

VILLAGE OF POINT EDWARD

OFFICIAL PLAN



Lambton County
Planning & Development
Services Department
2009

Office Consolidation 2021
5 Year Review Update

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PART A INTRODUCTION

SECTION 1	Purpose of the Plan
SECTION 2	Effect of the Plan
SECTION 3	Basis of the Plan
SECTION 4	General Development Concept

INTRODUCTION

1 PURPOSE OF THE PLAN

The Plan will provide guidance for the development and planning of land uses within the Village of Point Edward for a period extending to the year 2046.

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 Village.

The purpose of these policies is:

- to provide a planning policy framework for decision-making by the Village 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 Village; and
- to provide a local context for the application of Provincial and County planning policies.

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

2 EFFECT OF THE PLAN

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

3 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, the more detailed policies of this Plan are necessary to reflect local circumstances, and long term goals and aspirations.

4 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 land use patterns which build strong, liveable and healthy communities that are resilient to climate change, and stimulate economic growth and protect the natural environment and public health.

It is anticipated that the established pattern of land use will continue and that the only major changes will occur in the redevelopment of the lands to the west of Highway 402 and to the south of the Blue Water Bridge.

General commercial uses will be encouraged to locate in the central business district on Michigan Avenue, between Monk Street and Livingston Street., or at the commercial centre at the intersections of Helena and St. Clair and St. Clair (Lite Street) and Christina Street. Highway commercial uses catering to the travelling and vacationing public will be encouraged to locate along Venetian Boulevard, north of Exmouth Street in the area where they are presently located. Recreational, commercial and residential development will be encouraged to locate in the lands to the west and to the south of Highway 402 and the Blue Water Bridge. Residential development will also be encouraged to redevelop on the lands around the central business district. Finally, the development of industrial uses will be restricted to those specialized industries requiring a minimum of land, and whose operations are clean.

Amendments to this Plan may be required from time to time due to changing economic, social and environmental circumstances and will be considered in accordance with the *Planning Act*.

Amendments to this Plan will be made to ensure conformity with the County of Lambton Official Plan Policies and the Provincial Policy Statements. No amendment will be made to this plan, which would not be in conformity with the County Official Plan Policies.

5 This Plan is organized into five parts, as follows:

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

Part B: This part contains sections that describes the land use designations that apply across the Village. Together with the land use maps, these designations will help implement the strategy for managing change set out in Part A.

Part C: This part includes policies for Municipal systems: transportation, public utilities, municipal services, and energy systems.

Part D: This part contains policies to guide decision making based on the Village's goals for the human, built, economic and natural environments.

Part E: This part explains how the Village 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 Village. 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 Village.

6 The Village of Point Edward is planning for growth on the following basis as identified in the County of Lambton Official Plan:

a. To 2031:

Projected Population:	1,529 to 2,058 people
Projected Annual Dwelling Units:	5

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 Village as part of the preparation of the County of Lambton Official Plan (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;
- ii) The Village of Point Edward Official Plan will be updated to include projected population and dwelling units upon the conclusion of the update by the County of Lambton in clause ii).

A Role for Process: Development Applications

The role of the Official Plan is to provide general guidance for development that applies on a Village 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, Plans of Subdivision and Condominium, consents and minor variance applications acknowledges that Village 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 LAND USE POLICIES

SECTION 5	Residential
SECTION 6	Commercial
SECTION 7	Highway Commercial
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SECTION 9	Major Institutional
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5 RESIDENTIAL

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

5.1 Permitted Uses

The primary uses permitted in Residential Areas will be for residential dwelling units. Various types of dwellings will be included, with preference being given to the locating of similar densities of development together.

Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy, and amenity.

Notwithstanding any other policy in this Plan, the Zoning By-law for the Village of Point Edward is authorized to permit affordable housing units within buildings or projects containing other residential units and providing for the affordable housing units to be maintained as affordable housing units over time.

5.1.1 For the purposes of policy 5.1.2 and other references to residential density in this Plan, residential density shall exclude any lands determined to be undevelopable due to natural hazards (e.g. Floodplain and steep slopes) and should include planned roads (public and private) and developable open space and amenity areas (common and private).

5.1.2 Residential uses may be permitted within Residential Areas subject to the following:

- a) The primary residential uses permitted within Residential Areas are low density housing types, generally not exceeding 20 units per hectare (8 units per residential acre), including single and semi-detached dwellings, duplexes, and triplexes, including building conversions to such uses;
- b) Medium-density attached dwellings up to a maximum density of 35 units per residential hectare (14 units per residential acre);
- c) High density multiple family dwellings up to a maximum density of 100 units per residential hectare (40 units per residential acre);
- d) Special residential uses such as group homes and senior citizens' accommodation.

5.1.3 Land uses compatible with dwellings and serving the needs of the local residents will be permitted including, but not limited to:

- a) Public and institutional uses such as elementary and secondary schools, libraries, municipal buildings, places of religious worship;
- b) Neighbourhood parks and recreation uses;
- c) Home Occupations, and Bed & Breakfast Establishments that constitute subordinate uses within dwellings.

5.1.4 Complementary to the range of housing accommodation, the Village will seek to ensure access to a range of services/amenities that are beneficial and/or necessary to the residents.

5.2 Policies

Development approvals will only be considered in instances where Provincial Legislation requirements can be satisfied and where adequate and available infrastructure exists to support the proposed development, including:

- off-street parking supply;
- community facilities, including outdoor recreational space;
- transportation infrastructure; and
- municipal services

5.2.1 Within Residential Areas the Village will encourage:

- a) Areas of new development to take the form of extensions to the existing built-up area.
- b) Development that minimizes the costs required to extend existing services and the costs of creating new services.
- c) Relocation of existing incompatible uses out of residential areas and redevelopment of obsolete land uses.
- d) Development to proceed in such a manner so as not to impose a financial burden on the Village or municipal taxpayers.
- e) Compliance with the Amenity and Design policies of this Plan.
- f) The development of new housing through infilling, intensification and redevelopment in existing residential areas provided that compatibility, and availability of services and infrastructure are met.

- g) Development which is integrated into the fabric and compatibility of the existing community in as compact a manner as is possible.

- 5.2.2** Expansion of the residential component of the Village will be considered only if there is: adequate uncommitted reserve capacity in the Village's potable water, sanitary sewage, and storm water management systems to service such expansion, and that any required roads and community facilities can be provided economically, and only where required to accommodate future growth.
- 5.2.3** Intensification, including infill development and redevelopment, in Residential Areas may be undertaken either by means of 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 physical character and pattern of surrounding development.
- 5.2.4** The design of 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).
- 5.2.5** In approving new residential development, the Village will take into consideration an appropriate mix of housing types for low income, medium income and upper income households according to substantiated need and demand for the Village as a whole.
- 5.2.6** Housing for senior citizens should be located in proximity to community services and facilities.
- 5.2.7** In existing residential areas, an increase in residential density may be considered where the scale and physical character of new or renovated residential dwelling units are compatible with the surrounding area and where municipal and community services are adequate.
- 5.2.8** The Village will attempt to maintain a five year supply of residential units with servicing capacity in draft approved and/or registered plans of subdivision by endeavouring to ensure the appropriate approvals are given as expeditiously as possible. The Village, as of the adoption of the 2021 Official Plan Update, has a supply of residential lands in excess of a 15-year supply. However, intensification of that existing land supply represents the only means for sustained long term growth in Point Edward.

5.2.9 The Village will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers.

The Village will encourage the use of small-scale alternative energy sources in Residential areas, and the use of landscaping, design features and building orientation to reduce energy costs in the design of new facilities.

phasing

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

programs

5.2.11 The Village may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

affordable housing

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

- a) providing 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) reducing the time to process residential applications, to the greatest extent practical;
- c) permitting and facilitating all types of residential intensification, including additional residential units and redevelopment;
- d) adopting alternative development standards where deemed appropriate by the Village; and
- e) encouraging and supporting partnerships in the provision of affordable and supportive housing needs in locations which are appropriate to the community and surrounding services.

targets for the provision of affordable housing

In accordance with the 2020 Provincial Policy Statement and the County's Official Plan, the Village shall utilize the most current Lambton County Housing and Homelessness Plan when setting targets for the provision of affordable housing and will work with the County should there be a need to identify a higher minimum target than is currently provided in the County's Housing and Homelessness Plan.

New development will be encouraged to provide a component of affordable housing, where practical. It is recognized that some sites will not lend themselves to the provision of affordable housing due to land values, the cost of developing the land, or other factors.

housing mix

- 5.2.13** A broad mix of housing accommodation to meet the needs of present and future residents, encompassing a population with diverse lifestyles and economic means will be encouraged.

The mixing of densities and housing designs within individual developments will be encouraged, provided that locational requirements are satisfied. The density of development will be governed by the Village considering among other things, 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, sanitary sewage, stormwater drainage and parks, and the compatibility with existing development patterns.

applications for medium density

- 5.2.14** Development of medium density dwellings such as row housing will be considered in accordance with the following policies:

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to medium density development in locations where the development provides a physical transition between low density dwellings, and residential development exceeding a density of 40 units per residential hectare (16 units per residential acre). Locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas will be encouraged;
- c) The development should be adequately buffered from abutting low density residential development;
- d) The development should be designed so that it is compatible with surrounding development, and shall be subject to the Site Plan Control provisions of this Plan

or other relevant land use and design review processes enacted by Council (eg. Community Planning Permit System);

- e) On-site parking and recreational amenities are to be provided; and
- f) The height of the proposed development should not generally exceed three storeys.

applications for high density

5.2.15 Development of high density dwellings such as apartments will be considered in accordance with the policies of this Plan.

Planning, transportation and service in studies may be required by the Village and/or other affected agencies prior to consideration of any applications for high density residential development. The required studies must show that the proposed development is compatible with surrounding land uses and will not place a burden on the existing road system, or exceed the capacity of the Village's potable water, storm and sanitary sewage collection, treatment and distribution services without appropriate remedial measures being undertaken by the applicant, and the ownership of any such necessary remedial measure works being transferred from the applicant over to the Village.

In addition to any required studies, all applications for high density residential development will be considered in accordance with the following policies:

- a) The development should be located in proximity to Arterial or Collector Roads;
- b) Preference will be given to locations in proximity to natural amenities such as watercourses or major open space; or in proximity to central commercial areas; public transit facilities where they are available; and at the intersection of Arterial Roads or Arterial and Collector Roads;
- c) The development should be compatible with adjacent lower density residential development, and should be provided with on-site recreation amenities and parking;
- d) Building height should not exceed that which might create a hazard by virtue of the inability of the Village to provide adequate fire protection; and
- e) Shall be subject to Site Plan Control, or other relevant land use and design review processes enacted by Council (eg. Community Planning Permit System).

special residential uses

- 5.2.16** Special Residential uses include group homes as defined in the Zoning By-law, residential care facilities, short-term accommodation operated or authorized by a public agency, and facilities for special population groups. Special Residential uses will be subject to the following policies:
- a) Preferred locations for such uses are on Arterial Roads and Collector Roads;
 - b) The use should be compatible with the scale, density and character of existing land uses;
 - c) Provision should be made for adequate buffering to protect surrounding existing development;
 - d) Adequate off-street parking must be provided to serve the residents, staff and visitors while retaining sufficient yard space to maintain the residential character of the area, and;
 - e) Provision will be made for off street locations to accommodate drop-off and pick-up of the users of such facilities, where necessary.

Special Residential uses will generally be subject to the policies governing Higher Density dwellings.

The Special Residential uses to be permitted will be established in the municipal Zoning By-law.

accessory buildings

- 5.2.17**
- 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 small scale home industries may be 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.

Additional dwelling units

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

For the purpose of calculating residential density and implementing the policies of this Plan, “additional dwelling 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 the 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 By-law.

- b) The Village shall permit additional dwelling units in a residential area on a residential lot occupied by a single detached, semi-detached, or townhouse dwelling, and an additional dwelling unit in an accessory building.
- c) An additional dwelling may not be permitted as accessory to a main dwelling unit in certain situations. These include units within a plan of condominium, and lots where a dwelling is only permitted as accessory to another use. Additional dwelling units may be prohibited within areas with sewage capacity constraints.
- d) Preference shall be for additional dwelling units to be within or attached to the main dwelling and convertible to use as part of the main dwelling. Additional dwelling 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 second units contained within or attached to a main dwelling. Additional dwelling 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) The Zoning By-law shall set out applicable standards for additional dwelling units consistent with the Ontario regulation for additional dwelling units. The Committee of Adjustment may consider exceptions where the intent of this Plan’s policies applicable to additional dwelling units and section 5.2.17 policies c) and d) 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.

- f) Additional Dwelling Units shall not be permitted within natural hazard areas (e.g. flood hazard areas, unstable slopes).

5.3 Home Occupations

A home occupation is defined as a business activity (full or part-time) carried out by a person in their residence. Home occupations will be permitted in residential areas. Such uses rarely create conflicts during early development however, when they attempt to expand, they may become inappropriate for a residential area. To ensure that home occupations do not expand in a manner that conflicts with the residential use or physical character of the neighbourhood, such home occupations will be encouraged to locate in other appropriate non-residential areas.

home occupation secondary to residence

- 5.3.1** A home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit. Home occupations which are located in detached garages or other accessory buildings will not be permitted.

non resident employees

- 5.3.2** A home occupation must be conducted or undertaken by a person or persons permanently residing in the dwelling that 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

- 5.3.3** Alterations to a dwelling for a home occupation that are inconsistent with the residential character of the lot or neighbourhood will not be permitted.

outdoor storage

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

sale of goods

- 5.3.5** The sale of goods associated with a home occupation from the lot used as a home occupation will be permitted, but a home occupation that is primarily a retail store is prohibited.

floor area

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

limitations on occupations

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

signs

- 5.3.8** Signs associated with a home occupation will be non-illuminated, and the area of the sign will be regulated in the Zoning By-law.

use of machinery

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

nuisance

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

municipal servicing

- 5.3.11** A home occupation will only be permitted where adequate servicing is available.

license

- 5.3.12** All home occupations will obtain a license from the Village prior to commencing operations.

