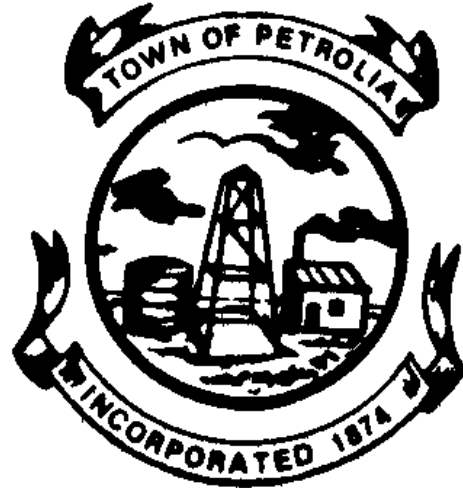


Town of Petrolia Official Plan



Office Consolidation
March 2024

OFFICE CONSOLIDATION

This consolidation is prepared for purposes of convenience only and for accurate reference recourse should be had to the actual plan and any amendments thereto.

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PART A: 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;
- to provide a local context for the application of Provincial and County Planning Policies, including the 2020 Provincial Policy Statement; and,
- to build strong, liveable and healthy communities that are resilient to climate change.

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

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.

1.4 Organization of the Plan

This Plan is organized into five parts, as follows:

Introduction: The introduction details the purpose, effect, and basis underlying the Plan.

General Development Policies: This part includes policies for Municipal systems: transportation, public utilities, municipal services, and energy systems.

Land Use Policies: This part contains sections that describe the land use designations that apply across the Town. Together with the land use maps, these designations will help implement the strategy for managing change set out in Part A.

Community Development: This part contains policies for cultural heritage; amenity & design; urban design; energy conservation; community improvement; signs; property maintenance; and Community Improvement Plan.

Implementation: This part explains how the Town will implement the Official Plan using development approval processes and planning tools.

Schedules, Maps and Appendices: Schedules, Maps and Appendices are found at the end of the Plan. The Schedules, which form part of this Plan, provide an illustration of the overall growth strategy and natural heritage system for the Town. The maps and appendices provide additional mapping of features the geography of which is relevant to the Plan but maintained by others external to the Town.

1.5 Planning for Growth

The Town of Petrolia is planning for growth on the following basis as identified in the County of Lambton Official Plan:

a) To 2031:

Projected Population: 6,410 to 7,372

Projected Annual Dwelling Units: 36

The projected population and projected annual dwelling units are targets and are not considered maximum figures or caps.

b) From 2031 to 2046, growth shall be addressed as follows:

- i. A land supply for growth in excess of 25 years was determined to be available for the Town as part of the preparation of the County of Lambton Official Plan approved in 2018;
- ii. The County of Lambton will prepare an updated projection of population growth and housing growth prior to 2031 as part of a planned update to the County Official Plan; and,
- iii. The Town of Petrolia Official Plan will be updated to include projected population and dwelling units upon the conclusion of the update by the County of Lambton.

1.6 A Role for Process: Development Applications

The role of the Official Plan is to provide general guidance for development that applies on a Town wide basis related to land use including designations and permissions. The policies of this Plan also provide guidance to inform development application processes and area-specific planning processes. The specific role for development applications like Official Plan Amendments, Zoning By-law Amendments and minor variance applications acknowledge that Town wide policy cannot anticipate every circumstance related to a site or a development. The Official Plan has policies to ensure that development applications are considered against the policies of this Plan so that the outcome of a development application addresses the public interest.

PART B: 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 and consent 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.

2.1.6 General Development Policies

- a) Landscaping and other techniques that minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.
- b) New large scale development proposals that may generate significant traffic volumes may require a transportation study to assess the impacts on the road network and the local land uses.
- c) Proposed development adjacent to and in the vicinity of a Provincial Highway within the Ontario Ministry of Transportation permit control area will be subject to review and a permit by MTO. Early consultation with MTO is encouraged by development proponents.

Proposed development adjacent to and in the vicinity of a County Road will be subject to review by The County of Lambton. Early consultation with The County of Lambton is encouraged by development proponents.

Heritage Roads

- a) The Town should identify, conserve and manage heritage roads and associated features where such roads exhibit one or more of the following:
 - i. Indigenous history;
 - ii. Historical association with a theme of human history (Indigenous or European) that is representative of the development and use of land in the Town;
 - iii. Historical associations with the life or activities of a person, group, or organization that has made significant contribution to the community, province, or nation;
 - iv. Scenic routes with a sense of position or place.

- b) Heritage roads should be conserved and protected by the appropriate road authority and should endeavour to protect:
 - i. Existing road surface widths where they contribute to the heritage character of the road;
 - ii. Existing trees and tree lines within the road allowance;
 - iii. Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines;
 - iv. Transportation related heritage features where they contribute to the specific to the special character of the road.

2.2 Parking Facilities

minimum standards

- 2.2.1** The Zoning By-law will establish minimum off-street vehicle and bicycle 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 and on Petrolia Line. 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. Off-street parking lots shall be satisfactorily screened and landscaped to minimize or mitigate any adverse effects on surrounding uses.

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).
 - c) Cash-in-lieu of parking is not required for exclusively internal renovations to a property designated under Part IV of the *Ontario Heritage Act* or to a character defining property designated under Part V of the *Ontario Heritage Act*. Relief with respect to parking may be required through a Planning Application.

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.

2.4 Trails

The Town supports the development of an integrated trail system through the following means:

- a) Working with the County of Lambton to review the potential of connecting natural heritage features where appropriate and more broadly links within settlement areas.

- b) Reviewing development proposals in partnership with the County of Lambton to identify opportunities for trail development. Land dedication for trail purposes may be a requirement of development approval.
- c) Building upon its existing trail network to create a continuous trail loop throughout Petrolia using a combination of on and off-road routes, as illustrated in Appendix “1”, in order to strengthen active transportation opportunities in Petrolia.
- d) Enhancing accessible trails and trail connections, enabling access to open spaces and naturalized areas for people with reduced mobility.

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

- a) 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*.
- b) Where woodlot locations cannot be avoided, tree cover removed will be replaced with twice the area of tree cover that is removed at a location specified by affected landowner. The Town will work with the County to ensure an appropriate location is selected.
- c) The environmental policies of this Plan shall apply to the design, construction, site restoration and maintenance of public utilities.

3.2.3 Telecommunications

The Town may develop local telecommunication tower siting protocols that guide the location of new telecommunication towers.

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.

3.4 Gas Pipelines

- a) Applications under the *Planning Act* shall consider implications to pipelines. The Town shall consult with the appropriate pipeline provider on applications incorporating the National Energy Board and Canadian Standard Association requirements. No permanent building should be on or within 7m of a pipeline right-of-way.
- b) Proponents of any development within 200 metres of a pipeline right-of-way shall be encouraged to consult with the operator. Pipeline operators will be circulated applications within 200 metres of a known pipeline right-of-way.

3.5 Community Gardens

- a) Community gardens are permitted on all public lands where compatibility with

existing and planned uses is achieved. This policy shall be implemented through the Zoning By-law.

4.0 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES

Infrastructure is important in achieving a number of priorities for the Town. Infrastructure policies will ensure that the Town:

- a) Plans for growth;
- b) Integrates a life cycle approach to municipal infrastructure to support wise use of Town financial commitments;
- c) Addresses the long-term commitment to the Town's environment through infrastructure planning;
- d) Promotes water conservation;
- e) Promotes health and safety of the Town, its residents, and the natural environment; and,
- f) Addresses the changing climate.

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 and/or engineering feasibility studies at the expense of the proponent 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

pipled water supply

4.2.1 All development within the Town will be served by municipal piped 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. Any and all studies will be at the proponent's expense.

4.2.4 New Development

New subdivisions shall be serviced with looped water lines. The provision of subdivision layouts that allow the looping of new waterlines shall be required wherever possible.

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;
- g) Best management practices for water conservation and efficiency; and
- h) The use of Low Impact Development approaches.

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*; and
- g) Minimizing the impact of large impervious surfaces through pervious surface treatments, landscaping, and other on-site design and management practices.

separation of stormwater and sanitary

4.3.2.4 The Town will encourage the separation of stormwater inflow/infiltration from municipal sanitary wastewater 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.

4.3.2.6 Planning for stormwater management shall:

- a) Be integrated with planning for water and wastewater;
- b) Address the changing climate
- c) Promote water conservation and efficiency
- d) Support the use of green infrastructure
- e) Promote a healthier natural environment including water quantity and quality; and
- f) Ensure financial viability of stormwater infrastructure.

4.3.2.7 Limiting Costs

The Town recognizes the potentially high cost of stormwater management in terms of engineering and construction fees and the barrier this can be to the establishment or expansion of small businesses and institutions. The Town may determine no need for stormwater management measure for minor extensions of buildings, parking areas, or other hard surfaces, or on small sites where the ability to provide retention does not exist. The Town may accept non-engineered control measures that will obviously address quality and/or quantity control adequately and produce no adverse effects on neighbouring properties or watercourses. Such determinations shall be at the discretion of the municipal engineer and, if the engineer deems necessary, in consultation with the Conservation Authority.

4.3.2.8 Southeast Service Area

“Within the Town’s southeast service area which is bounded by Oil Heritage Road to the east, the Town of Petrolia municipal boundary to the south, Bear Creek to the west and the existing residential developments on North Street to the north, the Town will:

- a) implement upgrades to existing stormwater drainage infrastructure in conjunction with other infrastructure renewal activities generally in accordance with the phasing strategy on Appendix “2” to address stormwater drainage deficiencies in developed areas of the southeast service area;
- b) coordinate stormwater management planning for all future development areas located within the east and southeast portion of the southeast service area:

- i. the Town will generally require stormwater management facilities adjacent to an outlet to be constructed prior to development occurring on lands within the basin. If construction of the facility is staged, a suitable staging plan shall be developed and approved by the Town prior to any development taking place.
 - ii. the Town will develop a cost sharing structure to share the costs associated with the upgrades among the benefitting landowners within the drainage catchment.
 - iii. environmental assessment will be required for works associated with stormwater collection system connecting to detention facility located outside of existing road allowances for easements.
- c) implement measures to avoid, mitigate and/or minimize potential impacts to the natural, social, economic and cultural environments caused by stormwater management works in existing and future developed 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.

4.4.1

- a) Where appropriate, consideration may be given by the Town, at the Town’s sole discretion, to the use of the Class 4 area classification, as provided for in the applicable Provincial environmental noise guideline (currently MECP Environmental Noise Guideline NPC-300) for a residential site (or sites).
- b) The area (or sites) to be affected must be approved by Council or the relevant approval authority.
- c) The use of Class 4 will only be considered by Council where it can be demonstrated that:
 - i. the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;
 - ii. the development proposal for a new noise sensitive use does not impair the long-term viability and operation of an employment use;
 - iii. it is in the strategic interest of the Town, furthers the objectives of the Official Plan and supports community building goals; and,
 - iv. all possible measures of noise attenuation have been assessed for both the proposed development site and the stationary noise source, including, but not limited to, building design and siting options for the proposed new noise sensitive use.

-
- d) Notwithstanding the above, the use of Class 4 will receive more favourable consideration if the stationary noise source is a temporary situation and it is expected that the stationary noise source will be removed through future development.
- e) If Council supports the use of Class 4 for an area or site proposed for a new sensitive land use, proponents for noise sensitive land uses proposed in a Class 4 area shall, at a minimum, ensure that the following are addressed:
- i. Appropriate noise impact assessments are conducted to verify that the applicable sounds level limits will be met;
 - ii. Noise control measures are completed or in place, including receptor and source-based measures, as may be required to ensure compliance with the applicable sound level limits at the new noise sensitive land use;
 - iii. Enter into appropriate agreements with the Town (and any other relevant approval agencies), to confirm all relevant requirements have been met; and
 - iv. Registration on title of any recommended noise mitigation measures, including appropriate noise warning clauses to notify prospective purchasers that applicable Class 4 (as per Guideline NPC-300) area sound level limits for the affected dwelling are protective of indoor areas and are based on the assumption of closed windows.

