrastructure where it is deficient;
- c) to enhance social and recreational facilities;
- d) to aid in fulfilling the potential of commercial districts in the Town;
- e) to enhance the economic potential of the Town in order to foster employment generating activity;

#### **objectives for residential areas**

21.1.2 In residential areas the Town intends:

- a) to maintain and rehabilitate older neighbourhoods;
- b) to upgrade and enhance hard municipal services in older neighbourhoods;

- c) to provide for the special housing needs of senior citizens, low income families, and the handicapped;
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

**objectives for commercial districts**

**21.1.3** In commercial areas the Town intends:

- a) to enhance their role as community centres;
- b) to encourage redevelopment in accordance with the relevant policies of Section 8;
- c) to upgrade and improve municipal infrastructure where deficient;
- d) to enhance the commercial streetscape for improved aesthetics, commercial attractiveness, and to foster and improve pedestrian circulation system;
- e) to foster links to the former Canadian National Railway corridor trail;
- f) to foster better organization and availability of municipal or shared parking areas;
- g) to encourage appropriate forms of residential development;
- h) to eliminate land use conflicts.

**objectives for industrial and service commercial areas**

**21.1.4** In industrial and service commercial areas the Town intends:

- a) to encourage appropriate development and redevelopment to facilitate economic activity;
- b) to eliminate land use conflicts;
- c) to upgrade access and servicing to industrial lands where deficient.

## **21.2 Community Improvement Criteria**

In order to achieve the objectives previously listed, a set of criteria for choosing community improvement projects and delineating potential community improvement project areas follow.

### **general criteria**

**21.2.1** The following are considered to be candidates for community improvement projects:

- a) areas where land use conflicts exist;
- b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, streetlighting or sidewalks;
- c) areas where social or recreational facilities are deficient.

### **criteria for residential project areas**

**21.2.2** In addition to the General Criteria the following criteria should be utilized to define a Residential Project Area:

- a) areas of older housing stock in need of renovation or redevelopment;
- b) areas where special housing needs can be provided or accommodated;
- c) areas where neighbourhood and other residentially oriented social and recreational facilities are deficient.

### **criteria for commercial districts**

**21.2.3** In addition to the General Criteria the following criteria should be utilized to define a Commercial Project Area:

- a) areas where an active Business Improvement Association is operating;
- b) areas where streetscape improvements are needed;
- c) areas where the provision or improvement of trail links on the former Canadian National Railway is feasible;
- d) areas of under-utilized commercial buildings;

- e) areas where specific works are required to facilitate desired redevelopment;
- f) areas where land use conflict exist.

#### **criteria for industrial areas**

**21.2.4** In addition to the General Criteria the following criteria should be utilized to define an Industrial Project Area:

- a) areas where land use conflicts exist;
- b) areas where property access is poor;
- c) areas where storm water management system is deficient;
- d) areas where access, or sewer and/or water system improvements are needed.

### **21.3 Potential Public Land Acquisition**

This section identifies lands that may be acquired by the Town for community improvement purposes. Actual acquisition will depend on financial resources, and whether circumstances warrant acquisition when it is specifically considered. This policy does not represent a commitment to acquire the lands so mentioned, nor does it limit the ability of the Town to acquire lands in other locations for community improvement or other purposes.

- lands for neighbourhood or community parks;
- lands needed for purposes of facilitating commercial land assembly, or to provide links and connections to public open space;
- residential lots in an industrial designation to facilitate industrial land assembly.

### **21.4 Implementation**

The policy outlines various methods of implementing the Community Improvement Policies.

#### **21.4.1 Designation of Community Improvement Project Area**

Pursuant to the *Planning Act*, the Town may designate by by-law the whole or any part of an area delineated as a potential Community Improvement Area as

a community improvement project area for the purpose of preparing a Community Improvement Plan.

The Town may acquire and hold land within the community improvement project area and clear, grade, or otherwise prepare the land for community improvement.

Once a Community Improvement Plan has been prepared, the Town may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the Community Improvement Plan, and sell, lease or otherwise dispose of land acquired or held by the Town in the community improvement project area to any persons or governmental agency for use in conformity with the Community Improvement Plan.

For the purpose of carrying out the Community Improvement Plan, the Town may make grants or loans to property owners within the community improvement project area to pay for the whole or part of the cost of rehabilitating their properties in conformity with the Community Improvement Plan.

### **Joint Studies and Development**

- 21.4.2** Pursuant to the *Planning Act*, the Town may enter into agreements with any governmental authority or agency, or with one or more other municipalities for the carrying out of studies and the preparation and implementation of plans and programmes for the development or improvement of the Town. Any agreement other than an agreement with one or more municipalities will be approved by the Minister of Municipal Affairs.