5.4 Short Term Vacation Rentals

The Village 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 use, to ensure these uses remain appropriately integrated in the Village'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 be subject to the same land use policies as those permitted in residential areas and shall be subject to the same licensing requirements.

Goals and Objectives for Short Term Vacation Rentals:

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

- a) STVRs should 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 Village'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 Village's relevant By-laws; and
- e) Operators of STVRs shall acknowledge their responsibilities in complying with the Village's by-laws and licensing provisions.

Policies

- 5.4.1** The Village may, on an area-specific or case-by-case basis, prohibit STVRs in areas that are not considered to be consistent with this Plan;
- 5.4.2** 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;
- 5.4.3** Guest rooms shall only be available for temporary, short term accommodation to the general public;
- 5.4.4** Subject to any other requirements of the zoning or licensing by-law, STVRs shall 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;

- 5.4.5** 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;
- 5.4.6** 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;
- 5.4.7** Special provisions applicable to Bed and Breakfast Establishments include:
- 5.4.7.1 Separate kitchen or dining areas for guests may be provided. Establishment of a restaurant catering to persons other than guests shall not be permitted.
 - 5.4.7.2 Only persons permanently residing in the dwelling shall operate a Bed and Breakfast Establishment; and
 - 5.4.7.3 Construction or conversion of buildings accessory to the home to accommodate guests shall not be permitted.
- 5.4.8** 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:
- 5.4.8.1 All licensed and approved STVRs shall be subject to a municipally approved STVR Code of Conduct.
 - 5.4.8.2 Any STVRs with more than three guest rooms shall be defined in the zoning by-law and subject to site plan control to ensure:
 - a) Sufficient on-site parking is available;
 - b) Occupancy Loads of the dwelling are not exceeded;
 - c) Appropriate water and wastewater services are provided to the dwelling;
 - d) Operation fire and safety plans are approved by qualified municipal inspectors;
 - e) Appropriate on-site signage is provided;

- f) Appropriate site landscaping and buffering is provided to mitigate potential impacts on neighbouring properties;
- g) 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;
- h) Suitable on-site amenity area is provided for guests and residents;
- i) 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
- j) 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.

- 5.4.9** As part of a submission in support of a site-specific zoning amendment for the STVRs with more than three guest rooms, a proponent shall be required for:
- 5.4.9.1 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 Village'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
 - 5.4.9.2 Demonstrate availability and suitability of on-site and nearby public amenities and services for residents and guests.
- 5.4.10** "Additional dwelling units" (per the Ontario *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 house supply); and
- 5.4.11** STVRs should be encouraged to be located in proximity to established commercial areas, tourist areas or local attractions.

5.5 Compatibility Policies for Residential Areas

Throughout this section and elsewhere in this Plan, the terms “compatible”, “compatibility” or similar terms have been used in association with new development, intensification, redevelopment, infilling, special residential and non-residential land uses in the Residential land use designation. To assist in assessing those types of proposals, the following policies are provided in order to give general guidance on what constitutes compatibility, while maintaining enough flexibility to accommodate good, and in some cases, innovative development in the Residential areas.

general

New development, intensification, 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

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:

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

physical character

Development in Residential areas will respect the established physical character of those areas. When assessing development proposals, particular regard will be had for the following:

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

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

mitigation measures

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 approval.

6 **COMMERCIAL**

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

permitted uses

- 6.1** Within the Commercial Area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. To enhance the identity and strengthen the function of Central Commercial Areas, various public buildings such as the local library, the post office and the municipal offices will also be encouraged.

secondary uses

- 6.2** Secondary uses shall include residential uses subordinate to commercial developments.

dwelling units

- 6.3** To enhance the diversity and vitality of the central commercial area, the establishment of new dwelling units will be encouraged in accordance with the following criteria:
- a) In cases where a lot fronts onto a commercial main street, the dwelling units must be located above or behind ground floor commercial uses;
 - b) Dwelling units are provided with access to an open space area suitably landscaped and maintained, or alternatively are provided with a balcony; and
 - c) Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.
 - d) Notwithstanding Policy 6.2, residential dwelling units may be considered as a primary use (i.e. not secondary uses nor “subordinate to commercial developments”) provided that:
 - 1) criteria (a) – (c) inclusive are appropriately addressed prior to final site and or condominium plan approval; and
 - 2) each proposal is subject to site plan and urban design review, including relevant agreements; and
 - 3) shall be subject to a site-specific zoning amendment.

studies

- 6.4** To strengthen and enhance the role of the downtown Commercial area centred on Michigan Avenue as the focal point of the community and as a healthy business centre, the Village 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

- 6.5** New development in the Commercial area will only be permitted where compatibility with adjacent land use designations and the commercial structure of the Village can be ensured.

form

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

7 HIGHWAY COMMERCIAL

permitted uses

7.1 Within Highway Commercial areas the primary use of land will be large, space extensive uses that require large parcels of lands 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 Commercial Area, the Village should provide a cohesive and attractive appearance to the area that complements and introduces visitors to the traditional downtown.

Permitted uses within Highway Commercial areas will include, but not necessarily be limited to, the following:

- a) Drive-in restaurants;
- b) Hotels, motels and related tourist facilities;
- c) Places of amusement and recreation;
- d) Restaurants, gift shops, farmer's markets, antique stores and flea markets; and
- e) Private commercial recreational facilities such as fitness and health clubs; tennis, squash and racquetball courts.

design

7.2 As a result of the visibility of the Highway Commercial area to visitors and residents alike and its importance to the local tourism economy, the Village will strive to achieve a high standard of urban design for new development or redevelopment in this area, including such elements as:

- increased landscaping;
- sufficient and attractively designed off-street parking areas; and
- the coordinated installation of municipal services in order to reduce pavement cuts and minimize disruption to traffic.

8 MIXED COMMERCIAL/INDUSTRIAL

- 8.1** The Mixed Commercial/Industrial classification of land shall mean that the predominant use of land in areas so designated shall be for warehousing, light industrial uses, storage uses and space extensive commercial uses.

The general principles to be considered in the development and zoning of the Mixed Commercial/Industrial areas are as follows:

permitted uses

- 8.1.1** Permitted uses shall include light industrial uses, warehousing, storage uses, offices, space extensive light industrial or highway commercial uses such as truck transport terminals and commercial trade centres, and similar uses;

building and fire codes

- 8.1.2** Industrial and commercial uses situated within a building shall be compatible and shall be developed in accordance with all provisions of the Ontario Building Code and the Ontario Fire Code;

parking

- 8.1.3** Adequate off-street parking facilities shall be provided to accommodate all uses;

outdoor storage

- 8.1.4** Outdoor storage shall generally be restricted and shall only be permitted through the zoning by-law;

loading

- 8.1.5** Adequate off-street loading facilities shall be provided;

plazas not permitted

- 8.1.6** Properties affected by this designation and the accompanying zoning by-law shall not be developed as a traditional shopping centre or plaza for retail uses normally found in an established shopping area;

site plan control

- 8.1.7** Site plan control applies to properties affected by this designation. The landowner will be required to enter into a site plan agreement with the Village in any cases where a building permit is required to accommodate new uses on the property. Such an agreement will be used for, among other things, the control of outside spaces and to ensure compatibility with adjacent land uses;

light industrial uses

- 8.1.8** Permitted light industrial uses shall not create any adverse effects outside of the building but not necessarily limited to the emission of noise, odour, smoke, dust, lighting and vibration; and

truck traffic

- 8.1.9** Truck traffic to the properties in the Mixed Commercial/Industrial area shall be restricted to routes which limit impacts on nearby residential uses.

9 MAJOR INSTITUTIONAL

permitted uses

- 9.1** Within Major Institutional areas the primary use of land will be major public operations including government, health care, day-care, educational, religious, recreational, social welfare, and cultural facilities.

Secondary uses permitted within Major Institutional areas will include ancillary residential and service commercial facilities only.

new institutional uses

- 9.2** New Major Institutional land use designations will require an amendment to this Plan and will only be considered on the following basis:

- a) Amendments to create new Major Institutional areas will generally be considered in Residential areas and may be considered in other designations only where the scale and/or nature of proposed institutional uses warrants;
- b) New institutional uses will be required to locate in areas where full municipal services are provided;
- c) New Major Institutional uses will be strategically located in relation to the population served.

9.3 Blue Water Bridge

general

- 9.3.1** The twin spans of the Blue Water Bridge are one of the busiest and most important international border crossings between Canada and the United States, and link the Village of Point Edward with the City of Port Huron in Michigan.

accessory and associated uses

- 9.3.2** In addition to the permitted uses listed in Section 9.1, the Blue Water Bridge structures, as well as associated uses which are directly related to the presence of the bridges, such as customs and maintenance facilities and commercial uses such as currency exchanges and duty-free shops are permitted uses in the Institutional designation.

cooperative efforts

- 9.3.3** The Village of Point Edward recognizes the importance of the Blue Water Bridge to the community, as well as to the County of Lambton and beyond. It is the intention of the Village to continue a program of ongoing consultation and cooperation between Council

and the Blue Water Bridge Authority so that the efforts of both bodies can be coordinated for the betterment of the Village and the larger community. In particular, the Village supports the efforts of the Blue Water Bridge Authority, in consultation with the Village and other public and private partners, on the development of a Master Plan for the long range development of the Blue Water Bridge Canada's holdings.

10 **MAJOR OPEN SPACE**

The provision of public recreational space and facilities is an important component for the social well being of the residents of the Village. It is the Village's intent to provide opportunities for the creation of public parks and recreational facilities and to work with local service clubs, school 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.

10.1 **General Policies**

categories

10.1.1 The two major categories of public open space in the Village are:

Major Open Space areas and Community Parks, including publicly owned Environmental Protection areas which can accommodate some recreational activities by all residents; and

Neighbourhood parks and minor open space areas that serve local recreational requirements.

interconnected systems

10.1.2 Wherever possible, an interconnected open space system will be developed in order to encourage active transportation initiatives. In the event that transportation or utility corridors are no longer required for such purposes, consideration should be given to incorporating them into the municipal open space system. The Village will encourage the co-operation and participation of public service groups and private citizens in developing such corridors as open space linkages. Consideration will be given to the potential for linking the Village's open space system with that of the City of Sarnia.

neighbourhood parks

10.1.3 Neighbourhood Parks are permitted uses in all land use designations.

Existing parkland space in the Village is of high value to the community and integral to the future viability and sustainability of the Village. Therefore, disposal of any parkland by the Village is discouraged in the strongest terms and further, where a publicly owned neighbourhood park is deemed to be surplus to the Village's needs for the purposes of selling to others, prior to declaring the land surplus, the Village shall process a site-specific official plan and zoning amendment application that specifically removes "neighbourhood park" (or similar defined use) from the list of permitted uses applicable

to the affected site. This process will be in addition to any other public policy that the Village follows prior to the sale of lands surplus to the Village's needs.

community and major parks

- 10.1.4** 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

- 10.1.5** 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, and will be provided in accordance with the following policies that will be applied throughout the entire Village:

- a) As a condition of residential development or redevelopment conveyance of land to the Village for park purposes will be required at a rate of 5 per cent of the land proposed for development or 1 hectare for each 300 dwelling units proposed or, cash in lieu thereof;
- b) As a condition of industrial and commercial development or redevelopment, the conveyance of land to the Village for park purposes will be required at a rate of 2 per cent of the land proposed for the development to the Village for park purposes, or cash in lieu thereof.

cash-in-lieu of parkland

- 10.1.6** Cash in lieu of dedicated parkland will 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. Cash in lieu will be accepted for example when there is no deficiency in parkland based on the parkland density standards or the parcel proposed is not appropriate for parkland.

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

condition of dedicated lands

- 10.1.7** The Village will generally not accept as part of the minimum parkland conveyance lands that are 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 Village will be in a physical condition satisfactory to the Village considering the anticipated park use. The Village may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at their discretion.

10.1.8 The Village may, from time to time, wish to acquire from developers, lands that 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 per cent dedication required for commercial and industrial development or the 5 per cent dedication required for other purposes, the Village will attempt to acquire such lands through purchase from the developer.

multiple family developments

10.1.9 Any multiple unit residential development with over 25 units should incorporate private parkettes for the use of its residents, where feasible.

agreements

10.1.10 This Plan encourages the development of agreements between the Village and other organizations, such as public service clubs or school boards, for the increased utilization of space and facilities such as open space, gymnasiums, or buildings, in order to serve the residents.

other agencies

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

primary permitted uses

10.1.12 Community Parks and Major Parks will be the primary public recreation uses permitted within Major Open Space areas. Additional uses such as land, water and forest conservation, storm water detention areas, and ancillary structures or buildings, are also permitted.

secondary uses

10.1.13 Secondary uses, including any ancillary buildings or structures, that may be permitted include the following:

- a) Golf courses including driving ranges and putting greens;
- b) Private Parks;
- c) Public campgrounds;
- d) Non-commercial gardening including nurseries;
- e) Botanical gardens;

- f) Zoological parks;
- g) Swimming pools, skating rinks and ponds;
- h) 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

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

lands in private ownership

- 10.1.15** 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 Village or any other public agency.

conditions of redesignation

- 10.1.16** Applications for the redesignation to another use of all or part of an existing Major Open Space Area may be permitted by the Village after considering the following:
- a) The existence of any significant or unique natural features and/or environmentally sensitive areas or cultural heritage landscapes;
 - b) The proposed methods by which the above would be handled in a manner consistent with accepted engineering practice and environmental management methods;
 - c) The costs and benefits in monetary, social and biological value in terms of any engineering works and resource management practices to be used;
 - d) The concerns of the local Conservation Authority and/or the Province; and
 - e) The other policies of this Plan related to parks and open space.
 - f) Any proposed redevelopment of the Sarnia Golf Course shall be subject to a coordinated plan considered jointly and cooperatively between the City of Sarnia and the Village of Point Edward.