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** Appendix 5 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.

4.9 Green Energy

This section outlines the Town's requirements for Green Energy infrastructure. The Town is committed to the wise and efficient use of energy and the establishment of green energy sources that will protect the interests of future generations of citizens, such as alternative energy systems and renewable energy systems. The benefits that may be realized from using such systems should be balanced with a consideration for their compatibility with the natural environment and surrounding land uses.

1. Green Energy Objectives

- a) To support and maximize the use of green energy systems and/or renewable energy systems such as wind, solar, geothermal or other clean technologies in appropriate locations and reduce the use of non-renewable energy sources; and
- b) To promote energy conservation and a reduction in energy consumption within the built environment.

2. Green Energy Policies

- a) Energy that is produced by a green energy system or renewable energy system will generally be preferred over conventional forms of energy production, subject to potential negative impacts being mitigated;
- b) The Town will encourage proposals for alternative energy systems and renewable energy systems at appropriate scales in accordance with provincial and federal requirements, which are compatible with surrounding existing and proposed land uses and the environment;
- c) Green energy systems and/or renewable energy systems will be subject to studies to demonstrate, to the satisfaction of the Town, how potential adverse effects, on existing or proposed development with regard to the natural heritage system, noise, dust, vibration, plume, air quality, cultural heritage resources, views and vistas, shadows, land use compatibility, public health and safety, risk, and soils stability and water quality and quantity will be mitigated;
- d) New or expanded renewable energy systems should be designed and constructed to minimize impacts on adjacent land uses in order to prevent

adverse impacts from odours, noise and other contaminants and minimize risk to public health and safety;

- e) Large scale green energy projects are not permitted in settlement areas; and
- f) The Zoning By-law will establish appropriate separation distance.

3. District Energy

The Town supports district energy systems as an efficient method of supplying heating, cooling and electricity to buildings.

4. Wind Energy

Small scale wind turbines may be permitted in all land use designations.

5. Solar Energy

- a) Small scale solar panels that provide electricity for use on the same property may be permitted and will be considered accessory uses.
- b) Roof mounted solar generating facilities of all sizes will be encouraged subject to confirmation that the supporting structure is capable of bearing the weight.

5.0 NATURAL HERITAGE SYSTEM AND NATURAL HAZARDS

The Town contains environmental features and sites that are valued for their physical beauty and ecological function. Many of these environmental features and sites are identified by the County of Lambton Official Plan and this Plan as significant natural areas that combined with their functions, and the corridors that connect them, form a natural heritage system to be protected, restored, and where possible, improved.

The Town also contains areas that are subject to natural hazards such as flooding and/or instability due to erosion and excessive slopes where development must be prohibited or restricted to protect against loss of life, damage to public and private property, and undue financial burdens for the Town, County, and Province.

The Conservation Authority Regulation governs the extent of regulated areas, including around wetlands, watercourses or hazardous lands, where development or site alteration is prohibited subject to written approval from the Conservation Authority.

Not all features or areas identified as part of the natural heritage system for the Town contain inherent hazards and not all natural hazard areas contain natural heritage features or areas, but they can be coincident. Where there is overlap between policies in this section of the Plan, all of the applicable policies are to be addressed, with the more restrictive applying where there are conflicts.

5.1 Objectives

These policies have been designed to be consistent with the Provincial Policy Statement 2020 (PPS 2020), Sections 2.1 and 3.1.

- 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.

5.1.5 Changes to Schedules

minor changes

- 5.1.5.1** Minor changes to the boundaries of Natural Heritage Areas may be permitted without an Official Plan amendment provided that an Environmental Impact Study of the sensitive area 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.

Hazard lands are not identified on Schedules of this Plan. The general location of natural hazards or potential hazards are identified on Appendix 3 as the Regulation Limit for the local Conservation Authority.

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. The Town will consult with the local Conservation Authority or the Province.

private lands

- 5.1.5.2** The designation of land as part of the Natural Heritage System in this Plan does not imply:
- a) that those lands are available or open for public use; or
 - b) that the Municipality or any other public agency intends to purchase those lands.

5.2 Natural Heritage Policies

The Town's Natural Heritage System is a combination of significant natural areas, their ecological functions, and the corridors that connect them.

5.2.1 Natural Heritage System

The Town's Natural Heritage System is a combination of significant natural areas, their functions, and the corridors that connect them. The system includes:

Group A features:

- provincially significant wetlands
- locally significant wetlands
- habitat of endangered species and threatened species
- fish habitat

Group B features:

- lands adjacent to Group A features and adjacent to certain Group B features as

- noted in these policies
- significant woodlands
 - significant valleylands
 - significant wildlife habitat
 - provincially significant areas of natural and scientific interest (ANSIs)
 - regionally significant ANSIs

Group C features:

- lands adjacent to other Group B features
- primary corridors, including core areas
- linkage features
- highly vulnerable aquifers
- significant groundwater recharge areas
- other surface water features
- woodlots other than significant woodlands
- other significant natural areas, including shrublands, meadows and prairies

These features can overlap and the habitat of endangered species and threatened species, fish habitat, and wildlife habitat are functions associated with the habitat features of wetlands, woodlands, ANSIs, valleylands, and watershed systems.

When considering new land use planning applications, the following constraints apply:

- a) For Group A features, no development or site alternation is permitted, except that in the case of fish habitat and habitat of endangered species or threatened species, development may be permitted in accordance with provincial and federal requirements, and infrastructure may also be permitted in some circumstances in accordance with applicable legislation and regulations;
- b) For Group B features, development may be permitted if it can be demonstrated through an Environmental Impact Study that no negative impacts on the features or their associated ecological functions will result;
- c) For Group C features, the policies of this Plan provide general controls on development with the aim of improving the overall health of the natural heritage system including the improvement of linkages within corridors.

The features of the Town's Natural Heritage System are identified on Schedule C. The Natural Heritage System identified on Schedule C or otherwise identified by the policies of the Plan are to be considered as overlays to the designations on Schedule A of this Plan. Despite the designation that lands may have on Schedule A of this Plan, development of lands will be generally directed away from the Natural Heritage System and/or subject to such evaluations or conditions as required by the policies of this Plan and the County Official Plan.

Some natural heritage features are not identified on Schedule C that are otherwise

identified by the policies of this Plan. These include natural heritage features that require further work to identify, constitute sensitive information that cannot be displayed, or are too small or numerous to be specifically identified on Schedule C.

Note: Provincial review and approval will be required for any development within the habitat of endangered or threatened species.

Natural Hazard Areas are areas susceptible to flooding and erosion and are generally located within the Regulation Limit of the local Conservation Authority as identified on Appendix 3 to this Plan. Natural Hazard Areas in the policies of this Plan do not refer to a land use designation and apply wherever natural hazards are determined to exist.

- 5.2.1.1** The Town will designate provincially and locally significant wetlands in this Plan as identified and delineated by the Ontario Wetland Evaluation System (OWES).
- 5.2.1.2** The Town will identify significant woodlands in this Plan and its zoning by-law using the criteria and mapping contained in the draft The County of Lambton Natural Heritage Study (2014).
- 5.2.1.3** Endangered species and threatened species and their habitat are protected by the *Endangered Species Act, 2007*. Delineations of these areas represent sensitive information and the Species at Risk in Ontario List is subject to change. These areas therefore are not shown on Schedule C of this Plan and will include areas not specifically designated as natural heritage features in this Plan and/or areas not known by the County or Town to be habitat of endangered species or threatened species. Where there is a reason to believe that proposed development will be located in or adjacent to the habitat of endangered species or threatened species, the proponent will be notified of the requirement to ensure their due diligence under the *Endangered Species Act, 2007*, which should include consulting with the Province regarding the need for further investigations.
- 5.2.1.4** Fish habitat is not specifically designated on Schedule C in this Plan. Development within 120 metres of surface water features (excluding off-stream, man-made ponds) will be directed to the province for screening for fish habitat. Fish habitat will be protected from harmful alteration, disruption or destruction unless authorized under the *Fisheries Act*. In all cases, the guiding principle of no net loss of productive capacity will be utilized.
- 5.2.1.5** Significant valley lands are not specifically designated on Schedule C in this Plan. For purposes of identification, they are lands having a slope of 10 percent or more over a sustained area.
- 5.2.1.6** Significant wildlife habitat is not specifically designated on Schedule C in this Plan but may be coincident with other significant natural areas identified by this Plan. Specific wildlife habitats of concern may include areas where species concentrate at vulnerable times in their annual or life cycle or areas which are important to a species' migration or wintering. The Province of Ontario's Significant Wildlife Habitat Technical Guide shall be used to identify and determine significant wildlife habitat on a site-specific basis when

development or site alteration requires an environmental impact study.

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) as a first option, natural stream bank vegetation should be maintained;
 - b) grassed slopes and other indigenous forms of plantings should be introduced and should be maintained on the banks of watercourses;
 - c) construction of tile outlets should not be allowed to contribute to erosion along watercourses;
 - d) tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the "biological corridor" role of watercourses;
 - e) interim measures to protect the watercourse during construction and development activities should be incorporated; and
 - f) 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, in addition to protecting the development from flooding and slope instability.

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. The Town will require the use of indigenous trees and, to a lesser extent shrubs, wherever practical in connection with landscaping plans, site plan approvals, subdivision agreements, wind breaks and reforestations done in connection with permits to remove trees issued by the County of Lambton. The Town will also use indigenous species for municipal lands and parks and as part of any municipal plantings within public road allowances.

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 *Municipal Act* and any other relevant legislation.

tree saving plans

- 5.2.8** Once necessary evaluations, as required by Section 5.3.2.2, have been completed and approved, development proponents within or adjacent to wooded areas will be required to submit a Tree Inventory and Preservation 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, and the wildlife habitat that they provide;
 - c) indicate measures necessary to reduce the negative 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 with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
 - f) be included in the development agreement; and
 - g) incorporate the requirements of an Environmental Impact Study if the wooded area is part of a Significant Woodland, as defined in the County of Lambton Official Plan.

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 apply to development and site alteration within those areas of the Town that are susceptible to flooding and erosion, and more generally to any location where such conditions as described in this section exist. Such natural hazards are generally located within the Conservation Authority's Regulation Limit identified as "Hazard" on Appendix 3.

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.

General Policies:

- a) New development in the Town will generally be directed away from areas with known or suspected natural hazards, which include:
 - i. flooding and erosion hazards related to rivers and streams;
 - ii. hazardous sites related to organic soils;
 - iii. high water table areas and groundwater recharge areas; and
 - iv. hazardous forest types for wildland fires.

- b) The Town may permit development and site alteration to occur on natural hazard lands and associated sites, except within a floodway (unless in a special policy area), if all the following can be achieved:
 - i. all policies are met with respect to any coincidental natural heritage features;
 - ii. hazards can be safely addressed and development and site alteration is carried out in accordance with floodproofing, protection, and access standards and procedures such as those related to coastal and geotechnical engineering practices;
 - iii. new hazards are not created and existing hazards are not aggravated;
 - iv. no adverse environmental impacts will result;
 - v. vehicle and pedestrian access is available during times of flooding, erosion, and other emergencies (unless the site access is appropriate for the nature of development); and
 - vi. the proposed use is not an institutional use, essential emergency services, or operations related to the disposal, manufacture, treatment or storage of hazardous substances.