### **Property Standards By-law**

- 21.4.3** In order to ensure the proper repair and maintenance of buildings in the Town, the Council may adopt a by-law pursuant to the *Planning Act*, for the following:
- a) for prescribing standards for maintenance and occupancy of property within the Town and for prohibiting the occupancy or use of such property that does not conform with the standards prescribed.
  - b) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

- c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the property standards by-law.

The Town may, by by-law, provide for the making of grants or loans to property owners to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands required to bring a property into conformity with the property standards by-law.

### **Demolition Control Areas**

- 21.4.4** In order to encourage the preservation of historic and/or architecturally significant buildings, the Town may pass a by-law to designate any area within the Town to which a property standards by-law applies as an area of demolition control. Thereafter, no person shall demolish the whole or any part of any residential property in such area unless a demolition permit is issued by Council.

### **Ontario Heritage Act**

- 21.4.5** In addition to the measures described in Section above the Town may make use of programs under the *Ontario Heritage Act* to support the preservation of historic buildings.

### **Bonus Zoning Provisions**

- 21.4.6** In order to provide some flexibility in the provision of the Zoning By-law which implements this Official Plan, and thus help implement the policies of this section, the Town may pass a by-law pursuant to the *Planning Act*, to authorize increases in the height and density of permitted development in return for such facilities, services or matters as set out in the by-law.

### **Co-operation with Community Groups**

- 21.4.7** Local service clubs and organizations can be of great assistance in providing or assisting to provide needed or desired community facilities. Council will actively co-operate with groups seeking to provide such a facility, and will ensure that appropriate recognition is provided.

Examples of such facilities that have been provided by such groups in the Town and elsewhere includes neighbourhood and community parks, street furniture in commercial areas, library quarters, fire halls, monuments, etc.

Of equal importance are efforts made to organize special events, fall fairs, festivals and promotions.

### **Use of Public Funding Programmes**

- 21.4.8** The Town may make use of Federal and Provincial cost-sharing, funding or incentive programmes in order to achieve desired community improvements.



## **22.0 INTERPRETATION**

Although this document is a long term comprehensive Official Plan, it is not intended that this Plan be inflexible and rigid in its interpretation. The following guidelines shall be used in the interpretation of the policies and Land Use designations.

### **22.1 Land Use Boundaries**

It is intended that the boundaries of the land use designations be considered as approximate unless they are bounded by roads, railways or other physical or geographical barriers. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the plan is preserved.

### **22.2 Numerical Criteria and Standards**

It is intended that all numerical criteria and standards listed in the text will be considered as approximate only and not absolute. The numbers are intended only for the general guidance in the administration of the Plan. Amendments to this Plan will not, therefore, be required for any minor changes from any of the numerical criteria and standards used throughout the text of the Plan.

### **22.3 Meaning**

Where the meaning of any phrasing or any part of any section is unclear, Council will make a determination of the meaning which will be binding.

### **22.4 Permitted Uses**

The examples of permitted uses that are listed in the Plan are not meant to be complete or exhaustive but to illustrate the range of activities or uses which are permitted within each land use designation, unless the use is specifically prohibited.

### **22.5 Reference to Acts**

In this Plan, any reference to a Provincial or Federal Act of the legislature refers to the Acts as amended from time to time, any successors to these Acts and the latest decennial revisions.

Any references to specific public agencies or bodies includes their successors in responsibility for those matters mentioned.

## **23 PUBLIC INFORMATION**

- 23.1** A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan or Zoning By-law, as well as any substantive amendments to any of the above. The purpose of each program will be to increase public knowledge of the planning process and to provide an opportunity for the public to respond to proposals at a public meeting held by Council or the Planning Committee of Council. Alternative procedures to those stipulated in the *Planning Act*, 1990, as amended, for notification of public meetings will be in accordance with the provisions set out in this section.
- 23.2** Where a planning proposal or amendment requires changes to more than one document, Council or the Planning Committee of Council may hold a public meeting to consider the proposed changes jointly, and the public notification procedures for such a meeting will be in accordance with provisions set out in this section, and notification may be joint.
- 23.3** Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan and Zoning By-law where it is determined by the Clerk or Chief Planning Official that such changes relate to a consolidation of documents, including the following matters:
- a) Deleting obsolete provisions.
  - b) Altering the number and arrangement of any provisions.
  - c) Altering language or punctuation to obtain a uniform mode of expression.
  - d) Correcting clerical, grammatical or typographical errors;
  - e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision; and
  - f) Change a format.

All changes will be adopted by Council.