- 10.1.17** There is no public obligation to redesignate or to purchase any Major Open Space Areas.

10.2 Major Parks

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

10.2.2 Major Parks are intended to provide a broad range of active and passive recreational opportunities. 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 Village; 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:

- a) Provide indoor and outdoor recreation facilities serving several residential neighbourhoods within the Village, and provide a focal point for community activities;
- b) Provide for active recreational activities predominantly;
- c) Be accessible to the neighbourhood and where possible, subdivision plans should incorporate walkways to new or existing parks;
- d) Incorporate elements of the natural environment wherever feasible;
- e) Be located on a Collector or Arterial Road; 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 at the neighbourhood level and other small scale open space areas that 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;
and
- e) Be located on a Collector or Local Road.

11 SPECIAL TOURIST COMMERCIAL

Within the Special Tourist Commercial designation, development shall be designed primarily to attract and service tourist and commercial trade from the Highway 402 corridor.

11.1 The following specific policies shall apply to lands within the Special Tourist Commercial classification:**permitted uses****11.1.1** Permitted uses shall include places of entertainment (including games of chance), automobile service uses, truck service centre, restaurants, tourist accommodations, retail shops, and tourist services;

Other residential and office uses may be considered as part of a mixed use development proposal that includes some or all of the above-noted permitted uses, but shall be subject to a site specific zoning amendment and site plan control process (or other comparable planning implementation tool, such as CPPS), that addresses site suitability and compatibility with surrounding areas; a primary focus for the review of any proposal shall focus on high quality urban and building design programs that enhance this key gateway location to Canada, Point Edward, the City of Sarnia and Lambton County.

development policies**11.1.2** Development shall not include a traditional shopping centre or plaza;**11.1.3** Site Plan Control shall apply to all development within this designation.**11.1.4** Adequate off-street parking and loading facilities shall be provided for all uses;**11.1.5** Development will be required to meet, through distance separation and/or through a combination of one or more noise attenuation design measures, any applicable Ministry of Environment noise criteria as part of the approval process.**11.1.6** Design of development shall accommodate reuse of the former C.N. lands adjacent to Front Street and shall have regard for the planned function of adjoining lands in the Village and in the City of Sarnia;**servicing agreements****11.2** The initial rezoning of the lands will use the “Holding” provisions of the Planning Act to ensure that appropriate servicing studies and servicing agreements (storm water and sanitary sewer) are in place before building permits are available. Initial, minor developments may be serviced by the City of Sarnia sewage treatment system on an

interim basis. It is intended that the site develop to be serviced, in its entirety, by the Village of Point Edward sewage treatment system.

The approval of a servicing arrangement such as that noted above will be subject to a hearing under Section 54(1) of the *Ontario Water Resources Act* by the Environmental Review Tribunal.

- 11.3** To help promote the importance of this site to the County and Village, and establish a vision for its development, the Village will work with the County to prepare a site development concept endorsed by Village Council to be used to promote this site to potential investors.

12 WATERFRONT MIXED USE

predominant uses

The predominant land uses in the area designated Waterfront Mixed use shall be residential and commercial uses.

General Policies

12.1 The policies for the zoning and development of the Waterfront Mixed Use area are as follows:

development agreements

12.1.2 All development shall be subject to development, subdivision, or condominium agreements pursuant to the *Planning Act* and will be subject to site plan, subdivision, and/or condominium conditions of approval as appropriate and allowed for pursuant to the *Planning Act*.

servicing

12.1.3 All development shall take place on full piped municipal services (i.e. potable water, sanitary sewage, storm water). Such development shall not take place until the Village of Point Edward has confirmed that the uncommitted reserve capacities of the municipal servicing systems are sufficient to accommodate the proposed development(s).

soil conditions

12.1.4 Development shall be permitted only on lands having soil drainage conditions which are suitable to permit the proper siting and development of the proposed uses.

pedestrians

12.1.5 Separation of pedestrian and automobile traffic must be provided.

parking

12.1.6 Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing zoning by-laws.

open storage

12.1.7 No open storage of goods or materials shall be permitted.

orderly development

- 12.1.8** The Village shall ensure the phased and orderly development of the Waterfront Mixed Use designation by means of subdivision and development agreements pursuant to the Planning Act.

fire protection

- 12.1.9** Prior to Council entering into the subdivision agreements pursuant to Section 51 of the Planning Act and development agreements pursuant to Section 41 of the Planning Act, plans of subdivision and site plans which have an impact on the provision of fire protection facilities and the provision of access roads for firefighting purposes, shall be reviewed in consultation with the appropriate officials and staff of the City of Sarnia.

landlocking

- 12.1.10** Regard will be had to ensure that the development of the Waterfront Mixed Use area does not cause properties within the area, or properties abutting it, to be landlocked.

consultation

- 12.1.11** Details of the development proposals in the Waterfront Mixed Use area shall be reviewed in consultation with the Ministry of the Environment to ensure that noise or air pollution and water quality problems will not be created. The compatibility of development proposals with the Ministry of the Environment noise guidelines shall be reviewed at the subdivision approval stage.

Storm water management and matters pertaining to air pollution will be reviewed in concert with any pre-submission consultation activities that take place with the Ministry of the Environment as a means of reducing the likelihood of development proposal in the Waterfront Mixed use area causing any storm water quality/quantity or air pollution problems. The compatibility of development proposals with respect to noise will be evaluated by the Planning Act approval authority in the context of compliance with applicable Ministry of Environment noise criteria.

residential uses

- 12.1.12** The residential uses permitted in the Waterfront Mixed Use area shall consist primarily of cluster houses, townhouses, stacked townhouses and apartments. Single detached and semi-detached dwellings are strongly discouraged but may be permitted if not more than a combined total of 30 of those unit types are constructed.

The maximum overall residential density for the area designated Waterfront Mixed Use shall not exceed 30 units per gross acre. However, a maximum density of 60 dwelling units per net residential acre shall be permitted on any portion of the mixed use area,

provided that the overall residential density of 30 units per gross acre is not exceeded. For the purposes of this section "gross acre" applies to all lands designated "Waterfront Mixed Use", while "net acre" applies to the area of land for residential lots or blocks but excludes public roadways.

non-residential uses

12.1.13 Non-residential uses permitted in the Waterfront Mixed Use area include:

commercial uses

12.1.14 Neighbourhood and convenience commercial facilities serving nearby residents, professional and business offices.

Tourism and leisure related commercial uses including hotels and motels and uses accessory thereto, restaurants, beverage rooms, recreational establishments, place of entertainment, automobile service stations, retail stores and similar uses serving the travelling and vacationing public.

total floor area

12.1.15 The maximum combined total floor area for a) and b) above excluding hotels, shall be 150,000 square feet of which no more than 75,000 square feet shall be grouped within any shopping centre.

institutional uses

12.1.16 Institutional uses, including places of worship, community centres, post offices, libraries and arts centres shall be permitted in the Waterfront Mixed Use area.

open space and recreational uses

12.1.17 Open space and recreational uses, including swimming pools, tennis courts, bowling greens, play facilities, picnic areas and similar uses and marinas, shall be permitted in the Waterfront Mixed Use area.

parkland dedication

12.1.18 Whenever the development or redevelopment of land for commercial or industrial purposes occurs on lands designated "Waterfront Mixed Use", the Village may require the developer to convey 2% of the lands to be developed or redeveloped to the Village for park purposes.

In cases where the development or redevelopment of land is for residential purposes, the Village may require that the developer convey 5% of the lands to be developed or redeveloped to the Village for park purposes.

As provided by Section 50(7) of the *Planning Act*, 1983, the Village will require that land included in a plan of subdivision be conveyed to the Village for park or other public recreational purposes at a rate of 1 hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the Village.

Whenever the development or redevelopment of land occurs in lands designated "Waterfront Mixed Use", the Village will require that all lands to be conveyed to Point Edward for park purposes be located immediately along the St. Clair River shoreline for development as a public walkway.

This policy shall also apply to lands designated "Waterfront Open Space" which are adjacent to lands designated "Waterfront Mixed Use".

special policies for "spit lands" development

- 12.2** The peninsula of land situated between the St. Clair River and the Winter Harbour is known locally as the "spit" or the "spit lands", and is depicted on Schedule 'C' to this Plan. These lands are man-made and were previously used for aggregate storage and other purposes, and are currently vacant.

riverfront walkway to be constructed

- 12.2.1** Lands along the west side of the spit, immediately adjacent to the St. Clair River will be placed in a Waterfront Open Space designation, dedicated to the Village, and shall be used for the construction of a public pedestrian walkway. The balance of the spit lands will be placed in a Waterfront Mixed Use designation.
- 12.2.2** a) The public walkway shall be constructed within the Waterfront Open Space lands and abutting the St. Clair River.
- b) The proponent shall dedicate the required lands for the public walkway and the shoreline protection works as a condition of any approval of any development on the lands shown on Schedule "B" to this Plan, whether such approval is by approval of a Plan of Subdivision, a Consent to Sever, or a Site Plan.

The dedication of the lands for the public walkway shall count towards the parkland dedication that is required by the Village for development within the entire area designated Waterfront Mixed Use and owned by the same proponent as shown on Schedule "B" hereto.

- 12.2.3** The Village will consult with the St. Clair Region Conservation Authority to ensure that the walkway will be at a sufficient elevation and will have sufficient shoreline protection to address issues related to erosion, high water levels, wave uprush and similar matters, as with the Village's public walkway constructed to the north of the Casino lands.

walkway specifications

- 12.2.4** Lands dedicated for the public pedestrian walkway, and the walkway itself, shall be wide enough to act, if required, as a secondary emergency access by allowing the passage of fire trucks and other emergency vehicles in the event that an internal roadway serving the spit land development is blocked or otherwise unusable.

Walkway lands will also accommodate lighting, benches and other facilities consistent with those which have been provided on the portion of the waterfront walkway between the casino and the Blue Water Bridge Canada lands, and will provide a direct connection to the existing walkway to the north.

- 12.2.5** The walkway and associated facilities such as lighting and benches on the walkway will be constructed by the Village at Village expense. Prior to development of the spit lands as shown on Schedule 'C' for Waterfront Mixed Use, the proponent or the successor or successors in title of the proponent will be required to enter into an agreement with the Village, and with other authorities, if required, regarding financial contributions by the proponent towards the shoreline protection works constructed or to be constructed on the spit lands.

development on private road permitted

- 12.2.6** Development on the spit lands may be permitted on an internal private road, provided the Village is satisfied that appropriate arrangements or agreements are in place to allow for primary and secondary emergency access by fire and other emergency vehicles on the development lands.

This policy will not preclude the development of the spit using a public road system, which may include alternate development standards such as reduced right-of-way widths.

conditions for development approvals

- 12.2.7** Implementing planning approvals such as zoning by-law amendments, subdivision or condominium approvals and site plan or development agreements, will not be granted and land dedications will not be accepted until the Village is satisfied that:

- a) Soil and hydrogeological conditions are suitable for the type of development proposed;
- b) The lands are not subject to environmental contamination as a result of previous land uses, and a Record of Site Condition has been issued in accordance with the provisions of the *Environmental Protection Act*;
- c) Natural heritage matters have been adequately addressed;

- d) Sufficient shoreline protection works are approved by the appropriate agencies and jurisdiction in the area;
- e) The lands can be adequately serviced;
- f) Such other studies or matters are completed as the Village deems necessary to ensure the appropriate development of the lands; and
- g) Any required approvals from other levels of government have been obtained.
- h) Flood hazards have been appropriately assessed and addressed.

holding zones

- 12.2.9** The implementing zoning by-law may make use of holding zones in order to impose conditions to ensure that the studies and investigations noted above are completed prior to development on the spit lands.

13 **MIXED USE****predominant land uses**

13.1 The predominant land uses in the area designated Mixed Use shall be medium density residential and commercial uses.

13.1.2 Low density residential development may be located on the property described as Point Edward Pt Military Reserve RP 25R10638 Parts 2, 4 and 5, Pt Parts 1 and 3 RP 25R10781 Parts 1 and 2 (known municipally as 1600 Venetian Boulevard), subject to the development standard outlined in Section 13.2.14. (OPA No. 2)

13.2 **general policies**

The policies for the development and zoning of the Mixed Use areas are as follows:

13.2.1 All development shall be subject to development agreements pursuant to Section 41 of the Planning Act.

13.2.2 All development shall take place on full piped municipal services (i.e. potable water, sanitary sewage, storm water). Such development shall not take place until the Village of Point Edward has confirmed that the uncommitted reserve capacities of the municipal servicing systems are sufficient to accommodate the proposed development(s).

13.2.3 Development shall only be permitted on lands having soil drainage conditions which are suitable to permit the proper siting and development of the proposed uses.

13.2.4 Mixed Use development shall take place only in areas where such development will have little effect on the existing residential areas of the Village. It should be designed so as to create a relatively self-sufficient community that will not burden the existing amenities and services of the Planning Area.

13.2.5 Setbacks from roads, to comply with the right-of-way widths established by the appropriate road authority, shall be provided as required by the implementing zoning by-laws. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

13.2.6 Development shall have access to an arterial or collector road without having to travel through areas of Residential designation before reaching an arterial or collector road.

13.2.7 Separation of pedestrian and automobile traffic must be provided.

13.2.8 Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing zoning by-laws.

- 13.2.9** No open storage of goods or materials shall be permitted.
- 13.2.10** The Mixed Use areas may be placed in a number of zoning categories. In this regard, the Village shall ensure the phased and orderly development of the Mixed Use area designation by means of "subdivision and development agreements pursuant to the *Planning Act*."
- 13.2.11** Prior to Council entering into development agreements pursuant to Section 41 of the *Planning Act*, site plans which have an impact on the provision of fire protection facilities and the provision of access roads for firefighting purposes, shall be reviewed in consultation with the appropriate officials and staff of the City of Sarnia.
- 13.2.12** Details of development proposals in the Mixed Use area shall be reviewed in consultation with the Ministry of the Environment to ensure that problems of noise or air pollution and problems with the water quality of all watercourses are not created.