- c) The Town will prepare appropriate zoning provisions for natural hazard lands that:
 - i. prohibit uses other than agriculture, conservation, forestry and wildlife management;
 - ii. prohibit buildings or structures except where they are intended for flood or erosion control or are normally associated with protection works, bank stabilization projects, transmission or distribution pipelines approved by the National Energy Board or Ontario Energy Board, or electricity transmission and distribution systems; and
 - iii. impose development setbacks in relation to the severity of existing and potential environmental hazards.

- d) For any development or site alteration proposed within Conservation Authority regulated areas, the proponent must obtain written permission from the Conservation Authority before the Town will issue a building permit.

- e) Where an existing legal non-conforming or non-complying building or structure lying within all or part of hazard lands is destroyed in a manner not related to the

inherent environmental hazards of the land, the Town shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.

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. Permitted uses, development and site alteration are subject to the policies of 5.3 in this Plan.

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 5 - Natural Heritage and Natural Hazard Areas.

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 'Natural Hazard Areas' 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 consistent with the Provincial Policy Statement 2020 (PPS 2020) and satisfy 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.

zoning

- 5.3.3** Natural Heritage Areas and Natural Hazard Areas will be zoned in a separate category in the implementing Zoning By-law.

6.0 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.

6.1 Objectives

- 6.1.1** 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.
- 6.1.2** 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.

6.2 Policies

categories

6.2.1 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

6.2.2 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.

6.2.3 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.

neighbourhood parks

6.2.4 Neighbourhood Parks subject to policies of Section 10.4 Neighbourhood Parks of this Plan are permitted uses in all land use designations.

community and major parks

6.2.5 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

6.2.6 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 per 600 dwelling units or cash-in-lieu provisions to a maximum of 10 per cent of the land or the value of the land if the developable land is five hectares or less in area or 15 per cent of the land or the value of the land if the developable land is greater than five hectares in area.
- 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

6.2.7 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.

6.2.7.1 parkland dedications

Where new development is proposed on a site, part of which is within a Natural Heritage Area or Natural Hazard, such lands shall not 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.

condition of dedicated lands

6.2.8 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.

6.2.9 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.

multiple family developments

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

agreements

6.2.11 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

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

PART C: 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** To encourage an appropriate range and mix of housing options and densities required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.
- 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 General Policies

- 7.2.1** Within Residential areas, new residential development will be encouraged to:
 - a) Maximize the use of existing public service facilities, including schools, and minimize the costs required to extend existing infrastructure or avoid the costs of creating new infrastructure where existing infrastructure is 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 16 – Amenity and Design and Section 17 – Urban Design.

- f) Support the use of active transportation where it exists or is to be developed; and
- g) Promote intensification in proximity to transit where it exists or is to be developed.

- 7.2.2** An adequate supply of housing will be ensured by maintaining the ability to accommodate residential growth for a minimum of 15 years through intensification and redevelopment, and if necessary, lands designated for residential development.
- 7.2.3** Intensification, including infill development and redevelopment, in Residential Areas may be undertaken either by means of a plan of subdivision, plan of condominium, or where neither subdivision nor condominium is appropriate, by consent, provided the means selected is intended to make the most efficient use of municipal services. Such development may also be subject to site plan control. 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 intensification, including infilling and redevelopment.
- 7.2.4** The design of new roads in new subdivisions and/or areas subject to plans of condominium and/or severances will be carried out so as to permit development of landlocked parcels in existing developed areas wherever possible. Access roads to such parcels or condominium units may be dedicated as public roads but may also be considered as private roads where such roads are owned by a condominium corporation(s).
- 7.2.5** In approving new residential development, the Town will take into consideration an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs for the Town as a whole.
- 7.2.6** 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 redeveloping sites not previously used for residential purposes including brownfield sites, developing vacant or underutilized lots within previously developed areas, encouraging the creation of infilling lots, introducing new housing options within previously developed areas, converting existing buildings for residential use, permitting additional residential units in existing detached dwellings, semi-detached dwellings and rowhouse dwellings, and encouraging higher densities in new developments.

location

- 7.2.7** Residential developments, including proposals that would result in the creation of affordable housing will be located to have access to community services and facilities including public transit facilities where available, and should be in proximity to commercial main streets and cultural nodes when possible.
- 7.2.8** The Provincial Policy Statement requires the Town to maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- 7.2.9** The Town will encourage innovative housing designs, particularly those which maximize energy efficiency and conservation, and consider the mitigating effects of vegetation and green infrastructure.

phasing

- 7.2.10** Residential development may be phased, but final approvals shall be subject to the availability of servicing capacity and required infrastructure.

programs

- 7.2.11** 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

- 7.2.12** 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

- 7.2.13** 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 all types of residential intensification, including additional residential units, and redevelopment where practical. The Town will consider ways in which to encourage affordable housing through the utilization of existing housing stock and intensification of existing residential areas.
- d) adopt alternative development standards where deemed appropriate by the Town.
- e) preference shall be for locations and communities that are accessible to municipal goods and services, healthy food, commercial areas, employment, medical and health facilities, recreation, transit, and trails and non-motorized transportation. Locations within mixed use developments are encouraged. Affordable housing units shall take into consideration accessibility needs.

housing mix

- 7.2.14** This Plan will accommodate an appropriate range and mix of housing types, arrangements, forms, densities, design and tenure to meet projected market-based and affordable housing needs of future and current residents. Forms of housing that meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, will be encouraged.

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.

- 7.2.15** 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

- 7.2.16** Within Residential areas the predominant land use will be residential at all net densities up to 100 units per residential hectare, 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. For the purposes of this Plan, net residential densities shall exempt additional residential units and be based on net land area which excludes any lands determined to be undevelopable due to natural hazards (e.g., Floodplain and steep slopes) but should include planned roads (public and private) and developable open space and amenity areas (common and private).

7.2.17 The primary residential uses permitted within Residential areas are low density housing types, not exceeding a net density of 25 units per hectare, 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.

7.2.18 Other residential uses permitted within Residential areas are as follows:

- a) Medium-density dwellings up to a maximum net density of 50 units per hectare, subject to a Zoning By-law amendment and the provisions of Section 7.3;
- b) High density dwellings up to a maximum net density of 100 units per hectare, subject to a Zoning By-law amendment and the provisions of Section 7.4; and
- c) Special residential uses such as group homes and senior citizens' accommodation subject to the provisions of Section 7.5.

7.2.19 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 10.4;
- c) Home Occupations, Professional Offices, and Short-Term Vacation Rentals including 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.

7.2.20 Residential Special Policy Area (OPA #4)

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

- a) 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.

7.2.21 Accessory Buildings

- a) Appropriate uses of accessory buildings in residential areas include storing tools, equipment and materials used in the maintenance of the house and property, activities associated with property maintenance, and storing personal vehicles, recreational items and household items. Hobby activities and limited home industries are also appropriate where the scale and nature of the activities have no objectionable features and are not overly intense for a residential area.
- b) Buildings of form or size which could lend themselves to overly intensive or inappropriate uses with future or present owners or that go beyond what is needed for conventional residential accessory uses shall be avoided.
- c) Buildings of a size or height that is potentially out of scale or character with a residential area will be avoided. Where an over-sized building is

determined appropriate, increased side and rear yard setbacks may be required. Over-shadowing neighbouring properties will be avoided.

- d) The Zoning By-law shall set out applicable standards for additional residential units in accessory buildings. The Committee of Adjustment may consider exceptions where the intent of this Plan's policies applicable to additional residential units in section 7.2.24 policies is maintained. In particular, greater flexibility may be given regarding size and form on larger lots that provide greater separations to neighbouring uses. Creation of a separate building lot may be more appropriate in some cases than variances for size.

7.2.22 Applications for Plan of Condominium

Where low density development is proposed by plan of condominium with a private road system, increases in density may be considered. In general, net densities up to 25 units per hectare (excluding major parks) may be permitted for low density residential developments. Variations from this density will be permitted/required relative to the density policies applicable for the area within which the development is proposed.

Condominium developments will not be permitted where they would disrupt existing or future street patterns, prevent future extensions of urban areas or create inaccessible areas within communities.

- 7.2.23** The Town will consider the demographics and projected demographics of the local population as part of any application to designate, zone, or subdivide lands for residential purposes.

7.2.24 Additional Residential Units

- a) Notwithstanding any other policy in this Plan, the use of 'additional residential units' is authorized in accordance with the *Planning Act* and its associated regulations, by permitting the following:
- i. the use of two residential units in a detached house, semi-detached house or rowhouse; and,
 - ii. the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

For the purpose of calculating residential density and implementing the policies of the Plan, 'additional residential units' or the potential for 'additional units' shall not be included in maximum density calculations. However, these units may be considered when assessing servicing capacity associated with site development. As well, additional units approved for

occupancy (per Ontario Building Code) may be used to demonstrate achievement of minimum densities when applicable, either for implementation of policies in this Plan or for use in an implementing zoning bylaw.

- b) The Town shall permit additional residential units in a residential area on a residential lot occupied by a single detached, semi-detached, or townhouse dwelling, and an additional residential unit in an accessory building. Additional residential units shall be limited in scale and secondary to the main dwelling. In location, layout and character, additional residential units must not conflict with the physical character of the neighbourhood and must not negatively impact the physical character of the adjoining properties.
- c) An additional residential unit may not be permitted as accessory to a main dwelling unit in certain situations. These may include units within a plan of condominium, and lots where a dwelling is only permitted as accessory to another use.
- d) Preference shall be for additional residential units to be within or attached to the main dwelling and convertible to use as part of the main dwelling. Additional residential units in detached accessory buildings may be subject to greater lot line setbacks than normally applied to detached accessory buildings. The permitted size shall be less than additional residential units contained within or attached to a main dwelling. Additional residential units in detached accessory buildings do not, in themselves, provide justification for larger accessory building sizes, numbers or coverage than otherwise allowed on a residential lot.
- e) Required parking for additional residential units may be provided in tandem.

7.3 Medium Density Dwellings

7.3.1 Applications for low rise apartment buildings and other compatible housing forms to permit development of medium density dwellings such as row housing at a maximum net density of 50 units per hectare 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 net density of 50 units per 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) Adequate on-site parking and recreational amenities should be provided;
- f) The height of the proposed development should not exceed three storeys unless it is demonstrated to the Town's satisfaction that the proposed height does not cause adverse impacts on nearby low-density dwellings and open space areas;
- g) Preference will be given to medium density development that incorporates affordable housing, housing for people with special needs and/or green infrastructure;
- h) Close proximity to existing or planned transit; and
- i) The development shall be subject to Site Plan Control, or other relevant land use and design review processes enacted by Council (e.g. Community Planning Permit System).

7.4 High Density Dwellings

The following policies shall apply in all new residential development exceeding a net density of 50 units per hectare in Residential areas.

applications for high density

- 7.4.1** Prior to consideration of any applications for high density residential development, the Town may require submission of studies related to planning, shadow impact, wind impact, view impact, transportation and servicing feasibility and other appropriate studies as requested 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 or other relevant land use and design review processes enacted by Council (e.g. Community Planning Permit System).
- 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; 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 and to accommodate adequate recreation amenities, private amenity areas and off-street parking on site;
 - d) The proposed development shall have regard for surrounding developments, especially low-density residential developments in terms of height, massing, exterior building materials and colours;
 - 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;
 - f) Building height should not generate adverse shadow and wind impacts on public sidewalks, major open spaces, institutional uses and private outdoor amenity areas nor negatively affect significant views and vistas as identified by the Town;
 - g) Appropriate transition to nearby low-rise developments should be incorporated into the design of proposed high density dwelling developments through a combination of building height, massing, setback and step back. Generally, the proposed buildings should fit within 45-degree angular planes taken from a rear lot line abutting low-rise developments or open spaces and from the opposite side of the right-of-way when a lot line abuts a public street;

- h) The proposed development shall contribute to safe and attractive streetscapes through excellent design and placement of buildings, parking and service areas and landscaped areas;
- i) Preference will be given to high density development that incorporates affordable housing, housing for people with special needs and/or green infrastructure;
- j) Preference will be given to proposed developments whose intended tenure is rental; and
- k) Close proximity to existing or planned transit.

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.

7.5.2 Group homes shall be permitted in any residential area. The types of group homes which are permitted include:

- a) Approved homes;
- b) Homes for special care;
- c) Supportive housing programs;
- d) Accommodation for youth and adult mental health programs;
- e) Accommodation services for individuals with a developmental disability;
- f) Satellite residences for seniors; and
- g) Homes for individuals who have physical disabilities.

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 compatible form and character 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; and
- d) The site generally fronts on an arterial or collector road.

7.7 Home Occupations

7.7.1 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

7.7.2 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

- 7.7.3** 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

- 7.7.4** 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

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

sale of goods

- 7.7.6** 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

- 7.7.7** The floor area devoted to the home occupation will be limited by the Zoning By-law.

limitations on occupations

- 7.7.8** No use that includes the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, metal fabrication or that has considerable potential to cause significant site contamination will be considered to be a home occupation in a residential area.

signs

- 7.7.9** 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

- 7.7.10** 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

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

7.7.12 business license

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

7.8 Short-Term Vacation Rentals

The Town may establish, through the Comprehensive Zoning By-law and/or a municipal licensing framework, appropriate provisions related to the nature, scale, and density of Short-Term Vacation Rentals that are compatible with surrounding land uses, to ensure these uses remain appropriately integrated in the Town's residential areas, providing for the continued availability of suitable short-term accommodations in the community.

Short-Term Vacation Rentals (STVRs) recognized by this Plan include Bed and Breakfast Establishments, owner-occupied partial dwelling or dwelling unit rentals (i.e. a principal residence), and entire-dwelling or dwelling unit rentals (i.e. not a principal residence). STVRs may be permitted in commercial areas but should generally be subject to the same land use policies as those permitted in residential areas and shall be subject to the same licensing requirements.

7.8.1 Goals and Objectives for Short-Term Vacation Rentals:

The Town's goals and objectives related to Short-Term Vacation Rentals (STVRs) are as follows:

- a) STVRs shall generally respect and be compatible with the residential character, amenity, and quality of residential neighbourhoods. This may be achieved through establishing densities for STVRs, mitigation measures to adjacent residential properties, and municipal regulations intended to ensure the orderly management of STVRs;
- b) All roads used to access lots with an STVR shall be of sound construction and conform to the Town's road design standards;
- c) Guests shall be provided with accommodations conforming to current

health and life safety standards;

- d) Facilities will be operated and maintained in acceptable conditions as detailed in the Town's relevant By-laws; and
- e) Operators of STVRs shall acknowledge their responsibilities in complying with the Town's by-laws and licensing provisions.

7.8.2 Policies:

- a) The Town may, on an area-specific or case-by-case basis, prohibit STVRs in areas that are not considered to be consistent with this Plan.
- b) Any short-term rental not operated by residents permanently residing in the dwelling may only be licensed for such use if the use is permitted by the comprehensive zoning bylaw or is a legal non-conforming use.
- c) Guest rooms shall only be available for temporary, short term accommodation to the general public.
- d) Subject to any other requirements of the zoning or licensing by-law, STVRs shall generally not contain more than three (3) guest rooms. STVRs with four or more guest rooms may be permitted without amendment to this Plan but shall require a site-specific Zoning By-law amendment.
- e) Any proposed external or internal alterations of a home utilized as an STVR that requires a planning application, including but not limited to a minor variance, such alteration(s) shall ensure that the physical character of the building is consistent with the physical character of the surrounding neighbourhood.
- f) The site area of all STVRs shall be sufficient to provide for off-street parking (i.e. on-site parking) and buffering from abutting residential uses.
- g) Special provisions applicable to Bed and Breakfast Establishments include:
 - i. Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests shall not be permitted;
 - ii. Only persons permanently residing in the dwelling shall operate a Bed and Breakfast Establishment; and

- iii. Construction or conversion of buildings accessory to the home to accommodate guests shall not be permitted.
- h) Prior to approving any STVR use with more than three guest rooms for a site, and as part of the assessment of the suitability of the proposal, consideration by Council shall include the following:
 - i. All licenced and approved STVRs shall be subject to a municipally approved STVR Code of Conduct; and
 - ii. Any STVRs with more than three guest rooms shall be defined in the zoning bylaw and subject to site plan control to ensure:
 - 1. Sufficient on-site parking available;
 - 2. Occupancy Loads of the dwelling are not exceeded;
 - 3. Appropriate water and wastewater services are provided to the dwelling;
 - 4. Operational fire and safety plans are approved by qualified municipal Inspectors;
 - 5. Appropriate on-site signage is provided;
 - 6. Appropriate site landscaping and buffering is provided to mitigate potential impacts on neighbouring properties;
 - 7. Suitable privacy fences and/or screening is provided to further buffer and mitigate any potential impacts of the proposal on abutting and other nearby properties;
 - 8. Suitable on-site amenity area is provided for guests and residents;
 - 9. A development agreement is registered on title to ensure there are appropriate controls in place to ensure the site remains in good condition while operating as a short-term vacation rental; and
 - 10. Establish that a Property Manager shall be on call 24/7 to address noise complaints, property maintenance, and any other nuisance related complaints arising through the use of residential properties for this purpose.
- i) As part of a submission in support of a site-specific zoning amendment for STVRs with more than three guest rooms, a proponent shall be required to:
 - i. Provide a planning justification report prepared by a qualified professional land use planner to be submitted with the rezoning application and provided to and reviewed by the Town's Planners. This report shall provide an assessment of how the proposed use may impact the use and enjoyment of neighbouring properties, and

how any negative impacts will be mitigated, including a proposal for ongoing management of the property, for property standards, noise, and any other potential nuisances that may be associated with short term vacation rentals. Such on-site management proposals may later be addressed in specific detail in the site plan development agreement; and

- ii. Demonstrate availability and suitability of on-site and nearby public amenities and services for residents and guests.
- j) “Additional residential units” (per *Planning Act*) approved for the site shall not be used for any form of temporary accommodation (i.e. additional units shall only be provided for permanent, long term housing supply); and
- k) STVRs shall generally be encouraged to locate in proximity to established commercial areas, tourist areas or local attractions.

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. The highest concentration of and the greatest mix of uses including residential, institutional, retail, office and community services appropriate to the size of the community will also be permitted in the General Commercial designation.

Establishments most consistent with the designation include retail uses, medical and dental clinics, convenience stores, day care centres, eating establishments, personal service uses, specialty shops, financial institutions, libraries, post offices, municipal buildings and professional offices.

Mixed use development is encouraged throughout the General Commercial Area including within buildings.

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)**

- 8.1.2** Residential uses are permitted in a mixed-use format (such as residential units on the second storey of a two-storey building) subject to the Zoning By-law 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 'General 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 adequately sized and suitably landscaped and maintained which may include rooftop patios and/or terraces, or alternatively are provided with private outdoor amenity areas such as balconies.
- c) Access to the dwelling units is provided from a public street and not through a commercial use.
- d) On-site parking is required for residential uses. This policy should not be interpreted to require an Official Plan Amendment where there is a change of use to a property designated under Part IV of the *Ontario Heritage Act* or to a character defining property designated under Part V of the *Ontario Heritage Act* not resulting in exterior alterations. Relief with respect to parking may be required through a Planning Application.

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; and
- 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 built form will typically be a planned grouping of retail and other commercial uses under common or individual ownership. The preferred built form of development within the General Commercial Area is for active permitted uses such as retail and office uses to be located at grade with residential uses locating on upper floors of buildings and/or behind the front portion of buildings, where appropriate.

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.

8.1.9 General Policies

- a) The Town supports the development of its General Commercial areas in a way that fosters activities associated with a creative economy and strengthens these areas as cultural nodes;
- b) Where feasible and the opportunity exists, General Commercial areas will be connected to natural heritage systems;
- c) The Town will promote activities and events in the areas around General Commercial areas in a manner that does not detract from the viability of these area;
- d) Wherever feasible, heritage buildings and structures will be conserved, and any new development will complement the cultural heritage landscape of the General Commercial areas;
- e) The Town encourages tourism and leisure related activities to be located on General Commercial areas;
- f) The Town encourages the renovation of second and third floor spaces in older General Commercial buildings for such uses as apartments, studios, and professional offices; and
- g) The Town may develop revitalization strategies for General Commercial areas which will conform with the policies in Section 6.6 of the County Plan.

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 15.0 – Heritage Resource Policies, 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 Plan” which was adopted by Council in December 2023. 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; Buildings may

be located further from the front and/or exterior side lot lines to provide for outdoor patio areas;

- e) development should contribute to a safe, convenient and attractive enhanced pedestrian realm. Parking and drive aisles are not permitted between buildings and the streets. Where feasible, vehicular accesses to buildings shall be from the rear;
- f) Building facades should incorporate traditional details, including cornices, pilasters, awnings, signboards and moldings;
- g) 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; and
- h) Service areas should be located away from the streets and/or well screened by landscaped elements so not to adversely impact adjacent streetscapes.

site plan control

- 8.2.5** All development in the General Commercial area will be subject to site plan control or other relevant land use and design review processes enacted by Council (e.g. CPPS). In addition, the implementing Zoning By-law shall contain provisions relating to building siting, location and massing to implement the urban design policies of this Official Plan.

facade improvement program

- 8.2.6** 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.

adaptive reuse and demolition

- 8.2.7** Adaptive re-use and re-purposing of vacant or underutilized properties will be encouraged. 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

- 8.2.8** 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 The following policies apply to the Highway Commercial designations on Schedule "A". 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 General Commercial areas, 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, banquet halls, meeting halls, 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;
- m) Garden centres; and
- n) Laundromat.

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 when the residential uses are secondary to and 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. Access points will be limited in number and designated to enable segregation, and the safe movement of pedestrians and vehicles. 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 including screening and/or buffering, appropriate lighting design and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas, to mitigate noise, light and visual impacts on adjacent residential land uses;
 - d) An appropriate front yard setback shall be provided to:
 - i. Provide opportunities for landscaping at the street to promote an attractive streetscape;
 - ii. Provide pedestrian access from the street to the building(s);

- iii. Promote the overall attractiveness of the site within the context of the commercial area;
- e) the design does not detract from the vitality and viability of downtowns and main streets;
- f) Sitting, scale and massing of buildings are such that it respects the adjacent land uses, provides for a safer pedestrian environment and enhances the existing community character; and
- g) Safe, adequate and convenient pedestrian connection from the building to public sidewalks, where available.

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, office development associated with these uses or any combination thereof within enclosed buildings subject to the policies of this Plan covering open storage. Business parks may also be permitted in this area. 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, construction, and truck terminals. Recreational cannabis growing may also be permitted subject to the policies of Section 14.0 of this Plan.

Facilities should be planned to ensure industrial uses are appropriately sited, designed, buffered from especially sensitive land uses in order to prevent, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Town will ensure that the physical needs of businesses are addressed, which includes ensuring that:

- a) A diversity of zoned and serviced sites is available to support a range of industrial activities; and
- b) The sites are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors.

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 or retail and service commercial uses intended primarily to serve the needs of the industrial establishments, 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 the Environment, Conservation and Parks 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** New sensitive land uses that are not ancillary to employment uses are prohibited. New residential uses are prohibited, except 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.
- 9.1.10** New industrial uses which involve handling of toxic or other hazardous materials will not be permitted within susceptible areas to groundwater contamination as identified in Appendix Map A of The County of Lambton Official Plan and Appendix "4" of this Plan.