Storm water management and matters pertaining to air pollution will be reviewed in concert with any pre-submission consultation activities that take place with the Ministry of the Environment as a means of reducing the likelihood of development proposal in the Mixed use area causing any storm water quality/quantity or air pollution problems. The compatibility of development proposals with respect to noise will be evaluated by the *Planning Act* approval authority in the context of compliance with applicable Ministry of Environment noise criteria.

residential uses

- 13.2.13** The residential uses permitted in the Mixed Use area may include townhouses, stacked townhouses and apartments.

density

- 13.2.14** The maximum residential density for permitted residential development shall be limited to 100 units per hectare (40 units per acre) and subject to the policies of Section 5.2.15.

non-residential uses

- 13.2.15** The non-residential uses permitted in the Mixed Use areas may include marinas and marina-related activities, retail stores, professional or business offices, restaurants, beverage rooms, service shops, commercial clubs and similar commercial uses; places of worship, community centres, post offices, libraries and similar institutional uses; and swimming pools, tennis courts, bowling greens, play facilities, picnic areas and similar open space and recreational uses.
- 13.2.16** With the exception of the offices, all non-residential uses should be of a type and size suitable to serve primarily the residents of the Mixed Use areas. Highway Commercial

uses shall not be permitted. Other uses oriented to serve the entire Planning Area or some larger geographical area should be discouraged.

proportion of uses

13.2.17 In any area designated Mixed Use, the following limits on proportions of uses shall apply:

Not less than 20% of any such area shall be developed for community-type open space uses such as playing fields, golf courses or picnic areas.

Not more than 80% of any such area shall be developed as Residential/Commercial areas which:

- may include community facilities such as a library, school, post office, church, day care centre or community centre;
- shall include not less than 4% of the area developed for recreational facilities such as tennis courts, swimming pools, basketball courts, tot lots or lawn bowling greens; and
- may include commercial establishments, of not greater than 5% of the area, such as retail stores, offices or eating establishments.

In this regard, commercial development in the Mixed Use designation shall not exceed a maximum of 15,000 square feet of net commercial retail floor space and 55,000 square feet of net commercial office space.

Not more than 40% of any such area may be developed for marina and marina-related activities. The 40% is inclusive of land and internal waterways. In the areas devoted to marina and boat storage activities, no other land use may be permitted except those uses accessory to a marina such as a yacht club or boat showroom.

14 **WATERFRONT OPEN SPACE**

14.1 The Waterfront Open Space classification of land shall mean that the predominant use of the land in the area so designated shall be for public and private recreation.

14.2 The policies for the development and zoning of the Waterfront Open Space area are as follows:

public walkway system

14.2.1 A continuous, publicly-controlled walkway system shall be provided along the St. Clair River shoreline on lands designated Waterfront Open Space. Where development is proposed in or abutting the Waterfront Open Space area, lands shall be dedicated to the Village to form part of this walkway system as a condition of development approval, at no cost to the Village. This dedication shall count towards the parkland dedication requirements of the *Planning Act*.

permitted uses

14.2.2 The predominant uses permitted shall be public and private open space and recreation, including, but not limited to, such uses as walkways, parks playgrounds, botanical gardens. In addition, small scale convenience restaurant and existing fishery uses shall be permitted;

parking

14.2.3 Off-street parking areas shall be provided as required by the implementing zoning by-laws. Such parking areas shall be designed in a manner complementary to the landscape features of the area;

screening of open storage uses

14.2.4 No open storage of goods and materials shall be permitted (see Policy 12.1.7 for added context); any areas that continue to be used for open storage should be screened from adjacent street and residential areas, either by berms, planting strips or fences in a manner that complements the landscape features of the areas. The Village may take steps to complete such screening to mitigate impacts on municipal lands within areas designated Waterfront Open Space and owned by the Municipality.

landlocking

14.2.5 Regard will be had to ensure that the development of the "Waterfront Mixed Use" area does not cause properties within the area, or abutting it, to be landlocked.

St. Clair River

- 14.2.6** The policies of Section 20.3 regarding development abutting the St. Clair River shall apply to lands designated Waterfront Open Space.

Public ownership of Municipal Waterfront Open Space

- 14.2.7** All Municipally owned lands designated “Waterfront Open Space” shall not be deemed surplus to the Village’s needs, under any circumstances. The need for a continuous, publicly-controlled walkway system takes precedence over any and all other priorities that may be expressed from others; the Village will act accordingly to protect this valuable public resource.

15 AGGREGATE RESOURCE NOT AVAILABLE FOR EXTRACTION

While the Village is identified as a potential aggregate deposit in the Lambton County Official Plan, this Plan recognizes that as a built-out settlement area, the resource is not available for extraction due to the associated potential for social and economic disruption in the Village.

16 CANNABIS PRODUCTION

- 16.1** While the Village is identified as a potential aggregate deposit in the Lambton County Official Plan, this Plan recognizes that as a built-out settlement area, the resource is not available for extraction due to the associated potential for social and economic disruption in the Village.
- 16.1** Cannabis Production Facility: means any indoor building structure, or lands licensed by Health Canada to undertake cultivation, processing, sales, 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.
- 16.2** Cannabis production facilities may be permitted in the following land use designations subject to the policies of this Plan:
- a) Mixed-Commercial Industrial
 - b) Commercial limited to the lands west of Front Street and south of Highway 402 only

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

16.3 Within the land use designations specified in Section 16.2 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 as updated 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;
- g) Mitigation plan including mitigation for sensitive land uses. For evaluating proposed cannabis growing facilities, sensitive land uses will include parks, open space, golf courses and marinas.
- h) Structures should be made primarily of solid building materials and not of greenhouse or opaque materials.

16.4 A cannabis production facility is defined as an indoor facility in accordance with Policy 16.1 of the Plan. Outdoor cultivation and processing of cannabis shall require an amendment to this Plan, a rezoning, and a Site Plan application to be approved by Council.

PART C
MUNICIPAL SERVICES & UTILITIES

SECTION 17	Transportation
SECTION 18	Public Uses & Utilities
SECTION 19	Municipal Services, Stormwater Management, and Sensitive Uses

17 TRANSPORTATION

It is the policy of the Village to provide and maintain efficient, cost-effective and reliable transportation systems that integrate with adjacent systems and those of other jurisdictions to serve the needs of the local population.

The Village also encourages the development of an integrated transportation system that safely and efficiently accommodates increased traffic on the Blue Water Bridge as well as active transportation corridors with various modes of transportation including bicycles, pedestrians, transit, automobiles and trucks.

17.1 Road System

- a) The movement of vehicles on public rights-of-way will be given a high priority in the planning of the transportation system within the Village.
- b) The following hierarchy of roads is hereby established:

Provincial Highways;
Arterial Roads ;
Collector Roads;
Local Roads.

17.1.1 Provincial Highways

There is one provincial highway located within the Village (Highway 402) which is under the control and jurisdiction of the Ministry of Transportation (MTO).

In addition to all the applicable municipal requirements, all proposed development located in the vicinity of a provincial highway within the MTO's permit control areas defined under the Public Transportation and Highway Improvement Act will also be subject to MTO approval.

New entrances for the upgrading of entrances, location of buildings, signs and encroachments within the MTO's permit control area of a provincial highway shall be subject to the approval of the MTO.

Development adjacent to Highway 402, particularly in the vicinity of interchanges, will be strictly controlled to avoid undesirable land use patterns and to ensure that ease of access to and from Highway 402 is maintained with a minimum of restrictions on traffic flow. Direct access to Highway 402 is prohibited.

For major development proposals for large traffic generators within the permit control area of a provincial highway, the MTO will require an applicant to prepare a transportation impact assessment in accordance with its "General Guidelines for the Preparation of Traffic Impact Studies. The main purpose of a Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of the MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval, including funding, for the development or redevelopment.

A storm water management plan/report shall be reviewed and approved by MTO for those developments located adjacent to or in the vicinity of Highway 402 whose drainage may impact the highway.

The Village and the MTO will work cooperatively with respect to the planning of land development and associated access connections within the MTO's permit control area adjacent to Highway 402 and its interchanges within the Village, in order to protect for the future safety, operation and capacity of both the provincial highway network and the Village's transportation corridors for the movement of people and goods.

Any new proposed access connection (i.e. public road, signalized intersection or entrance) located on a municipal crossroad and within 800 m of a provincial highway intersection or interchange ramp terminal shall meet the MTO's policies, standard and requirements.

Highway 402 widening

The Village supports the provincial initiative to widen Highway 402 in order to improve safety, traffic flow and economic development in the Village, the County and the Province.

17.1.2 Arterial Roads

function

- a) Arterial Roads transport large volumes of traffic between the different areas within the Village and through the Village. Direct access is usually from other Arterial Roads and Collector Roads.

Arterial roads in Pt. Edward include the following:

Provincial Highway 402
Michigan Ave.
Christina St.
Front St.
Venetian Blvd.

access

- b) Direct access to Arterial Roads from Local Roads and abutting properties shall be minimized.

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, new Arterial Road intersections will be adequately spaced, and will be provided with necessary traffic control equipment and 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 room for 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 Village will be encouraged on Arterial Roads rather than Collector Roads or Local Roads.

17.1.3 Collector Roads**function**

- a) Collector Roads carry traffic volumes to and from major traffic generators or within or between residential neighbourhoods.

Collector Roads in Pt. Edward include the following:

St. Clair St.
Lite St.

access

- b) 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 infiltration of through traffic onto Local Roads in residential neighbourhoods.

location and design

- e) Collector Roads will be located and designed to discourage through vehicular traffic within residential areas. Where possible, reverse frontages will be used for residential lots adjacent to collector roads.

17.1.4 Local Roads**function and access**

- a) Local Roads provide unrestricted 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). Reduced right-of-way widths may be considered in areas where alternative development standards are deemed appropriate by the Village.

17.1.5 General Road Policies**land acquisition for roads purposes**

- 17.1.5.1** As a condition to the approval of a plan of subdivision or land severance, the Village may require the dedication of new roads. In addition, land dedication for road widenings or intersection improvements for a plan of subdivision, or land severance, may be required where the road right-of-way width is less than that required by this Plan.

development applications & road widening

- 17.1.5.2** Road widening, as a condition to the approval of new development, may be required in accordance with the Site Plan Control policies of this Plan.
- 17.1.5.3** New development will be prohibited on private roads, except within approved Plans of Condominium or on existing lots fronting onto an existing private road. The Village must be satisfied as to the adequacy of the private road to accommodate anticipated traffic.
- 17.1.5.4** Land will be conveyed at no expense to the Village for municipal road widenings as a condition of severances, plans of subdivision, or as a consequence of new 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.
- 17.1.5.5** 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.
- 17.1.5.6** Right-of-way width requirements for a specific section of roadway may be reduced where special circumstances warrant and long-term requirements will not be affected.

17.2 Parking Facilities

minimum standards

- 17.2.1** The Zoning By-law will establish minimum off-street parking standards for all appropriate land uses and forms of development.

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

on-street parking discouraged

- 17.2.2** On-street parking will generally be discouraged except on Local Roads and in the CBD, and where such on-street parking is eliminated as a result of road improvements. The Village will encourage the provision of equivalent off-street parking wherever feasible.

accessible to handicapped

- 17.2.3** The Village will ensure the development of off-street parking facilities, whether public or private, in such a manner as to be accessible to persons with disabilities and older persons.

parking provided on same lot

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

cash in lieu

- 17.2.5** The Village 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 breakfasts).
- 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).

17.3 Pedestrian and Bicycle Traffic

sidewalks and walkways

- 17.3.1** Adequate provision will be made for sidewalks and walkways to enhance the convenience and safety of pedestrians.

-
- 17.3.2** Sidewalks will generally be provided within Residential and Commercial Areas along both sides of Arterial Roads and along at least one side of Collector Roads and Local Roads, where warranted by vehicular or pedestrian traffic volumes.
- 17.3.3** 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.
- 17.3.4** Pedestrian walkways and sidewalks will be provided within residential subdivisions to minimize walking distances between dwellings and schools, parks, and local commercial uses.
- 17.3.5** Sidewalks will be separated from road pavement by boulevards in all new residential subdivisions, wherever possible.

bicycle ways

- 17.3.6** Bicycle ways within parks, and between residential areas and schools, parks and commercial facilities will be provided wherever feasible.
- 17.3.7** Bicycle rights-of-way along Arterial Roads may be provided wherever sufficient volumes of bicycle traffic are in evidence, wherever feasible.
- 17.3.8** 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 Village will promote and initiate improvements to enhance bicycling as a means of transportation.

bicycle master plan

- 17.3.9** The Village will consider the preparation of a master plan for the development of a bicycle route system addressing such matters as location, design, education, enforcement and encouragement. Parts of this system will be located within the public open space network so that the safety and enjoyment of its users will be enhanced. Parts of the system will also be aligned along existing roads where necessary to provide linkages to major activity centres, employment nodes and commercial areas.

Where the bicycle route system is planned within the existing road network, the master plan shall identify cross sections that form the basis for capital investments in these roads, intended to ensure a “Complete Streets” network of roads in the Village.

These cross sections will be designed to implement the policies of 17.3.11.

Consideration will be given to the potential for linking the Village’s bicycle routes with those of neighbouring municipalities.