Lands designated as Employment Areas

- 9.1.11** Lands designated Industrial in this Plan shall be an Employment Area in accordance with the Provincial Policy Statement (2020).

Conversion of Employment Lands

- 9.1.12** Town may permit the conversion of lands within an employment area or Industrial designation to another type of land use only through a municipal comprehensive review, as stipulated in the County of Lambton Official Plan, that reflects the County of Lambton's employment growth projections, allocations and intensification and density targets by the County Plan where it has been demonstrated that:

- a) There is a need for the conversion;
- b) The conversion will not adversely affect the overall viability of the Town's Employment Areas and the achievement of the intensification target, density targets and other Policies of this Plan;
- c) There is existing, or planned, infrastructure in place to accommodate the proposed use;
- d) The lands are not required, over the long term, for employment or industrial purposes for which they are designated; and,
- e) Major retail uses are considered to be non-employment uses and are not permitted in Employment Areas.

- 9.1.13** Lands designated Employment Area shall not be redesignated or rezoned to any other non-employment land use, except through a Municipal Comprehensive Review in accordance with the policies of Section 21 Official Plan Review and Amendments of this Plan.

10.0 MAJOR OPEN SPACE

10.1 Permitted Uses

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

- 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. The use of land designated Major Open Space shall include active and passive recreational uses, recreational and community facilities, conservation uses, nature trails, cemeteries and wildlife management.

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 with the exception of golf courses 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 and/or cultural heritage landscapes;
 - 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.

inclusivity

- 10.1.7** The Town will establish policies relevant to Major Open Space uses, including but not limited to major parks, indoor and outdoor recreation facilities, to reinforce inclusivity of all residents, regardless of ability, income, orientation or background.

10.1.8 General Policies

Development of Major Open Space areas will:

- a) integrate environmentally sustainable features and provide opportunities

for naturalization;

- b) incorporate design elements to ensure Major Open Space areas are accessible, barrier-free, inclusive and safe spaces wherever possible; and
- c) provide for multi-generational and multi-seasonal usage.

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; and
- 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. The Town will promote the availability of multi-purpose spaces to the community for a wide range of recreation, cultural and social 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; and
- f) Be integrated with a school playing field if possible, where shared use of parkland can be facilitated.

10.4 Neighbourhood Parks

10.4.1 Neighbourhood Parks will generally consist of small children's play facilities and parkettes 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.

11.0 NATURAL HERITAGE AREAS

11.1 The policies of this section apply to lands designated Natural Heritage Areas on Schedule C of this Plan. These lands may be coincident with identified natural hazards which are generally located within the Regulation Limit of the local Conservation Authority shown for information purposes on Appendix 3 to this Plan. Policies that pertain to natural hazards are provided in Section 5.0 of this Plan and apply wherever such hazards are determined to exist.

permitted uses

11.2 The use of lands in Natural Heritage 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 Natural Heritage Areas unless such action is approved by the Town or, where Conservation Authority regulations apply, approval by the local Conservation Authority. The Town may consider implementing a Site Alteration By-law under the authority of the *Ontario Municipal Act* (R.S.O. 1990).

floodlines

11.5 The Nature Heritage Areas are not to be construed as delimiting the floodline where it envelopes a watercourse. It is possible that the delineation of the Natural Heritage Areas on Schedule C or Natural Hazard Areas identified on Appendix 3 using the Regulation Limit of the local Conservation Authority follow 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.

expansion of non-conforming use

- 11.6** Existing buildings and structures may be non-conforming and will only be allowed to expand in accordance with the policies of Section 23.3 (Non-Conforming Uses).

land severances

- 11.7** Land severances in Hazard and Environmental Protection areas may be permitted in accordance with the policies of Section 26 (Land Division).

environmental impact assessment

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

- 11.8.1** An Environmental Impact Study (EIS) shall be required in accordance with the policies of this Plan for development and site alteration in the Natural Heritage System. The study shall demonstrate that no negative impact on the natural features or the ecological functions for which the feature is identified. The study may determine the nature and extent of the feature and its ecological function; may incorporate a buffer or setbacks from the feature; and may result in a site layout that addresses the study recommendations.

- 11.8.2** An EIS required under this Plan shall be submitted with the development application and shall be prepared and signed by a qualified biologist or environmental planner. A peer review of the EIS may be required by the Approval Authority.

11.8.3

- a) An EIS shall be required for development on lands adjacent to significant natural areas identified in the policies of Section 5.0 of this Plan. The lands defined as Adjacent Lands are generally within 120 metres of the feature, unless an alternative standard for Adjacent Lands is established through the County of Lambton Official Plan.
- b) The extent of Adjacent Lands where an EIS is required may be reduced on a site-specific basis, based on the nature of the features, the existing conditions of the site and surrounding lands, the scale of the proposed development, and the likelihood of negative impacts the natural heritage features.
- c) An EIS may be required for development within or adjacent to Group C

features identified on Map 2 of the County of Lambton Official Plan, as determined by the Town in consultation with the Conservation Authority.

- 11.8.4** An EIS shall be completed in accordance with the process requirements as outlined in the County of Lambton Official Plan.
- 11.8.5** The required scope and/or content of an EIS may be modified, through pre-consultation with the Town, County, and the Conservation Authority where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Town and County.
- 11.8.6** An EIS may not be required where the Town, in consultation with the County and the Conservation Authority, determines that no negative impacts would be anticipated on the natural heritage feature or adjacent lands. The requirements for an EIS may be reduced or removed in the following circumstances and only where no negative impact is anticipated:
- a) Where the proposed development is small scale (non-agricultural development); or
 - b) Where the proposed development is small or medium scale (agricultural development only); or
 - c) Where the proposed development is not in an area regulated by the Conservation Authority; or
 - d) Where the proposed development is on an existing lot of record; or
 - e) Where the development is an addition located away from the feature; or
 - f) Where the proposed development is separated from the feature by a road or existing development; or
 - g) Where the development is wholly contained within the existing footprint or includes a minor addition that is > 15m from the feature.
- 11.8.7** An EIS is not required for uses authorised under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation or a watershed plan carried out by The County of Lambton and/or a Conservation Authority.
- 11.8.8** Where it is demonstrated that all, or a portion of, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest or Group C features identified on Map 2 of the County of

Lambton Official Plan does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the natural heritage feature or adjacent land then the restrictions on development and site alteration set out do not apply. This policy requires an EIS or study through an Environmental Assessment process to determine whether the designation is still appropriate.

11.8.9 The Town, in coordination with The County of Lambton and in consultation with the Conservation Authority, may develop guidelines for the evaluation of development proposals consistent with the policies of this Plan.

11.8.10 Tree and Woodland Protection

- a) The Town recognizes the importance of trees and woodlands to the health and quality of life in our community. The Town shall encourage sustainable forestry practices and the protection and restoration of trees and forests.
- b) Opportunities for tree planting on Town-owned lands (such as lands designated Open Space and inactive portions of parks) shall be identified and implemented in co-operation with government agencies and local interest groups. In restoration efforts, the Town shall plant only indigenous species, preferably those of local origin.
- c) Where the Town is undertaking infrastructure work, existing woodland resources shall be protected and preserved, where feasible. If it is necessary for infrastructure works to destroy any trees, excluding trees that are listed as threatened or endangered species, the Town shall endeavour to compensate by re-planting on site and/or planting trees elsewhere. Should the removal/destruction of any trees that are listed as threatened or endangered species be required to complete infrastructure works, the Town will contact the appropriate Provincial authority to determine the necessary approvals and mitigation.

11.8.11 Any land dedication that may be accepted by the Town shall be managed consistent with the Natural Heritage policies of this Plan.

11.9 The Provincial Policy Statement 2020 (PPS 2020) 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; and
- 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.

11.10 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 Study prepared in accordance with Section 11.8. 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 Study be carried out prior to development approval.

designation boundaries approximate

11.11 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. Where there is an approved Environmental Impact Study prepared in accordance with the policies of this Plan or an approved natural hazard assessment an update of this Plan will be made through an office consolidation without amendment to the Plan. Wherever designation boundaries of the Natural Heritage and Natural Hazard Areas are amended in this Plan, the implementing Zoning By-law will be amended as required.

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 adverse visual impacts on surrounding uses, streetscapes, significant views and vistas as well as the urban quality of the area;
- c) Generate activity, noise, odour, other contaminants or traffic levels which put undue pressure on the area and its infrastructure and other support facilities; and
- d) Generate adverse shadow and wind impacts on surrounding sidewalks, open space areas and private amenity areas.

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 and architectural styles and exterior façade material 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;
- f) Impacts on designated heritage buildings, districts or other features which have been designated under the provisions of the *Ontario Heritage Act*; and
- g) The location and extent of parking areas, driveways and garages, particularly when they are visible from the streets.

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. The Town will have regard for the most current County Housing and Homelessness Plan, when setting targets for affordable housing units.

13.2 Affordable housing means:

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

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

- a) permitting a broad mix and range of lot and dwelling sizes and types and of tenure choices;
- b) permitting additional residential units in accordance with the policies in Section 7.2.24 of this Plan;
- c) requiring affordable housing to be integrated within the existing community fabric and not segregated or concentrated with other affordable housing. Affordable housing shall be integrated in such a way as to minimize disruption and protect the physical character and vitality of established neighbourhoods;
- d) encouraging residential intensification, infill development,

- e) redevelopment and conversion of surplus non-residential buildings to residential use, where practical;
- f) encouraging retention of existing rental units and creation of new rental units; and,
- g) adopting alternative development standards, where deemed appropriate by the Municipality to support the retention of existing affordable housing stock and the creation of new affordable housing stock.

13.4 Affordable housing and apartment dwellings and units should be constructed with site layout and accessibility standards that take into consideration the potential needs of intended and future residents, including people with special needs.

Day Care Centres

13.5

- a) Day Care Centres shall be permitted on all school sites.
- b) Day Care Centres shall be permitted within a Place of Worship or other place of public assembly, a commercial place of employment, a community centre, all residential designations, institutional designations, and subject to provincial licensing policies.
- c) Day Care Centres in an industrial place of employment shall not be permitted as a stand-alone use.
- d) Day Care Centres shall be designed to provide appropriate facilities for parking, pick-up and drop-off areas. Appropriately located and screened play areas shall be provided.
- e) Day Care Centres should not be located in lands identified as Natural Hazard and/or Category A Natural Heritage Features unless an Environmental Impact Study establishes the appropriate location for the Day Care Centre on the proposed site.

14.0 CANNABIS POLICIES

14.1 Cannabis Production Facility: means any indoor building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the *Cannabis Act*, or successor legislation. A cannabis production facility excludes the outdoor cultivation and processing of cannabis.

14.2 Cannabis production facilities may be permitted in the following land use designations subject to the policies of this Plan:

- a) Industrial

Cannabis production facilities within all other land use designations are prohibited.

14.3 Within the land use designations specified in Section 14.2 of this Plan, a cannabis production facility shall require a rezoning application and a Site Plan application to be approved by Council. Both the rezoning application and Site Plan shall address the following:

- a) Conformity with the Province of Ontario's Sensitive Land Use Guidelines ("D-6") as amended from time to time;
- b) Noise, odour, and wind through studies prepared by a qualified professional;
- c) Photometric analysis including studies of night light and impacts prepared by a qualified professional;
- d) Servicing including stormwater management;
- e) Security plan and site design for security;
- f) Waste management plan; and
- g) Mitigation plan including mitigation for sensitive land uses.

14.4 A cannabis production facility is defined as an indoor facility in accordance with Policy 14.1 of this Plan. Outdoor cultivation and processing of cannabis is prohibited across all lands use designations in the Town of Petrolia.