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

integration of bicycle paths with road system

- 17.3.11** The Village will provide properly designed and maintained, safe and convenient roads for bicycle travel according to the following criteria:
- a) The provision of on-road bicycling routes will be required on strategically planned collector and local streets serving the main community, civic, service, recreational, institutional and cultural destinations within the Village. The Village will also support the construction of exclusive on-road bicycle lanes and widened curb lanes on designated collector roads that serve the main destinations within the Village. The expansion of off-road paths through open space areas and corridors will be supported where such facilities will not adversely impact significant environmental features or functions;
 - b) Where bicycle lanes are incorporated into the paved roadway surface, the Village will ensure that grating and on-street facilities are designed and oriented in a manner that will not create a safety hazard; and
 - c) Where possible, the bicycle system will be located to take advantage of existing and potential road signalized crossings.

lead by example

- 17.3.12** Where appropriate, the Village may provide accessible and sufficient bicycle parking areas at Municipally-owned and operated facilities in order to promote the use of the bicycle as an alternative to motor vehicles.
- 17.3.13** The Village will support the use of bicycle parking facilities in new development and should consider incorporating specific reductions to vehicle parking standards where bicycle parking is provided. Any associated parking relief shall be addressed in the Zoning By-law.
- 17.4** The Village of Point Edward will continue to contribute to a public transit system that serves the needs of Village residents.

18 PUBLIC USES AND UTILITIES

The Village will ensure that all municipal services meet the needs of present and future residents and businesses in an efficient, accessible and environmentally sensitive manner.

18.1 General Policies

Except as provided for in Section 18.2.2, the following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:

- a) transportation, communication, and electric power transmission corridors, and associated facilities subject to applicable laws and regulations under Province of Ontario Statutes;
- b) municipal potable water supply municipal sanitary sewage treatment, and municipal storm water management/drainage facilities, and utility services;
- c) municipal government buildings and facilities;
- d) the re-use of abandoned utility and/or transportation corridors for public purposes;
- e) public open space; and
- f) natural gas pipelines and accessory works.
- g) the setting up of facilities for operations in response to a state of emergency without being subject to Site Plan Control policies of this Plan.

18.2 Restrictions on Public Uses

compatibility with residential areas

- 18.2.1** In Residential Areas the public services and facilities listed in Section 18.1 will be designed and constructed so that they are compatible with the surrounding residential area.

significant natural areas

- 18.2.2** The public services and facilities listed in Section 18.1 will be prohibited in significant natural areas unless they are authorized under an environmental assessment process, or subject to the Drainage Act.

18.3 Electric Power Facilities

electric power facilities permitted in any designation

- 18.3.1** 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 and succeeding legislation, (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 of The Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes. The electric power utility will be required to consult with the Village regarding the location of new electric power facilities.

other electric facilities

- 18.3.2** Other electric power facilities including buildings, structures and uses not used directly for the generation and supply of power, will comply with the provisions of this Plan and the Zoning By-law.

- 18.3.3** The above policies do not preclude the Village's right to participate in discussions on the location criteria of new electric power facilities.

secondary uses

- 18.3.4** Secondary land uses, which conform to this Plan and the Zoning By-law, will be encouraged 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.

19 MUNICIPAL SERVICES, STORMWATER MANAGEMENT AND SENSITIVE LAND USES

19.1 Sanitary Sewerage

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

19.1.1 Policies

municipal service area

- 19.1.1.1** All development within the municipal sanitary sewer service area will be serviced by municipal sanitary facilities. When development is proposed in the municipal sanitary sewer service area, and the necessary sanitary sewers are not yet installed, the developer will be responsible for the provision of any necessary sanitary sewer extensions, sanitary sewage pumping stations etc. to the sanitary sewage collection network. Any expansion of the municipal sanitary service area itself will not take place until such time as any applicable requirements of the *Environmental Assessment Act* have been fulfilled. No sanitary sewers will be constructed/installed until such time as the requisite Certificate of Approval(s) have been issued under the *Ontario Water Resources Act* by the Ministry of the Environment.

The Village's sanitary sewer system currently has adequate capacity to accommodate the forecast development within the Village.

reallocation of municipal sanitary sewage collection and treatment capacity

- 19.1.1.2** The Village may reallocate sanitary sewage collection and treatment capacity when the Village deems that previously allocated capacity is not being utilized by existing approved draft plans of subdivision subject to the time period outlined in the draft approval. Reallocation will occur only when the specified time period has expired, and no appeal(s) have been filed, or an appeal(s) has been filed, a decision has been made with respect to the appeal(s) in favour of allowing the Village to reallocate sanitary sewage collection and treatment capacity.

phasing of development

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

Setback from municipal sewage treatment works

- 19.1.1.4** New development will be subject to a 100 metre setback from the Village's municipal sewage treatment facility, where practical. Due to the location of the facility in the centre of the Village, it may not be possible to achieve this setback in all cases. The Village will consult with the Ministry of the Environment when evaluating development proposals in the vicinity of the facility. Reductions in the setback may be appropriate where the Village is satisfied that there will be no adverse impacts on the development or on the operation of the treatment facility.

19.2 Municipal Potable Water Service

This section outlines the Village's requirements for municipal potable water supply systems.

19.2.1 Policies**municipal potable water service area**

- 19.2.1.1** All development within the municipal potable water service area will be serviced by municipal piped water supply and treatment facilities. When development is proposed in the municipal potable water service area and the necessary waterlines and appurtenances are not yet installed, the developer will be responsible for the provision of necessary extensions. No potable water infrastructure will be constructed/installed until the applicable statutory approval is sought and obtained. The Village will pass a By-law pursuant to the Municipal Act defining areas where connections to the Village's potable water system are mandatory.

The Village's water supply system currently has adequate capacity to accommodate the forecasted development within the Village.

industrial process use

- 19.2.1.3** The Village may provide municipal potable water to service the process or cooling water needs of light industrial land uses from the Village's potable water treatment and distribution systems. As an option, industrial land uses may obtain and /or establish their own water supply system, subject to receipt of all applicable municipal approvals, and statutory approvals from the Province of Ontario.

19.3 Storm Water Management

The traditional approach to managing stormwater has been to remove runoff from parking lots, roads and lots as quickly as possible and channel it to nearby watercourses through a system of subsurface drains. This approach has a number of drawbacks including 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.

The current direction in managing stormwater is to utilize the natural absorption and infiltration qualities of the ground to induce ground water recharge and to filter out various impurities. The principles of natural stormwater management fit into the larger concept of watershed and sub-watershed planning.

The Village 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 watercourses.

19.3.1 Policies

retention and detention

19.3.1.1 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 integration of detention/retention ponds into the municipal open space system;
- c) The use of cisterns or drywells on site which capture water for non-potable uses (lawn watering, car washing);
- d) The use of infiltration trenches;
- e) Processes such as man-made wetlands and permeable surfaces to absorb and distribute stormwater and recharge groundwater; and
- f) The use of oil grit separators for small development sites less than 2 hectares.

management principles

19.3.1.2 In order to achieve no overall increase in the peak level and volume of stormwater runoff, all new development will be required to provide suitable site grading and outlet facilities for storm drainage. Development will be guided by the following principles:

- a) the flow of water resulting from a stormwater facility(s) is not to create or contribute to an erosion problem and/or water quality impairment;
- b) a stormwater facility is not to 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) stormwater facility is to be designed in accordance with accepted engineering standards;
- d) a stormwater facility is not to adversely affect the hydrology of environmentally sensitive areas;
- e) the Village may consult the local Conservation Authority, and the Province when considering all multiple land severances and plans of subdivision;
- g) storm water management facilities require the issuance of a certificate of approval under the Ontario Water Resources Act;
- h) storm water management facilities are required to be owned, operated and maintained by the Village into perpetuity; and
- i) storm water management plan(s) will be designed in accordance with the Ministry of the Environment's most current "Storm water Management Planning and Design Manual".

separation of stormwater from sanitary sewers

19.3.1.3 The Village will encourage the separation of stormwater inflow and infiltration from municipal sanitary waste water flows. The Village will also initiate the disconnection of rooftop leaders from sanitary sewers and eliminate other factors that add stormwater to sewers.

19.4 Land Use Compatibility

The proposed use of all land in the Village must be compatible with adjacent land uses, consistent with the Ministry of Environment's Land Use and Compatibility Guidelines, where applicable. Residential areas and other sensitive uses, such as but not necessarily limited to hospitals, schools, campgrounds, and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, dust, odour, and lighting through the policies of the Official Plan, the implementing Zoning By-law and Site Plan Control. Developers may be required to carry out assessments and recommend control measures pertaining to but not necessarily limited to noise, dust, odour vibration and lighting that are satisfactory to the Village and the *Planning Act* approval authority.

Where appropriate, consideration may be given by the Village, at the Village's sole discretion, to the use of the Class 4 designation classification, as provided for in the applicable Provincial environmental noise guideline (currently MECP Environmental Noise Guideline NPC-300) for a residential site (or sites).

The area (or sites) to be affected must be approved by Council or the relevant approval authority.

The use of Class 4 will only be considered by Council where it can be demonstrated that:

- a) the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;
- b) the development proposal for a new noise sensitive use does not impair the long-term viability and operation of an employment use;
- c) it is in the strategic interest of the Village, furthers the objectives of the Official Plan and supports community building goals; and
- d) 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.

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 redevelopment.

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:

- 1) Appropriate noise impact assessments are conducted to verify that the applicable sound level limits will be met;
- 2) 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;
- 3) Enter into appropriate agreements with the Village (and any other relevant approval agencies), to confirm all relevant requirements have been met; and
- 4) 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.

19.5 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, and the provisions of Section 168.3.1 of the *Environmental Protection Act* apply. 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.

Should the property use change not require a Record of Site Condition under the provisions of the *Environmental Protection Act*, the property owner, the Village, or the Province may require a Record of Site Condition if there is reason to suspect the lands may be contaminated.

Abandoned petroleum and natural gas wells

- 19.5.1** As a condition of approving development (severances, plans of subdivision), the County and /or the local Village will require that improperly abandoned (plugged) wells, including natural gas wells, that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements. Building locations should be examined for the presence of possible well sites using established standards and procedures. Areas where wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur.

Unused Water Wells

- 19.5.2** An unused water well, if not properly plugged and sealed, can contaminate the aquifer and cause a safety hazard to humans, livestock and wildlife. While it is recognized that much of the legislation regarding groundwater contamination is Provincial, there are matters which can be considered by Council:

When processing development proposals such as severances, plans of subdivision and rezonings, it should be required, as a condition of approval that any unused water wells on the property be plugged, according to Provincial Regulations, by a licensed well contractor. This supports Section 19.5 of this Plan relating to decommissioning.

When the Village extends water lines, affected residents should be made aware of the Provincial requirements to properly plugging unused water wells.

The Village should support programs developed to assist landowners with the plugging of unused water wells.

19.6 Waste Management Systems

definition

- 19.6.1** 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.

development on or in vicinity

- 19.6.2** Schedule "A" identifies the location of all known active and former waste disposal sites (as of the date of approval of this Plan). Any new development, or change of use, on or within 500 metres of the perimeter of an active or closed waste disposal site (located in this or an adjoining Village) 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 waste site, no Zoning By-law, 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*.

19.7 Public Utilities

underground lines required

19.7.1 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.

19.7.2 With the approval of the local utility authorities, both public and private, all overhead wiring will be encouraged to be re-installed underground.

multiple uses of rights-of-way

19.7.3 The Village will encourage the multiple-use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, and natural gas pipelines, in accordance with the land use policies and designations of this Plan.

19.7.4 Natural gas commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical.

19.7.5 Wherever possible, easements should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

19.8 Alternative and Renewable Energy

The Village will seek to implement the policies of this Section through public and municipal processes.

19.8.1 Alternative and renewable energy projects present unique land use compatibility concerns. Due to their prominence, alternative and renewable energy projects have the potential for significant impacts on the character of Point Edward. Site locations and site layouts must recognize the primary nature of existing land uses within the Village and must address impacts to sensitive neighbouring land uses, visual landscape, the natural environment, the waterfront and waterfront trail/access, and potential uses on neighbouring properties. Alternative and renewable energy projects shall only be permitted by a rezoning approved by Council. Projects that are approved through a rezoning shall also be subject Site Plan Control.

project assessment criteria

19.8.2 In assessing alternative and renewable energy projects, applications will be assessed on the basis of the following criteria:

- a) Potential noise and humming of any infrastructure;

- b) Visual impact including lighting, colouring, shadowing, and impacts on the Village's natural and built landscapes;
- c) Location of utility lines and any associated utility buildings, substations, and landscaping and screening of the lines and buildings;
- d) Impacts on the natural environment including but not limited to bird migration routes, significant natural areas, waterways, geotechnical issues;
- e) Impact on utilities, municipal infrastructure, roads, parks, and trails;
- f) Impacts to cultural and built heritage, archaeological resources and recreational areas;
- g) Impacts to the Village built environment during construction;
- h) Site safety including falling ice, wind tower collapse, fencing, markings, and climbing prevention of wind towers;
- i) Potential electromagnetic interference to communications infrastructure.

complete application

19.8.3 The Village shall require the following for a complete application for an alternative or renewable energy project:

- a) Pre-consultation with the Village shall be required;
- b) Background reports as may be needed to determine potential impacts as identified in this Plan including but not limited to environmental evaluations, geotechnical studies, visual impact assessments, environmental impact studies, archaeological assessments, noise studies;
- c) An environmental management plan including site decommissioning and rehabilitation plans and such securities with a financial plan to ensure implementation of the decommissioning/remediation plan;
- d) An emergency response plan, construction plan, icing protocol for wind turbines, dispute resolution protocol and roads agreement;
- e) Specifications of products and materials (i.e. make, model, rated output, hub height, rotor diameter, foundation details, noise emission certification, etc.) and ancillary infrastructure;

- f) Details regarding electric infrastructure including location of utility lines within property, extent of upgrades and/or confirmation of grid capacity;
- g) Site layout including tower placement, pads for erecting tower, servicing, ground level lighting, fencing, landscaping, storage, access roads, easements, site grading and details regarding same;
- h) Proposed duration of project;
- i) Locations, setbacks, use and heights of all structures and communication and other towers within 500m of the project site;
- j) For wind turbines with a total height exceeding 45m, Transport Canada's requirements for lighting, colour and marking prior to wind turbine erection;
- k) St. Clair Region Conservation Authority approval of any culverts, structures, utilities, placing or removal of fill within areas designated as Areas Affected by Regulations (St. Clair Region Conservation Authority) in Appendix 4.

aesthetic guidelines

19.8.4 The following policies shall be used as general aesthetic guidelines for larger alternative and renewable energy projects, and also to improve public familiarity with alternative and renewable energy:

- a) Alternative and renewable energy proponents shall work to use colours, lighting and design that soften visual impact;
- b) Where lighting or colouring that the Village considers unduly adverse to the visual amenity of the community is required as aircraft safety markings, towers should be prohibited or limited in height;
- c) Locations for public access and information signs, kiosks or visitors' centres should be provided and fencing and warning signs should be limited;
- d) Advertising should be prohibited on wind turbine towers excepting subtle manufacturers' logos;
- e) Access roads should be kept as inconspicuous as possible and/or reduced in standard following construction;
- f) Facilities on the ground should use motion sensor lighting;
- g) On-site power lines should be buried;

- h) Attention should be given to the building materials and design used for accessory buildings;
- i) In order to have wind turbines spinning as often as possible, turbines with lower cut-in wind speeds are encouraged and site plan agreements shall contain provisions that encourage minimized down-time; and
- j) The Site Plan Agreement shall provide for keeping turbines and surrounding grounds clean.

19.8.5 small scale solar energy

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

PART D COMMUNITY DEVELOPMENT

SECTION 20	Natural Heritage
SECTION 21	Cultural Heritage
SECTION 22	Amenity & Design
SECTION 23	Urban Design
SECTION 24	Energy Conservation
SECTION 25	Community Improvement
SECTION 26	Signs
SECTION 27	Property Maintenance
SECTION 28	Economic Development

20 **NATURAL HERITAGE**

The Village contains areas that are subject to flooding and/or subject to instability due to erosion. Development in such areas will be prohibited or restricted as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Village. The Village also contains natural heritage features and areas that, combined with their functions and the corridors that connect them, are part of the County's Natural Heritage System which is intended to be protected, restored, and where possible, improved. Development in these areas will be prohibited, restricted, or discouraged, subject to the level of protections, enhancement, and restoration warranted for the affected feature within the County's Natural Heritage System, as determined through the completion of appropriate studies, reviewed and approved by the relevant agency(ies). Many of these natural areas are coincident with identified hazard lands. Consequently these policies address both hazard and environmental protection. It must be noted that not all hazard areas contain significant natural areas and not all natural areas contain inherent hazards.

Natural Heritage System

The Village's Natural Heritage System and associated policies are derived from the County's Official Plan. The County Plan identifies a combination of significant natural areas, their functions, and the corridors that connect them but at this time, only Group C features are mapped in the Village. The County's system includes:

Group A features:

- provincially significant wetlands
- provincially significant coastal wetlands
- locally significant wetlands
- locally significant coastal 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 in the Village, the following constraints apply:

- No Group A features are mapped but fish habitat is present along the shorelines of the Village. Point Edward may also contain habitat of endangered or threatened species. Where the County or Village have reason to believe that the proposed development will be located in or adjacent to this habitat, development proponents will be notified by the County or Village of the requirement for due diligence under the *Endangered Species Act, 2007* and its successors.
- No Group B features are mapped.
- Group C features are not intended to be construed as separate land use designations in this Plan. Consistent with the County's Official Plan, these areas may be used with the aim of improving the overall health of the natural heritage system including the improvement of linkages within corridors.

The Group C corridor mapped on Schedule "D" of the Village's Plan services as an informative layer that will be used to assess opportunities to enhance the

Natural Heritage System, particularly those areas impacted by 100 year floodlines.

20.1 General Policies

permitted uses

20.1.1 The use of lands in natural heritage areas will be restricted to conservation, forestry, parks, and other passive outdoor recreational uses that rely on specific features of the natural environment and marine facilities where appropriate. Some permitted uses may be restricted if located within or adjacent to Significant Wetlands, Significant Coastal Wetlands, Significant Woodlands, and Significant Areas of Natural or Scientific Interest (ANSI's).

- a) Development and site alteration shall not be permitted within significant wetlands or significant coastal wetlands. Development and site alteration in fish habitat or the habitat of endangered species or threatened species shall not be permitted except in accordance with provincial and federal requirements.
- b) Development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest, unless it has been demonstrated through an Environmental Impact Study (EIS), that there will be no negative impacts on the natural features or their ecological functions.
- c) Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 18.1.1(a) and (b) unless the ecological functions of the adjacent lands has been evaluated and it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or on their ecological functions.
- d) Infrastructure may be permitted in accordance with applicable federal and provincial legislation.
- e) Development and site alteration shall not be permitted within the flood hazard of the St. Clair River and areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazards.

changes to schedules

- 20.1.4** Minor changes to the boundaries of natural heritage areas may be permitted without an Official Plan amendment provided that a detailed assessment of the sensitive area and/or hazard has been undertaken to the satisfaction of the Village. In the case of hazardous lands, the Council must consider the existing environmental hazards and the potential impact of these hazards, and must be satisfied that the hazard has been addressed in a manner consistent with accepted engineering techniques and resource management practices. In the case of Significant Natural Heritage Features and Areas, Council will consider the nature and sensitivity of the area or feature and must be satisfied that the impact can be alleviated consistent with sound resource management practices. In either case, the Village will consult with the local Conservation Authority.

private lands

- 20.1.5** Where any lands within the Natural Heritage System are under private ownership, the Official Plan should not be construed as implying that such land is free and open to the general public or that the land will be purchased by the Village or any other public agency. An application for redesignation of natural heritage lands may be approved by Council after taking into account:
- a) the sensitivity of the natural heritage features and areas and/or the existing physical hazards;
 - b) the potential negative effects of the redesignation on Natural Heritage System or the impact of the hazards on the proposed redesignation;
 - c) the proposed methods by which any negative effects can be addressed in a manner consistent with accepted engineering techniques and resource management practices;
 - d) the costs and benefits in monetary, social and biological value in terms of engineering works and/or resource management practices needed to address any negative effects;
 - e) the potential for subsequent increases in demand for associated future development such as subdivision expansion, road widening, and bridge crossings which may negatively impact on Natural Heritage System; and
 - f) the results of an Environmental Impact Study undertaken to assess the potential for development, the potential impacts and mitigation techniques.

redesignation/purchase

- 20.1.6** There is no public obligation, to redesignate or to purchase any lands within the Natural Heritage System, particularly if there is a natural heritage feature or area or an existing or potential hazard that would be difficult or costly to overcome.

floodlines

- 20.1.7** The Natural Heritage System is not to be construed as delineating the floodline related to a watercourse. As noted in the introduction to this section, these features encompass a number of types of natural environments and may include hazardous areas.

Where any flood and erosion risk mapping, flood control or other works are undertaken which result in significant changes to the Natural Heritage System, the Official Plan may be amended accordingly.

parkland dedications

- 20.1.8** Where new development includes lands within a Natural Heritage System, such lands may not necessarily be considered acceptable by Council for dedication to the Village for park purposes. All lands dedicated to the Village for park purposes will be conveyed in a physical condition acceptable to the Village.

setbacks

- 20.1.9** Building setbacks will be imposed from the boundaries of natural heritage features in relation to the type of feature, sensitivity of the feature, and degree of proposed disturbance to the feature. A standard setback may be included in the implementing Zoning By-law.

land severances

- 20.1.10** Land severances within or including lands within the Natural Heritage System may be permitted in accordance with the Land Division policies of this Plan.
- 20.1.12** The Village 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 Natural Heritage System features without a satisfactory Environmental Impact Study prepared in accordance with Section 20.4.

In addition, other lands not within the Natural Heritage System may be subject to the requirement of an environmental evaluation being carried out prior to development approval.

The Village may restrict new development that will result in a significant negative impact on ground water resources, source water protection, woodlots, wetlands or other significant natural features.

The Village will also protect the visual qualities of the St. Clair River and Lake Huron and protect or enhance the natural shoreline character, notwithstanding that shoreline protection works may be required in some locations in order to achieve other goals in this Plan.

20.2 Significant Natural Areas

20.2.1 The Village will designate the Natural Heritage System, or other suitable designations and will encourage the maintenance of these lands in their natural state where possible. These areas include Provincially Significant Wetlands, Significant Portions of the Habitat of Threatened and Endangered Species, Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), Great Lakes System shorelines, Significant Woodlots, significant valley lands, significant wildlife habitat, prairie grasslands, Locally Significant Wetlands, significant wildlife habitat, nature reserves, and fish habitat.

other natural features

20.2.2 It is recognized that there will be natural features, located both within and outside the areas designated as Environmental Protection that may be important elements of the Village's natural heritage. To protect these, the Village will work with residents, service clubs and/or naturalist groups to identify the natural features, such as rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and wildlife habitat; and, will encourage development proponents to conserve and enhance these features as part of the development approval process.

municipal activities

20.2.3 The Village 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

20.2.4 Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat are avoided. The following principles will apply to any development that borders a watercourse in the Village:

- a) as a first option, natural stream bank vegetation should be maintained;
- b) grassed slopes and other native vegetation, or other suitable erosion control methods, should be introduced and should be maintained on the banks of watercourses;
- c) construction of tile or other drainage outlets should not 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 from erosion and sedimentation during construction should be incorporated; and
- f) an appropriate setback for all development from the top of bank of watercourses will be 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

20.2.5 In order to maintain a healthy stock of mature trees, the Village 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 in a reasonable time by trees of similar species and of sufficient maturity to enhance the appearance of the development. In addition, the Village will encourage the introduction of new tree plantings as one component of the development approval process. Proponents are encouraged to use native species in any planting or replanting program.

woodlot management

20.2.6 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 Lambton County Council. County Council may

require, as a condition of approval, reforestation of, at least, an equivalent area of land, or planting of a fence line or windbreak.

Where forest cover has been removed and is to be replaced as a condition of a development approval, the use of indigenous species of vegetation is encouraged. Restoration work should be required at rate of twice the area of forest cover that was removed. Preference will be given to replacing the trees at the same site and/or within the Environmental Protection or Hazard designations. The replacement tree stock should consist of indigenous species where quality stock is available and be maintained by the proponent to the free to grow stage. Long term management of these replacement trees will comply with the County of Lambton Woodlands Conservation By-law.

legislative measures

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

tree saving plans

- 20.2.8** Development proponents within or adjacent to wooded areas will be required to submit a Tree Saving Plan, satisfactory to the Village as a condition of approval. The Tree Saving Plan shall:
- a) contain an inventory of existing tree species and condition;
 - b) indicate the impact of development on existing trees and the wild life habitat that they provide;
 - c) indicate measures necessary to reduce the negative effect 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 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 or adjacent to a Significant Woodland as determined in the County Official Plan.

natural corridors

- 20.2.9** The linking of the Natural Heritage System through a comprehensive system of natural corridors will be encouraged. In Point Edward, only Group C corridors are identified on Schedule A. These areas are not intended to use as separate land use designations. They are intended to serve as a guide for identifying opportunities for naturalization but are not intended for converting land for uninterrupted naturalization through Point Edward. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and forest openings within these natural corridors. Any reforestation required by the Tree Cutting By-law or Tree Saving Plans should maintain and enhance existing corridors where practical.

20.3 St. Clair River and Unstable Lands

general

- 20.3.1** The Village of Point Edward lies at the south end of Lake Huron, where the lake flows into the St. Clair River. The river flows south between Canada and the United States, eventually emptying into Lake St. Clair. As a result, the St. Clair River is considered a connecting channel which is part of the Great Lakes system, and has characteristics which are different from a more traditional inland river.

Authority regulations, implemented pursuant to the *Conservation Authorities Act*, apply to all those lands susceptible to flooding during the 1:100 year St. Clair River flood event, as well as the St. Clair River and shoreline. A permit is required from the Conservation Authority prior to the commencement of any development activities such as: construction of a structure; placement or removal of fill; re-grading; or altering a watercourse or shoreline within that regulated area.

All such development below the regulatory flood line will require a permit from the local Conservation Authority.

setbacks from St. Clair River

- 20.3.2** Development adjacent to the St. Clair River will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined by the proponent in consultation with the Village and the Conservation Authority/Province. The required development setback will reflect the degree, severity and extent of the hazard. The erosion hazard (slope setback) will be determined using an

allowance for slope stability, an erosion allowance based upon the 100 year erosion rate, and an erosion access allowance. A standard setback may be included in the implementing Zoning By-law.

engineering and geotechnical studies

20.3.3 Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a major watercourse, the proponent will consult with the Village regarding the need for geotechnical or engineering studies.

20.3.4 Where Ontario Regulations stipulate, the Village will consult with the Conservation Authority, however, outside regulated areas, the Village may consult with the Conservation Authority at its own discretion. The Village will reserve the right to require geotechnical and/or engineering studies and/or works.

flood elevations/floodproofing

20.3.5 The St. Clair River abutting the Village does not have the same type of traditional floodplain as would be found in an inland riverine system. However, during times of high water levels on the Great Lakes and/or ice build-up on the river, the river banks may be overtopped, resulting in minor flooding in areas adjacent to the river.

Schedule A identifies areas subject to Development Limitations due to the flood hazards of the St. Clair River. Within this area new development shall not be permitted within the defined portion of the flooding hazard of the St. Clair River. Applications for new development within this area shall include an assessment delineating the limit of the flooding hazard; to be reviewed by the St. Clair Region Conservation Authority.