PART D: COMMUNITY DEVELOPMENT

15.0 HERITAGE RESOURCE POLICIES

Cultural Heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. More specifically,

- a) Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*.
- b) Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.
- c) Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their relationship, meaning or association.

Significant built heritage and cultural heritage landscapes are those that have been determined to have cultural heritage value or interest, through any of the following means:

- a) Designation under Parts IV or V of the *Ontario Heritage Act*; or,
- b) Protected through official plan, zoning by-law, or other land use planning mechanisms.

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.

15.1 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.

15.2 Policies

heritage resources inventory

- 15.2.1** Council, through its Municipal 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 properties by by-law pursuant to the *Ontario Heritage Act* based on criteria established under the *Ontario Heritage Act*.

alteration or demolition

- 15.2.2** Where property is designated under Section 29 of the *Ontario Heritage Act*, no alteration or demolition shall be undertaken which would adversely affect the heritage attributes except in accordance with the *Ontario Heritage Act*. No owner of property situated in a heritage conservation district shall alter any part of the property, other than the interior of any structure or building on the property or erect, demolish or remove any building unless the owner obtains a permit from the Town to do so. The owner may carry out minor alterations or classes of

alterations as are described in the heritage conservation district plan.

agreements, conservation easements

- 15.2.3** 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

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

archaeological resources

- 15.2.5** 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.

15.2.5.1

- a) Consistent with the PPS, development, site alteration, including construction of infrastructure and public service facilities on lands containing archaeological resources or areas of archaeological potential, including marine archaeological sites, are permitted only if the significant archaeological resources have been conserved in a manner that ensures their cultural heritage value or interest is retained. This shall be achieved by the implementation of recommendations set out in an archaeological assessment. To address development impacts on an archaeological site with a level of cultural heritage value or interest that has been determined to require mitigation, there are two approaches for mitigation of development impacts:
- i. avoidance and protection
 - ii. excavation

Avoidance and protection preserves archaeological sites intact. It is the preferred option for the mitigation of impacts to archaeological sites.

Avoidance and protection are most viable when the cultural heritage value or interest of the archaeological site is determined early in the planning stages of the development, when plans are most flexible.

- b) Archaeological consultants must be licensed by the Ministry of Tourism, Culture and Sport, under the *Ontario Heritage Act*, and follow Technical

Guidelines issued by the Ministry for completing archaeological assessments. Completed as part of the land use planning and development or environmental assessment approval process, and archaeological assessment must be accepted by the Ministry of Tourism, Culture and Sport.

- c) Development requiring an Official Plan and/or Zoning By-law Amendment, Subdivision/Condominium approval or Site Plan Approval, and all new/improved infrastructure and public service facilities, if located on lands with Archaeological Potential, as per Ministry of Tourism, Culture and Sport Screening Criteria for Evaluating Archaeological Potential shall be required to complete an Archaeological Assessment prior to such development.
- d) An archaeological assessment may be required as part of a Planning Application. Applicants are encouraged to prepare archaeological assessments early in the planning stages of the development, when plans are most flexible, particularly as such studies may deem it appropriate to conserve through avoidance and protection measures.

15.3 Heritage Conservation Districts

designation

- 15.3.1** 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, cultural heritage landscape 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.

criteria for designation

- 15.3.2** 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

- 15.3.3** 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

- 15.3.4** After a Heritage Conservation District has been designated by Council and approved by the Ontario Land Tribunal, 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

- 15.3.5** 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

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; and

- 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

- 15.3.6** After a Heritage Conservation District has been designated by Council and approved by the Ontario Land Tribunal, 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

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

15.4 Implementation

Municipal Heritage Committee

- 15.4.1** 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

- 15.4.2** Council will support 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

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

municipal assistance

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

municipal by-laws

- 15.4.5** 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

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

municipally-owned heritage resources

- 15.4.7** 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

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

heritage zoning

- 15.4.9** 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

- 15.4.10** If a property that has not been designated under Section 29 of the *Ontario Heritage Act* but has been included in the Municipal Register of properties believed to be of cultural heritage value or interest, the council of the Town shall, within 30 days after including the property in the register, provide the owner of the property with notice that the property has been included in the register.

15.4.11 Heritage Impact Assessments and Conservation Plans

- a) Any Planning Application related to lands designated or within 50 metres of lands designated under the *Ontario Heritage Act* shall be accompanied by a Heritage Impact Assessment. The Heritage Impact

Assessment shall be prepared by a qualified professional in accordance with technical guidance included in the Ontario Heritage Toolkit.

- b) If a property has not been designated under the *Ontario Heritage Act* but has been included in the Municipal Register, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice in writing of the Owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. Notice to demolish a building or structure on the Municipal Register shall be accompanied by such plans and information that the Council may require to make a decision on the matter, and may include but not be limited to:
- i. primary and secondary research, visual inspection, and evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), and
 - ii. architectural plans pertaining to the replacement building or structure.

If following a request for demolition, a property has been found to meet prescribed criteria for determining Cultural Heritage Value or Interest (Ontario Regulation 9/06), the Council of the Town of Petrolia may issue notice of intention to designate the property, thereby, causing the request for demolition to be void.

- c) An evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), shall accompany a Planning Application that pertains to a property listed on the Municipal Register. If the property has been found to meet prescribed criteria, the proponent shall provide a Heritage Impact Assessment, prepared by a qualified heritage professional, in support of the Planning Application in accordance with technical guidance included in the Ontario Heritage Toolkit.
- d) A Conservation Plan may be required in accordance with recommendations contained within a Heritage Impact Assessment, to be provided as a condition of approval of a Planning Application detailing how a cultural heritage resources can be conserved. The Conservation Plan shall be prepared by a qualified heritage professional in accordance with technical guidance included in the Ontario Heritage Toolkit. The recommendations of the Conservation Plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures. The

Town of Petrolia may enter into a development agreement to ensure the implementation of recommendations are included in a Conservation Plan.

15.5 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

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

impact of planning, public works

- 15.5.2** 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.

15.6 Heritage Conservation Districts

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

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

15.7 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*.

15.8 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).

16.0 AMENITY AND DESIGN**buffering and screening**

- 16.1** 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.
- 16.2** 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

- 16.3** 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.
- 16.4** 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
 - Natural Heritage System
- 16.5** 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; and

- g) Vegetative screens and other forms of landscaping.

high density residential

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

noise guidelines

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

- 16.8** Council may require that application for residential uses adjacent to Major facilities, as defined in the Provincial Plan, are supported by a Noise and Vibration Impact Study, prepared in accordance with normal accepted standards, which will include the following:

- a) A description of the proposed development including plans;
- b) Physical site characteristics, including elevation and contours;
- c) A statement of noise measurement techniques and methodologies used;
- d) The results of noise measurement and prediction studies for the site, during both daytime and night-time;
- e) The extent to which noise levels throughout the site vary from accepted noise level standards, as set by the Province from time to time;
- f) Noise attenuation measures to be installed to reduce excess noise levels; and
- g) Noise level prediction results anticipated after attenuation measures are installed, for both daytime and night-time.

16.9 Class 4 Designation for New Residential Uses

Notwithstanding the residential policies in Section 7, and consistent with the Plan's land-use compatibility policies, where adequate physical separation of Residential uses and areas is not possible, consideration may be given to approving a Class 4 designation for new residential land uses, as provided for in MECP Environmental Noise Guideline NPC-300. Further reference shall be made to Part B Section 4.4 of this Plan where additional policies are provided to guide relevant Class 4 designations.

17.0 URBAN DESIGN

17.1 Introduction

The following policies shall apply, as appropriate, to all development requiring a *Planning Act* approval. Additional policies for certain areas of the Town are contained within the appropriate sections of this Plan containing the land use designations.

17.2 Safety

Personal safety for individuals shall be provided in new developments through the provision of:

- a) Appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space areas;
- b) Unobstructed views into parks and open spaces from adjoining streets;
- c) Design and siting of new buildings shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space;
- d) Views into and out of publicly accessible buildings shall be encouraged; and,
- e) Landscaping that maintains views for safety and surveillance.

17.3 Barrier-Free Access

- a) Barrier-free access for persons using walking or mobility aids shall be provided in all public and publicly accessible buildings and facilities and along major pedestrian routes, in compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA) and with reference to the Integrated Accessibility Standards Regulation (IASR). Such barrier-free access features may include level surfaces, ramps and curb cuts, railings, automatic door openers and rest areas.
- b) Barrier-free features shall be integrated with the functional and design components of the site and/or buildings.

17.4 Streetscapes

- a) An integrated design and treatment of streetscape features shall be promoted throughout the Town. Specialized streetscape designs and treatments may be adopted for particular areas of the Town.

- b) Streetscape features and sustainable design elements located within public rights-of-way, such as lighting fixtures, directional and street signs, parking meters, transit shelters, above ground infrastructure, signage and street furniture shall be complementary in their design and located in an integrated manner, so as to avoid visual clutter.
- c) Sidewalks shall be installed along streets onto which properties front.
- d) Planned road reconstruction shall include improvements to the existing streetscape consistent with the policies of this Plan, any Council-adopted urban design guidelines, downtown revitalization plans, and other similarly adopted Council guidelines.

17.5 Building Design

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials and colours, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall implement pedestrian safety and should provide direct street access.
- c) The Town will encourage the recessed placement of garages and discourage the protrusion of garages on residential buildings into the front yard, beyond the main front building wall. Other options for garage placement which deemphasize their appearance on the street are encouraged. In addition, the width of private driveways accessing private garages shall be controlled to ensure that there is an appropriate relationship between pavement and landscaping in the yards where the driveway is located. Such a relationship shall also take into account the desire to maximize the infiltration of rainwater. These policies shall be implemented through the Zoning By-law.
- d) Building entrances shall be located to be visible from the adjoining street(s) and, where possible, directly linked to the sidewalks through appropriately articulated walkways.
- e) Building functions that do not directly serve the public, such as loading areas, shall not face a public street and should be located away from noise sensitive land uses, such as residential areas, and buffered, as necessary.
- f) Buildings should employ devices such as awnings, canopies, building cantilevers/overhangs to generally improve the level of pedestrian

comfort. Sheltered building entrances should be provided at primary building entrances to multi-storey residential, public, recreational, industrial, office and commercial buildings, where necessary.

- g) When a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook and shadowing.
- h) Buildings should be massed to be architecturally articulated to provide visual variety and interest. Generally, building articulation features such as canopies, cornice lines and varying façade materials should be used to reinforce a pedestrian scale, and generous front porches are encouraged for residential built forms.
- i) Building massing should reinforce a continuous street wall frontage located close to the front property line to recognize pedestrian scale and provide an appropriate street wall height at the street line.
- j) Buildings on corner lots shall be located in close proximity to the street rights of way. Corner lots should emphasize their important community presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition.
- k) Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained, repaired, or restored rather than replaced. New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape.
- l) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality.

17.6 Site Design

- a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall consider the relationships between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.
- b) Site design shall consider how to maximize the compatibility between adjacent land uses through appropriate site layout, building locations

and landscape treatments.

- c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to these features. In these instances, appropriate setbacks shall be maintained between buildings and sensitive natural areas, while on-site landscaping shall be well integrated with natural areas.
- d) Continuous, highly visible, well-articulated and landscaped connections between building(s) and the street should be provided to establish appropriate pedestrian linkages between the sidewalk and building entrances.
- e) Along collector and arterial roads, reverse frontage residential lots shall be minimized through techniques such as window streets and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas.
- f) On large sites, pedestrian linkages between uses and adjacent sites should be provided.
- g) Mechanical components and/or telecommunication towers should be screened from public view.

17.7 Landscaping

- a) Landscaping is a major contributor to a vibrant streetscape. A high quality of landscape design shall be required to enhance the visual aesthetics of development and to enhance the site and land use compatibility.
- b) Landscaping within private lands shall be complementary to streetscape design and materials within the public realm.
- c) Where appropriate, planted landscaping strips and fencing shall be used to buffer development from adjacent uses and mitigate on-site operational activities such as loading and waste storage facilities.
- d) Landscape materials shall be selected for their aesthetic, ecological, disease-tolerance and maintenance characteristics.
- e) Hard and soft landscaping shall be used for the spaces between the street line and buildings to enhance the streetscape, as well as provide a buffering function when on-site parking is placed close to the street or close to adjacent land uses and properties.
- f) Vehicular entrances often present opportunities for landscaping that

highlight entry points into the site. Therefore, appropriate landscaping shall be provided on either side of driveway entrances, particularly at the main entrances. The use of berms along public street frontages shall generally be avoided due to their tendency to isolate buildings from the street.

- g) The presence of significant trees on a development site shall be determined through a tree survey and, where appropriate, preserved, maintained and integrated into the new landscape design of the site.

17.8 Parking

- a) The location of parking is a major determinant for the layout of a development that is pedestrian friendly and accessible. Where appropriate, the Town should require the provision of surface parking areas in locations not visible from the public street, such as in rear yards and/or well-landscaped side yards.
- b) Where surface parking areas are situated adjacent to a public street in the front yard, their layout should be subdivided into smaller areas to avoid large monotonous asphalt surfaces. In these cases, a certain percentage of the frontage should be reserved for landscaping between the buildings and the street line. The parking areas may be partially buffered and/or screened from the street using landscaping, tree planting, pedestrian facilities, lighting, fencing and/or other landscape elements in order to enhance the visual aesthetics of, and pedestrian activity within, such parking areas.
- c) Clearly defined pedestrian access between parking and adjacent buildings and entrances should be provided with well-delineated walkways.
- d) Surface parking lots shall be linked to the streets and other public areas with well-delineated walkways.

17.9 Access and Circulation

- a) To enhance the vibrancy of the streets, joint vehicular access points into sites shall be considered on adjacent sites.
- b) To ensure pedestrian safety and promote their priority over vehicular traffic, uninterrupted and protected pedestrian connection between public sidewalks and the nearest building entrances should be provided.
- c) Major pedestrian routes on the site should be identified and delineated from the driving surfaces. Pedestrian walkways should be made

continuous across driving aisles as well as across driveway entrances at the street. The use of soft landscaping is also encouraged along major pedestrian routes.

17.10 Commercial and Employment Areas

- a) It is the intent of this Plan to improve the vibrancy, aesthetics and connectivity of all commercial and employment areas in the Town. The approval of any development pursuant to the *Planning Act* shall address the following:
 - i. Improvements to the aesthetics and function of the public realm (roads, parks, and sidewalks) will occur as a condition of development, or will be made possible as a result of the development, as appropriate;
 - ii. The siting, scale and massing of buildings contributes to a safe and attractive pedestrian environment and streetscape;
 - iii. Parking facilities are designed to not dominate the streetscape; and,
 - iv. Landscaping is used to buffer adjacent uses and improve the overall aesthetics of the development.
- b) All new development requiring approval under the *Planning Act* shall conform to other urban design policies of this Official Plan as appropriate. Proposed developments within the downtown commercial area shall be subject to the policies of Section 8.2 Downtown Heritage Guidelines policies of this Plan.

17.11 Design for New Neighbourhoods

- a) The following design principles apply to the development of new neighbourhoods through Plans of Subdivision or Condominium, in accordance with the policies of this Official Plan:
 - i. Residential development shall include a combination of housing types, with a range of densities that implement the housing objectives and policies of this Plan;
 - ii. High-density housing shall be located on Arterial and Collector Roads to facilitate the establishment of multi-modal facilities and a pedestrian-oriented environment;
 - iii. New development areas shall be integrated with existing neighbourhoods;
 - iv. New subdivision streets should generally align in a grid pattern to create appropriately sized development blocks and to promote active transportation permeability and connectivity;
 - v. New blocks shall be designed with lengths that are generally

- less than 250 metres to support active transportation;
- vi. The development of reverse frontage residential lots shall be minimized and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas;
- vii. Open space and parks shall integrate with adjacent development areas and provide a range of active and passive recreational opportunities; and
- viii. New buildings shall be designed and oriented to the street and to street corners to encourage a pedestrian-oriented streetscape; Where appropriate, employment lands shall be buffered from residential development by a variety of measures such as roads, landscaping, natural heritage areas, and parkland and community facilities.

18.0 ENERGY CONSERVATION

Energy conservation will be promoted through the orientation and massing of buildings for solar gain, building retrofit, use of vegetation for cooling or warmth, by considering alternative energy sources in the design and development of individual projects and of the community as a whole.

Renewable Energy

The Town encourages the effective use of energy resources and encourages the development and the maintenance of renewable energy sources where appropriate. Alternative and renewable energy systems will be regulated through the implementing Zoning By-Law in a manner that minimizes their impact on the visual and environmental features of the Town.

subdivision design

- 18.1** 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

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

18.2.1 Electric Vehicle Charging Stations

- a) The Town supports provision of electric vehicle charging stations in publicly and privately-owned parking lots.
- b) The Town may establish, through the Comprehensive Zoning By-law, appropriate provisions related to electric vehicle charging stations.

19.0 SIGNS AND PROPERTY MAINTENANCE**19.1 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*. New signage shall conform to the urban design policies regarding its appearance and location in Part D – Urban Design – of this Plan.

19.2 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.

20.0 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 Project Areas and Community Improvement Plans, subject to available resources.

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

20.1 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

20.1.1 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;
- f) to provide sufficient lands for employment uses to provide opportunities and options for a variety of employment;
- g) to protect and preserve employment areas for current and future uses;
- h) identify and promote opportunities for intensification and redevelopment within Brownfield sites;
- i) promote energy efficient standards for all uses within a Community Improvement Plan;

- j) to encourage infilling on vacant lots, on Brownfields, or on other underutilized land; and
- k) to attract, retain, and facilitate cultural activity and to preserve physical culture and heritage assets.

objectives for residential areas

20.1.2 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 persons with physical and/or emotional disabilities;
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

objectives for commercial districts

20.1.3 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; and
- h) to eliminate land use conflicts.

objectives for industrial and service commercial areas**20.1.1** In Mixed/Commercial Industrial Areas the Town intends:

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

20.2 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 projects are as follow.

general criteria**20.2.1** 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; and
- c) areas where social or recreational facilities are deficient.

criteria for residential project areas**20.2.2** 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; and
- c) areas where neighbourhood and other residentially oriented social and recreational facilities are deficient.

criteria for commercial districts

20.2.3 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; and
- f) areas where land use conflict exist.

criteria for industrial areas

20.2.4 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; and
- d) areas where access, or sewer and/or water system improvements are needed.

20.3 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.

20.4 Implementation

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

20.4.1 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

20.4.2 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.

20.4.2.1 Monitoring

The Town will continue to monitor the effectiveness of its existing Community Improvement Plan initiatives and may see fit to prepare a progress report where necessary.

Property Standards By-law

- 20.4.3** 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

- 20.4.4** 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

- 20.4.5** 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.

Community Benefits Charge

- 20.4.6** 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 address Community Benefits requirements for new development.

Co-operation with Community Groups

- 20.4.7** 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.

The Town may facilitate the creation of local business associations. The County will support the Town in the designation of Business and Community Improvement Areas and in the formulation and implementation of Community Improvement Plans.

Use of Public Funding Programmes

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

Downtowns and Other Commercial Areas

20.4.9

- a) A CIP for downtowns and other commercial areas must be led by local stakeholders and have the formal commitment of the Town's Council and all major stakeholders such as the local service clubs. Representation from local service clubs, a senior municipal staff person, and all other stakeholders is required in all consultations and committees. A municipal staff person may serve as CIP coordinator. Organizers must assemble all relevant policies and regulations affecting the commercial area. No further steps of CIP development shall commence until all components of the organizational structure are established.
- b) The CIP must conduct an initial community assessment of strengths, weaknesses, opportunities, and threats and continually re-assess by survey. The CIP must develop a brand by identifying what makes the CIA or broader community unique or how it can differentiate itself from other communities or regions. The brand must work with the regional identity.
- c) The CIP must define its end goal. To be a destination community, the CIP must have capacity to provide primary activities in the CIA or broader community in proportion to how far visitors are expected to travel. Primary

activities must be things visitors cannot get closer to home. Alternatively, a community may plan to be a support community, capturing traffic en route to another destination.

- d) The CIP must develop one- and five-year action plans towards its goal, identifying problems and opportunities to be tackled one at a time, in order. Action plans must be reviewed and updated regularly.
- e) Municipal investments in the CIA must conform to the brand, action plans, and community design standards established by the CIP and may include one or more of:
 - i. capital expenditures to core visitor attractions within the CIA and broader community;
 - ii. incentive programs/grants for storefront signage, community gateway signage, interpretive plaques, kiosks, façade improvements, awnings, street furniture, decorations, lighting, seasonal decorations, and anything else consistent with branding and action plans; and
 - iii. advertising, promotional materials/ packages, and mapping of businesses, core attractions, and non-gated public attractions.
- f) Site plan approvals shall require that new development be consistent with the CIP's branding, action plan, and community design standards.

PART E: IMPLEMENTATION

21.0 OFFICIAL PLAN

21.1 Official Plan Review

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.

- a) The ten-year review shall consist of an assessment of:
 - i. County growth allocations and the degree to which such allocations are being achieved;
 - ii. The effectiveness of the Plan in protecting water quality, heritage resources, natural resources and habitat and the general environment within the Town;
 - iii. The continuing relevance of the vision that forms the basis of all policies found in this Plan;
 - iv. The degree to which the objectives of this Plan have been met;
 - v. The amount and location of lands available for urban development;
 - vi. Whether the Town has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
 - vii. The Town's role within the County and its relationship with other municipalities:
 1. Development trends in the County and their effect on development in Petrolia Town; and,
 2. Matters which are necessary to address to ensure consistency with or conformity to County and Provincial Plans and policy documents.
- b) Lands located within the General Commercial, Highway Commercial and Industrial shall not be converted to another use except with the support of

a Municipal Comprehensive Review prepared and supported by the Town and County. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- i. There is a need for the conversion;
- ii. The Town will meet the employment forecasts articulated in the County of Lambton Official Plan;
- iii. The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
- iv. There is existing or planned infrastructure to accommodate the proposed use; The lands are not required over the long term for employment purposes for which they are designated; and,
- v. Cross-jurisdictional issues have been considered.

21.2 Official Plan Amendments

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.

22.0 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.

The Zoning By-law may contain Holding provisions which will be used where it is necessary to zone lands for development where the future land use has been sufficiently justified but where there are outstanding matters which cannot be handled through zoning and more specifically identified as:

- a) Water, wastewater and/or storm water servicing requirements;
- b) Road improvements or extensions;
- c) Dedication of lands for park purposes or payment of cash-in-lieu for park land dedication;
- d) Verification of suitable environmental site conditions;
- e) Special land use policies, including but not limited to policies to guide redevelopment or certain lands and/or policies to guide appropriate urban design;
- f) Phasing of development; or
- g) An Environmental Impact Study which determines specific measures to prevent impact on natural heritage features.

22.1 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 Land Tribunal. 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 Land Tribunal 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.

22.2 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.

22.3 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.