Where buildings and structures are permitted in areas adjacent to the river, they will be floodproofed in accordance with the Provincial Policy Statement to a minimum elevation of 178.3 metres (Canadian Geodetic Datum). This requirement will also be set out in the implementing zoning by-law.

prohibited uses in flood prone areas

20.3.6 The following uses shall not be permitted to locate on hazardous lands and hazardous sites, as defined by the Provincial Policy Statement 2020 (PPS 2020):

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;

- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

erosion control/cooperative efforts

- 20.3.7** As a result of the rate of flow of the River, as well as the passage of ice through the channel, erosion is a concern. The Village has undertaken, in association with the Conservation Authority and other partners, significant erosion control projects in an effort to minimize ongoing damage and loss of land.

It is the intention of the Village to continue to work with other agencies and private interests to provide appropriate and effective erosion control for the remaining sections of the St. Clair River shoreline.

encroachment into river

- 20.3.8** The placing of fill or the construction of docking or other structures in the main channel of the St. Clair River is prohibited, unless it can be demonstrated that overall there will be no net encroachment into the channel and that such construction will not impair the shipping functions or result in increased erosion or flooding concerns.

Any development, construction, fill placement/removal or alteration within the St. Clair River will require a “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” permit from the local Conservation Authority. Any such proposals will be assessed in consultation with the Conservation Authority and other agencies with an interest in the St. Clair River.

20.4 Environmental Impact Studies

- 20.4.1** An Environmental Impact Study shall be required in accordance with the policies of this Plan, for development and site alteration within natural heritage features, or on lands adjacent to the natural heritage features. The study shall demonstrate that the proposed development will not result in negative impacts on the natural features or the ecological functions for which the feature is identified. The study should determine the type(s) of natural heritage feature(s) and its ecological functions; the sensitivity of the features to disturbance, the degree of impact of the proposed disturbance, and methods proposed to alleviate such impacts. The final development plans shall address the recommendations of the study, which

may include buffers or setbacks between the feature and the proposed development.

- 20.4.2** An Environmental Impact Study (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. The scope and the content of the EIS should be discussed with the Approval Authority prior to commencement of the study.
- 20.4.3**
- a) An Environmental Impact Study (EIS) shall be required for development on lands adjacent to significant natural heritage features (i.e. Group A and Group B features). The lands defined as Adjacent Lands are generally the lands within 120 metres of a feature, unless an alternative standard for Adjacent Lands is established through the Lambton County 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 potential negative impacts to the natural heritage features.
- 20.4.4** Environmental Impact Studies shall be completed in accordance with the process requirements as outlined in the Lambton County Official Plan.
- 20.4.5** The required scope and/or content of an EIS may be modified, through pre-consultation with the Village, County, and the St. Clair 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 Village and County.
- 20.4.6** An Environmental Impact Study may not be required where the Village, in consultation with the County and the St. Clair Region Conservation Authority, determines that no negative impacts would be anticipated on adjacent lands. The requirements for an Environmental Impact Study 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 St.

- 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 greater than 15m from the feature.

20.4.7 An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation or a watershed plan carried out by Lambton County and/or the St. Clair Region Conservation Authority.

20.4.8 Where it is demonstrated that all, or a portion of, a Group B or Group C feature 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 Group B or Group C feature or adjacent land then the restrictions on development and site alteration set out do not apply. This policy requires an EIX or study through an Environmental Assessment process to determine whether the designation is still appropriate.

20.4.9 The Village, in coordination with Lambton County and the St. Clair Region Conservation Authority, may develop guidelines for the evaluation of development proposals consistent with the natural heritage policies of this Plan.

tree and woodland protection

- 20.4.10**
- a) The Village recognizes the importance of trees and woodlands to the health and quality of life in our community. The Village shall encourage sustainable forestry practices and the protection and restoration of trees and forests.
 - b) Opportunities for tree planting on Village-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 Village shall plant only native species, preferably those of local origin.
 - c) Where the Village 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 Village shall endeavor 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 Village will contact the necessary approvals and mitigation.

- 20.4.11** Any land dedication that may be accepted by the Village shall be managed consistent with the Natural Heritage Policies of this Plan.

21 **CULTURAL HERITAGE**

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

Cultural 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 Village. These cultural heritage resources, both individually and collectively, contribute to the identity of the Village. They also assist in instilling civic pride, benefiting the local economy by attracting visitors, and favourably influencing the decisions of those contemplating new investment or residence in the Village.

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

Section 2.6 of the Provincial Policy Statement states that significant built heritage resources and cultural heritage landscapes are to be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by development or site alteration.

The Village recognizes the importance of its cultural heritage resources. Cultural heritage resources include archaeological resources; buildings and structural remains of historical, architectural and contextual value; and rural, village and urban districts or cultural landscapes of historic interest.

21.1 **Policies**

cultural and built heritage

- 21.1.1** The Village will seek to conserve cultural heritage landscapes and built heritage resources when making development and infrastructure decisions which may affect those resources. As well, the *Ontario Heritage Act* may be utilized to conserve significant cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts. Council may consider the

establishment of a municipal heritage committee to consult on issues related to cultural heritage resources and conservation.

Cultural heritage structures or features may be designated under the provisions of the *Ontario Heritage Act*, using the criteria found in that legislation, and in consultation with the Ministry of Culture.

incorporation of heritage structures

- 21.1.2** The Village will encourage proponents to incorporate heritage structures in new development or redevelopment. Development applications may be required to conduct a heritage impact assessment. Where feasible, proponents will be encouraged to incorporate design elements in new development that link developments with existing heritage structures.

archaeological surveys

- 21.1.3** The Village will require the completion of archaeological surveys for development proposed in areas where such features are believed to exist and require the excavation of these sites and/or where suitable, the preservation of significant sites.

The Village may seek to protect significant archaeological resources through the zoning By-law provisions set out in the *Planning Act*.

Council shall require archaeological assessments to be conducted by archaeologist licenses under the *Ontario Heritage Act*, as a condition of any significant development approval affecting areas containing a known archaeological site or considered to have archaeological potential.

Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the ministry of Culture as well as licensing requirements developed under the *Ontario Heritage Act*. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per section 48 of the *Ontario Heritage Act*. Council also recognizes there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources as a result of development proposals.

A marine archaeological assessment shall be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

public works

- 21.1.4** The Village will take into account any adverse impacts on heritage resources when embarking on public works and will ensure that appropriate mitigation measures are undertaken.

22 **AMENITY AND DESIGN****buffering and screening**

22.1 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.

22.2 The Village'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

22.3 All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, lighting, dust or odours will be physically separated from Residential Areas wherever possible. The Village will be satisfied that prior to approving any development that 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.

22.4 Buffering and/or screening will be provided by the developer where a new Residential area is developed adjacent to any other land use designation except for Major Open Space Areas and Hazard and Environmental Protection Areas.

22.5 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

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

noise guidelines

- 22.7** The appropriate Provincial noise criteria will be adhered to with respect to all new development within or adjacent to Residential Areas.

- 22.8** Council may require that applications for residential uses adjacent to Controlled Access Provincial Highways and railway lines be 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 elevations 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.

- 22.9** No new residential development adjacent to Controlled Access Provincial Highways and railway lines will be permitted unless predicted post-development noise levels are at or below the levels acceptable to the Province. However the Village may approve development and require that notice be given to prospective purchasers and tenants where predicted noise levels exceed maximum acceptable Provincial levels.

class 4 designations for new residential uses

- 22.10** Notwithstanding Policy 22.3, and consistent with Policies 22.7 and 22.9, 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 Section 19.4 of this Plan where additional policies are provided to guide relevant Class 4 designations.

23 URBAN DESIGN

high quality design

23.1 The Village shall encourage the conservation, retention and enhancement of significant heritage buildings and the Village will encourage a unique sense of place and identity by promoting excellence in building construction and design, integrated site amenities, attractive streetscaping, and the integration of publicly accessible open space areas.

- a) Parking areas, loading areas and waste disposal storage areas should be screened from adjacent public roads by buildings and landscaping;
- b) Landscaped strips should be installed around the entire periphery of the property, except for entrances, exits and interconnections with adjacent properties for pedestrians and vehicles;
- c) Parking areas should be paved, curbed and landscaped to an acceptable standard;
- d) The exterior facade of buildings exposed to abutting public roads should be designed to complement the existing streetscape;
- e) Exterior signs should be uniform in appearance, in terms of location, size, shape, materials and colours to encourage design quality; and
- f) Off-street interconnections for pedestrians and vehicles between existing and proposed development will be encouraged.

healthy lifestyles in urban design

The Village will promote the benefits of healthy active lifestyles by linking neighbourhoods, parks and facilities, the waterfront and natural features through an active transportation network.

23.2 Site Design Policies

The following site design policies will apply to all Commercial Areas.

23.2.1 New commercial development adjacent to existing commercial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

23.2.2 New commercial development will ensure that there is:

- a) Safe and adequate access from the road subject to the approval of the authority having jurisdiction. Individual access points will be limited in number and designed to minimize any danger to vehicular and pedestrian traffic. Continuous access will be discouraged in favour of a curb and designated ingress and egress points. Shared access among commercial establishments will be provided wherever possible;
- b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law, and the spaces should be located beside or behind the establishment, where possible;
- c) Adequate site landscaping and maintenance of all lands not used or required for the building area, parking and loading areas, and display or storage areas; and
- d) A front yard setback that accommodates pedestrian movement.

23.2.3 Where new commercial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:

- a) Screening and/or buffering of access driveway, parking and service areas such that noise, light or undesirable visual impacts are mitigated;
- b) Locating and designing light standards and external light fixtures so that lighting is directed away from the adjacent residential uses; and
- c) Locating and sizing of advertising, identification, or other signs and devices, to avoid conflicts with effective traffic control and the general amenity of the area.

24 ENERGY CONSERVATION

energy conservation

- 24.1** 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 development standards and by considering alternative energy sources in the design and development of individual projects and of the community as a whole.

renewable energy

The Village 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 Village.

For policies addressing Climate Change, reference should be made to Sections addressing:

- a) Stormwater Management Policies (Section 19)
- b) Green Energy Policies (Section 19.8)
- c) Housing Density Policies (Section 5)
- d) Parking and Bicycle Policies (Sections 17.2 and 17.3)
- e) Natural Heritage Policies (Section 20)

25 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 Village in the identification and prioritization of Community Improvement Areas and Projects, subject to available resources.

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

25.1 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.

general objectives

25.1.1 For all areas, it is the intent of the Village:

- a) to contribute to an enhanced sense of community in the Village;
- 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 Village; and
- e) to enhance the economic potential of the Village 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) to identify and promote opportunities for intensification and redevelopment within Brownfield sites.
- i) to 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.

objectives for residential areas

25.1.2 In residential areas the Village intends:

- a) to maintain and rehabilitate older neighbourhoods;
- b) to upgrade and enhance hard municipal services in older neighbourhoods;
- c) to provide for the special housing needs of senior citizens, low income families, and the handicapped; and
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

objectives for commercial districts

25.1.3 In commercial areas the Village intends:

- a) to enhance their role as community centres;
- b) to encourage redevelopment, intensification and revitalization;
- 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 systems;
- e) to foster links to areas of recreational and community activities;
- 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 mixed commercial/industrial areas**25.1.4** In mixed commercial/industrial areas the Village 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 light industrial lands where deficient.

objectives for brownfield areas

- a) to promote the rehabilitation, revitalization and reuse of Brownfields through the promotion of grants or loans to owners of Brownfield's in order to assist in the cost of clean up and redevelopment, in accordance with the Village's adopted Brownfields Community Improvement Plan.
- b) to participate in partnerships with Business Improvement Areas, Community Development Corporations, Economic Development agencies, or other community groups to support the revitalization or redevelopment of brownfields.

25.2 Community Improvement Criteria

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

general criteria**25.2.1** 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, sanitary sewers, storm sewers, potable water systems, storm water management systems, street lighting or sidewalks;
- c) areas where social or recreational facilities are deficient; and
- d) areas where environmental or natural heritage preservation and conservation are deficient.

criteria for residential project areas

25.2.2 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

25.2.3 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 links, particularly pedestrian linkages, to areas of recreational and community activities; 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

25.2.4 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 municipal storm water management systems are deficient;
and

- d) areas where access, municipal sanitary sewer, municipal storm water and municipal potable water system improvements are needed.

25.3 Potential Public Land Acquisition

The following lands may be acquired by the Village for community improvement purposes:

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

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 Village to acquire lands in other locations for community improvement or other purposes.

25.4 Implementation

The following policies outline various methods of implementing the Community Improvement Policies.

25.4.1 Designation of Community Improvement Project Area

Pursuant to the Planning Act, the Village 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 Village 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 Village 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 Village 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 Village 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.

25.4.2 Joint Studies and Development

Pursuant to the *Planning Act*, the Village 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 Village. Any agreement other than an agreement with one or more municipalities will be approved by the Minister of Municipal Affairs.

25.4.3 Monitoring

The Village will continue to monitor the effectiveness of its existing Community Improvement Plan initiatives.

25.4.4 Property Standards By-law

In order to ensure the proper repair and maintenance of buildings in the Village, 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 Village 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 Village 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.

25.4.5 Demolition Control Areas

In order to encourage the preservation of historic and/or architecturally significant buildings, the Village may pass a By-law to designate any area within the Village 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.

25.4.6 Cultural and Natural Heritage

In addition to the other measures described in this Plan, the Village may make use of programs under the *Ontario Heritage Act* to support the preservation of historic buildings. The Village shall ensure that Community improvement plans and programs will encourage the preservation, rehabilitation, renewal and reuse of heritage resources.

In addition to the other measures described in this Plan, the Village may make use of and work with the various programs from senior government to support the preservation and conservation of natural heritage. Programs administered by the Provincial or Federal government will be considered.

25.4.8 Co-operation with Community Groups

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 facilities, and will ensure that appropriate recognition is provided.