22.4 Conditional Zoning

- a) In accordance with Section 34 of the *Planning Act*, Council may, through a zoning amendment, impose one or more conditions on the use, erection or location of lands and/or buildings and structures that shall be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for development. Conditions that shall be imposed through a zoning by-law amendment shall be consistent with prescribed Provincial regulations and may include: a requirement to implement measures identified through the zoning amendment review, the provision of services and infrastructure and the protection of natural resources, built environments, sustainability, energy efficiency, and public health and safety.
- b) Council shall require the owner of land subject to a zoning amendment to enter into an agreement to implement, maintain and/or enforce a condition of zoning approval or to provide a time limit for completion of such conditions. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners.
- c) Proposed changes to conditions subsequent to the decision of Council shall require a further zoning amendment.

22.5 Facilitation of Development Approvals

The Town will facilitate and expedite, in conjunction with the County and affected agencies and other interests, the development approval process by:

- * Investigating and implementing measures to eliminate duplications, consolidate responses, and reduce time delays; and
- * Ensuring development applications follow regulations and include all the necessary provisions as stated under the *Planning Act*.

23.0 EXISTING, NON-COMPLYING AND NON-CONFORMING USES**23.1 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.

23.2 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.

23.3 Non-Conforming Uses

23.3.1 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

23.3.2 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

23.3.3 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

23.3.4 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

23.3.5 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*.

24.0 SITE PLAN CONTROL

24.1 Establishment of Site Plan Control Area

The entire Town is a Site Plan Control Area. However, in order to avoid undue restrictions, certain classes of development or geographic areas will be exempted from Site Plan Control, as defined through the Site Plan Control By-law.

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.

24.2 Approval of Plans or Drawings

No person will undertake any development in an area designated as a site plan control area unless the Town has approved one or both, as the Town 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;
 - 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;
 - 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.

24.3 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;
 - i. facilities to provide access and curbing and traffic direction signs, subject to the *Public Transportation and Highway Improvement Act*;
 - ii. off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iii. walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
 - iv. facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
 - v. walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vi. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - vii. 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
 - viii. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater 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.

25.0 COMMITTEE OF ADJUSTMENT

25.1 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 23.3 (Non-Conforming Uses) of this Plan shall apply.

25.2 Guidelines for Committee of Adjustment Approvals

25.2.1 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?

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

25.2.2 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?
- j) Are the required municipal services available and adequate?

25.2.3 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?
- b) Does the proposed use conform to the uses permitted in the Zoning By-law?

26.0 **LAND DIVISION**

26.1 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.

26.2 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 (2020), 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 (2020), 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.

26.3 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

- 26.3.1** 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

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

designations

- 26.3.3** 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

- 26.3.4** 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.

26.4 SUBMISSION REQUIREMENTS

- 26.4.1** 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 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.

26.4.2 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.

26.4.3 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.

26.4.4 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.

26.4.5 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.

27.0 GENERAL**27.1 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.

27.2 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.

27.3 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.

28.0 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.

28.1 Land Use Boundaries

It is intended that the boundaries of the land use designations be considered as approximate. Boundaries of land use designations coincide with distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses, or other clearly defined physical features. In all other instances, boundaries of land use designations shall be determined by review of: existing zoning by-laws; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns. 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.

28.2 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.

28.3 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.

28.4 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.

28.5 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.

28.5.1 Interpretation of Maps, Schedules, Tables, and Appendices

This Plan contains Schedules, Tables, Maps and Appendices. For the purposes of implementation:

- a) A Schedule is part of the policy framework and forms part of this Plan. Settlement Area boundaries on a Schedule are fixed and definitive;
- b) A Table is a summary of policy requirements in a graphic form and is part of this Plan;
- c) A Map is a visual guide or aid provided to assist the reader in understanding the geographic location or context of a policy and does not form part of this Plan; and,
- d) An Appendix is intended to provide policy context to the reader and does not form part of this Plan.

29.0 PUBLIC INFORMATION

- 29.1** A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan, Consents, 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.
- 29.2** 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.
- 29.3** Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan, consents, 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;
 - d) Altering language or punctuation to obtain a uniform mode of expression;
 - e) Correcting clerical, grammatical or typographical errors;
 - f) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision; and
 - g) Change a format.

30.0 DELEGATION OF AUTHORITY

30.1 Council may, in accordance with the *Planning Act*, delegate approvals of matters stipulated in this Official Plan to a Committee of Council or an individual who is an officer, employee, or agent of the Town. Every delegation of approval shall be done through the passage of a delegation By-law by Council.

30.2 The following approvals may be delegated in accordance with Policy 30.1 and subject to the policies of Section 30:

- a) Minor changes to zoning of a property or properties;
- b) Removal of “H” Holding provisions;
- c) Temporary use by-laws;
- d) Additional dwelling units;
- e) Approval of garden suites;
- f) Cash-in-lieu of parking agreements;
- g) Part Lot Control;
- h) Site Plan Control;
- i) Consents; and
- j) Subdivisions.

30.3 Every delegated approval decision shall comply to the policies and designations of the Official Plan.

30.4 Delegated minor changes to zoning of a property or properties may be approved for:

- a) Siting, size and dimensions of buildings, structures, and similar uses;
- b) Off street parking and loading;
- c) Signs; and
- d) Screening and landscaping.

30.5 Where required, minor changes to zoning should be permitted which result in

the appropriate development of the lands, have no detrimental impacts on adjoining properties, maintain the intent, policies, and principles of the Official Plan and the Zoning By-law, and have regard for the design principles and guidelines of this Plan and the Town, will generally be permitted.

30.6 Delegation of approvals for minor changes in zoning should be established for the following:

- a) Low density residential homes or groupings of homes of 10 units or less;
- b) Additional dwelling units;
- c) Garden suites;
- d) Shared housing;
- e) Tiny homes; and
- f) Small scale residential, industrial and commercial development.

30.7 Delegation of approvals for minor changes in zoning should be established for the following applications:

- a) To implement an approved Site Plan;
- b) To implement Part Lot Control;
- c) To implement consents where there are no unresolved agency or community comments;
- d) To implement a Plan of Condominium where there are no unresolved agency or community comments; and
- e) To implement subdivisions where there are no unresolved agency or community comments.

31.0 GUIDELINES

In order to assist in good planning, improving planning service delivery for end users, and ensuring land use impacts are appropriately addressed, the Town may prepare guidelines and technical studies to assist with the implementation of this Plan. Implementation Guidelines are recognized as statements adopted by resolution of Council which detail the manner in which policies established in this Plan will be implemented. Implementation Guidelines will not be used as instruments to introduce new policy provisions that could be the basis for denying development applications under the *Planning Act*, or for interfering with the natural justice rights of landowners and the public.

32.0 MONITORING

Monitoring of the Official Plan implementation is an important approach to identify any issues or emerging opportunities with the Plan's implementation. Every year, a monitoring update report should be provided to Council that identifies:

- a) Growth in Housing and Employment
- b) Population Growth
- c) Updates on any decisions of the Local Planning Appeal Tribunal that impact the Official Plan.

33.0 COMMUNITY PLANNING PERMIT SYSTEM

The Community Planning Permit System allows the Town to address local planning issues integrating community goals with local character, planning for new development, and streamlining development approvals. The Community Planning Permit System addresses local planning issues and reflects local character and distinctiveness through the creation of a comprehensive vision for a particular area. The Community Planning Permit System enables consistency of planned outcomes and a vision for the area to which it applies.

33.1 Applicability

The entire Town of Petrolia is a Community Planning Permit System Area.

33.2 Objectives

The objectives for the Community Planning Permit System for the Town are:

- a) Preserving the Town character and small-town and rural community vision;
- b) Ensuring that new development is implemented consistent with the Town character and small-town and rural vision;
- c) Ensuring high quality design of both private and public spaces in settlement areas;
- d) Protection and support for agricultural production;
- e) Streamlining the development approval process while providing certainty to built form and land uses;
- f) Ensuring a broad based community engagement program is completed in the creation.

33.3 Areas for Community Planning Permit System By-laws will be identified by Council.

33.4 Background Study

Council will ensure a background study for a proposed Community Planning Permit Area is prepared. Consultation with the community, including stakeholder organizations and Indigenous communities, shall be required. At least one open house and statutory public meeting of Council shall be held. The background

study will form the basis of the Community Planning Permit System By-law.

33.5 Elements in a By-law

- a) Community planning permit by-laws shall set out permissible uses and development standards with specified minimum or maximum limits.
- b) The Community Planning Permit By-Law may permit a use as a discretionary use, or permit a use not specifically listed as a permitted use in the Community Planning Permit By- Law, provided that the proposed use is similar to, and compatible with, the listed permitted uses; would have no negative impact on adjoining properties; and would maintain the intent, principles and policies of this Plan.
- c) The Community Planning Permit By-law may allow for defined variations to the standards and provisions outlined in the Community Planning Permit By-Law. Such variations will only be permitted if they are consistent with the policies of the Official Plan and the specific background study.
- d) Community planning permit by-laws may prohibit land uses.
- e) Community planning permit by-laws may exempt certain types of development from a permit.
- f) Community planning permit by-laws may include inclusionary zoning requirements.
- g) Community planning permit by-laws shall establish criteria to evaluate the use and development of land and may include one or more of the following, in addition to any other area specific criteria arising from the background study and community engagement:
 - i. the built environment, such as, patterns of streets and blocks, the mix and location of land uses, the public realm, built form, and heritage resources;
 - ii. the human environment, such as, housing, community and recreation services and facilities, parks and open spaces;
 - iii. protection, restoration and enhancement of the natural environment;
 - iv. transportation and municipal infrastructure and servicing; and
 - v. the appropriate phasing of development.
- h) The Community Planning Permit By-law may provide that a community planning permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming

use, provided that the proposal is desirable in order to avoid hardship; that it would have no negative impact on adjoining properties; and that it would maintain the intent, objectives, principles and policies of this Plan and the objectives of the By-law.

33.6 Complete Application

The Community Planning Permit By-law will specify requirements for a complete application in addition to the requirements of this Plan. These requirements shall be confirmed with the Town through a required pre-consultation meeting prior to the submission of an application for a permit. Pre-consultation will provide important information including the identification of required studies and/or reports in support of an application.

All applications for permit are required to submit a full drawing and plan set which includes drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display:

- a) The massing and conceptual design of the proposed building.
- b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access.
- c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, and open spaces.
- d) Matters relating to exterior design, including but not limited to scale, appearance, and design features including pedestrian and cyclist access.
- e) Design elements on any adjoining highway under the Town's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.

33.7 Conditions of Approval

- a) requiring that the development does not occur until municipal services are available to the site;

- b) providing adequate on-site and off-site service or road infrastructure and works as necessary to service the proposed development;
- c) conveying part of the land to the Town to the satisfaction of, and at no expense to, the Town for a parkland, public roads or transit right-of-way or providing cash-in-lieu of same;
- d) maintaining the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- e) maintaining vegetation and landscaping;
- f) monitoring the impact of the development on the environment and adapting property management activities to mitigate any identified impacts;
- g) Implementing the recommendations of any technical reports submitted in support of the application;
- h) requiring that appropriate mitigation is undertaken prior to development occurring where site contamination or other environmental constraints are present and/or that satisfactory verification of suitable environmental site condition is received by the Town;
- i) requiring that any archaeological features are identified and appropriately protected prior to any site alteration or grading; and
- j) Providing streetscape features within the municipal road allowance to implement streetscape guidelines established by Council.

33.8 Delegation

Council may delegate to staff the approval or issuance of permits and execution of agreements. Limits on and criteria for such delegation will be established in the Community Planning Permit By- Law.

33.9 Agreement

The Community Planning Permit by-law may require an applicant to enter into and register on title an agreement with the Town, enforceable against current and future owners, dealing with some or all of the conditions imposed on a development permit.

33.10 Financial Securities

The Community Planning Permit by-law may require the applicant to provide financial security to ensure the satisfaction of any condition imposed on the permit and/or the completion and/or maintenance of the development.