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

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

25.4.9 Use of Public Funding Programmes

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

26 **SIGNS**

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

27 **PROPERTY MAINTENANCE****general**

It will be the policy of the Village 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 physical character, the Village may pursuant to the *Planning Act*, pass a By-law to:

- a) prescribe standards for the maintenance and occupancy of property within the Village 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.

cultural heritage features

The by-law discussed above may also be used for the protection of cultural heritage resources, where appropriate. Council will ensure that the application of this by-law is not detrimental to the conservation of heritage resources and Council may establish minimum standards for the maintenance of heritage attributes, either as a stand-alone by-law or as part of the property standards by-law which is already in place.

28 **ECONOMIC DEVELOPMENT**

The Village will support community economic development initiatives and consider innovative activities or land uses which:

- promote sustainable economic development;
- protect and enhance the natural environment; and
- are compatible with surrounding land uses.

The Village, in co-operation with the County, and economic development agencies, shall monitor the location, type and characteristics of business and the supply of serviced lands for new business. The Village may participate in inter-municipal co-operative efforts in connection with the location of new business, recognizing that the economic benefits of new business compliment to the entire region.

The former foundry site at Christina, Exmouth and Front Streets is recognized as an important site for future high-quality development. It is a gateway site into Canada, Lambton County and the Village and warrants specific mention for collaborative, cooperative, and innovative approaches to future site design and development. Portions of this site may be located within the flood hazard of the St. Clair River, therefore consultation with the St. Clair Region Conservation Authority will be required.

PART E IMPLEMENTATION

SECTION 29	Official Plan Reviews & Amendments
SECTION 30	Zoning By-laws
SECTION 31	Existing, Non-Complying & Non-Conforming Uses
SECTION 32	Site Plan Control
SECTION 33	Committee of Adjustment
SECTION 34	Land Division
SECTION 35	Special Studies
SECTION 36	Capital Works
SECTION 37	Financial Restrictions
SECTION 38	Interpretation
SECTION 39	Delegation of Authority
SECTION 40	Land Acquisition
SECTION 41	Interpretation of Maps, Schedules, Tables and Appendices
SECTION 42	Guidelines
SECTION 43	Official Plan Implementation
SECTION 44	Community Planning Permit System

29 OFFICIAL PLAN REVIEW AND AMENDMENTS**general**

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 needs and circumstances in the Village.

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.

It should be noted that the provisions of the Provincial Policy Statement and the Planning Act relating to the requirement for a comprehensive review prior to an Official Plan Amendment to permit an expansion of the urban settlement area do not apply in Point Edward due to the landlocked nature of the community.

Employment areas

Employment areas are defined by the Provincial Policy Statement 2020 (PPS 2020), as areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

The Village will promote economic development and competitiveness by

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long- term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

-
- c) planning for, protecting and preserving employment areas for current and future uses; and
 - d) ensuring the necessary infrastructure is provided to support current and projected needs.

Conversion of employment areas

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

Targets for infilling, intensification and redevelopment

In accordance with Section 1.2.2 of the Provincial Policy Statement 2020 (PPS 2020), the Village is required to set targets relating to the proportion of new development which is comprised of infilling, intensification and redevelopment as defined in the PPS, which should be met prior to allowing for the expansion of the boundaries of the settlement area. According to the PPS, such settlement area expansions are not to be permitted unless a comprehensive review is undertaken by the Village.

Because of Point Edward's unique geographical situation, being completely bounded by the City of Sarnia, the St. Clair River and Lake Huron, an expansion of the settlement area boundary is not possible, and all lands are currently within urban settlement area land use designations. As a result, the "comprehensive review" provisions of the PPS are not applicable, and 100% of new development in the Village will take the form of either infilling, intensification or redevelopment.

30 ZONING BY-LAWS

The Zoning By-law is the major legal document that implements the policies of the Official Plan by regulating the use, location, density and design of development in the Village. 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 Zoning By-law.

The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum requirements for lot area, frontage,

and gross floor area for the dwelling to be converted, and minimum gross floor area for the units to be created.

To maintain the external character of the dwelling, the Zoning By-law may also limit the extent of structural additions or changes that would be permitted for a converted dwelling/building.

Zoning By-law provisions are also intended to ensure that infill housing projects recognize the scale of adjacent land uses and enhance the compatibility of the area.

30.1 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 Village 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 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:

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

- viii) An assessment of natural hazards.

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, there can be no objection or referral to the Ontario Municipal Board. However, should Council refuse to pass an amending By-law to remove the holding symbol if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.

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

30.2 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. 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). These time periods may be extended (by By-law) for additional three year terms. 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 matches, art-in-the-park sales, or temporary use of a mobile home as a dwelling unit.

30.3 Interim Control By-laws

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 Village, 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. If Council has not passed a By-law under the Planning Act based on 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 Control By-law will again come into force, upon final expiry. 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.

31 EXISTING, NON-COMPLYING AND NON-CONFORMING USES

31.1 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.

31.2 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 Village.

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. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

31.3 Non-Conforming Uses

31.3.1

Nothing in this Plan will adversely affect the continuation of a use that was legally established as of the date of adoption of this Plan. Any land use existing as of 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

- 31.3.2** 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 to be used for that purpose.

extensions or enlargements

- 31.3.3** In special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship.

conditions

- 31.3.4** In considering applications to permit an extension or enlargement of a non-conforming use, 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 the *Planning Act*;
 - 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.;
 - h) the adequacy and availability of municipal services;
 - i) the impact of the proposal on environmental functions, features and linkages;
 - j) the effect of existing environmental hazards; and
 - k) the adequacy and availability of municipal sanitary sewage, municipal storm water and municipal potable water services.

replacement or repair

31.3.5 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 Village 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 to the extent possible, 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;
- f) it is not feasible to acquire the property pursuant to the *Planning Act*; and
- g) municipal sanitary sewage, municipal storm water and municipal potable water services are adequate.

31.4 Development approvals

31.4.1 facilitation of development approvals

The Village 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;

- the Village shall require that adequate pre-consultation with the Village occurs prior to the submission of an application for development and shall require pre-consultation with other affected agencies such as Lambton County and St. Clair Region Conservation Authority, where appropriate. The Village may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information and material required for each application shall be determined by the Village and the County as part of the pre-consultation process.
- ensuring development applications follow regulations and include all the necessary provisions as stated under the *Planning Act*.

31.4.2 additional studies for complete applications

The Village and/or other affected agencies may require applicants for development applications to provide additional information or studies where any foreseeable impacts are associated with the proposed development including but not limited to environmental, transportation, infrastructure, cultural heritage, planning justification report, urban design analysis, concept plan, archaeology, natural hazard assessment, or other matters. Applications for development approvals which are not accompanied by such studies or other information may be deemed to be incomplete for the purposes of the *Planning Act* and the Village will not be obligated to consider those incomplete applications. All required reports and technical studies shall be carried out by Qualified Persons retained by and at the expense of the applicant. The Village may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Village at the applicant's expense. In addition to Village requirements, the applicant shall ensure that all additional requirements as set out in the County of Lambton Official Plan are addressed.

31.4.3 compatibility

Applicants for development approvals will also be required to demonstrate compatibility of the proposal through the consideration of proposed elements such as:

- building height,
- building scale and massing,
- set-backs,
- integration with existing streetscape, and
- traffic impacts.

Applicants may also be required to ensure that development is proportional to the scale and features within the existing residential community based on the following criteria:

- compatibility
- parking availability
- infrastructure
- size of units
- number and location of units
- intensity
- exterior renovations or additions
- lot creation
- the historical context of the site

32 SITE PLAN CONTROL

32.1 Establishment of Site Plan Control Area

The entire Village 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 Council may, by By-law, designate the whole or any part of the Village 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 in the implementing Site Plan Control By-law.

32.2 Approval of Plans or Drawings

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

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section.
- b) drawings showing plan, elevation and cross-section views for each building to be erected, and displaying:
 - i) the massing and conceptual design of the proposed buildings;
 - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - iii) the provisions of interior walkways, stairs, elevators to which members the public have access from streets, open spaces and interior walkways in adjacent buildings.

The Village will continue to develop and refine Site Plan Guidelines that can be used by development proponents when preparing their site plans, and by the Village when reviewing site plans.

33.2.1 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings referred to in Section 32.2, the Village may require the owner of the land to:

- a) provide to the satisfaction of and at no expense to the Village any or all of the following:
 - i) widening of highways that abut on the land subject to the *Planning Act*. Such widening will be in accordance with the Transportation policies of this Plan;
 - ii) facilities to provide access and curbing and traffic direction signs, subject to the *Public Transportation and Highway Improvement Act*;

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- iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv) walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
 - v) facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
 - vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - viii) easements conveyed to the Village for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Village or local board thereof on the land; and
 - ix) grading or alteration in elevation or contour of the land and provision for the disposal and/or treatment of storm water from the land and from any buildings or structures thereon.
 - x) facilities to ensure the accessibility of lands and buildings for persons with disabilities (i.e. ramps and curb cuts) in accordance with the provisions of the *Ontarians with Disabilities Act*.
- b) maintain to the satisfaction of the Village and at the sole risk and expense of the owner any or all of the facilities or works set out in Section 33.2.1 a) ii) to ix), inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - c) enter into one or more agreements with the Village 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 Section 33.2. Such agreements may be registered against the land to which they apply.

33.2.2 Cultural Heritage Features

Site Plan Approval may also be used, where appropriate to assist in the preservation of cultural heritage features and resources.

33.2.3 Sustainable Design Elements

Site plan approval may be used, where appropriate, to require the provision of sustainable design elements on any adjoining highway under the jurisdiction of a Village, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

33 COMMITTEE OF ADJUSTMENT

33.1 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 this Plan regarding Non-Conforming Uses shall apply.

33.2 Guidelines for Committee of Adjustment Approvals

33.2.1 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;

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- c) is the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) maintained; and
 - d) is the minor variance desirable for the appropriate development or use of the land, building or structure.

33.2.2 Permission Regarding Non-conforming Use

When dealing with an application for permission to enlarge or expand a non-conforming use, the Committee will 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; and
- k) the adequacy and availability of municipal sanitary sewage, municipal storm water and municipal potable water services.

33.2.3 Permission Regarding Use

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

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

34 LAND DIVISION

34.1 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.

34.2 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.
- g) The creation of a lot in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area has been identified.

34.3 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

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

services

- 34.3.2** Applications for multiple severances will only be considered where full municipal sanitary sewage, municipal storm water, and municipal potable water supply are readily available with sufficient uncommitted reserve capacity available.

designations

- 34.3.3** 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

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

35 SPECIAL STUDIES

Despite the policies of this Plan, Council recognizes and accepts its responsibility to carry out special studies of the Village 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.

36 **CAPITAL WORKS**

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

37 **FINANCIAL RESTRICTIONS**

The ability of the Village 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.
- c) consider the enactment of appropriate development charges by-laws in order to support the financial ability to provide such services.

38 **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 will be used in the interpretation of the policies and Land Use designations.

38.1 **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.

38.2 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.

38.3 Meaning

Where the meaning of any phrasing or any part of any section is unclear, the meaning of such will be determined within the context of the general policy direction provided by this Plan.

38.4 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.

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

38.6 Public Information

38.6.1 A public participation program will be undertaken in conjunction with the preparation and review of any Official Plan, Community Improvement Plan, Zoning By-law, Plan of Subdivision and Consent. 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.

38.6.2 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.

38.6.3 Council may forego public notification and public meeting(s) in connection with changes to the Official Plan, Community Improvement Plan, Zoning By-law, Plan of Subdivision and Consent 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 section number and/or the order of any provisions;
- c) Altering language or punctuation to obtain a uniform mode of expression;
- d) Correcting clerical, grammatical or typographical errors that do not change the purpose or effect of any policies or regulations;
- e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision; and
- f) Change a format.

39 DELEGATION OF AUTHORITY

The Village may delegate its authority for various approval or advisory functions in accordance with the provisions of enabling legislation including the *Planning Act*, the *Municipal Act* and the *Ontario Heritage Act*. The Village Council will review all delegation of authority allowed under the *Planning Act*, the *Municipal Act*, and the *Ontario Heritage Act* to streamline approvals and remove red tape.

40 LAND ACQUISITION

Land may be acquired, held, and/or disposed of by the Village for the purposes of implementing any part of this Plan.

41 INTERPRETATION OF MAPS, SCHEDULES, TABLES, AND APPENDICES

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

- i) A Schedule is part of the policy framework and forms part of this Plan;
- ii) A Table is a summary of policy requirements in a graphic form and is part of this Plan;
- iii) 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,
- iv) An Appendix is intended to provide policy context to the reader and does not form part of this Plan.

42 GUIDELINES

In order to assist in good planning, improving planning service delivery for end users, and ensuring land use impacts are appropriately addressed, the Village may prepare guideline 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.

43 OFFICIAL PLAN IMPLEMENTATION

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 updated 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

44 COMMUNITY PLANNING PERMIT SYSTEM

The Community Planning Permit System allows the Village 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 vision for the area to which it applies.

44.1 Applicability

The entire Village of Point Edward is a Community Planning Permit System Area.

44.2 Objectives

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

- a) Preserving the Village character and small-town community vision;
- b) Conservation of the St. Clair River and Lake Huron shorelines including views of the water and the Blue Water Bridge;
- c) Ensuring that new development is implemented consistent with the Village character and small-town vision;
- d) Ensuring high quality design of both private and public spaces;
- 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 of a Community Planning Permit System.

44.3 Areas for Community Planning Permit System By-laws

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

44.4 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.

44.5 Elements in a By-law

- a) Community planning permit by-laws shall set out permissible uses and developments 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;

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- 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.

44.6 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 Village 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 Village'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.

44.7 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 municipality to the satisfaction of, and at no expense to, the municipality 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 Village;
- i) requiring that any archaeological features are identified and appropriately protected prior to any *site alteration* or grading;
- j) providing streetscape features within the municipal road allowance to implement streetscape guidelines established by Council.

44.8 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.

44.9 Agreement

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

44.10 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.